

ploma, or license illegally obtained, or signed or issued unlawfully or under fraudulent representation, or mistake of fact in material regard, or who, after conviction of a felony, shall attempt to practice veterinary medicine, and any person who shall, without having been authorized so to do legally, append any veterinary title to his or her name, or shall assume or advertise any veterinary title in such a manner as to convey the impression that he is a lawful practitioner of veterinary medicine or any of its branches, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars or imprisonment for six months for the first offense, and on conviction of a subsequent offense by a fine of not less than five hundred dollars or imprisonment for not less than one year, or by both fine and imprisonment.

Added by L. 1895, ch. 860, and amended by L. 1896, ch. 840.

For penalty for misconduct of veterinary surgeons, see Penal Code, § 356.

ARTICLE XI.*

PHARMACY.

SECTION 190. State board of pharmacy; election of members; term of office; how organized; vacancies, how filled; revenue.

191. Books; records and funds of existing boards to be delivered.

*Article XI of L. 1893, ch. 661, was entirely redrawn and amended by L. 1900, ch. 667. For laws on this subject prior to L. 1893, ch. 661, see L. 1884, ch. 361; L. 1885, ch. 360; L. 1887, ch. 676; L. 1889, chs. 181, 484; L. 1890, ch. 100, and L. 1893, ch. 250.

- SECTION 192. Powers and duties of the board.
193. Licenses of existing boards of pharmacy of this state, their rights and privileges.
 194. Licenses of state board; how granted; rights under, revocation.
 195. [Omitted in numbering.]
 196. Registration of pharmacies and drug stores; proprietors' names to be displayed.
 197. Adulteration or substitution of drugs, chemicals and medicines.
 198. Poison, retailing of.
 199. Application of article limited.
 200. Apprentices, employes, et cetera.
 201. Penalties; expenses.

§ 190. State board of pharmacy; election of members; term of office; how organized; vacancies, how filled; revenue.— Subdivision 1. For the purpose of this act, the state shall be divided into three sections, by counties, to be known respectively as the eastern, western and middle sections. (a) The eastern (New York) section shall consist of the counties of New York, Kings, Queens, Nassau, Suffolk, Richmond and Westchester; (b) The western (Erie) section shall consist of the counties of Erie, Niagara, Orleans, Genesee, Wyoming, Alleghany, Cattaraugus and Chautauqua; and (c) the middle (Albany) section shall consist of the counties of Albany and all other counties not contained in the other two sections.

Subdivision 2. The state board of pharmacy shall consist of fifteen members, five members from each of the above named sections. No person shall be eligible for election to the state board of pharmacy, unless he be a citizen of the state of New York and a resident and

licensed pharmacist of that section of the state from which elected, and, if elected from the eastern section, unless he also be a member of an incorporated pharmaceutical society or association as provided in subdivision four immediately following.

Subdivision 3. At the first election of the state board of pharmacy, one of the members from each section shall be elected for a term of one year, one for two years, one for three years, one for four years, and one for five years, such terms determined by lot after which members thereof shall be elected for the term of five years and shall hold office during such term, or until their successors shall have been duly elected and qualified. Each member of such board before entering upon the discharge of his duties shall take and subscribe the oath of office, which he shall file in the office of the secretary of state, to the effect that he will support the constitution of the United States, and the constitution of the state of New York, and that he will faithfully discharge the duties of the office of member of the state board of pharmacy of the state of New York, according to the best of his ability.

Subdivision 4. The election of the members of said state board of pharmacy for the eastern section shall occur in the month of June of each year. The state board of pharmacy shall designate a date in said month and a place in the borough of Manhattan and a place in the borough of Brooklyn for said election and shall give fifteen days' notice of said time and place to the

societies or associations in said section, hereinafter described. At the time and place so designated in the borough of Manhattan three members for said section shall be elected, and no person shall be eligible for election, or to vote at such election, unless he be a resident of one of the counties of New York or Westchester and a member of the New York state pharmaceutical association, provided he be a licensed pharmacist or druggist, or of an incorporated pharmaceutical association or society in one of said counties, whose members are required to be licensed pharmacists or druggists. At the time and place designated as aforesaid in the borough of Brooklyn, two members for said section shall be elected and no person shall be eligible for election, or to vote at such election, unless he be a resident of one of the other counties in said section and a member of the New York state pharmaceutical association, provided he be a licensed pharmacist or druggist, or of one of the incorporated pharmaceutical associations or societies in said other counties, whose members are required to be licensed pharmacists or druggists. The election of the members of the state board of pharmacy for the western section shall occur at a meeting of the licensed pharmacists and druggists residing in such section, to be held in the month of June of each year, called by the Erie county pharmaceutical association at the Buffalo college of pharmacy, or at such other place as may be designated by the state board of pharmacy, and such election shall be by ballot. The election of the

members of the state board of pharmacy for the middle section shall occur at the annual meeting of the state pharmaceutical association, at which meeting all licensed pharmacists and druggists residing in such middle section are entitled to vote, and such election shall be by ballot.

Subdivision 5. The members of the state board of pharmacy who have duly qualified, shall meet annually, on the first Monday in January of each year, at the College of Pharmacy building in the city of Albany, or at such other building in said city of Albany, as may be designated by the state board of pharmacy, at twelve o'clock noon and shall proceed by ballot to elect a president and a secretary, who shall also be treasurer, both of whom shall be members of such state board and shall hold office for the term of one year and until their successors are elected and have qualified. The state board shall fix the salaries of the secretary of the state board and the secretaries of the branches for the eastern, western and middle sections. Such secretaries shall each execute a bond in such sum and with such conditions for the faithful performance of their duties, as the state board of pharmacy may prescribe. The secretaries shall perform all the duties devolving upon them under this act and such further duties as may be imposed by the state board of pharmacy, or by the several branches thereof.

Subdivision 6. Immediately after the organization of the state board of pharmacy as hereinbefore provided,

the members of the state board from the respective sections shall organize branches, to be known as the eastern, western and middle branches respectively. The officers of each of such branches shall be a chairman and a secretary, who shall also be treasurer and such officers shall be elected by the members of the state board comprising such branches respectively. The secretary of the state board of pharmacy shall also perform the duties of the secretary and treasurer of the branch of the section, wherein he resides and no local secretary shall be elected for such branch. Vacancies occurring in the state board of pharmacy for any cause, other than expiration of term of office, may be filled by appointment by the president of the state board until the next annual election in the section wherein the member whose office has become vacant resided, of an eligible pharmacist, residing in such section.

Subdivision 7. Each branch of the state board is hereby authorized and empowered to receive and collect for its section the revenue, authorized by this act, for the purposes herein provided, and each branch is hereby authorized and empowered, subject to the approval of the state board of pharmacy, to enforce and carry into effect within its section the provisions of this act and to perform such other duties, as may be lawfully imposed by the state board of pharmacy. Each member of the state board of pharmacy shall be entitled to and receive five dollars for each day actually engaged in the performance of services as a member of such board,

or any one of its branches, provided that no member shall receive more than one hundred and fifty dollars in any one year, together with his necessary expenses and disbursements.

Added by L. 1900, ch. 667, as amended by L. 1902, ch. 218.

§ 191. Books; records and funds of existing boards to be delivered to the state board of pharmacy.—As soon as the state board of pharmacy has been fully organized under this act, it shall forthwith notify the custodians of all records, books, papers and vouchers of every nature and of all unexpended funds belonging to each of the several boards of pharmacy existing in this state, at the time this act shall take effect, to deliver and the same shall be delivered into the hands of the secretary of the branch of the state board of pharmacy, hereby created, for the section, wherein such existing board of pharmacy may be located and secure the receipt of such secretary therefor and thereafter the powers and duties of the board of pharmacy for Erie county, the board of pharmacy of all Greater New York and the board of pharmacy for the remainder of the state shall cease and determine.

Added by L. 1900, ch. 667.

§ 192. Powers and duties of the board.— Subdivision 1. The state board of pharmacy shall have power:

(a) To make such by-laws, rules and regulations not inconsistent with the laws of the state, as may be necessary for the protection of the public health, and the lawful performance of its powers.

(b) To regulate the practice of pharmacy.

(c) To regulate the sale of poisons.

(d) To regulate and control the character and standard of drugs and medicines dispensed in the state.

(e) To investigate all complaints as to quality and strength of all drugs and medicines and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopoeia.

(f) To regulate the number of hours, constituting a day's work of employees in a drug store, or pharmacy, in cities having at the last state or United States census a population of a million or more inhabitants, which shall not exceed one hundred and thirty-six hours in each two consecutive weeks.

(g) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries, stores, or places in which drugs, medicines and poisons are compounded, dispensed or retailed.

(h) To hold meetings as often as its business shall require and to conduct examinations of applicants for licenses monthly, when so determined by the board, except in July and August, and not less frequently than once in three months.

(i) To examine all applicants for license or registration and to issue two grades of licenses to be known respectively as that of "licensed druggist" and "licensed pharmacist," and one grade of certificates as

“registered apprentice,” except that in cities having at the last state or United States census a population of a million or more inhabitants a license for the grade of “licensed druggist” shall not be issued.

(j) To investigate all alleged violations of the provisions of this act, or any other law of this state regulating the dispensing or sale of drugs, medicines or poisons, or the practice of pharmacy, which may come to its notice and whenever there appears reasonable cause therefor to take and hear testimony with reference to the same and in the discretion of such board to bring the same to the notice of the proper prosecuting authorities, or bring actions in the name of the state board of pharmacy, for the recovery of penalties in such cases as may be provided by law. The state board of pharmacy and each of its branches shall be deemed to be a board within the meaning of sections eight hundred and forty-three and eight hundred and fifty-four of the code of civil procedure.

(k) To require and provide for the annual registration of every pharmacy, store, dispensary or place in which there is compounded, dispensed or sold, drugs, medicines or poisons, and to require as a prerequisite for such registration the furnishing of evidence satisfactory to the board that the same is conducted in full compliance with the law, and the rules and regulations of the board and to charge and to receive the sum of two dollars for each such registration.

(l) To revoke any license issued by any board of

pharmacy of the state for cause, and after an opportunity for a hearing, as herein provided.

Subdivision 2. **Duties of the board.**—

(a) The board shall preserve a record of all licenses issued by former boards of the state and make and keep a record of all licenses issued by it. Such records shall be open to inspection by any citizen of the state.

(b) The state board of pharmacy shall render annually to the governor and to the state pharmaceutical association a report of its proceedings, including receipts and disbursements, during the preceding year.

Added by L. 1900, ch. 667.

§ 193. **Licenses* of existing boards of pharmacy of this state, their rights and privileges.**—Subdivision 1. The licensees of the several legally constituted boards of pharmacy in this state shall continue to enjoy in their respective sections the rights and privileges conferred upon them by their licenses or registration at the time this act shall take effect so long as they comply with the formal requirements of this act and of the board hereby created.

Subdivision 2. Any person who, on the first day of January, nineteen hundred and one, shall lawfully hold a license or certificate of registration granted upon examination as an "assistant pharmacist" from any legally constituted board of pharmacy of this state, the same not having been revoked, may apply to the state board of pharmacy hereby created surrendering his or her certificate of license or registration accompanied by

* So in the original.

a fee of one dollar and his or her affidavit that he or she has had three years' practical experience in the compounding, dispensing and retailing of drugs, medicines or poisons and may be granted a license as a "licensed druggist" entitling him or her to practice as such throughout the state, except in cities having at the last state or United States census a population of a million or more inhabitants.

Subdivision 3. Any person who on the first day of January, nineteen hundred and one, shall hold a license or certificate of registration as a "pharmacist" granted upon examination by any legally constituted board of pharmacy of the state of New York may make application to the board of pharmacy hereby created, surrendering his or her certificate of license or registration accompanied by a fee of one dollar and may be granted by said board a license to practice as a "licensed pharmacist" anywhere within the state.

Added by L. 1900, ch. 667.

§ 194. Licenses of state board; how granted; rights under; revocation.— Subdivision 1. From and after the passage of this act every place in which drugs, medicines or poisons are retailed or dispensed or physicians' prescriptions compounded shall be deemed to be a pharmacy, or a drug store, and the same shall be under the personal supervision of a licensed pharmacist or druggist respectively.

Subdivision 2. Every licensed pharmacist who shall take into his employ an apprentice for the purpose of

becoming a pharmacist, shall report to the board within three months thereafter such facts as the board may require for registration. The board may issue to such apprentice, when his character and qualifications are satisfactory, a certificate of registration as a "registered apprentice" and the date of the certificate shall be proof of the time when practical experience began with the apprentice named therein. The fee for such registration shall be fifty cents.

Subdivision 3. Except as specified in a preceding section no person shall be granted a license as a "licensed druggist," until he or she shall have made written application to said board setting forth upon affidavit that he or she has had not less than three years' practical experience where drugs, medicines and poisons were dispensed and retailed and prescriptions compounded, at least two years of such experience having been within five years last preceding the date of such application, shall have paid such license fee as shall have been fixed by such board, not exceeding five dollars, and shall have passed an examination satisfactory to said board for the granting of such license.

Subdivision 4. It shall be lawful for a "licensed druggist" under this act, who shall conform to the rules and regulations of the state board of pharmacy to take, exhibit and use the titles, "licensed druggist," and "drug store," and to have charge of, engage in, conduct or carry on, on his own account or for another, the dispensing, compounding or retailing of drugs, medicines, or poisons, in any place which by the last state or United

States census, had a population of less than one thousand, but no licensed druggist shall have charge of more than one drug store at the same time.

Subdivision 5. A licensed druggist may be employed for the purpose of dispensing, compounding or retailing drugs, medicines and poisons, in a duly registered pharmacy, or drug store under the management and supervision of a licensed pharmacist and during his temporary absence therefrom, except in cities having at the last state or United States census a population of a million or more inhabitants.

Subdivision 6. Except as specified in a preceding section no person shall be granted a license as a "licensed pharmacist," until he shall have made written application to the board, setting forth by affidavit that he is of the age of twenty-one years, or upwards, that he has had at least four years' practical experience where drugs, medicines and poisons were dispensed and retailed and prescriptions compounded, of which experience one year must have been had within the five years last preceding the date of such application in a pharmacy, or store in the United States under the personal supervision of a licensed pharmacist, and until he shall have paid such license fee as is fixed by said board not exceeding the sum of ten dollars and until he shall have passed an examination satisfactory to said board for the granting of such license.

Subdivision 7. It shall be lawful for a "licensed pharmacist" under this act, who shall conform to the rules and regulations of the state board of pharmacy to take,

use and exhibit the titles "licensed pharmacist," and "pharmacy," and "licensed druggist" and "drug store," to have charge of, engage in, or carry on for himself, or another, the dispensing, compounding or sale of drugs, medicines or poisons, anywhere within the state, but no licensed pharmacist shall have personal supervision of more than one pharmacy or drug store at the same time.

Subdivision 8. Except as prescribed in this act, it shall not be lawful for any person to practice as a pharmacist, assistant pharmacist or druggist or to engage in, conduct, carry on or be employed in the dispensing, compounding or retailing of drugs, medicines or poisons within this state.

Subdivision 9. Every person practicing as a licensed or registered pharmacist, assistant pharmacist or druggist must at all times display his certificate of license or registration conspicuously in the place in which he practices under such license or registration.

Subdivision 10. In case of a failure of an applicant upon his or her first application to pass a satisfactory examination before the said board, a second examination shall be granted him or her without further payment of fee, if applied for within six months from the presentation of such first application for examination.

Added by L. 1900, ch. 667, and amended by L. 1901, ch. 648.

[§ 195 omitted in numbering.]

§ 196. Registration of pharmacies and drug stores; proprietors' name to be displayed.—Subdivision 1. In the month of January, nineteen hundred and one, and an-

nally thereafter, the proprietor of every place, in which drugs, medicines or poisons are compounded, dispensed or retailed, shall make a statement under oath to the board of pharmacy showing what licensee is in charge of the same and what other licensees or registered apprentices are engaged or employed therein together with any other facts, or data, that may be required by the board, and shall pay a fee of two dollars, and shall receive from the board of pharmacy a certificate of registration which must at all times be conspicuously displayed in said place with the certificate of registration of license of the person in charge thereof.

Subdivision 2. Every person, partnership, association or corporation doing business as the proprietor or proprietors of a place, in which drugs, medicines or poisons are retailed, or physicians' prescriptions are compounded or dispensed, shall cause the actual name of such proprietor or proprietors to be displayed upon a sign which shall be kept conspicuously placed upon the exterior of the premises where such business is conducted. The name or names so displayed upon the sign shall be deemed presumptive evidence of ownership of such pharmacy, drug store, or business.

Added by L. 1900, ch. 667.

§ 197. **Adulteration or substitution of drugs, chemicals and medicines.**— Subdivision 1. Unless otherwise prescribed for, or specified by the customer, all pharmaceutical preparations, sold or dispensed in a pharmacy, dis-

pensary, store or place, shall be of the standard strength, quality and purity, established by the latest edition of the United States Pharmacopoeia.

Subdivision 2. Every proprietor of a wholesale or retail drug store, pharmacy, or other place where drugs, medicines or chemicals are sold, shall be held responsible for the quality and strength of all drugs, chemicals or medicines sold or dispensed by him except those sold in original packages of the manufacturer, and those articles or preparations known as patent or proprietary medicines.

Subdivision 3. Any person who shall knowingly, wilfully or fraudulently, falsify or adulterate any drug, medical substance or preparation, authorized or recognized in the said Pharmacopoeia, or used or intended to be used in medical practice or shall knowingly, wilfully or fraudulently offer for sale, sell or cause the same to be sold, shall be guilty of a misdemeanor; all drugs, medical substances, or preparations so falsified or adulterated shall be forfeited to the board and by the board destroyed.

Added by L. 1900, ch. 667.

§ 198. **Poisons; retailing of.**— It shall be unlawful for any person to sell at retail or furnish any of the poisons named in the schedules hereinafter set forth, without affixing or causing to be affixed, to the bottle, box, vessel or package, a label containing the name of the article and the word "poison" distinctly shown, with the name and place of business of the seller, all printed in red ink,

together with the name of such poisons printed or written thereupon in plain, legible characters, which schedules are as follows, to wit:

SCHEDULE A.

Arsenic, cyanide of potassium, hydrocyanic acid, cocaine, morphine, strychnia and all other poisonous vegetable alkaloids and their salts, oil of bitter almonds, containing hydrocyanic acid opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

SCHEDULE B.

Aconite, belladonna, cantharides, colchium, conium, cotton root, digitalis, ergot, hellebore, henbane, phyto-lacca, strophanthus, oil of tansy, veratrum viride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, white hellebore or any drug, chemical or preparation which according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less. Every person who shall dispose of or sell at retail or furnish any poisons included under schedule A shall, before delivering the same, make or cause to be made an entry in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quantity of

the poison, the purpose for which it is represented by the purchaser to be required and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. He shall not deliver any of said poisons without satisfying himself that the purchaser is aware of its poisonous character and that the said poison is to be used for a legitimate purpose. The foregoing portions of this section shall not apply to the dispensing of medicines or poisons on physicians' prescriptions. Wholesale dealers in drugs, medicines, pharmaceutical preparations or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated in schedule A of this act, a suitable label or brand in red ink with the word "poison" upon it. The board of pharmacy shall have authority to add to either of the above schedules, from time to time, whenever it shall deem such action necessary for the protection of the public.

Added by L. 1900, ch. 667.

§ 199. Application of article limited.— This article shall not apply to the practice of a practitioner of medicine who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such a proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, and except as to the labeling of poisons it shall not apply

to the sale of medicines or poisons at wholesale when not for the use or consumption of the purchaser, or to the sale of paris green, white hellebore and other poisons for destroying insects, or any substance for use in the arts, or to the manufacture and sale of proprietary medicines, or to the sale by merchants of ammonia, bicarbonate of soda, borax, camphor, castor oil, cream of tartar, dye stuffs, essence of ginger, essence of peppermint, essence of wintergreen, non-poisonous flavoring essence or extracts, glycerine, licorice, olive oil, salammoniac, salt petre, salsoda, epsom salts, rochelle salts, and sulphur, except as herein provided. Provided, however, that in the several places in this State outside of incorporated cities and villages, and in incorporated villages of the fourth class, said places and villages not having therein or within three miles thereof a regularly licensed pharmacy or drug store, physicians may compound medicines, fill prescriptions, and sell poisons, duly labeling the same as required by this act, and merchants and retail dealers may sell the ordinary non-poisonous domestic remedies. Any division of the state board of pharmacy, having within its territory any such village or place, shall, whenever the necessity therefor is shown to exist, grant to some resident therein, who has had experience in dealing in drugs, medicines and poisons, a permit to compound medicines, fill prescriptions and sell poison for a period not exceeding one year, upon the payment of a fee not exceeding three dollars. Such permit shall be limited to the village or

the poison, the purpose for which it is represented by the purchaser to be required and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. He shall not deliver any of said poisons without satisfying himself that the purchaser is aware of its poisonous character and that the said poison is to be used for a legitimate purpose. The foregoing portions of this section shall not apply to the dispensing of medicines or poisons on physicians' prescriptions. Wholesale dealers in drugs, medicines, pharmaceutical preparations or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated in schedule A of this act, a suitable label or brand in red ink with the word "poison" upon it. The board of pharmacy shall have authority to add to either of the above schedules, from time to time, whenever it shall deem such action necessary for the protection of the public.

Added by L. 1900, ch. 667.

§ 199. Application of article limited.— This article shall not apply to the practice of a practitioner of medicine who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such a proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, and except as to the labeling of poisons it shall not apply

to the sale of medicines or poisons at wholesale when not for the use or consumption of the purchaser, or to the sale of paris green, white hellebore and other poisons for destroying insects, or any substance for use in the arts, or to the manufacture and sale of proprietary medicines, or to the sale by merchants of ammonia, bicarbonate of soda, borax, camphor, castor oil, cream of tartar, dye stuffs, essence of ginger, essence of peppermint, essence of wintergreen, non-poisonous flavoring essence or extracts, glycerine, licorice, olive oil, salammoniac, salt petre, salsoda, epsom salts, rochelle salts, and sulphur, except as herein provided. Provided, however, that in the several places in this State outside of incorporated cities and villages, and in incorporated villages of the fourth class, said places and villages not having therein or within three miles thereof a regularly licensed pharmacy or drug store, physicians may compound medicines, fill prescriptions, and sell poisons, duly labeling the same as required by this act, and merchants and retail dealers may sell the ordinary non-poisonous domestic remedies. Any division of the state board of pharmacy, having within its territory any such village or place, shall, whenever the necessity therefor is shown to exist, grant to some resident therein, who has had experience in dealing in drugs, medicines and poisons, a permit to compound medicines, fill prescriptions and sell poison for a period not exceeding one year, upon the payment of a fee not exceeding three dollars. Such permit shall be limited to the village or

place in which such person resides and may be limited to one or more of the above classifications and to the sale of certain kinds or classes of poisons.

Added by L. 1900, ch. 667, and amended by L. 1901, ch. 648.

§ 200. Apprentices, employes, et cetera.— This article shall not be so construed as to prohibit the employment in licensed pharmacies, or drug stores, of apprentices or assistants for the purpose of being instructed in the practice of pharmacy; but such apprentices or other unlicensed employes or assistants shall not be allowed to prepare or dispense receipts or prescriptions or to sell or furnish medicines or poisons, except in the presence of and under the personal supervision of a licensed pharmacist or licensed druggist, who must either be the proprietor or owner of said pharmacy or drug store or must be in the actual employ of such proprietor or owner, and where violations of this article occur on the part of the said apprentices or other unlicensed employes in any pharmacy or store, the person, partnership, association or corporation, being the proprietor of such pharmacy or drug store, shall be equally liable as principal, for such violation.

Added by L. 1900, ch. 667.

§ 201. Penalties; expenses.— Subdivision 1. The state board of pharmacy shall not grant a license to any applicant if satisfied that the safety of the public health will be endangered by reason of the habits or character of said applicant. If any person shall have obtained a

license by misrepresentation or fraud or shall become unfit or incompetent by reason of negligence, habits, or other cause, to practice as a pharmacist, assistant pharmacist or druggist, the state board of pharmacy shall have power to revoke such license after giving such person reasonable notice and an opportunity to be heard and if any licensee shall wilfully and repeatedly violate any of the provisions of this act or the rules and regulations established by the board of pharmacy, such board may revoke his or her license upon sufficient evidence of such violation, in addition to any other punishment by law imposed for such violation.

Subdivision 2. Whenever the board shall revoke the license or registration of any pharmacist or druggist, or apprentice, it shall notify the licensed or registered person of such action and he or she shall immediately deliver to the board or its representative his or her certificate of license or registration.

Subdivision 3. Any person who shall attempt to procure or who shall procure a license or registration for himself, herself, or for any other person, under this title, by making or causing to be made any false representations shall be guilty of a misdemeanor. Any licensed pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store or place of business by any person or persons not licensed or registered; any person not licensed by said board who shall prepare or dispense a medical prescription or physicians' prescription or dispense or sell at

retail poisons or medicines except under the immediate supervision of a duly licensed person, whose certificate, license or registration is displayed in the place where the same is prepared, dispensed or sold; any person not licensed by said board who shall open or conduct or have charge of or supervise any pharmacy or drug store for retailing, dispensing or compounding medicines or poisons; any person who shall fraudulently represent himself, or herself to be licensed or any person, who knowingly refuses to permit any member of said board or inspector of pharmacy employed by said board to enter a pharmacy or drug store for the purpose of lawfully inspecting the same or intentionally prevents the lawful inspection of any place in which drugs, medicines or poisons are retailed or dispensed, or physicians' prescriptions compounded; any person whose license or certificate of registration has been duly revoked by said board and who refuses to deliver up his or her certificate or license to said board; any proprietor whose name does not appear upon the sign as herein above provided, any holder of a license or certificate of registration who fails to display the same as above provided; or any person who shall violate any of the provisions of this title, in relation to the retailing and dispensing of drugs, medicines and poisons, for which violation no other punishment is hereinbefore imposed, shall for such offense be guilty of a misdemeanor.

Subdivision 4. Any person violating any of the provisions of this article, in addition to, or irrespective of

the punishment hereinbefore provided, shall forfeit to the state board of pharmacy the sum of twenty-five dollars for every such violation, which may be sued for and recovered in the name of said board and shall be paid to state board of pharmacy for its use, as in this article provided. All fines imposed and collected, under any of the provisions of this article, shall be paid over to the state board of pharmacy.

Subdivision 5. Of the three branches of the state board of pharmacy, each shall collect and receive the amounts due from all sources in its section of the state, and apply the same to the payment of the lawful expenses of such board and the necessary expenses incurred in carrying out the provisions of this act, and of any surplus remaining thereafter in the eastern section three-fifths shall be used for the benefit of the College of Pharmacy of the City of New York, situated in the borough of Manhattan, and two-fifths for the benefit of the Brooklyn College of Pharmacy, situated in the borough of Brooklyn. Any surplus remaining thereafter in the western and middle sections shall be paid into the state treasury. Said surplus to be determined by the annual report each year, and shall be payable immediately after the annual meeting of the board, and the sums so paid to the trustees of the said colleges shall form and be known as the library fund of the colleges named.

Added by L. 1900, ch. 667.