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Shares of stock. Form.

SEC. 5. That the said shares of stock shall be personal property to all intents. Certificates thereof may be issued in such form as the board of directors shall prescribe, and may be transferred in such manner as the by-laws may prescribe, but no share shall be transferred until all calls or assessments previously made thereon shall have been paid up. There shall be on each share of stock not less than five dollars at the time of subscribing, and the residue shall be paid from time to time whenever assessed or called for by the board of directors. Upon default in the payment of any sum due on any subscription, the stock may be forfeited and sold for the payment thereof, with interest and expenses, under such regulations as the by-laws may prescribe, or the corporation may, by suit, recover the same from the holder of the stock at the time of the assessment thereof, or at any subsequent time.

Payment.

Repeal.

SEC. 6. That this act may be amended or repealed at any time, and shall take effect from the date of its approval.

Approved, June 15, 1878.

CHAP. 215.—An act to regulate the practice of pharmacy in the District of Columbia.

June 15, 1878.

Persons not registered pharmacists not to conduct pharmacies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, it shall be unlawful for any person, not a registered pharmacist within the meaning of this act, to conduct any pharmacy or store for the purpose of retailing, compounding, or dispensing medicines or poisons, for medical use, in the District of Columbia, except as hereinafter provided.

Proprietors to allow only registered pharmacists to compound, etc.

Penalty.

SEC. 2. That it shall be unlawful for the proprietor of any store or pharmacy to allow any person, except a registered pharmacist, to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as an aid to, and under the immediate supervision of, a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every such offense.

Commissioners of pharmacy.

Term.

Oath

SEC. 3. That immediately after the passage of this act, and biennially thereafter, or as often as necessary, the Commissioners of the District of Columbia shall appoint three pharmacists and two physicians, all of whom shall have been residents of the District of Columbia for five years and of at least five years' practical experience in their respective professions, who shall be known and styled as Commissioners of Pharmacy for the District of Columbia, who shall serve without compensation, and who shall hold office for two years, and until their successors are appointed and qualified. Said commissioners shall, within thirty days after the notification of their appointment, each take and subscribe to an oath to impartially and faithfully discharge their duties as prescribed by this act. The position of any commissioner who shall fail to so qualify within the time named shall be vacant, and the vacancy or vacancies so occurring, or any vacancy or vacancies that may occur, shall be filled by the Commissioners of the District of Columbia.

Register of pharmacists.

Who to be registered without examination.

SEC. 4. That the commissioners of pharmacy shall keep a book of registration open at some convenient place within the city of Washington, of which due notice shall be given through the public press, and shall record therein the name and place of business of every person registered under this act. It shall be the duty of said commissioners of pharmacy to register, without examination, as registered pharmacists, all pharmacists and druggists who are engaged in business in the District of Columbia at the passage of this act as owners or principals of stores of pharmacies for selling at retail, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or for compounding

and dispensing physicians' prescriptions, and all assistant pharmacists, twenty-one years of age, engaged in said stores or pharmacies in the District of Columbia at the passage of this act, and who have been engaged as such in some store or pharmacy where physicians, prescriptions were compounded and dispensed for not less than five years prior to the passage of this act: *Provided, however*, That in case of failure or neglect on the part of any such person or persons to present themselves for registration within sixty days after said public notice, they shall undergo an examination such as is provided for in section five of this act.

Proviso.

Examinations.

SEC. 5. That the said commissioners of pharmacy shall, upon application and at such time and place as they may determine, examine each and every person who shall desire to conduct the business of selling at retail, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or compounding and dispensing physicians' prescriptions within the District of Columbia as pharmacists; and if a majority of said commissioners shall be satisfied that said person is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines, or chemicals for medicinal use, or to compound and dispense physicians' prescriptions, they shall enter the name of such person as a registered pharmacist in the book provided for in section four of this act.

Registry.

Age and service of applicant.

SEC. 6. That no person shall be entitled to an examination by said commissioners of pharmacy for registration as pharmacist unless he present satisfactory evidence of being twenty-one years of age, and having served not less than four years in a store or pharmacy where physicians' prescriptions were compounded and dispensed, or is a graduate of some respectable medical college or university.

Graduates in pharmacy.

SEC. 7. That all graduates in pharmacy having a diploma from an incorporated college or school of pharmacy that requires a practical experience in pharmacy of not less than four years before granting a diploma shall be entitled to have their names registered as pharmacists by said commissioners of pharmacy.

Registry fees.

SEC. 8. That the commissioners of pharmacy shall be entitled to demand and receive from each person whom they register as pharmacists, without examination, the sum of three dollars, and from each person whom they examine the sum of ten dollars. And in case the examination of said person should prove defective and unsatisfactory, and his name not be registered, he shall be permitted to present himself for re examination within any period not exceeding twelve months next thereafter, and no charge shall be made for such re-examination. The money received under the provisions of this section shall be applied to payment of such expenses as the commissioners may incur in executing the provisions of this act.

Re-examination.

Application of fees.

Responsibility of pharmacists.

SEC. 9. Every registered pharmacist shall be held responsible for the quality of all drugs, chemicals, and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and also those known as "patent medicines"; and should he knowingly, intentionally, and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals, or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and, in addition thereto, his name shall be stricken from the register.

Adulteration.

Penalty.

Precautions in selling certain poisons.

SEC. 10. It shall be unlawful for any person, from and after the passage of this act, to retail any poisons enumerated in Schedules A and B, as follows, to wit:

SCHEDULE A.

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia and all other poisonous vegetable alkaloids, and their salts, essential oil of bitter almonds, opium and its preparations, except

paragoric and other preparations of opium containing less than two grains to the ounce;

SCHEDULE B.

Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton-root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton-oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, and oxalic acid, without distinctly labeling the box, vessel, or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "poison", and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poisons enumerated in Schedules A and B, unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. Nor shall it be lawful for any registered pharmacist to sell any poisons included in Schedule A without, before delivering the same to the purchaser, causing an entry to be made, in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quality of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for reference for at least five years. The provisions of this section shall not apply to the dispensing of poisons, in not unusual quantities or doses, upon the prescriptions of practitioners of medicine. Nor shall it be lawful for any licensed or registered druggist or pharmacist in the District of Columbia to retail, or sell, or give away any alcoholic liquors or compounds, as a beverage, to be drunk or consumed upon the premises. And any violation of the provisions of this section shall make the owner or principal of said store or pharmacy liable to a fine of not less than twenty-five and not more than one hundred dollars, to be collected in the usual manner.

Selling alcoholic liquors as beverages.

Penalty.

SEC. 11. Any itinerant vender of any drug, nostrum, ointment, or appliance of any kind, intended for the treatment of diseases or injury, or who shall, by writing, or printing, or any other method, publicly profess to care or treat diseases, injury, or deformity, by any drug, nostrum, manipulation, or other expedient, shall pay a license of two hundred dollars per annum into the treasury of the District of Columbia, to be collected in the usual way.

Itinerant venders.

License.

SEC. 12. That any person who shall procure or attempt to procure registration for himself or for another under this act, by making or causing to be made any false representation, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars, and the name of the person so fraudulently registered shall be stricken from the register. Any person, not a registered pharmacist as provided for in this act, who shall conduct a store, pharmacy, or place for retailing, compounding, or dispensing drugs, medicines, or chemicals, for medicinal use, or for compounding or dispensing physicians' prescriptions, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a penalty of not less than fifty dollars.

False representations.

Penalty.

Conducting pharmacy without registry.

Penalty.

SEC. 13. That all fines and penalties under this act shall be collected in the same manner that other fines and penalties are collected in the District of Columbia; and it shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of this act.

Collection of fines, etc.

SEC. 14. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Repeals.

Approved, June 15, 1878.