

AN ACT TO AMEND SECTION TWO, SUBSECTIONS (C), (F), AND (I) OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND SIXTY-TWO, ENTITLED "AN ACT PROVIDING THAT THE BOARD OF PHARMACEUTICAL EXAMIN...

Acts No. 4162, December 01, 1934

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section two, subsection (c) of Act Numbered Twenty-seven hundred and sixty-two, is hereby amended to read as follows:

"(c) To collect samples of drugs, medicines, specifics, remedies, beauty preparations, toilet articles, and similar products displayed for sale or imported through the customhouses of the Philippine Islands for medicinal or aesthetic purposes, for the purpose of forwarding the same, in accordance with the provisions of this Act and the regulations issued thereunder and of the pure food and drugs Acts, to the Bureau of Science for analysis and examination; and to exclude from sale those not conforming to the standards of quality, concentration, and purity established by the Pharmacopoeia of the United States, last edition, or by recognized formularies, provided the person concerned certify in writing to the authenticity of the formula taken from a foreign formulary."

SEC. 2. Section two, subsection (f), of Act Numbered Twenty-seven hundred and sixty-two, is hereby amended to read as follows:

"(f) To classify, regulate and issue license to persons of good moral character for the sale of drugs, medicines, and household remedies of common use, upon examination satisfactory to the Board. Such license shall be good for one year only for pueblos or barrios in which no pharmacy exists and which are situated not less than five kilometers away from any pharmacy."

SEC. 3. Section two, subsection (i), of Act Numbered Twenty-seven hundred and sixty-two, is hereby amended to read as follows:

"(i) To revoke certificate of registration obtained through error or fraud. It may reprimand, suspend or revoke at its discretion any holder of a certificate of registration as druggist, pharmacist, or practicante de farmacia or holder of a license to sell drugs, medicines, or household remedies lawfully obtained from practice for any of the following grounds:

- "1. Conviction of any criminal offense involving moral turpitude;
- "2. Incompetency, serious ignorance or malicious negligence in the practice of pharmacy;
- "3. Unprofessional conduct or malpractice;
- "4. Making exaggerated or false advertisements;
- "5. Conviction of a crime or misdemeanor involving immoral or dishonorable conduct.

"Proceedings for the suspension or revocation of certificate of registration, or license to sell drugs, medicines, or household remedies shall be begun by filing a written charge or charges against the respondent. These charges may be preferred by any person or persons, firm, or corporation, or the Board of Pharmaceutical Examiners *motu proprio* may direct its executive officer to prepare said charges. The complaint shall set out distinctly, clearly, and concisely the facts complained of, or supported by affidavits, if any, of persons having personal knowledge of the facts therein alleged, and shall be accompanied with copies of documents which may substantiate said facts. Said complaint shall be filed with the secretary of the Board of Pharmaceutical Examiners in duplicate, a copy thereof shall be served upon the respondent or his counsel, at least, two weeks before the date actually fixed for said hearing.

"The Board shall give the respondent a hearing at which he shall have the right to appear personally, or by counsel, to cross-examine witnesses and to procure witnesses in his defense. The Board shall have authority to subpoena witnesses.

"The Board shall make a written decision or report of its findings, signed by the majority members thereof, to the head of the Department and shall furnish the respondent a copy of the same. The respondent shall have the right to appeal to the Department Head whose decision shall be final.

"If the Board, by majority vote of the members, shall find that the charges are sustained by the evidence adduced it may at its discretion reprimand the respondent, suspend or revoke his certificate of registration, or license to sell drugs, medicines, or household remedies. In case of suspension it shall be for a period of not more than six months. Any person who shall practise pharmacy after his certificate of registration or license has been suspended by the Board, shall be deemed to have practised pharmacy without registration. Where the certificate of registration has been revoked as herein provided, the Board may, after the expiration of one year, entertain an application for a new certificate of registration, in the same manner that new ones are issued, without the necessity of undergoing any examination."

SEC. 4. All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect on its approval.

Approved, December 1, 1934.

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