

HOUSE . . . . . No. 1249.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, April 15, 1901.

The committee on Public Health, to whom was referred the petition (with accompanying bill, House, No. 256) of William H. Underhill for legislation to amend the laws relative to the practice of pharmacy, report the accompanying bill.

For the Committee,

WILLIAM J. BULLOCK.

## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and One.

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### AN ACT

Further to define the Duties of the Board of Registration in Pharmacy.

*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 three hundred and ninety-  
2 seven of the acts of the year eighteen hundred  
3 and ninety-six is hereby amended by striking out  
4 the whole of sections four, eight and nine and in-  
5 serting in place thereof the following:—
- 6 *Section 4.* The board shall keep a record of  
7 the names of all persons examined and registered  
8 hereunder, and a record of all moneys received  
9 and disbursed by said board. Also of all meet-  
10 ings, hearings, decisions, and doings of said board.  
11 Said record shall contain a full and complete rec-  
12 ord of all complaints or charges made against any  
13 pharmacist, and also all evidence presented at any  
14 hearing held by said board.
- 15 All papers and documents in the possession

16 of the board of registration in pharmacy, except  
17 examination papers, shall be always open and ac-  
18 cessible to inspection by any pharmacist of the  
19 Commonwealth, or by his counsel, in case a charge  
20 or complaint is pending against such pharmacist.

21 Said board shall make to the governor, on or  
22 before the first day of January in each year, a re-  
23 port stating the condition of pharmacy in the  
24 state, with a full and complete record of all its  
25 official acts during the year, and the receipts and  
26 disbursements of the board.

27 *Section 8.* Said board shall notify the person  
28 complained against of the charge made against  
29 him, the name of the complainant, and of the time  
30 and place when and where the matter will be heard  
31 by them. He may then and there appear before  
32 the board with his witnesses and be heard by  
33 counsel.

34 Four members shall constitute a quorum for  
35 such hearing. Either member of the board may  
36 administer oaths to the witnesses at such hearing,  
37 and any person so sworn who wilfully swears or  
38 affirms falsely respecting any matter upon which  
39 his testimony is required shall be deemed guilty  
40 of perjury. Said board shall have the power to  
41 send for persons and compel the attendance of  
42 witnesses at said hearings, by process duly served.

43 *Section 9.* If the full board of five members  
44 shall find that the person complained against is  
45 guilty of the acts charged against him, said board  
46 may suspend his registration as a pharmacist and  
47 his certificate thereof, for such term as the board

48 in their judgment, after due consideration of the  
49 facts, may deem for the best interest of the public:  
50 *provided*, that his registration as a pharmacist and  
51 his certificate thereof shall not upon the first  
52 offence be suspended for a term exceeding one  
53 year. But the license or certificate of registration  
54 of a registered pharmacist shall not be suspended  
55 until after conviction by a court of competent  
56 jurisdiction.

1      SECTION 2. Chapter three hundred and ninety-  
2 seven of the acts of the year eighteen hundred and  
3 ninety-six is further amended by adding two new  
4 sections, to be known as sections twenty-five and  
5 twenty-six, respectively:—

6      *Section 25.* Whoever violates any of the pro-  
7 visions of this act shall for each offence be pun-  
8 ished by fine not less than fifty dollars.

9      *Section 26.* When a person is convicted of  
10 the violation of any provisions of this act, the  
11 court in which or the magistrate before whom  
12 such conviction is had shall send to the board of  
13 registration in pharmacy a certificate under seal,  
14 showing the time and place of such conviction.