

HOUSE No. 902

By Mr. Alfred M. Bessette of New Bedford, petition of Alfred M. Bessette for legislation to require the licensing of the sale of patent and proprietary medicines and relative to the definition of "drug business." Public Health.

The Commonwealth of Massachusetts

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

An Act requiring a License for the Sale of Patent and Proprietary Medicines.

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 thirty-five of chapter one hun-
2 dred and twelve of the General Laws, as amended by
3 section five of chapter three hundred and twenty-eight
4 of the acts of nineteen hundred and thirty-four, is
5 hereby further amended by striking out, in the ninth
6 line, the words "or sale", — so as to read as follows: —
7 *Section 35.* Sections thirty and thirty-seven to forty-
8 one, inclusive, of this chapter, sections twenty-nine to
9 thirty G, inclusive, of chapter one hundred and thirty-
10 eight and section two of chapter two hundred and
11 seventy shall not apply to physicians who put up
12 their own prescriptions or dispense medicines to their
13 patients; nor to the sale of drugs, medicines, chemi-
14 cals or poisons by wholesale dealers or manufacturing
15 chemists to retail dealers; nor to the manufacture of
16 patent and proprietary medicines; nor to the sale by

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

1 SECTION 2. Section thirty-seven of said chapter
2 one hundred and twelve, as appearing in the Tercente-
3 nary edition, is hereby amended by inserting after
4 the word "medicines" in the second line the words:—
5 , including patent and proprietary medicines, — so as
6 to read as follows:— *Section 37.* "Drug business",
7 as used in the two following sections, shall mean the
8 sale, or the keeping or exposing for sale of drugs,

9 medicines, including patent and proprietary medicines,
10 chemicals or poisons, except as otherwise provided in
11 section thirty-five, also the sale or the keeping or
12 exposing for sale of opium, morphine, heroin, codeine
13 or other narcotics, or any salt or compound thereof, or
14 any preparation containing the same, or cocaine, alpha
15 or beta eucaine, or any synthetic substitute therefor,
16 or any salt or compound thereof, or any preparation
17 containing the same, and the said term shall also
18 mean the compounding and dispensing of physicians'
19 prescriptions.

1 SECTION 3. Said chapter one hundred and twelve
2 is hereby further amended by striking out section
3 thirty-nine, as so appearing, and inserting in place
4 thereof the following:— *Section 39.* The board shall,
5 upon application made in such manner and form as it
6 shall determine, register a store for the transaction of
7 the retail drug business and issue to such person as it
8 deems qualified to conduct such store, a permit to
9 keep it open; but, except in the case of a store in
10 which none of the drugs or chemicals named in section
11 thirty-seven other than patent or proprietary medi-
12 cines is to be sold or kept or exposed for sale, no such
13 registration shall be made or permit issued in the case
14 of a corporation unless it shall appear to the satis-
15 faction of the board that the management of the drug
16 business in such store is in the hands of a registered
17 pharmacist. Such permit shall expire on January
18 first following the date of its issue, and the fee there-
19 for shall be five dollars, except that the fee for a permit
20 to keep open a store selling or keeping or exposing for
21 sale patent or proprietary medicines but none of the
22 other drugs and chemicals named in section thirty-
23 seven shall be ten dollars.

