

instrument or declaration of trust under which such association or trust was formed or is regulated. Within thirty days after the meeting at which such merger has been voted, articles of amendment setting forth (1) said vote, (2) a copy of the agreement for said merger, and (3) a certificate that all of the stock of the company is owned by the association or trust certified by the president, treasurer and a majority of the directors of the company and by the persons authorized to execute said agreement for the association or trust shall be submitted to the department for approval. Within thirty days after such approval, the documents filed with the department, together with a certified copy of the order of the department approving the proposed merger shall be filed with the state secretary accompanied by a fee of twenty-five dollars. The state secretary shall examine such articles of amendment and, if he finds that they conform to the provisions of the law relative to the merger of companies and associations or trusts, he shall so certify and endorse his approval thereon. No merger shall take effect until the articles of amendment have been filed as aforesaid. Upon the filing of such articles, all of the property, real, personal and mixed of the merged association or trust shall vest in and be held and owned by the company as the same were before held and owned by the merged association or trust.

Approved June 7, 1954.

Duty of state secretary.

Chap. 577 AN ACT RELATIVE TO THE ADULTERATING, MISBRANDING AND SALE OF HARMFUL DRUGS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 94, § 187, etc., amended.

SECTION 1. Section 187 of chapter 94 of the General Laws, as amended by section 2 of chapter 598 of the acts of 1948, is hereby further amended by striking out the paragraph in lines 65 to 67, inclusive, and inserting in place thereof the following paragraph: —

Dispensing of drugs, regulated.

The labeling provisions of this section shall not apply to the compounding and dispensing of drugs on the oral or written prescription, as hereinafter defined, of a physician, dentist or veterinarian.

G. L. (Ter. Ed.), 94, § 187, etc., further amended.

SECTION 2. Said section 187 of said chapter 94, as so amended, is hereby further amended by adding at the end the following: —

Definitions.

For the purposes of this section and section one hundred and eighty-seven A, the following terms shall have the following meanings: —

“Oral prescription”, that prescription of a physician, dentist or veterinarian which has been verbally transmitted to a pharmacist by said physician, dentist or veterinarian or his expressly authorized representative and immediately recorded by said pharmacist on a regular prescription form, and which contains the name and address of the prescriber, and the name of the expressly authorized representative, if any, the date of the prescription, the

name and amount of the drug prescribed, the serial number given to the prescription by the pharmacist dispensing the same, the name of the pharmacist receiving the prescription, the name of the patient unless a veterinary prescription, the directions for use and any cautionary statements if stated in the prescription, and the number of times to be refilled.

“Written prescription”, that prescription which has been issued by a physician, dentist or veterinarian and bears the signature and address of the prescriber, the date of the prescription, the name and the amount of the drug prescribed, the name of the patient, directions for use, the number of times to be refilled, and any cautionary statements needed.

“Pharmacist”, a person duly registered under chapter one hundred and twelve and actively engaged as a practitioner or employed in an established and licensed place of business for the sale, compounding and dispensing of drugs.

SECTION 3. Said chapter 94 of the General Laws is hereby further amended by striking out section 187A, inserted by section 3 of said chapter 598, and inserting in place thereof the following section: — *Section 187A.* For the purposes of this section, the term “harmful drug” shall mean and include any and all drugs upon which the manufacturer or distributor has, in compliance with federal law and regulations, placed the following: — “Caution — Federal law prohibits dispensing without prescription.”

G. L. (Ter. Ed.), 94, § 187A, etc., amended.

“Harmful drug”, term defined.

No person shall sell or offer for sale at retail or dispense or give away any harmful drug to any person other than a physician, dentist or veterinarian, except upon oral or written prescription of a physician, dentist or veterinarian or his expressly authorized representative. No such oral or written prescription for a harmful drug shall be refilled unless the original prescription provides for such refilling or unless such refilling is authorized by the prescriber.

Sale of harmful drugs, regulated.

Whenever a physician, dentist or veterinarian prescribes a harmful drug by an oral prescription, the physician, dentist or veterinarian shall within a period of not more than seven days thereafter deliver a written prescription to the pharmacist to whom said oral prescription was transmitted. Any physician, dentist or veterinarian who violates this provision shall be punished by a fine of not more than twenty-five dollars for each violation.

Penalty.

No person shall dispense any drug upon an oral or written prescription in a container which does not bear a label which gives the name and address of the druggist, the serial number of the prescription, the date of the filling of the prescription, the name of the prescriber, the name of the patient unless a veterinary prescription, the directions for use and cautionary statements if any stated in the prescription.

No manufacturer, wholesaler, jobber or dealer in drugs other than a retail pharmacist shall sell or offer for sale a harmful drug unless the container bears a label securely attached thereto stating conspicuously in printed words the

common or usual name of the harmful drug and the quantity or proportion thereof, and no such manufacturer, wholesaler, jobber or dealer in drugs shall sell, offer for sale, or deliver any such harmful drug except to a licensed drug wholesaler, licensed hospital or sanitarium, governmental hospital or sanitarium, licensed clinic, pharmacist, registered physician, dentist or veterinarian, superintendent or official in immediate charge of a college or scientific institution.

A physician, dentist or veterinarian may personally administer any harmful drug at such time and under such circumstances as he, in good faith and in the legitimate practice of medicine, believes to be necessary for the alleviation of pain and suffering or for the treatment or alleviation of disease.

Section not applicable to certain sales.

This section shall not apply to the sale or dispensing of any harmful drug known to be generally used in the treatment of poultry or of animals other than man, either alone or in combination with feeding materials or other ingredients, provided such drug is sold in good faith for the treatment of poultry or animals other than man, and bears a label stating that it is to be used for such purposes only.

Nothing in this section shall be construed to relieve any person from any requirement prescribed by or under authority of any law with respect to narcotic drugs as provided by sections one hundred and ninety-seven to two hundred and seventeen, inclusive.

Penalties.

Except as otherwise provided herein, whoever violates any provision of this section or any rule or regulation authorized hereunder shall be punished by a fine of not more than one thousand dollars, or by imprisonment in jail or house of correction for not more than one year, or both.

Enforcement of act.

The department of public health and the board of registration in pharmacy shall enforce the provisions of this section, and said department and said board, acting jointly, may make such rules and regulations as they deem necessary for the proper enforcement thereof.

Effective date of certain penalty.

SECTION 4. The penalty prescribed in the third paragraph of section one hundred and eighty-seven A of chapter ninety-four of the General Laws, as appearing in section three of this act, for a violation of said paragraph shall not become effective until January first, nineteen hundred and fifty-six.

Approved June 7, 1954.

Chap. 578 AN ACT ESTABLISHING A DIVISION ON THE EMPLOYMENT OF THE AGING IN THE DEPARTMENT OF LABOR AND INDUSTRIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 23, § 3, etc., amended.

SECTION 1. Section 3 of chapter 23 of the General Laws is hereby amended by striking out the third sentence, as amended by section 4 of chapter 490 of the acts of 1941, and inserting in place thereof the following sentence:— He