

HOUSE . . . . No. 2121

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, April 26, 1948.

The committee on Public Health, to whom was referred the petition (accompanied by bill, House, No. 1068) of the Massachusetts State Pharmaceutical Association for legislation to license the sale, distribution and delivery of drugs and medicines at wholesale, report the accompanying bill (House, No. 2121).

For the committee,

JOHN A. ARMSTRONG.

## The Commonwealth of Massachusetts

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

AN ACT REGULATING THE SALE, DISTRIBUTION AND DELIVERY OF CERTAIN DRUGS AND MEDICINES AT WHOLESALE, AND THE MANUFACTURE OF CERTAIN DRUGS AND CHEMICALS.

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

1 SECTION 1. Chapter 112 of the General Laws is  
2 hereby amended by striking out section 35, as most  
3 recently amended by section 4 of chapter 343 of the  
4 acts of 1937, and inserting in place thereof the fol-  
5 lowing: —

6 *Section 35.* Sections thirty and thirty-six A to  
7 forty-one, inclusive, of this chapter, sections twenty-  
8 nine to thirty G, inclusive, of chapter one hundred and  
9 thirty-eight and section two of chapter two hundred  
10 and seventy shall not apply to physicians who put up  
11 their own prescriptions or dispense medicines to their  
12 patients; nor to the manufacture of patent and pro-  
13 prietary medicines, nor to the sale of such medicines  
14 other than the sale of those intended for internal use  
15 which are hypnotics or which contain barbituric acid  
16 or its derivatives and other than the sale of such medi-  
17 cines which are exclusively prepared for hypodermic  
18 use in the human system; nor to the manufacture or

19 sale of the following drugs and chemicals used in the  
20 arts, or as household remedies: alum, ammonia, bi-  
21 carbonate of soda, borax, camphor, castor oil, chlori-  
22 nated lime, citric acid, cod liver oil, copperas, cotton  
23 seed oil, cream of tartar, dyestuffs, Epsom salt, flax-  
24 seed, flaxseed meal, gelatine, ginger, Glauber's salt,  
25 glycerine, gum arabic, gum tragacanth, hops, hypo-  
26 sulphite of soda, licorice, lime water, linseed oil, lith-  
27 arge, magnesia, olive oil, peroxide of hydrogen, petrola-  
28 tum, phosphate of soda, rhubarb, Rochelle salt, rosin,  
29 sal ammoniac, salt-peter, senna, slippery elm bark,  
30 spices for seasoning, sugar of milk, sulphate of copper,  
31 sulphur, tartaric acid, turpentine, extract of witch  
32 hazel and zinc oxide; nor to the sale in the original  
33 packages of the following, if put up by registered  
34 pharmacists, manufacturers or wholesale dealers in  
35 conformity with law: flavoring essences or extracts,  
36 essence of Jamaica ginger, insecticides, rat extermina-  
37 tors, aromatic spirits of ammonia, spirits of camphor,  
38 sweet spirits of niter, syrup of rhubarb, tincture of  
39 arnica and tincture of rhubarb; nor to the sale of the  
40 following poisons used in the arts, if properly labelled  
41 and recorded as provided by section two of chapter  
42 two hundred and seventy: muriatic acid, oxalic acid,  
43 nitric acid, sulphuric acid, arsenic, cyanide of potas-  
44 sium, mercury, phosphorus and sulphate of zinc.

1 SECTION 2. Said chapter 112 is hereby further  
2 amended by inserting after section 36 the four follow-  
3 ing new sections: —

4 *Section 36A.* Except as otherwise provided in sec-  
5 tion thirty-five, no person shall engage in the sale,  
6 distribution or delivery, at wholesale, of drugs or

7 medicines within the commonwealth without a li-  
8 cense so to do.

9 *Section 36B.* The board shall upon application  
10 and the payment of an annual license fee of ten dollars  
11 issue licenses required by section thirty-six A; pro-  
12 vided, that no such license shall be issued to any  
13 applicant unless the board is satisfied that he or it is  
14 actually engaged in and is carrying on such wholesale  
15 business. Such license shall be renewed on or before  
16 December first of each year upon the payment of a  
17 license fee of ten dollars.

18 *Section 36C.* No person shall use the words “whole-  
19 sale druggist” or any other words of similar import,  
20 holding himself or itself out to be engaged in the sale,  
21 distribution or delivery of drugs or medicines, at  
22 wholesale, without first having been licensed as pro-  
23 vided in sections thirty-six A and thirty-six B. The  
24 agents of the board shall have authority, during  
25 business hours, to inspect and investigate all whole-  
26 sale dealers in drugs or medicines, and shall report all  
27 violations of sections thirty-six A to thirty-six D,  
28 inclusive, to the board, upon the direction of which  
29 such agents shall apply for criminal complaints against  
30 persons guilty of any such violations.

31 *Section 36D.* Whoever, not being licensed as pro-  
32 vided in section thirty-six B, engages in the sale, dis-  
33 tribution or delivery, at wholesale, of drugs or medi-  
34 cines, or uses the words “wholesale druggist” or any  
35 other words of similar import in connection with his  
36 business to indicate the sale, distribution or delivery  
37 of such commodities, at wholesale, or whoever sells,  
38 distributes or delivers such commodities at retail, and  
39 holds himself out to be a wholesale druggist by using  
40 the words, “wholesale druggist” or words of similar



41 import in connection with his business, or in adver-  
42 tising the same, shall be punished by a fine of not more  
43 than one thousand dollars or by imprisonment in a  
44 jail or house of correction for not less than thirty days  
45 nor more than one year, or by both such fine and im-  
46 prisonment.

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