
By Mr. Greene of Boston, petitor of the Massachusetts State Pharmaceutical Ass'n relative to the adulterating, misbranding and sale of harmful drugs. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

AN ACT RELATIVE TO THE ADULTERATING, MISBRANDING
AND SALE OF HARMFUL DRUGS.

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. Section 187 of chapter 94 of the Gen-
2 eral Laws, as amended by section 2 of chapter 598 of
3 the acts of 1948, is hereby further amended by strik-
4 ing out, in lines 65 to 67, the sentence, "The labeling
5 provisions of this section shall not apply to the com-
6 pounding and dispensing of drugs on the written pre-
7 scription of a physician, dentist, or veterinarian," and
8 substituting therefore, the following:— The labeling
9 provisions of this section shall not apply to the com-
10 pounding and dispensing of drugs on the oral or written
11 prescription of a physician, dentist, or veterinarian.
12 Such oral prescription may also be issued by an ex-
13 pressly authorized representative of such a physician,
14 dentist, or veterinarian. An oral prescription issued
15 by a physician, dentist or a veterinarian or his ex-
16 pressly authorized representative shall be recorded
17 immediately on a regular prescription form by the
18 pharmacist dispensing the same. Such record shall
19 contain the name of the prescriber and the name of
20 the expressly authorized representative if any, the
21 date of the prescription, the serial number given to
22 the prescription by the pharmacist dispensing the
23 same, the name of the patient if given by the pre-

24 scribe, the directions for use and cautionary state-
25 ments, if any.

1 SECTION 2. Section 187A of chapter 94 of the Gen-
2 eral Laws, as inserted by section 3 of chapter 598 of
3 the acts of 1948, is hereby further amended by strik-
4 ing out said section 187A and inserting in place
5 thereof the following new section: —

6 *Section 187A.* No person shall sell or offer for
7 sale at retail or dispense or give away, any harmful
8 drug as defined herein to any person other than a
9 physician, dentist, or veterinarian, except on the
10 oral or written prescription of a physician, dentist, or
11 veterinarian, or his expressly authorized representa-
12 tive provided that all oral prescriptions shall comply
13 with the requirements of section one hundred and
14 eighty-seven. No such oral or written prescription
15 shall be refilled unless the original prescription pro-
16 vides for such refilling or unless such refilling is au-
17 thorized by the prescriber or his expressly authorized
18 representative and provided a written record of such
19 authorization to refill is made and filed by the phar-
20 macist at the time of the refilling and such record
21 contains the name of the prescriber, or his expressly
22 authorized representative, the date of the authority
23 to refill, the date of the refilling, and the changes made
24 in the original prescription, if any. Such record shall
25 contain sufficient information to identify the original
26 prescription which has been refilled and any changes
27 made therein by the prescriber.

28 Any drug dispensed by filling or refilling an oral or
29 written prescription shall contain a label upon which
30 is the name and address of the druggist, the serial num-
31 ber, the date of the prescription or of its filling, the
32 name of the prescriber and if stated in the prescrip-
33 tion, the name of the patient and any directions for
34 use and cautionary statements contained in such pre-
35 scription.

36 No manufacturer, wholesaler, jobber or dealer in
37 drugs, other than a retail pharmacist, shall sell or offer

38 for sale a harmful drug unless the container bears a
39 label securely attached thereto stating conspicuously
40 in printed words the common or usual name of the
41 harmful drug and the quantity or proportion thereof,
42 and no such manufacturer, wholesaler, jobber, or
43 dealer in drugs shall sell, offer for sale, or deliver any
44 such harmful drug except to a licensed wholesaler, li-
45 censed hospital or sanitarium, governmental hospital
46 or sanitarium, licensed clinic, pharmacist, registered
47 physician, dentist, or veterinarian, superintendent or
48 official in immediate charge of a college or scientific
49 institution.

50 For the purpose of this section, the term "harmful
51 drug" shall mean and include any and all medical
52 preparations upon which the manufacturer or dis-
53 tributor has placed the following:—"Caution—
54 Federal law prohibits dispensing without prescription."

55 The act of dispensing a drug contrary to the pro-
56 visions of this section shall be deemed to be an act
57 which results in the drug being misbranded.

58 Nothing herein shall be construed to relieve any
59 person from any requirement prescribed by or under
60 authority of any law with respect to narcotic drugs
61 now included or regulated or which may hereafter be
62 included or regulated in sections one hundred and
63 ninety-seven to two hundred and seventeen, inclusive.

64 The department of public health and the board of
65 registration in pharmacy shall enforce this section,
66 and whoever violates any provision of this section or
67 any rules or regulations made hereunder, shall be
68 punished by a fine of not more than one thousand dol-
69 lars, or by imprisonment in jail or house of correction
70 for not more than one year, or both. This section
71 shall not apply to the sale or dispensing of any harm-
72 ful drug now or hereafter known to be generally used
73 in the treatment of animal or poultry diseases, either
74 alone or in combination with feeding materials or
75 other ingredients, when such drug is sold and labeled
76 for use in the treatment of animal or poultry diseases
77 only.

the first part of the paper, the author discusses the general principles of the theory of the distribution of the elements of a population. He then proceeds to a detailed examination of the various methods of sampling, and finally to a consideration of the various methods of estimating the population parameters. The author's treatment is both thorough and clear, and his conclusions are well supported by the evidence presented.

The second part of the paper is devoted to a discussion of the various methods of sampling, and the author shows how these methods can be used to estimate the population parameters. He also discusses the various methods of estimating the population parameters, and shows how these methods can be used to estimate the population parameters. The author's treatment is both thorough and clear, and his conclusions are well supported by the evidence presented.

The third part of the paper is devoted to a discussion of the various methods of estimating the population parameters, and the author shows how these methods can be used to estimate the population parameters. He also discusses the various methods of estimating the population parameters, and shows how these methods can be used to estimate the population parameters. The author's treatment is both thorough and clear, and his conclusions are well supported by the evidence presented.

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