

## CHAPTER 34.

S. F. No. 99.

*An act to amend chapter one hundred and forty-seven (147) of the general laws of one thousand eight hundred and eighty-five (1885), entitled, "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the State of Minnesota;" and chapter one hundred and four (104) of the general laws of one thousand eight hundred and ninety-one (1891), amendatory thereof; and to repeal section three (3) of said chapter one hundred and forty-seven (147) as amended by said chapter one hundred and four (104).*

Pharmacy,  
practice of.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two (2) of said chapter one hundred and forty-seven (147), as amended by said chapter one hundred and four (104), be and is hereby amended so as to read as follows:

Chap. 147,  
Laws 1885,  
amended.

"Sec. 2. To be entitled to registration as a pharmacist within the full meaning of this act, the applicant must be not less than 21 years of age, and have four years' practical experience in drug stores where prescriptions of medical practitioners have been usually compounded, and have sustained a satisfactory examination before the board of pharmacy of the State of Minnesota.

Pharmacist,  
qualifications  
of.

*Provided*, that only two (2) years of such practical experience shall be required of graduates from colleges of pharmacy where the course of study shall include not less than twelve (12) months' laboratory work.

Two years'  
practical ex-  
perience re-  
quired, when.

Nothing in this section contained shall impair the validity of any registration heretofore granted by said board.

SEC. 2. Section nine (9) of said chapter one hundred and forty-seven (147), as amended by said chapter one hundred and four (104), shall be amended so as to read as follows:

Sec. 9, C. 147,  
Laws 1885,  
amended.

"Sec. 9. Every person claiming registration as a registered pharmacist under this act shall, before a certificate is granted, pay to the secretary of the board of pharmacy the sum of two (2) dollars; and every applicant for registration upon examination, whether as a pharmacist or as an assistant, shall pay to said secretary the sum of five (5) dollars before such examination shall be attempted. *Provided*, that in case the appli-

Fees of board  
of pharmacy.

cant fails to sustain a satisfactory examination by the said board, one-half of said five dollars shall be refunded to him. Every certificate hereafter issued under this act shall have plainly written, printed or stamped upon the face thereof the words: 'Revocable for the causes specified by law.'

Sec. 13, C. 147,  
Laws 1885  
amended.

SEC. 3. That section thirteen (13) of said chapter one hundred and forty-seven (147), as amended by said chapter one hundred and four (104), be and is hereby amended so as to read as follows:

Druggist re-  
sponsible for  
drugs sold.

"Sec. 13. Every proprietor or conductor of a drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, willfully or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopoeia of the United States, or used or intended to be used in medical practice, or shall mix or cause to be mixed with any such drug or medicinal substance, any foreign or inert substance whatsoever, for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall willfully, knowingly or fraudulently sell, or cause the same to be sold, for medicinal purposes, shall be liable to a penalty of not less than fifty (50) dollars, nor more than one hundred and fifty (150) dollars for each and every such offense."

Penalty for  
adulteration.

Sec. 14, C. 147,  
Laws 1885,  
amended.

SEC. 4. That section fourteen (14) of said chapter one hundred and forty-seven (147), as amended by said chapter one hundred and four (104), be and is hereby amended so as to read as follows:

Poisons to be  
labeled, pen-  
alty for fail-  
ure.

"Sec. 14. No person shall sell, at retail, any poisons commonly recognized as such, and especially aconite, arsenic, belladonna, biniodide of mercury, carbolic acid, chloral hydrate, chloroform, conium, corrosive sublimate, creosote, croton oil, cyanide of potassium, digitalis, hydrocyanic acid, laudanum, morphine, nux vomica, oil of bitter almonds, oil tansy, opium, oxalic acid, strychnine, sugar of lead, sulphate of zinc, white precipitate, red precipitate, without affixing to the box, vessel or package containing the same, a label bearing the name 'Poison,' distinctly shown, together with the name and place of business of the seller. Nor shall he deliver any of the said poisons to any person without satisfying himself that such poisons are to be used for legitimate purposes.

*Provided*, that nothing herein contained shall apply to the dispensing of physicians' prescriptions specifying any of the poisons aforesaid.

Not to apply to physicians' prescriptions.

Every person omitting to comply with any requirement of this section shall be liable to a penalty of ten (10) dollars for each and every such offense."

SEC. 5. That section fifteen (15) of said chapter one hundred and forty-seven (147), as amended by said chapter one hundred and four (104), be and is hereby amended so as to read as follows:

Sec. 15, C. 147, Laws 1885, amended.

"Sec. 15. The several penalties prescribed in this act may be recovered in any court having jurisdiction, either by a civil action instituted by the board of pharmacy, in the name of the State of Minnesota, or by a criminal prosecution upon complaint being made; and it shall be the duty of the county attorney of the county wherein such offense is committed, to conduct all such actions and prosecutions at the request of said board. If any county attorney omits or refuses to act, the board may employ some other attorney for such purpose. All fines and penalties paid or collected under the provisions of this act, shall inure to the board of pharmacy. In all civil actions for the recovery of the several penalties provided in this act, the plaintiff shall be entitled to an appeal, the same as in ordinary civil actions."

Penalties, how enforced. Duty of county attorney.

SEC. 6. That section eighteen (18) of said chapter one hundred and forty-seven (147), as amended by said chapter one hundred and four (104), be and is hereby amended so as to read as follows:

Sec. 18, C. 147, Laws 1885, amended.

"Sec. 18. Every person receiving a certificate under this act shall keep the same conspicuously exposed in his place of business. Every registered pharmacist or registered assistant shall within ten (10) days after changing his place of business or employment, notify the secretary of the board of his new place of business; he shall thereupon be entitled to receive from the secretary a notice in writing that his address has been changed on the book of registration. Without such notice from said secretary such pharmacist or assistant shall not act as such longer than ten days after his said notice of change.

Certificate to be posted in place of business; change of place of business.

"Any person violating the provisions of this section, shall be liable to a penalty of ten (10) dollars."

SEC. 7. That section nineteen (19) of said chapter one hundred and forty-seven (147), as amended by said chapter one hundred and four (104), is hereby amended so as to read as follows:

Sec. 19, C. 147, Laws 1885, amended.

"Sec. 19. The board may refuse to grant a certificate to any person addicted to the liquor or drug habit to such a degree as to render him unfit to practice pharmacy; and

Board may refuse or revoke certificate to drunkard.

may after notice and hearing revoke a certificate for like cause, or for fraud in procuring the certificate."

Sec. 3, C. 147,  
Laws 1885,  
amended.

SEC. 8. That section three (3) of said chapter one hundred and forty-seven (147), as amended by said chapter one hundred and four (104), be and is hereby repealed.

SEC. 9. Said chapter one hundred and forty-seven (147) is hereby amended by adding thereto as section twenty-one (21) the following:

Board of Pharmacy,  
how appointed, etc.

"Sec. 21. The qualifications, mode of appointment and term of office of the members of the board of pharmacy of the State of Minnesota, shall be governed by this section. The governor, with the advice and consent of the senate, shall annually appoint one person from among the registered pharmacists of the state and who is actively engaged in the practice of his profession, to be a member of said board. To aid the governor in the appointment of the members of the board, the Minnesota State Pharmaceutical Association may annually submit to him the names of five registered pharmacists, and from the names so submitted, or from others, the governor shall make the appointment. The persons so appointed shall hold their office for the term of five (5) years, and until their successors are appointed and qualified. In case of vacancy from any cause, the vacancy shall be filled by appointment for the unexpired term of office in the same manner and from the same class of persons as original appointments. Appointments made when the senate is not in session may be confirmed at its next ensuing session. No person who is connected with any college or school of pharmacy shall become connected with any college or school of pharmacy, shall be a member of said board of pharmacy; and in case any member of said board shall remove from the state, his membership in said board shall immediately cease. Nothing in this act shall be construed to affect the term of office of any of the present members of the board.

SEC. 10. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 11. *This act shall take effect and be in force from and after its passage.*

Approved March 3, 1899.