

A BILL

FOR AN ACT TO AMEND CHAPTER 75, OF THE ACTS OF THE EIGHTEENTH GENERAL ASSEMBLY, AND CHAPTER 137, OF THE ACTS OF THE NINETEENTH GENERAL ASSEMBLY, RELATING TO THE PRACTICE OF PHARMACY.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section (3), chapter (75), of the acts of the Eighteenth General Assembly
2 be and the same is hereby amended, by adding thereto the following, to-wit: "Except that
3 the Secretary of State is authorized to furnish said commissioners with stationery and
4 blanks necessary for their office, and said commissioners are authorized to administer oaths
5 and take and certify the acknowledgments of instruments in writing.

SEC. 2. That section (8), of chapter (75), of the acts of the Eighteenth General Assembly
2 be repealed, and the following enacted in lieu thereof:

3 Sec. 8. Pharmacists whose certificates of registration are in full force and effect, shall
4 have the sole right to keep and to sell under such regulations as have been or may be
5 established from time to time by the Commissioner of Pharmacy, all medicines and
6 poisons, including intoxicating liquors only for the actual necessities of medicine; *pro-*
7 *vided*, that nothing herein contained shall be so construed as to shield the person who
8 in any wise abuses this trust, for the legitimate and actual necessities of medicine only,
9 from the utmost rigors of the law, now or hereafter in force, relating to the sale of in-
10 toxicating liquors, and in addition thereto, for repeated violations, his name shall be
11 stricken from the register by the Commissioners of Pharmacy upon receipt of transcript
12 of final conviction, which shall be transmitted by the court or by order of the court
13 before whom conviction is had. Twenty-five per cent of all moneys recovered as fines
14 under the provisions of this act shall be paid into the State Treasury, and reported to
15 the State Auditor, and held subject to the orders of the Commissioners of Pharmacy as
16 needed, to be by them used solely to defray the expenses of prosecutions and enforce-
17 ment under the act or acts to which this is amendatory. County auditors shall at any
18 time, upon written application therefor, issue to any pharmacist, within their respective
19 county, whose certificate of registration is in full force and effect, a permit to receive
20 intoxicating liquors, and the presentation of said permit to any railway company,
21 express company or common carrier within the borders, or traversing the territory of
22 the State, shall convey full authority to receive, transport and deliver intoxicating

23 liquors to the person named in such permit; *provided*, that such permit shall be for
24 specified packages and kinds of liquors, and that a certified copy of such permit shall
25 be kept on file in the office of the Auditor issuing the same. The Commissioner of Phar-
36 macy shall, on the revocation or forfeiture of any certificate of registration, subsequent
27 to their last biennial report or abstract of the State pharmacy register, report such
28 revocation or forfeiture to the county auditor of the county wherein such certificate
29 was last in force; *provided*, that any and all pharmacists shall be subject to all laws
30 now in force, or hereafter enacted to regulate the granting of permits to registered
31 pharmacists for the sale of intoxicating liquors, and to all regulations, conditions, or
32 restrictions that are now, or hereafter may be, imposed upon the holders of such per-
33 mits.

SEC. 3. That section 2, of chapter 137, of the acts of the Nineteenth General Assembly be
2 and the same is hereby amended, by striking out the words "twenty-five" in the eighth
3 line, and inserting in lieu thereof, the words "not less than one hundred, nor more than
4 two hundred," and by striking out the word "one" in the ninth line of said section, and
5 inserting in lieu thereof the word "two."

SEC. 4. That section 12, of chapter (75), of the acts of the Eighteenth General Assembly,
2 as amended, be and the same is hereby repealed, and the following enacted in lieu thereof:
3 "Physicians dispensing their own prescriptions only, are not required to be registered phar-
4 macists. And in rural districts where there are no registered pharmacists, it shall be lawful
5 for retail dealers to procure a license from the Commission of Pharmacy annually, to sell
6 non-poisonous proprietary medicines, or such domestic remedies which may be in common
7 use, which shall not include any intoxicating liquors, or compounds, or any poisonous
8 articles whatever.

SEC. 5. This act being deemed of immediate importance, shall take effect and be in force
2 from and after its publication in the Iowa State Register and the Des Moines Leader, news-
3 papers published at Des Moines, Iowa.

2 Sec. 2. That section (8), of chapter (75), of the acts of the Eighteenth General Assembly,
3 be repealed, and the following enacted in lieu thereof :

4 Sec. 8. Pharmacists whose certificates of registration are in full force and effect, shall
5 have the sole right to keep and to sell all medicines and poisons, including intoxicating
6 liquors only for the actual necessities of medicine; *provided*, that in order to include the
7 sale of intoxicating liquors he first obtain a permit from the board of supervisors of the
8 county in which such business is conducted. In order to procure such permit he shall
9 present to such board of supervisors a petition signed by at least one fourth of the free-
10 holders having the qualification of electors of the township, town or ward wherein such
11 business is located, certifying that the registered pharmacist applying is a person of
12 good moral character, is twenty-one years of age and is, and for the six months last pre-
13 ceding has been, lawfully conducting a pharmacy as proprietor in such township, town
14 or ward, and that they believe him to be a proper person to buy and sell intoxicating li-
15 quors for the purposes named in this act. He shall make and file a bond to be approved
16 by the auditor of the county where the application is made in the sum of five hundred
17 (\$500.00) dollars, with two or more sureties, who shall qualify in double the amount of said
18 bond, conditioned that he will carry out the provisions of all laws now or hereafter in
19 force relating to the sale of intoxicating liquors for the actual sale of medicines only, and
20 which said bond shall run in the name of the State. Upon presentation of such certificate
21 and bond to the county auditor a day shall be fixed by said auditor for the final hearing
22 of the application by the board of supervisors. At such final hearing, any resident of the
23 county may appear and show cause why said permit should not be granted, and the
24 same shall be refused unless the board shall be fully satisfied that the requirements of
25 the law have, in all respects, been fully complied with, that the applicant is a person of
26 good moral character, and that the statements contained in the petition prescribed
27 herein are true. If at any time after the granting of said permit, a remonstrance,
28 signed by a majority of the electors of either the township, town or ward, as shown by
29 the last preceding municipal or township election, shall be presented to said board
30 against the continuance of such permit by the pharmacist holding the same, said board
31 shall revoke such permit thirty (30) days after notice of the presentation of such remon-
32 strance shall have been given to the holder of such permit. It shall be unlawful for the
33 proprietor holding a permit to allow any of his clerks who are not registered pharma-
34 cists, to sell or dispense liquors under this act, and the holder of such permit, or any of
35 his registered clerks shall first require the purchaser to sign duplicate applications for
36 such intoxicating liquors, stating therein the quantity and the kind desired, and the
37 purpose for which the same is to be used; such applications shall be uniform through-
out the State, and in such form as the Commissioners of Pharmacy may prescribe. The

38 pharmacist who dispenses and sells the intoxicating liquors shall countersign each of
39 the applications made by the purchaser as prescribed herein, at the time of filling such
40 order, with the number of his certificate. The registered pharmacist to whom applica-
41 tion is made shall refuse to execute same, if he has reason to believe the application is
42 not made in good faith, and that the liquor would be used as a beverage. He shall not
43 accept an application from a minor or from any person who is in the habit of becoming
44 intoxicated, or when any relative of such person has given written notice to said phar-
45 macist that such person uses intoxicating liquors as a beverage. The drinking of intox-
46 icating liquor in a pharmacy, whether under a permit or not, shall be presumptive
47 evidence that such sale was for a beverage. The bond shall be deposited with the Com-
48 missioners of Pharmacy of the State of Iowa, and suit shall be brought thereon at any
49 time in the name of the State by the Attorney General or county attorney, in case the
50 conditions thereof, or any of them, shall be broken. All moneys collected thereon shall
51 be paid into the State treasury, and one-third of such amount may be drawn therefrom
52 upon requisition of the Commissioners of Pharmacy to be used only in the enforcement
53 of this act. For the first offense, the court before whom such suit is brought, upon proof
54 of mitigating circumstances, may remit four-fifths of the said penalty, and the remain-
55 der thereof shall be paid into the State treasury to be drawn out upon requisition of the
56 Commissioners of Pharmacy to be applied by them as aforesaid. For the second and
57 subsequent offenses the forfeiture of said bond shall be absolute and without remission,
58 and in addition thereto upon conviction of a registered pharmacist for such second of-
59 fense or violation of this act, his certificate shall be null and void and his name shall be
60 stricken from the register by the Commissioners of Pharmacy upon receipt of transcript
61 of final conviction, which shall be transmitted by the court or by order of the court be-
62 fore whom conviction is had. On or before the tenth day of each month, the phar-
63 macist holding a permit shall make a report to the county auditor showing the sales
64 of intoxicating liquors made by him under the same during the last preceding calendar
65 month. And he shall return and file with the auditor one set of duplicate applications
66 herein referred to. All registered pharmacists whose certificates are in full force and
67 effect and all physicians are hereby authorized to buy, keep and use such alcohol and in-
68 toxicating liquors as may be required for the lawful purpose of compounding medicines
69 that cannot be used as a beverage, and all registered pharmacists holding permits to
70 sell shall have the right to wholesale such liquors for the lawful purpose of compound-
71 ing medicines only, to registered pharmacists or registered physicians who have no per-
72 mits to sell. The county auditor shall issue a transportation certificate, to any regis-
73 tered pharmacist or physician who is authorized by this act to keep intoxicating liquors.
74 All registered pharmacists or physicians who have the right under this act, to buy, keep

75 and use such liquors for the purposes of compounding medicines that can not be used
76 as a beverage, who shall give or sell such liquors to another, to be used as a beverage,
77 or who shall under pretense of using same for medicinal purposes, use or prescribe such
77 liquor when the same is not necessary, with the intent to evade the law or permit its
78 violation, shall be guilty of a misdemeanor and on conviction he shall be punished, as
79 provided in section 1540 of the Code of 1873, and in addition thereto the registered phar-
80 macist who is convicted of a violation of the aforesaid privilege, for compounding only,
81 shall have his certificate of registration revoked, as heretofore provided for the registered
82 pharmacist who has the permit to sell. The Commissioners of Pharmacy shall, on the
83 revocation or forfeiture of any certificate of registration, subsequent to their last bien-
84 nial report or abstract of the State pharmacy register, report such revocation or forfeit-
85 ure to the county auditor of the county wherein such certificate was last in force.

A BILL

FOR AN ACT TO AMEND CHAPTER 75, OF THE ACTS OF THE EIGHTEENTH GENERAL ASSEMBLY, AND CHAPTER 137, OF THE ACTS OF THE NINETEENTH GENERAL ASSEMBLY, RELATING TO THE PRACTICE OF PHARMACY.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section (3), chapter (75), of the acts of the Eighteenth General Assembly
2 be and the same is hereby amended, by striking out the words “without expense to the
3 State” at the end of said section, and inserting in lieu thereof, the words “the Secretary of
4 State is authorized to furnish said commissioners with stationery and blanks necessary for
5 their office.”

SEC. 2. That section (8), of chapter (75), of the acts of the Eighteenth General Assembly
2 be repealed, and the following enacted in lieu thereof: “Pharmacists whose certificates of
3 registration are in full force and effect, shall have the right to keep and to sell under such
4 regulations as have been, or may be established from time to time by the Commissioner of
5 Pharmacy, all medicines and poisons; *provided*, that nothing herein contained shall be so
6 construed as to shield the person who in any wise abuses this trust, for the legitimate and
7 actual necessities of medicine only, from the utmost rigors of the law, now or hereafter in
8 force, relating to the sale of intoxicating liquors, and in addition thereto, for repeated viola-
9 tions, his name shall be stricken from the register by the Commissioners of Pharmacy upon
10 receipt of transcript of final conviction, which shall be transmitted by the court or by
11 order of the court before whom conviction is had. Twenty-five per cent of all moneys recov-
12 ered as fines under the provisions of this act shall be paid into the State Treasury, and re-
13 ported to the State Auditor, and held subject to the orders of the Commissioners of
14 Pharmacy as needed, to be by them used solely to defray the expenses of prosecutions and
15 enforcement under the act or acts to which this is amendatory. County auditors shall at
16 any time, upon written application therefor, issue to any pharmacist, within their respect-
17 ive county, whose certificate of registration is in full force and effect, a permit to receive
18 intoxicating liquors, and the presentation of said permit to any railway company,
19 express company or common carrier within the borders, or traversing the territory of the
20 State, shall convey full authority to receive, transport and deliver intoxicating liquors to
21 the person named in such permit; *provided*, that such permit shall be for specified pack-
22 ages, and kinds of laquors, and that a certified copy of such permit shall be kept on file in

23 the office of the auditor issuing the same. The Commissioners of Pharmacy shall, on the
24 revocation or forfeiture of any certificate of registration, subsequent to their last biennial
25 report or abstract of the State pharmacy register, report such revocation or forfeiture to
26 the county auditor of the county wherein such certificate was last in force.

SEC. 3. That section 2, of chapter 137, of the acts of the Nineteenth General Assembly
2 be and the same is hereby amended, by striking out the words "twenty-five" in the eighth
3 line, and inserting in lieu thereof, the words "not less than one hundred, nor more than two
4 hundred," and by striking out the word "one" in the ninth line of said section, and insert-
5 ing in lieu thereof, the word "two."

SEC. 4. That section 12, of chapter (75), of the acts of the Eighteenth General Assembly,
2 as amended, be and the same is hereby repealed, and the following enacted in lieu thereof :
3 "Physicians dispensing their own prescriptions only, are requested to be registered phar-
4 macists.

SEC. 5 This act being deemed of immediate importance, shall take effect and be in force
2 from and after its publication in the Iowa State Register and the Des Moines Leader, news-
3 papers published at Des Moines, Iowa.

AMENDMENTS TO HOUSE FILE No. 464.

That all the words after by in the second line of section (1), to the third word "the" in
2 line (3) of same section be stricken out, and adding thereto the following, to-wit: "except
3 that."

Also: in line (5), of section (1), a comma be placed after the word "office," and the follow-
2 ing be added: and said Commissioners are authorized to administer oaths, and take and
3 certify the acknowledgments of instruments in writing.

Also: in line (2), of section (8), after the word "the" the word "sole" be inserted.

Also: in line (4), of section (8), after the word poisons, insert the following: "Including
2 intoxicating liquors only for the actual necessities of medicine." That section (2), of said
3 bill be amended by adding thereto the words: *provided*, that any and all pharmacists shall
4 be subject to all laws now in force, or hereafter enacted to regulate the granting of permits
5 to registered pharmacists for the sale of intoxicating liquors, and to all regulations, condi-
6 tions, or restrictions that are now, or hereafter may be, imposed upon the holders of such
7 permits.

Also: that section (12), be amended as follows: And in rural districts where there are no
2 registered pharmacists, it shall be lawful for retail dealers to procure a license from the
3 Commission of Pharmacy annually, to sell non-poisonous proprietary medicines, or such do-
4 mestic remedies which may be in common use which shall not include any intoxicating
5 liquors, or compounds, or any poisonous articles whatever.