

citation, and show cause why the tax should not be paid. The judge of the probate court, upon such application, and whenever it shall appear to him that any such tax accruing under this act has not been paid as required by law, shall issue such citation, and the service of such citation, and the time, manner and proof thereof, and the hearing and determination thereon, shall conform as near as may be to the provisions of the probate code of this state, and whenever it shall appear that any such tax is due and payable and the payment thereof cannot be enforced under the provisions of this act in said probate court, the person or corporation from whom the same is due is hereby made liable to the state for the amount of such tax, and it shall be the duty of the county attorney of the proper county to sue for in the name of the state and enforce the collection of such tax, and all taxes so collected shall be forthwith paid into the county treasury. It shall be the duty of said county attorney to appear for and represent the county treasurer on the hearing of such citation.

*Any property which for any cause is omitted from an appraisal or inventory, so that its value is not taken into consideration in the determination of the inheritance taxes, may be subsequently taxed against the person receiving the same, or any part thereof, to the same effect as if included in the original appraisal and determination, except that any representative of an estate discharged from his trust in the meantime shall not be liable for the payment of such tax. When any property has been thus omitted in the determination of an inheritance tax, such taxes thereon may be determined and recovered in a civil action brought by the attorney general in the name of the state in any court of general jurisdiction, or may be prosecuted to collection by citation and subsequent proceedings in the probate court wherein the estate was administered.*

Approved April 28, 1913.

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#### CHAPTER 575—H. F. No. 750.

*An Act to amend Sections 2327, 2329, 2331, 2332, 2334, 2335, 2337, 2338, 2339 and 2340 of the Revised Laws of 1905, relating to pharmacy; also authorizing the disbursement by the state board of pharmacy of moneys secured by it, for certain purposes.*

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

**Section 1. Creation of state board, employment of attorney, and when violators shall be deemed guilty of a misdemeanor.—**That Section 2327, Revised Laws of 1905, be amended to read as follows:

2327. The state board of pharmacy shall consist of five registered pharmacists of the state, appointed by the governor, each

for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. No person connected with any school or college of pharmacy shall be a member of the board, and, if a member become so connected, his membership shall cease. The Minnesota state pharmaceutical association may recommend five names for each appointment to be made, from which list the governor may select. The board shall elect annually one of its members as president, and a registered pharmacist, who may or may not be a member, as secretary. *It may employ an attorney and other necessary assistants, and make rules for the conduct of its business. It may, by its duly authorized representative enter and inspect any and all places where drugs, medicines and poisons are sold, given away, compounded, dispensed or manufactured. Any person refusing to permit or otherwise preventing such duly authorized representatives from entering such places, shall be guilty of a misdemeanor.* It shall enforce and obey the provisions of this subdivision, and report its proceedings to the governor annually, with such information and recommendations as it deems proper, giving the names of all pharmacists registered during the year, and the items of its receipts and disbursements.

**Sec. 2. Examinations and fees.**—That Section 2329, Revised Laws of 1905, be amended to read as follows:

2329. The board shall meet at least once in every three months to examine applicants for registration and transact its other business, giving reasonable notice of all examinations, by mail, to known applicants therefor. The secretary shall record the names of all persons registered by the board, together with the grounds upon which the right of each to registration was claimed. The fee for examination shall be five dollars. All registered pharmacists and assistants, while employed as such, shall be exempt from service as jurors. On hearing, the board may revoke any certificate of registration obtained by false representation or other fraud, or when the holder is addicted to the liquor or drug habit so as to unfit him for the practice of pharmacy, and may refuse registration to any person so addicted.

**Sec. 3. Qualifications of applicants.**—That Section 2331, Revised Laws of 1905 be amended to read as follows:

2331. An applicant for a certificate as assistant shall be eighteen years old, *or over*, and have had two years' practical experience in drug stores where physicians' prescriptions are usually compounded. *Provided, however, if he be a graduate of a school of pharmacy whose course includes twelve months of laboratory work, but one year's experience shall be required.* If upon examination, the board finds him qualified, he shall be registered. His certificate shall entitle him to act as an assistant to

a registered pharmacist and to compound and dispense drugs and medicines during the temporary absence of the registered pharmacist.

**Sec. 4. Registration of pharmacists from other states, and fees.**—That Section 2332, Revised Laws of 1905, be amended to read as follows:

2332. The board, without examination, upon receipt of a fee of *twenty-five dollars*, may grant registration to any pharmacist licensed or registered by the board of pharmacy, or a similar board, of another state.

**Sec. 5. Annual fees to be paid.**—That Section 2334, Revised Laws of 1905 be amended to read as follows:

2334. Every person registered by the board, while continuing in business, shall annually pay to the secretary a renewal fee, to be fixed by the board, and not to exceed *three dollars* for a pharmacist and *two dollars* for an assistant. A person who has once been registered and has defaulted in the payment of fees may be reinstated within two years of such default, without examination, upon payment of arrears. Every certificate and renewal shall expire at a time therein prescribed, not later than one year from its date.

**Sec. 6. Definition of drugs, and exceptions.**—That Section 2335, Revised Laws of 1905 be amended to read as follows:

2335. Exceptions as to sale. Drugs, medicines and poisons, for the purposes of this subdivision, shall include all substances commonly kept in drug stores and used in compounding medicines or sold for medicinal purposes. Nothing in the subdivision, however, shall prevent a physician from compounding prescriptions for use in his practice or furnishing to his patients such articles as he deems proper, or interfere with the making or vending of proprietary medicines, with any exclusively wholesale business, or with the sale by general retail dealers of the following articles; Alum, blue vitriol, borax, carbonate of ammonia, carbonate of soda, castor oil, copperas, epsom salts, glauber salts, glycerin, gum arabic, gum camphor, licorice, logwood, rolled sulphur, saltpetre, senna leaves, sublimed sulphur, water of ammonia, or paris green in sealed packages distinctly labeled "paris green, poison." Nor shall any dealer whose shop is more than two miles from a drug store be thus prevented from selling any commonly used medicine or poison which has been put up for such sale by a registered pharmacist.

**Sec. 7. Physician's prescriptions required for certain drugs.**—That Section 2337, Revised Laws of 1905, be amended to read as follows:

2337. No person, otherwise than on a physician's written prescription, shall sell at retail aconite, belladonna, digitalis, or nux vomica, or their preparations, the oils of bitter almonds, ce-

dar, pennyroyal, savin, or tansy, arsenic or any of its preparations, mercury or opium, or any of their poisonous preparations, carbolic acid, chloral hydrate, chloroform, creosote, croton oil, cyanide of potassium, hydrocyanic acid, lead acetate, morphine, the mineral acids, oxalic acid, strychnine, wood-naphtha or any other commonly recognized poison, without affixing to the package or receptacle containing the same a label conspicuously bearing the word "poison," and the name and business address of the seller, and satisfying himself that such poison is to be legitimately used. Any person who fails to comply with any requirement of this section shall be guilty of a misdemeanor.

**Sec. 8. Register to be kept for sale of poisonous drugs.**—That Section 2338, Revised Laws of 1905 be amended to read as follows:

2338. No person, either on his own behalf or while in the employ of another, except upon the written prescription of a physician, shall sell or give away arsenic or its preparations, (other than paris green), aconite, belladonna, or nux vomica, or their preparations, cyanide of potassium, hydrocyanic acid, morphine, mercury or its poisonous preparations, opium or the tincture thereof, the oils of pennyroyal, savin, or tansy, or strychnine, without first recording, in a book kept for the purpose, the name and address of the person to whom and the amount and kind of poison delivered. Every person who shall violate any provisions of this section, give a false name to be recorded as aforesaid, or, having custody of any such record book, shall refuse to produce it on demand for the inspection of any officer, shall be guilty of a misdemeanor.

**Sec. 9. Penalty for violation by druggist.**—That Section 2339, Revised Laws of 1905 be amended to read as follows:

2339. Every proprietor or manager of a place where drugs are sold shall be responsible for the quality of all drugs, chemicals, and medicines sold by him, except proprietary medicines and other articles sold in the original packages of the manufacturers. Every person who, by himself or through another, shall willfully adulterate any drug, medicinal substance, or preparation authorized, or recognized by the United States pharmacopeia, or national formulary, or used or intended to be used in medical practice, or shall mix with any such article any foreign or inert substance for the purpose of weakening its medicinal power and effect or of cheapening it, or who shall sell the same knowing it to be so adulterated or mixed, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars.

**Sec. 10. Punishment for sale by other than druggist.**—That Section 2340, Revised Laws of 1905, be amended to read as follows:

2340. No person, not a registered pharmacist or a dealer employing and keeping such a pharmacist in active charge of his place of business, shall retail, compound or dispense drugs, medicines, or poisons, or keep or conduct a place of retailing, compounding, or dispensing drugs, medicines, or poisons, or falsely assume or pretend to the title of a registered pharmacist. No registered pharmacist or other person shall permit the compounding or dispensing of prescriptions or the vending of drugs, medicines, or poisons in his place of business, except under the supervision of a registered pharmacist or assistant. Every person violating any provision of this section shall be punished by a fine of not less than fifty dollars, except in cases where the death of a human being results from such violation, when the person offending is guilty of a felony.

Sec. 11. **Annual fees may be turned over to state pharmaceutical association.**—That the state board of pharmacy may each year turn over to the state pharmaceutical association for the advancement of the science and art of pharmacy, out of the annual fees collected by it, such sum, as it may deem advisable, but not to exceed one dollar for each pharmacist and one dollar for each assistant pharmacist, who shall have paid his renewal fee during such year. Said association shall annually report to said board on the condition of pharmacy in the state.

Approved April 28, 1913.

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#### CHAPTER 576—H. F. No. 773.

*An Act to amend Chapter 285 of the General Laws of Minnesota for 1911, entitled "An Act establishing a uniform tax on certain classes of personal property."*

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

Section 1. **Certain property not to be added for the purpose of fixing salaries or clerk hire.**—That Section 10 of Chapter 285 of the General Laws of Minnesota for 1911 be amended so as to read as follows:

Section 10. Property taxable under this act shall not be included in the valuation list which assessors are required to make under the provisions of Section 835, Revised Laws 1905, but shall be listed in a separate book or in a supplement to the regular assessment book which the county auditor shall provide for each assessor on or before the first day of May each year, and that the valuation of property included in this act shall not be added to the valuation in Section 492 and Section 527, and acts amendatory thereof, for the purpose of fixing salaries or clerk hire as therein provided, except in counties having an area of more