

No. 347, A.]

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CHAPTER 349.

AN ACT to amend section 1548a of the statutes of 1898 relating to excise and the sale of intoxicating liquors.

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

Pharmacist's permit; fee; conditions. SECTION 1. Section 1548a of the statutes of 1898 is hereby amended so as to read as follows: Section 1548a. Every town and village board and every common council may, upon written application therefor, grant to such registered *pharmacist*, as they may deem proper, permits to sell within their respective towns, villages or cities, strong, spirituous and ardent liquors in quantities less than one gallon for medicinal, mechanical or scientific purposes only and not to be drank on the premises. The sum to be paid for such permit shall be ten dollars and it shall be granted and issued in the manner and terminate at the same time as the license provided for in the preceding section; but it shall not be necessary for any such pharmacist to furnish the bond required by section 1549; *provided, however, that in any town, village or city where license for the sale of intoxicating liquors is not granted, no sale for either medicinal, mechanical or scientific purposes shall be made by any such pharmacist until the person purchasing the same shall for each sale make and file a certificate in writing dated and subscribed by him and witnessed by such registered pharmacist, stating for what purpose the liquor so desired is to be used and is not for a beverage; and also stating, in case of a sale for medicinal purposes on a physician's prescription its date and number and the name of the physician issuing the same. Such certificate and prescription shall be filed and preserved with the book hereinafter mentioned, be considered a public record at all times open to inspection by any member of the town or village board or council, or any peace officer mentioned in section 1553, and be produced in court; and at the end of each month all such certificates and prescriptions received by him shall be filed with the town, village or city clerk.* If any such board or council shall refuse to grant any such permit, any registered pharmacist may nevertheless sell such liquors for medicinal purposes only on such certificate and a written prescription for each

sale of a practicing physician who is competent to testify in a professional capacity as provided in section 1436. It shall be the duty of every pharmacist * * * to keep a book in which he shall enter the date, kind and quantity of every sale of any such liquor made by him, the name of the person to whom it was sold, and the purpose for which the sale was made. * * * Every such pharmacist shall on the third Tuesday in April of each year file with the clerk of the town, village or city in which he does business a verified copy of all the entries in such book. Any person who shall make any false *certificate, statement or representation to any physician to secure a prescription for such liquor or to a registered pharmacist, * * ** or to any of his clerks and employees, for the purpose of inducing either of them to sell any liquor for use for any other than medicinal, mechanical or scientific purposes, and shall thereby *secure such prescription and * * * a sale thereof to be made in violation of law, and any such pharmacist who shall refuse or neglect to comply with any of the requirements of this section, shall be punished by a fine of not less than forty dollars nor more than two hundred dollars, besides the cost of suit, or by imprisonment in the county jail not less than thirty days nor more than eight months. If any pharmacist shall be convicted of violating any of the provisions of this chapter, the court in rendering judgment for such conviction may make an order cancelling and annulling defendant's permit and also his certificate as a registered pharmacist, if any, or the permit and such certificate of the person, firm or corporation, or any member thereof, for whom he is acting or by whom he is employed, if such offense he committed with his or their knowledge or consent; and may also direct the abatement and closing of his or thcir place of business as a nuisance for not less than threc months nor more than one year; and in case of a second or any subsequent conviction within one year after any other conviction the court shall make such orders and during such time no permit or certificate shall be issued to the defendant, or the person, firm or corporation whose permit or certificate was cancelled; or to any other person, firm or corporation for carrying on such business at such place.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.