

# HOUSE . . . . No. 507

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By Mr. Peterson of Woburn (by request), petition of Robert W. Lawson for legislation to control the advertising and sale of certain articles and preparations commonly purchased for use in preventing conception. Public Health.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Three.

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### AN ACT TO CONTROL THE ADVERTISING AND SALE OF CERTAIN ARTICLES AND PREPARATIONS COMMONLY PURCHASED FOR USE IN PREVENTING CONCEPTION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter two hundred and seventy-two of the Gen-  
2 eral Laws (Tercentenary Edition) is hereby amended  
3 by inserting between section twenty-one and sec-  
4 tion twenty-two the following sections:—

5 *Section 21A.* No person shall advertise, exhibit,  
6 sell, lend or give away any venereal disease prophylactic,  
7 protective sheath or condom except a registered pharmacist  
8 and then only upon receipt from the purchaser of a prescription  
9 issued by a registered physician.

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11 *Section 21B.* No physician shall furnish a prescription  
12 for any of the articles mentioned in section  
13 twenty-one A to any but a married man and then

14 only when, in his judgment, that man or his lawful  
15 wife or both are infected with or have been exposed  
16 to infection by venereal disease. A physician may,  
17 however, furnish a prescription for any such article  
18 or articles to any person for use in medical or labora-  
19 tory research or functions not involving the act of  
20 sexual relations, or for use as a medical aid in cases of  
21 genito-urinary disturbances.

22 *Section 21C.* No person shall advertise, exhibit,  
23 sell, lend or give away any medicine, mixture or prep-  
24 aration which is represented, purported or hinted to  
25 be usable for "feminine Hygiene" or which is repre-  
26 sented, purported or hinted to act as a germ-destroyer  
27 or germ-barrier in the vaginal tract, except a regis-  
28 tered pharmacist and then only upon receipt from the  
29 purchaser of a prescription issued by a registered  
30 physician.

31 *Section 21D.* No physician shall furnish a pre-  
32 scription for any medicine, mixture or preparation  
33 as described in section twenty-one C to any person  
34 for use in the vaginal tract except when, in his judg-  
35 ment, a condition of infection, irritation, disease or  
36 organic ill necessitates or justifies such prescription  
37 for vaginal anti-sepsis, health or healing.

38 *Section 21E.* Any person who knowingly violates  
39 the provision of sections twenty-one A through sec-  
40 tion twenty-one D, inclusive, shall be punished by  
41 imprisonment in the state prison for not more than  
42 five years or in jail or in the house of correction for  
43 not more than two and one half years or by a fine of  
44 not less than one hundred nor more than one thou-  
45 sand dollars.