

CHAPTER 37.

(H. B. NO. 60.)

AN ACT to regulate the practice of pharmacy in the Territory of Alaska and to prescribe penalties for the violation thereof.

The registering of persons eligible to compound prescriptions; to regulate the sale of poisons, and to establish a board to be known as the Alaska Territorial Board of Pharmacy, appointed by the Governor, and defining the duties of said board.

Whereas, the safety of the people of the Territory of Alaska would be endangered by incompetent pharmacists—and a due regard for public health and the preservation of human life demands that none but competent and properly qualified pharmacists shall be permitted to practice their profession.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. The Governor of the Territory shall appoint a board to be known as the Alaska Territorial Board of Pharmacy, and that it shall hereafter be unlawful for any person to compound or dispense drugs, medicines, or poisons, or to institute any pharmacy store or shop for wholesaling or retailing, compounding or dispensing drugs, medicines, or poisons, unless such person shall be registered by the Alaska Territorial Board of Pharmacy, or shall place in charge of said pharmacy, store, or shop a pharmacist so registered, except as hereinafter provided.

Sec. 2. In order to be a registered pharmacist all persons must be either graduated in pharmacy or a licentiate in pharmacy.

Sec. 3. Graduates in pharmacy shall be such persons as have obtained a diploma from such college or school of pharmacy as shall be approved by the Alaska Territorial Board of Pharmacy, as sufficient guaranty of their proficiency and attainments.

Licentiates

Sec. 4. Licentiates in pharmacy shall be such persons, not less than twenty years of age, as shall have had four years and six months practical experience in drug stores where prescriptions of medical practitioners are compounded, together with such preliminary education as may be designated by the said board, and have passed a satisfactory examination before said board. The Territorial Board of Pharmacy may grant certificates of registration to licentiates of such other state boards of the United States as it may deem proper without examination.

Assistants

Sec. 5. Assistant pharmacists will be such persons not less than eighteen years of age as have had two years' practical experience under a registered pharmacist, together with such preliminary education as may be designated by the Territorial Board of Pharmacy, the time of attendance at any reputable school of pharmacy to be accredited to such time, and who shall have passed a satisfactory examination before the Territorial Board of Pharmacy. Persons who have passed a similar examination before any state board of pharmacy of the United States upon furnishing satisfactory evidence thereof, may receive a certificate of registration as assistant pharmacist without further examination at the discretion of the board. The holder of a certificate of registration as assistant pharmacist shall be deemed competent to act as clerk or salesman in a drug store or pharmacy under the supervision of a registered pharmacist in charge thereof, and during the temporary absence of said registered pharmacist.

Registration of apprentices

Employers to report to Board

Sec. 6. It shall be the duty of registered pharmacists who take into their employ an apprentice for the purpose of becoming a registered pharmacist to report to the board within three months thereafter such facts regarding his or her schooling and preliminary qualifications as the board may require for the purpose of registration and to satisfy himself that such apprentice does possess those qualifications demanded by the board. The board

shall furnish proper blanks for this purpose, and may issue to such apprentice a certificate of registration as a registered apprentice, and the date of the certificate shall be proof of the time when practical experience began, with the apprentice named therein; and the fee for such registration shall be one dollar. Every registered pharmacist shall report to the Territorial Board of Pharmacy the names of all clerks and apprentices employed in their respective pharmacy, at least once during each year and at such time as the Territorial Board of Pharmacy shall determine.

Sec. 7. The members of the Alaska Territorial Board of Pharmacy of the Territory of Alaska shall be appointed by the Governor, two from each of the four judicial divisions and shall hold office as respectively designated in their appointments, which shall be for one, two, three and four years, and until their successors have been duly appointed. The Governor shall appoint two to annually fill the vacancies occurring in said board. The members of aforesaid board, shall within thirty days after their appointment individually take and subscribe before a clerk of the court, or a United States commissioner in the judicial division in which they individually reside, an oath to faithfully and impartially discharge the duties subscribed (prescribed) by this act.

Who to be members of Board

Sec. 8. The Territorial Board of Pharmacy shall annually elect a president and a secretary from the number of its own members, who shall be elected for the term of one year, who shall perform the duties prescribed by the board.

Officers

It shall be the duty of the board to examine all applicants for registration submitting blanks in proper form; to grant certificate of registration to such persons as may be entitled to the same under the provisions of this act; to cause prosecutions of all persons violating the provisions of this act; to report annually to the Governor upon the condition of pharmacy in the Territory which said re-

Duties

port shall furnish a record of the proceedings of said board for the year as well as the names of all persons registered under this act; and also an itemized account of all monies received and disbursed by them as said board.

Meetings for examiners, etc.

The board shall hold meetings for the examination of applicants for registration and the transaction of such other business as shall pertain to its duties at least once in six months; Provided, that the president of the board of pharmacy may call special meetings of said board not more than twice in any one year for the purpose of transacting such business as may properly come before it, and said board shall give thirty days' public notice of the time and place of all its meetings.

By-Laws

The said board shall have power to make such by-laws, rules and regulations not inconsistent with the laws of the Territory, as may be necessary to carry into effect the provisions of this act.

Investigations

The board shall have power to investigate all alleged violations of the provisions of this act, regulating the dispensing or sale of drugs, medicines or poisons, or the practice of pharmacy, which may come to its notice, and whenever there appears reasonable cause therefor to take and hear testimony with reference to the same.

Book of Registration

The board shall keep a book of registration in which shall be entered the names and place of business of persons registered under this act, together with a record of the conditions justifying such registration. Two members of said board shall constitute a quorum for the transaction of all business that may properly come before the board.

Persons now practising

Sec. 9. All persons now practicing as pharmacists in the Territory of Alaska who are graduates of reputable colleges of pharmacy, or licentiates of state pharmacy boards of the United States, or who have practiced their profession as pharmacists and compounders of physicians' prescriptions in charge of pharmacy or drug store

for a period of five years shall be entitled to registration as registered pharmacists under the provisions of this act without an examination upon the payment of the requisite fee. It is further provided that physicians who are, upon passage of this act, conducting, and in actual charge of pharmacy or drug store within the Territory and have been so engaged for a period of three years shall be entitled to registration as registered pharmacists upon payment of the requisite fees. Registration of

Sec. 10. On and after the passage of this act every person claiming registration as a graduate in pharmacy or as a licentiate of a state board of the United States, shall, before a certificate be granted, pay the secretary of the Board of Pharmacy the sum of ten dollars, and every applicant for registration by examination under this act, shall pay the secretary the sum of fifteen dollars before the examination be attempted: Provided, that in case the applicant fails to pass a satisfactory examination he shall have the privilege of a second examination without any charge at any time within one year.

Sec. 11. Every registered pharmacist and assistant pharmacist who desires to continue the practice of his profession shall annually on or before the first day of June of each year pay to the secretary of the said board a renewal fee, the amount of which shall be fixed by the board, and which in no case shall exceed two dollars for a pharmacist and one dollar for an assistant, in return for which payment he shall receive a renewal of such registration. Annual fee

Every certificate of registration and every renewal shall be conspicuously exposed in the pharmacy to which it applies. Any registered pharmacist, or assistant pharmacist, who fails or neglects to conspicuously expose such certificates as are herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five or more than ten dollars, and the costs of the action. Failure to display certificates

Fees of mem-
bers of Board

Sec. 12. The members of the board shall each receive the sum of five dollars for every day actually engaged in their official duties and all legitimate expenses incurred therein. Said expenses shall be paid from the fees received by the board under the provisions of this act and no part of said salaries and expenses shall be paid from any other source. The secretary of the board shall give such bonds as the board shall from time to time direct.

Registered
pharmacist to
be employed
where owner
not registered

Sec. 13. Any person not a registered pharmacist and not having in his employ a registered pharmacist within the full meaning of this act, who shall retail, compound, or dispense medicines, or who shall take, use or exhibit the title of registered pharmacist, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed fifty dollars.

Pharmacy de-
fined

Every place in which physicians' prescriptions are compounded shall be deemed to be a pharmacy, or a drug store, and the same shall be under the personal supervision of a registered pharmacist.

Violations of
act

Any person who shall permit the compounding and dispensing of prescriptions, or vending of drugs, medicines or poisons in his store or place of business, except under the supervision of a registered pharmacist; or any registered pharmacist, registered under this act, while continuing in business, who shall neglect to procure annually his renewal of registration, or any person who shall wilfully make any false representation to procure registration for himself or any other person, or who shall violate any of the provisions of this act wilfully and knowingly, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed fifty dollars; Provided, that nothing in this act shall operate in any manner to interfere with business of any physician in regular practice, or prevent him from supplying to his patients such medicines as he may deem proper.

Penalty

Stores may sell
patent medi-
cines when

Also provided further: General stores and road-houses outside a radius of three miles from any drug

store shall be permitted to handle and sell patent medicines, remedies for horses and dogs and household remedies and surgical dressings in original unbroken packages properly and distinctly labeled.

They shall not be permitted to dispense poisons and chemicals except the following: carbolic acid, cyanide of potash, laudanum, aconite and strychnine in original unbroken packages, properly and distinctly labeled.

Hospitals and charitable institutions shall, however, be permitted to dispense medicines for their own use under the supervision of the attending licensed physician.

Sec. 14. Every proprietor of a wholesale or retail drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him except those sold in original packages of the manufacturer and except those articles or preparations known as patent or proprietary medicines.

Any person who shall knowingly, wilfully or fraudulently falsify or adulterate any drug or medicinal substance or preparation authorized by the pharmacopea of the United States or used or intended to be used in medicinal practice, or shall, wilfully, knowingly, or fraudulently offer for sale, sell, or cause the same to be sold for medicinal purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not less than seventy-five or more than one hundred dollars or by imprisonment in jail for a period of not less than one month nor more than three months, and any person convicted a third time for the violation of any of the provisions of this section may suffer both fine and imprisonment.

Sec. 15. The proprietor of every drug store, general store, and road house, shall keep in his place of business a record in which shall be entered all sales of the compounds and salts of arsenic, mercury (calomel excepted) caustic hydrates of sodium, and potassium, the concentrated mineral acids, hydrocyanic acids and their salts,

yellow phosphorus, the essential oils of pennyroyal, tansy, and savine, croton oil, opium, aconite, carbolic acid, or any of the poisonous alkaloids or alkaloidal salts. Said record shall state quantity purchased, the date, for what purpose used, buyer's name and address, and said record at all times during business hours shall be subject to the inspection of the prosecuting attorney, United States marshal, or deputy United States marshal, town marshal, or any duly authorized agent of the Territorial Board of Pharmacy.

Suits for penalties

Sec. 16. All suits for recovery of the several fines prescribed in this act shall be prosecuted in the name of the Territory of Alaska in any court having jurisdiction, and it shall be the duty of the prosecuting attorney of the judicial division wherein such offense is committed to prosecute all persons violating the provisions of this act upon the filing of proper complaint. All penalties collected under the provisions of this act shall inure to the Territorial Pharmacy Board for the purpose of defraying necessary expenses.

Refusal or revocation of license because of immoral character

Sec. 17. When upon investigation, the Territorial Board of Pharmacy becomes convinced that anyone registered under the laws of this Territory, or applying for examination and registration either as a graduate of pharmacy, licentiate, or as an assistant pharmacist, is guilty of a felony, misdemeanor, gross immorality, or sells or gives away morphine, cocaine, or any other narcotic to any person addicted to the use of such drug or is addicted to the liquor or drug habit to such a degree as to render him or her unfit for the practice of pharmacy, the Board of Pharmacy may examine and refuse to register, or revoke, cancel and suspend the registration of such graduate of pharmacy licentiate or assistant pharmacist. In any case of the refusal or revocation of a license by said board of pharmacy under the provisions of this act, said board shall file a brief and concise statement of the grounds and reasons of such refusal or revocation in the

office of the secretary of said board, which said statement, together with the decision of said board in writing shall remain of record in said office. Before a license can be revoked by said Board of Pharmacy under the provisions of this act, a complaint of some person under oath must be filed in the office of the secretary of said Board of Pharmacy, charging the acts of misconduct and facts complained of against the applicant graduate of pharmacy or licentiate or assistant pharmacist, or accused in ordinary and concise language, and thereupon said board shall cause to be served upon such accused applicant graduate of pharmacy, licentiate or assistant pharmacist, a written notice and copy of such complaint, which said notice shall contain a statement of the time and place of hearing of the matters and things set forth and charged in said complaint, and said notice shall be served at least thirty days prior to the time of such hearing. Such accused applicant graduate, of pharmacy, or licentiate, or assistant pharmacist may appear at such hearing, and defend against the accusation of such complaint, personally and by counsel, and may have the sworn testimony of witness taken and present other evidence in his behalf at such hearing, and said board may receive the arguments of counsel at such hearing.

Sec. 18. In any case of the refusal of or revocation of a license by said board under the provisions of this act, the applicant whose application shall be so refused and the graduate of pharmacy, licentiate or assistant pharmacist, whose license shall be so revoked by said board, shall have the right to appeal from the decision so refusing or revoking such license within sixty days after the filing of such decision in the office of the secretary of the said board, as hereinafter in this act provided. Such appeal shall be to the district court. In any case the person desiring to take such appeal shall serve, or cause to be served upon the secretary of said board a written notice of such appeal, which shall contain a statement of

Appeal from
action of Board

the grounds of such appeal. Said secretary of the board of pharmacy shall, within ten days after the service of such notice of appeal and the filing and approval of said appeal bond, transmit to the clerk of the district court to which such appeal is taken, a certified copy, under the seal of said board, of the decision of said board, the grounds thereof, in the case of a refusal of a license; and in addition thereto a certified copy under such seal of the complaint in the case of the revocation of a license, together with the bond and notice of appeal. The clerk of such court shall thereupon docket such appeal causes, and they shall stand for trial in all respects as ordinary civil actions, and like proceedings be had thereon. Upon such appeal said cause shall be tried de novo. Either party may appeal from the judgment of the said district court to a higher court in like manner as in civil actions, within sixty days after the rendition and entry of such judgment in said district court. If said judgment shall be in favor of the party appealing from the decision of said board, and in case said examining board does not appeal from said judgment within sixty days, then, and in that case, said board shall, at the expiration thereof, issue to such successful party the usual license to practice pharmacy in this Territory, and in addition thereto shall reinstate upon the records of said board the name of the successful applicant in case of the revocation of his license by such board. In case of such appeal to a higher court by said board, no such license shall be issued nor reinstatement be required until the final determination of said cause, and as hereinafter provided. In case the final decision of the higher court be against said examining board, then and in that case said court shall make such order in the premises as may be necessary, and said board shall act accordingly.

Temporary certificates

Sec. 19. Any member of the Board of Pharmacy may examine applicants orally, or in writing, and issue a temporary certificate to practice pharmacy, which shall

authorize such practice for a period not to exceed six months, or until the regular meeting of the Board of Pharmacy. The issuance of such temporary certificate shall not entitle the holder thereof to a permanent certificate, and no permanent certificate shall be issued to such holder until he passes a satisfactory examination by the board. Only one temporary certificate shall ever be issued to the same applicant, and no temporary certificate shall be granted to any person whose application has been denied by the board. The member conducting the examination as herein set forth shall be entitled to charge and receive the sum of five dollars for such certificate, said moneys to be paid to the Board of Pharmacy.

Sec. 20. Any person who shall violate any of the provisions of this act and for which a penalty is not here-^{Penalties} provided for shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding fifty dollars, or may be imprisoned in jail not exceeding six months.

Approved April 26, 1913.

CHAPTER 38.

(H. B. NO. 86.)

AN ACT to prevent the spread of contagious disease among live stock.

Be it enacted by the Legislature of the Territory of Alaska :

Section 1. That the United States and Deputy United States Marshals of the Territory of Alaska are hereby^{Inspectors of live stock} constituted and appointed Territorial Inspectors of live