

No. 902, A.]

[Published July 1, 1907.

CHAPTER 455.

AN ACT to amend section 4102 of the statutes, relating to the taking of depositions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4102 of the statutes is amended to read:
* * * * *

Approved June 29, 1907.

(In effect from and after date of publication.)

No. 206, A.]

[Published July 1, 1907.

CHAPTER 456.

AN ACT to amend sections 1409b, 1409c, 1409d, 1409f and 1409g, statutes of 1898, as amended, and to create section 1409e—1, relating to the practice of pharmacy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1409b, statutes of 1898, is amended to read:
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SECTION 2. Section 1409c, statutes of 1898, is amended to read:
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SECTION 3. Section 1409d, statutes of 1898, as amended by chapter 340, laws of 1901, is amended to read:
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SECTION 4. There is added to the statutes of 1898 a new section to read:
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SECTION 5. Section 1409f, statutes of 1898, is amended to read:

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SECTION 6. Section 1409g, statutes of 1898, as amended by chapter 289, laws of 1899, is amended to read:

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Approved June 29, 1907.

(In effect from and after date of publication.)

No. 76, A.]

[Published July 1, 1907.

CHAPTER 457.

AN ACT to amend section 1935 of the statutes, relating to town mutual fire insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1935 of the statutes is amended to read:

* * * * *

Approved June 29, 1907.

(In effect from and after date of publication.)

between the bottom board and the second board being not more than six inches, and the space between the second board and the first wire not more than six inches.

(g) * * * A fence consisting of a combination of wire and pickets with posts well set not more than sixteen feet apart and connected by three or more wires not less than No. 12, with pickets not less than four feet long woven in or fastened thereto, and set not more than six inches apart.

(h) * * * All fences consisting of rails, boards or stone walls or any combination thereof, and all brooks, rivers, ponds, creeks, ditches or hedges, which shall in the judgment of the fence viewers, within whose jurisdiction the same may be, be considered equivalent to either of the fences herein mentioned.

2. All measurements herein mentioned shall be made at the place of attachment in all cases.

3. *In all fences the space between ground and the woven wire and between the ground and the bottom of the pickets shall not be more than four inches.*

(Ch. 31, 1907.)

Practice of pharmacy: state board members must be active practitioners. SECTION 1409b. 1. The board of pharmacy of this state, as heretofore constituted, is continued, and the rules, regulations and by-laws thereof, so far as they are not inconsistent with the provisions of this chapter, shall continue in effect. Such board shall consist of five members who shall be resident pharmacists. *All members of such board hereafter appointed shall be actively engaged in the practice of pharmacy at the time of their appointment.* They shall be appointed for a term of five years and until their successors are qualified; vacancies shall be filled for the unexpired term.

2. The Wisconsin pharmaceutical association shall annually elect three pharmacists, whose election shall be certified to the govern by the president and secretary of such association, from which number or from the persons previously so elected and certified the governor shall fill any vacancy in the board of pharmacy, whether occurring by the expiration of a term or otherwise.

(Ch. 456, 1907.)

April for board's annual meeting. SECTION 1409c. 1. Said board shall hold an annual meeting in the month of * * * April, the time and place to be designated by its president and

secretary. Three members shall constitute a quorum. At such meeting the president, secretary and treasurer shall be elected for the term of one year and until their successors are qualified: the secretary and treasurer may or may not be members of the board. By-laws may be made by the board for its government and the regulations of the performance of its duties.

2. Meetings of the board shall be held at least once in three months for the examination of applicants for registration as pharmacists and assistant pharmacists and for the transaction of other business; thirty days' public notice of meetings held for such examination shall be given in such manner as the by-laws provide.

3. All applicants for registration who make application in accordance with the by-laws of the board and the provisions of this chapter, shall be examined and if found competent shall be granted certificates.

4. The board shall cause the prosecution of all persons violating any of the provisions of this chapter, report annually to the governor and the Wisconsin pharmaceutical association upon the condition of pharmacy in this state, and give therein a record of its proceedings, the receipts and disbursements, and the names of all persons registered as pharmacists or assistant pharmacists.

5. The secretary shall keep a record of the proceedings of the board and a book in which he shall enter the names and the places of business of all persons registered under this chapter; such book shall be prima facie evidence as to who are registered pharmacists or registered assistant pharmacists. He shall receive a salary to be fixed by the board and be reimbursed the amount actually and necessarily expended for traveling and other expenses in the performance of his official duties, and shall give such bond as the board may from time to time require.

6. The members of the board shall each receive five dollars for every day they are actually engaged in the performance of their duties and be reimbursed the sum of their actual expenses in attending meetings.

7. All disbursements of whatever nature or for whatever purpose shall be made from the fees received by the board; no part thereof shall be paid out of the state treasury. The treasurer shall hold all moneys received in excess of the amount necessary to meet claims allowed as a fund from which to pay future expenses.

Registration: assistants; character a test. SECTION 1409d. 1. All persons now registered as pharmacists or *assistant pharmacists* by such board may continue to practice their profession by complying with the provisions of this chapter. Certificates of registration as pharmacists shall be issued to such persons of twenty-one years of age or over as shall have had five years' practical experience in a drug store or drug stores, in which prescriptions of medical practitioners were compounded during that time and who shall pass a satisfactory examination under the board of pharmacy and comply with the provisions of this chapter.

2. Provided, that graduates of the several courses of the department of pharmacy of the university of this state and of other universities and colleges giving like courses shall be entitled to such certificates upon proof of two years' practical experience in such a drug store or stores, the passing of such examination and compliance with the other provisions of this chapter.

3. * * * Proof of experience, graduation and character herein required shall be made to the satisfaction of the board.

4. Every registered pharmacist shall be entitled to continue the practice of his profession by annually, at such time as the board of pharmacy may determine, making application thereto for the renewal of his certificate and paying the fee hereinafter required: if he fails to procure a certificate of renewal for sixty days after the secretary of the board shall have given him a second notice of the expiration of his registration, he shall cease to be such a pharmacist within the meaning of this chapter, and shall not become such until he shall be examined as provided in this section.

5. *The board of pharmacy may refuse to grant a certificate of registration to any person guilty of felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such extent as to render him unfit to practice pharmacy; and the board of pharmacy may, after due notice and hearing, revoke a certificate for like cause, or any license or certificate which has been procured by fraud.*

(Ch. 456, 1907.)

Drugs: merchants' sale permits. SECTION 1409e—1. In rural districts where there is no person licensed as a pharmacist or as an assistant pharmacist, within less than three miles, the board of pharmacy may issue permits to dealers in general

merchandise to sell such drugs and medicines as may be specified by the board, which permit shall run for a period of one year.

(Ch. 456, 1907.)

Fees: refundment; merchant's. SECTION 1409f. 1. Any person who shall wilfully make a fraudulent statement or representation to procure registration for himself or any other person under the provisions of this chapter, or who shall violate any such provisions for which a specific penalty or forfeiture is not declared, shall for each and every such offense forfeit fifty dollars.

2. Every person making application for registration shall, at the time thereof, pay five dollars, * * * *one dollar* * * * of which shall be refunded if such application is denied.

3. Every person applying for the renewal of a certificate shall, at the time of making application, pay such fee as the board may have fixed, not exceeding one dollar.

4. *Every person applying for a permit to dealers in general merchandise to sell drugs and medicines as provided in section 1409e—1, shall pay such fee as the board of pharmacy may fix, not exceeding five dollars.*

5. Every certificate of registration as a registered pharmacist or as a registered assistant pharmacist and every renewal thereof in force *and every permit to dealers in general merchandise*, shall be conspicuously exposed in the pharmacy *or other places of business* in which the person to whom it is granted is employed; failure or neglect to so expose the same shall subject such person to a forfeiture of ten dollars for each and every such failure or neglect.

(Ch. 456, 1907.)

Registered assistants' rights: proprietary medicines; what drugs open to general sale. SECTION 1409g. 1. Any person who shall retail, compound or dispense or permit to be retailed, compounded or dispensed drugs, medicines or poisons, except paris green put up in packages labeled "paris green, poison," or institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons in any town, city or village having five hundred or more inhabitants, unless such person shall be a registered pharmacist, or shall employ and place in charge of such pharmacy, store or shop a registered pharmacist, shall forfeit fifty dollars for each offense.

2. *Provided, that a registered assistant pharmacist may compound and dispense prescriptions and vend drugs, medicines and poisons under the personal supervision of a registered pharmacist, and during the temporary absence of the registered pharmacist such drug store or pharmacy may be left in charge of a registered assistant pharmacist without incurring such forfeiture.*

3. *Temporary absence as used in this section shall mean such brief absences as are incident to the transaction of business, going to meals, etc. When it becomes necessary for the registered pharmacist to be absent for a longer period such drug store or pharmacy may be left in charge of an assistant pharmacist not to exceed ten days.*

4. Any person who shall retail, compound or dispense or permit to be retailed, compounded or dispensed drugs, medicines or poisons, except paris green put up in packages labeled "paris green, poison," in his store or place of business in towns, cities or villages having less than five hundred inhabitants, or institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons in any town, city or village having less than five hundred inhabitants, unless such person shall be a registered pharmacist or registered assistant pharmacist, or shall employ and place in charge of such pharmacy, store or shop a registered pharmacist, or registered assistant pharmacist shall forfeit fifty dollars for each offense. * * *

5. Nothing herein shall * * * interfere with any practicing physician * * * when dispensing his own medicines, or supplying his patients with such articles as may seem to him proper.

6. *Nor interfere with the general sale of proprietary medicines if the same shall be sold in sealed packages labeled to comply with the federal pure food and drug law with the directions for using, together with the name of the manufacturer and his location; nor with the sale of alum, ammonia, borax, bay rum, bicarbonate of soda, cream of tartar, concentrated lye, olive oil, sal ammoniac, sal soda, sulphur, copperas, epsom salts, glauber salts, castor oil, glycerine, senna leaves, indigo, blue vitriol, turpentine, wood alcohol and denatured alcohol.* * * *

(Ch. 456, 1907.)

Dairy and food commissioner: food conventions; maximum expense of analyses. SECTION 1410d. The governor may authorize the commissioner or his assistants, *chemists or in-*