

No. 400, A.]

[Published April 25, 1895.]

## CHAPTER 227.

AN ACT to amend chapter 167, of the laws of 1882, as amended by chapter 146, of the laws of 1885, and chapter 460, of the laws of 1887, relating to the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the state of Wisconsin.

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

Board of pharmacy established—composition and term of office.

SECTION 1. Chapter 167, of the laws of 1882, as amended by chapter 146, of the laws of 1885, and as amended by chapter 460, of the laws of 1887, is hereby amended so as to read when amended as follows: There is hereby established a board of pharmacy of the state of Wisconsin. Such board shall consist of five resident pharmacists. The term of office of the members of said board shall be five years each, and until their successors have been duly appointed and qualified, so ordered that the term of one member of said board shall expire each year. Death, removal from state, or resignation of a member shall constitute a vacancy, which shall be filled for the remainder of the term by appointment as in the case of an expiration. Said board shall have the powers specified in this act.

Three pharmacists to be elected annually for recommendation to the governor.

SECTION 2. The Wisconsin Pharmaceutical Association shall annually elect three pharmacists for recommendation to the governor of the state. Upon the expiration of the term of office of any member of the board of pharmacy, or in case of vacancy on said board, the governor shall appoint a successor, or fill such vacancy by appointing a person who shall have been at some time recommended by said association.

SECTION 3. The said board shall hold an annual meeting in the month of March, the time and place of which shall be designated by the president and secretary of the board. At such annual meeting said board shall elect a president, secretary and treasurer, who shall hold office until the next annual meeting, and until their successors are elected and qualified; provided, that the board may appoint as secretary and treasurer some member not a member of the board. The said board shall have power to make by-laws for the government of the board, and for the proper execution of its duties. The board shall hold meetings for the examination of applicants for registration as pharmacists and assistant pharmacists, who shall be known as "Registered Pharmacists" and "Registered Assistant Pharmacists." Said meetings shall be held at least once in three months, and any business may be transacted at such meetings which pertains to the duties of the board. Thirty days' public notice of a meeting, when held for the purpose of examination, shall be given by said board. The board shall examine all applicants for registration when application shall be made in accordance with the by-laws of the board and with this act, and when applicants shall be found competent they shall be granted certificates of registration. The board shall grant certificates of registration and register such persons as may be entitled to the same under this act. They shall cause the prosecution of all persons violating any of the provisions of this act, shall report annually to the governor, and to the Wisconsin Pharmaceutical Association upon the condition of pharmacy in the state, which report shall also contain a record of the proceedings of the board for the year preceding, the receipts and disbursements of the board, the names of all persons registered as pharmacists, or assistant pharmacists. Three members of said board shall constitute a quorum. The secretary of said board shall keep a record of the proceed-

Annual meeting of the board to be in March. What proceedings shall be had. Duties of the board defined.

Examination of candidates.

secretary to receive a salary and traveling and other expenses.

ings of the board and shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act, with the reason justifying their registration. Such books shall be prima facie evidence of what persons are registered pharmacists and registered assistant pharmacists in this state. The secretary shall receive a salary to be determined by the board, and his traveling and other expenses incurred in the performance of his official duties, and shall give such bond as the board shall from time to time direct. The other members shall receive the sum of five dollars for each day actually engaged in such service, with the necessary expenses incurred in attending meetings of the board. Such salary, compensation, expenses and other disbursements by the board shall be paid from the fees received by the board under this act and no part thereof shall be paid out of the state treasury. All moneys received by the board in excess of the disbursements made by the board shall be held by the treasurer as a fund from which to pay the expenses of the board.

All persons now registered entitled to practice.

Conditions upon which certificates shall be issued.

SECTION 4. All persons now registered as pharmacists by the board, shall be entitled to practice their profession in accordance with this act. The board shall hereafter issue certificates of registration, and register as pharmacists, those persons who shall be twenty-one years of age or over, and shall have had five years' practical experience in a drug store, wherein prescriptions of medical practitioners are compounded, and shall sustain a satisfactory examination before the board, and shall comply with the provisions of this act, and graduates of the several courses of the department of pharmacy of the University of Wisconsin, and of other universities and colleges giving like courses, shall be entitled to certificates of registration upon proof of two years' instead of five years' practical experience in a drug store, and upon sustaining like examinations

and complying with the other provisions of this act. All of which facts shall be made to appear to the satisfaction of the board. Such persons as are now registered, or may hereafter be registered under this act, shall be entitled to practice their profession under such registration until the expiration of the time for the renewal thereof under this act, and upon failure to renew such registration, as herein provided, such registration shall cease and be invalid.

SECTION 5. Every registered pharmacist who desires to continue the practice of his profession, shall annually, during the time he shall continue such practice, on such date as the board may determine, apply for the renewal of his registration and pay the fee herein provided for such renewal. If any registered pharmacist fails to procure a certificate of renewal for sixty days after the secretary of the board shall have mailed him a notice a second time of the expiration of his registration, he shall cease to be a registered pharmacist within the meaning of this act. Such person to again become a registered pharmacist shall proceed as required for an original registration.

Renewals of certificates—  
How obtained.

SECTION 6. Said board shall issue a certificate and register such persons as registered assistant pharmacists, as shall have reached the age of eighteen years and have had two years' practical experience in drug stores, where prescriptions of medical practitioners are compounded, and shall pass a satisfactory examination before said board, and shall comply with the provisions of this act; all of which facts shall be made to appear to the satisfaction of the board. Every registered assistant pharmacist, who desires to continue the practice of pharmacy, as in this act provided, shall annually, during the time he shall continue such practice, on such date as the board may determine, apply for a renewal of his registration and pay the fee herein provided for such renewal. If any registered assistant pharmacist shall fail to take out a certificate of renewal for sixty days after the secretary of the board

Certificates to be issued to assistant pharmacist. Conditions of same.

shall have mailed him a second notice of the expiration of his registration, he shall cease to be a registered assistant pharmacist, within the meaning of this act. Such persons to again become registered assistant pharmacists, shall proceed as required for original registration.

Certificates to be conspicuously exposed.

SECTION 7. Every certificate of registration and the renewal thereof, which is in force, shall be conspicuously exposed in the pharmacy in which the pharmacist, to whom it is issued, practices. And if any registered pharmacist, or any registered assistant pharmacist, shall fail or neglect to so conspicuously expose such certificate, or renewal, he shall forfeit ten dollars for each and every such failure or neglect.

Fee for registration and renewal of same.

SECTION 8. Every person applying for registration shall pay the board a fee of five dollars at the time of making the application, and if the board shall for any reason refuse to register the applicant, three dollars thereof shall be refunded. Every person applying for renewal of a certificate of registration shall pay the board, at the time of making the application, such fee as may be fixed by the board, which fee shall not exceed the sum of two dollars.

Poisons to be sold by registered pharmacists except in cities and villages of less than 500 people.

SECTION 9. It shall be unlawful for any person to retail, compound or dispense drugs, medicines or poisons, except Paris Green put up in packages, labeled "Paris Green, Poison," or to 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. And in case any person shall so retail, compound or dispense drugs, medicines or poisons, or shall so institute or conduct a pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines, or poisons, he shall forfeit forty dollars for each such offense. Any person who shall permit the compounding or dispensing of prescriptions,

or the vending of drugs, medicines or poisons in his store or place of business in a town, city or village having five hundred or more inhabitants, except by a registered pharmacist, shall forfeit fifty dollars for each such offense. It shall be unlawful for any person to retail, compound or dispense medicines, drugs or poisons, or to 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, and in case any person shall so retail, compound or dispense, drugs, medicines or poisons, or shall institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons, he shall forfeit fifty dollars for each such offense. Any person who shall permit the compounding or dispensing of prescriptions or the vending of drugs, medicines or poisons in his store or place of business in a town, city or village having less than five hundred inhabitants, except by registered pharmacists or a registered assistant pharmacist, shall forfeit fifty dollars for each such offense; provided, that under the personal supervision of a registered pharmacist, a registered assistant pharmacist may compound or dispense prescriptions and vend drugs, medicines or poisons without such forfeiture being incurred; and provided, that nothing herein shall be construed to in any manner interfere with any physician in regular practice from dispensing his own medicines or prevent him supplying his patients with such articles as may seem to him proper, or interfere with the making and vending of proprietary medicines in sealed packages with the name of the contents, the directions for using, and the name of the pharmacist registered in this state, or physician by whom prepared or compounded, thereon, nor

with the sale of the usual domestic remedies, or with the exclusively wholesale business of any dealer.

Penalty for fraudulent representation.

SECTION 10. Any person who shall wilfully make a fraudulent statement or representation to procure registration for himself, or for any other person, under this act, or who shall violate any provision of this act, for which a specific penalty or forfeiture is not provided, shall for each and every such offense forfeit the sum of fifty dollars.

Druggists are responsible for quality of drugs dispensed.

SECTION 11. Every owner or conductor of a drug store shall be responsible for the quality of all drugs, chemicals or medicines, sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles known as patent or proprietary medicines. And should any owner or conductor of a store intentionally and fraudulently adulterate, or cause to be adulterated, any drugs, chemicals or medical preparations sold in such store, he shall, for any and every such offense forfeit the sum of one hundred dollars, and if such person shall be a registered pharmacist, or a registered assistant pharmacist, his registration and certificate of registration may be, by said board, revoked and annulled; whereupon such person shall cease to be a registered pharmacist or registered assistant pharmacist.

Poisons to be distinctly labeled as such.

SECTION 12. No person shall sell or retail any poison commonly recognized as such, except Paris Green put up in packages and labeled "Paris Green, Poison," and especially aconite, arsenic and its preparations, belladonna, biniodide of mercury, carbolic acid, chloral hydrate, chloroform, conium, corrosive sublimate, creosote, croton oil, cyanide of potassium, digitalis, hydrocyanic acid, morphine, nux vomica, oil of savin, oil of tansy, oil of bitter almonds, oil of cloves, opium, ovalic acid, opium and preparations of opium, phosphorus, sulphuric ether, strychnine, sugar of lead, sulphate of zinc, white precipitate, red precipitate, or any mixture containing enough of any of said poisons or of any combination of them sufficient to kill

a person taking the same, without affixing to the box, bottle, vessel or package containing the same, and to the wrapper or cover thereof, a label bearing the name "poison" distinctly shown, together with the name and place of business of the seller. And every person who shall sell or retail any such poison, shall keep in his place of business a book, in which shall be entered an accurate record of the sale of all poisons; such record shall contain the amount purchased, the date, for what purpose purchased and the buyer's name and address. This record shall be at all times, during ordinary business hours, subject to the inspection of the district attorney of the county in which such store is located, or of any authorized agent of said board. Any person failing or neglecting to comply with any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction be punished by a fine not exceeding fifty nor less than five dollars.

SECTION 13. All actions for the recovery of the several forfeitures or penalties prescribed in this act, may be instituted in any court, having jurisdiction thereof, by any member of the board, and the members of said board are specially directed to institute such action. It shall be the duty of the district attorney, of the county wherein such forfeitures or penalties are incurred, to prosecute all persons incurring any forfeiture or penalty when notified of the same, by said board, or any officer or agent thereof. Upon complaint made to any justice of the peace by any member of said board, showing that forfeiture has been incurred under this act, and that such justice of the peace has jurisdiction of an action therefor, such justice of the peace shall issue process thereon, as provided by statute, for the collection of forfeitures.

Actions to recover penalties—how instituted.

SECTION 14. The Board of Pharmacy, of the State of Wisconsin, as at present constituted, shall continue with all of the powers and duties with which the board is invested by this act. The present members of said board shall hold

Present board to continue as constituted.

their office for the term for which they have been heretofore appointed, respectively, as designated in their appointment. The present officers of said board shall hold their respective offices until the expiration of the time for which they have been elected. The rules, regulations, by-laws and acts of said board shall continue in force and effect.

Repealing  
clause.

SECTION 15. All acts or provisions regulating the practice of pharmacy and the sale of poisons within this state, enacted prior to the passage of this act, are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1895.

No. 144, A.]

[Published April 17, 1895.

## CHAPTER 228.

AN ACT to create a municipal court in and for Vilas county.

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

Municipal  
court for Vilas  
county created.

SECTION 1. There is hereby created and established in and for the county of Vilas a municipal court, with the powers and jurisdiction hereinafter specified and provided.

Date of elec-  
tion of judg-  
and term of  
office.

SECTION 2. On the first Tuesday in April, 1895, and every four years thereafter, there shall be elected in the county of Vilas in the same manner as county judges are elected, one municipal judge, who shall hold his office for the term of four years from the first Monday of May next following his election, and until his successor is elected and qualified; and in case of vacancy occurring in the office of municipal