

EXTRA SESSION.

HOUSE No. 1609

By Mr. Ingalls of Lynn, petition of Alfred W. Ingalls that the sale of alcoholic beverages by registered pharmacists be regulated. Legal Affairs.

The Commonwealth of Massachusetts

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

An Act regulating the Sale of Alcoholic Beverages by Registered Pharmacists.

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 one hundred and thirty-eight of the
2 General Laws is hereby amended by striking out
3 sections twenty-five to thirty-three, inclusive, and
4 by the substitution therefor of the following, under
5 the title "PHARMACISTS":

6 *Section 25.* Pharmacists registered under the pro-
7 visions of chapter one hundred and twelve may be
8 licensed by local licensing authorities to sell intoxi-
9 cating beverages for medicinal, mechanical or chemi-
10 cal purposes without a physician's prescription, the
11 said sales to be recorded in the manner prescribed
12 in section thirty-one.

13 *Section 26.* No license for the sale of spirituous
14 or intoxicating liquor, except as provided in the
15 preceding section, shall be granted to retail druggists.
16 One or more licenses may be granted annually under
17 the provisions of section twenty-five by the licensing
18 authorities of a city or town to retail druggists who
19 are registered pharmacists actively engaged in busi-
20 ness on their own account, or on the account of the
21 widow, executor or administrator of a deceased
22 registered pharmacist, or of the wife of one who has
23 become incapacitated, upon presentation to said
24 authorities of the certificate prescribed by the
25 following section, if it appears that the applicant
26 is a proper person to receive such license, and is not
27 disqualified to receive it under the provisions of
28 section eighty-four. A registered pharmacist who
29 owns stock of the actual value of at least five hun-
30 dred dollars in a corporation which has been incor-
31 porated for the purpose of carrying on the drug
32 business, and who conducts in person the business
33 of a store of such corporation, shall be considered
34 as actively engaged in business on his own account
35 and as qualified to receive a license for such store.
36 The licensing authorities may refuse to grant any
37 and all such licenses.

38 *Section 27.* The board of registration in phar-
39 macy may, upon the payment of a fee of not more
40 than five dollars by an applicant for a license of the
41 third class, issue to him a certificate of fitness, which
42 shall not be valid after one year from its date, stating
43 that in the judgment of said board he is a proper
44 person to be intrusted with such license and that
45 the public good will be promoted by the granting
46 thereof. The board and the licensing authorities of

47 the cities and towns mentioned in the following
48 section may, after giving a hearing to the parties
49 interested, revoke or suspend such certificate for
50 any cause which they may deem proper, and such
51 revocation or suspension shall revoke or suspend
52 the third class license granted thereon.

53 *Section 28.* In any city or town where licenses to
54 sell alcoholic beverages are not granted, registered
55 pharmacists to whom a certificate of fitness has
56 been issued as provided by the preceding section
57 may sell pure alcohol for medicinal, mechanical or
58 chemical purposes or certain non-intoxicating bever-
59 ages upon the prescription of a registered physician
60 practicing in such city or town, provided that the
61 prescription is dated, contains the name of the per-
62 son prescribed for, and is signed by the physician.
63 All such prescriptions shall be retained and kept
64 on file in a separate book by the pharmacist filling
65 the same, and shall not be filled a second time.
66 Such prescription book shall be open at all times
67 to the inspection provided by section thirty-two.

68 *Section 29.* A license issued under section twenty-
69 five shall become null and void without any process
70 or decree, if the registered pharmacist to whom it
71 has been granted ceases to conduct his business in
72 person and on his own account, or upon the revoca-
73 tion of his certificate of registration as a pharmacist,
74 unless the registered pharmacist has been unable
75 to so conduct his business or has died, and his busi-
76 ness is continued by his wife, widow, executor or
77 administrator under another registered pharmacist.

78 *Section 30.* Retail pharmacists shall not sell
79 intoxicating liquor of any kind or certain non-
80 intoxicating beverages for medicinal, mechanical

81 or chemical purposes except upon the certificate of
82 the purchaser, which shall state the use for which it
83 is wanted, and which shall be immediately can-
84 celled at the time of sale in such manner as to show
85 the date of cancellation.

86 *Section 31.* Every retail pharmacist shall keep
87 a book in which he shall enter, at the time of every
88 such sale, the date thereof, the name of the pur-
89 chaser, the kind, quantity and price of said liquor
90 or beverage, the purpose for which it was sold, and
91 the residence by street and number, if any, of said
92 purchaser. If such sale is made upon the pre-
93 scription of a physician, the book shall also contain
94 the name of the physician and shall state the use for
95 which said liquor or beverage is prescribed and the
96 quantity to be used for such purpose, and the pre-
97 scription shall be cancelled in the manner provided
98 in the preceding section with reference to certificates.
99 Said book shall be in form substantially as follows:

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.

100 The certificate mentioned in the preceding section
101 shall be a part of said book and shall not be detached
102 therefrom, and shall be in form substantially as
103 follows:

104

Certificate.

105 I wish to purchase _____ and I certify that I am
106 not a minor and that the same is to be used for
107 *Mechanical *Chemical *Medicinal purposes.

108 (* Draw a line through the words which do not
109 indicate the purpose of the purchase.)

110 Signature .

111 Cancelled .

112 *Section 32.* The book, certificates and prescrip-
113 tions provided for in the two preceding sections and
114 the book provided for in section forty-one shall at
115 all times be open to the inspection of the board of
116 registration in pharmacy, the licensing board in
117 cities having such boards and in all other cities and
118 towns, to the inspection of the aldermen, selectmen,
119 board of public welfare, sheriffs, constables, police
120 officers and justices of the peace.

121 *Section 33.* A person, not a registered pharmacist,
122 who procures a license for the sale of intoxicating
123 liquors under section twenty-five in the name of a
124 registered pharmacist who is dead, or in the name
125 of a registered pharmacist by borrowing, hiring or
126 purchasing the use of his certificate, and, being
127 himself the owner or manager of the place, per-
128 sonally or by his servants sells intoxicating liquor,
129 shall be punished by a fine of not less than fifty
130 nor more than five hundred dollars and by imprison-
131 ment for not less than one nor more than six months.
132 Section eleven of chapter two hundred and seventy-
133 nine shall not apply to a conviction under this
134 section.

