

AN ACT REGULATING THE PRACTICE OF PHARMACY IN THE PHILIPPINE ISLANDS.

Act No. 597, January 26, 1903

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The Commissioner of Public Health for the Philippine Islands shall appoint, with the advice and consent of the Board and Health for the Philippine Islands, a Board of Pharmaceutical Examiners consisting of three qualified pharmacists who shall be citizens of the United States or citizens of the Philippine Islands, and who shall be graduates in good standing of legally chartered and reputable schools of pharmacy, and who shall have had five consecutive years of practical experience in compounding and dispensing physicians prescriptions and shall have been actively engaged in the drug business. They shall hold office for three years after their appointment and until their successors are appointed and qualified: Provided, That the first appointees shall serve for a period of one, or two to three years, respectively, as specified in their respective certificates of appointment from the Commissioner of Public Health: And, provided further, That no member of the faculty of any school, college, or university where pharmacy is taught shall be eligible for appointment on said Board.

Each person appointed to the Board shall qualify by taking and subscribing to the following oath of office:

"I, having been appointed a member of the Board of Pharmaceutical Examiners for the Philippine Islands, do hereby solemnly swear that I am a graduate in good standing of the at in the city of, that will well and truly perform all the duties of said office, that I will faithfully account for all moneys coming into my hands as such officer that I will bear true faith and allegiance to the Government of the United States, and that I take this oath without any mental reservation whatever. So help me God."

The oath shall be recorded and filed in the office of the Secretary of the Board of Health for the Philippine Islands.

The Commissioner of Public Health shall fill any vacancy that may occur in the Board within one month after the vacancy occurs. The person so appointed to fill a vacancy shall hold office only for the unexpired term of the member whose place he is appointed to fill. The Commissioner of Public Health may, with the advice and consent of the Board of Health for the Philippine Islands, remove any member of said Board for continued neglect of duty or incompetency or for unprofessional or dishonorable conduct.

SEC. 2. The Board of Pharmaceutical Examiners shall appertain to the Department of the Interior so far as executive action may be required in connection with it. It shall organize immediately after the appointment of its members, and annually thereafter on the anniversary of its first organization, by electing from its members a president, who shall be its chief executive officer, and a secretary-treasurer. It shall procure and keep a seal with which to attest its official acts. The members of the Board, except the secretary-treasurer, shall receive as compensation the sum of two dollars each for each candidate examined for registration as pharmacist, and one dollar and a half each for each candidate examined for registration as second-class pharmacist (practicante de farmacia). The secretary-treasurer shall receive compensation at the rate of one hundred and fifty dollars per year,

one-half of which amount shall be paid on the thirtieth of June and one-half on the thirty-first of December of each year. The amounts due the members of the Board of Pharmaceutical Examiners shall be paid from insular funds and disbursed by the disbursing officer of the Board of Health for the Philippine Islands. The secretary-treasurer shall execute a bond of five hundred dollars, with good and sufficient sureties, which shall be approved by the Treasurer for the Philippine Archipelago, conditioned that he will pay to the Treasurer for the Philippine Archipelago all moneys received by him as treasurer, and that he will faithfully discharge all the duties of his office. He shall keep a record of the proceedings of the Board, and a register of all persons to whom certificates of registration as pharmacist, second-class pharmacist (*practicante de farmacia*), registered apprentices in pharmacy, or Chinese druggists have been granted under the provisions of this Act, setting forth the name, age, sex and place of business of each, his post-office address, the name of the pharmaceutical school, college, or university from which he graduated, or in which he has studied pharmacy, if any, and the date of such graduation or length and date of such term of study together with the time spent in the study of pharmacy elsewhere, if any, and the names and locations of all institutions which have granted to him degrees or certificates of lectures in pharmacy, and all other degrees granted to him from institutions of learning.

SEC. 3. The Board of Pharmaceutical Examiners shall meet in the city of Manila for the purpose of examining candidates desiring to practice pharmacy in the Philippine Islands on the second Tuesday of February, nineteen hundred and three, and thereafter on the first Tuesdays of July and January of each year, after giving thirty days' written or printed notice of such meeting to each candidate who has filed his name and address with the secretary-treasurer of the Board, and after publishing such notice in Manila in one newspaper published in the English language and one newspaper published in the Spanish language, at least once per week for a like period. The Board shall issue four forms of certificates of registration, as follows:

(a) A certificate as registered pharmacist to any person of twenty-one or more years of age, of good habits and moral character, holding a degree or diploma as doctor or licentiate from a reputable and well-known school, who has had at least four years of practical experience in some place where drugs, medicines, and poisons were dispensed and sold at retail, and the prescriptions of physicians compounded, and who has been examined and favorably passed upon by the Board, which certificate shall be signed by a majority of the members of the Board.

(b) A certificate as registered pharmacist of the second class (*practicante de farmacia*) to any person twenty-one or more years of age, of good habits and moral character, who has had at least three years of practical experience in some place where drugs, medicines, and poisons were dispensed and sold at retail, and where physicians prescriptions were compounded, and who has been examined and favorably passed upon by the Board, which certificate shall be signed by a majority of the members of the Board.

(c) A certificate as apprentice in pharmacy to any person of good habits and moral character reported by a registered pharmacist, or registered pharmacist of the second class (*practicante de farmacia*), as having been taken into his employ as a student of pharmacy or an apprentice for the purpose of becoming a pharmacist.

(d) A certificate as Chinese druggist to any person twenty-one or more years of age and of good habits and moral character who shall submit to the Board of Pharmaceutical Examiners a certificate from the Chinese consul at Manila that he is competent and qualified to conduct a Chinese drug store in accordance with the laws and customs of the Chinese Empire, together with such other evidence as to his fitness to conduct such a store as the Board may require.

SEC. 4. Hereafter second-class pharmacists (*practicantes de farmacia*) shall pay the same industrial taxes as registered pharmacists, anything in the laws, decrees and orders now fixing industrial taxes to the contrary notwithstanding.

SEC. 5. The secretary-treasurer of the Board shall collect a fee of ten dollars for each certificate of registration as pharmacist or second-class pharmacist (*practicante de farmacia*); a fee of ten dollar for each certificate of registration as Chinese druggist; and a fee of one dollar for each certificate of registration as apprentice in pharmacy.

SEC. 6. The Board shall, on or before the thirtieth of June of each year, make a report to the Secretary of the Interior of its proceedings during the past year, and of all moneys received and disbursed by it within that period.

SEC. 7. Sixty days after the first meeting of the Board of Pharmaceutical Examiners for the Philippine Islands it shall be unlawful for any person to practice pharmacy in any of its branches in the Philippine Islands without a certificate of registration from the Board of Pharmaceutical Examiners.

SEC. 8. Any person who, at the time of the passage of this Act, holds a certificate of registration in accordance with the provisions of Ordinance Numbered Twelve, Headquarters, Provost-Marshal-General, city of Manila, and shall make application to the Board of Pharmaceutical Examiners, shall be granted a certificate of registration as registered pharmacist or second-class pharmacist (*practicante de farmacia*) by said Board without further examination on the payment of the required fee for registration less the amount of the fee already paid by him for his certificate of registration in accordance with the provisions of said ordinance.

SEC. 9. Any person who, prior to the ratification of the Treaty of Paris had received the degree of licentiate in pharmacy from the University of Santo Tomas, in the city of Manila, and who shall make application to the Board of Pharmaceutical Examiners, shall be granted a certificate of registration as pharmacist by the Board without further examination on payment of the required fee for registration.

SEC. 10. Any person who, prior to the ratification of the Treaty of Paris, had received the title of "*practicante de farmacia*" from the University of Santo Tomas of the city of Manila, and who shall make application to the Board of Pharmaceutical Examiners, shall be granted a certificate as second-class pharmacist (*practicante de farmacia*) by the Board, without further examination, on payment of the required fee for registration.

SEC. 11. Every person engaged in the practice of pharmacy in the Philippine Islands at the time of the passage of this Act shall, within one hundred and twenty days from the date of its passage, register with the secretary-treasurer of the Board and pay the usual fee of registration, and the secretary-treasurer shall issue the usual certificate of registration to each person so registering. Any person failing to comply with this provision within the stated period shall be required to appear before the Board and pass a satisfactory examination before it shall be lawful for him to again engage in the practice of pharmacy in the Philippine Islands.

SEC. 12. Any person shall be regarded as practicing pharmacy within the meaning of this Act who shall for a fee, salary, or other reward paid to himself or to another person, prepare, distribute, or sell any medicine, drug, pharmaceutical preparation, doctor's or veterinarian's prescription; but this provision shall not apply to students carrying on laboratory work in pharmacy in any legally chartered pharmaceutical school, nor to persons selling chemical products for industrial purposes, nor to persons selling minero-medicinal waters in bottles.

SEC. 13. Any two members of the Board may issue a temporary certificate of registration as pharmacist or second-class pharmacist (*practicante de farmacia*) to any applicant upon presentation by such applicant of satisfactory evidence that he possesses the necessary qualifications to practice pharmacy, such certificate to remain in force only until the next regular meeting of the Board, at which time the person to whom it has been issued shall report for examination. Temporary certificates of registration shall be granted only when the Board is not in session or will not meet within thirty days. In no case shall a temporary certificate of registration be renewed or extended; nor shall two temporary certificates of registration be granted to any person. The fee for

temporary registration as registered pharmacist or as second-class pharmacist (*practicante de farmacia*) shall be five dollars. Each applicant for temporary registration as registered pharmacist or as second-class pharmacist (*practicante de farmacia*) shall deposit with the secretary-treasurer of the Board an additional sum of five dollars to complete the payment of a fee for a regular certificate. He shall also file with the secretary-treasurer of the Board an affidavit to the effect that it is his intention to appear at the next regular meeting of the Board and to submit to an examination with a view to obtaining a permanent certificate. Should he appear and pass a satisfactory examination a permanent certificate shall be granted to him without additional charge, but should he fail to appear or to pass a satisfactory examination the money paid by him shall not be returned to him, but shall be paid to the Treasurer for the Philippine Archipelago.

SEC. 14. The Board of Pharmaceutical Examiners shall refuse to issue any of the certificates provided for by this Act to any person convicted by a court of competent jurisdiction of any criminal offense, or to any person guilty of immoral or dishonest conduct, or of unsound mind; and in the event of such refusal, shall give to the applicant a written statement setting forth its reason for such action, which statement shall be incorporated in the record of the Board. The Board may revoke a certificate for like cause, or for unprofessional conduct, after due notice to the person interested, and a hearing, subject to an appeal to the Board of Health for the Philippine Islands, the decision of which shall be final.

SEC. 15. Every practitioner of pharmacy shall display in a conspicuous place upon the house or office where he practices, his full name, and he shall further display his certificate of registration in his office in plain sight of all who enter such office. Any person violating this provision shall, upon conviction, be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offense. Any owner, proprietor, or manager of a pharmacy or drug store who shall fail to cause to be displayed as provided in this section the registration certificate of each person practicing pharmacy therein shall, upon conviction, be punished by a like fine.

SEC. 16. Every person desiring to begin the practice of pharmacy in the Philippine Islands after the passage of this Act shall apply to, the Board of Pharmaceutical Examiners for a certificate of registration as registered pharmacist, but no certificate as second-class pharmacist (*practicante de farmacia*) shall be issued to any such person by the Board. Each applicant shall submit to an examination in the following subjects: General chemistry, organic and inorganic, in an amount covered by a standard college text-book; elements of physics; elements of botany; pharmacognosy; qualitative analytical chemistry; elements of quantitative analytical chemistry; practical pharmaceutical preparations and prescriptions; elementary toxicology; and ability to use the microscope. For each such certificate the secretary-treasurer of the Board shall collect a fee of ten dollars, and the Board of Pharmaceutical Examiners shall issue a certificate of registration as registered pharmacist to each applicant who passes a satisfactory examination in these subjects, and who submits satisfactory proof that he has had at least two years of practical experience in some place where drugs, medicines, and poisons were dispensed and sold at retail and the prescriptions of physicians compounded, and is a graduate of a legally chartered and reputable school of pharmacy: Provided, That any person not a graduate of such a school of pharmacy who submits satisfactory evidence that he has had at least four years of practical experience in some place where drugs, medicines, and poisons were dispensed and sold at retail, and the prescriptions of physicians compounded, and who has satisfactorily passed the examination aforesaid, shall receive such certificate: Provided, also, That graduates of the school of pharmacy of the University of Santo Tomas in the city of Manila who present other certificates of graduation in pharmacy at the meeting of the Board of Pharmaceutical Examiners on the second Tuesday in February, nineteen hundred and three, shall receive certificates of registration without further examination. The Board is further, empowered to make such rules and regulations not in conflict with the provisions of this Act as may be necessary to carry said provision into effect. In case any applicant shall fail to pass a satisfactory examination he shall not again be permitted to present himself for examination until the period

of six months shall have elapsed.

SEC. 17. Every registered pharmacist or second-class pharmacist (*practicante de farmacia*) shall be responsible for the quality of all drugs, chemicals, medicines, and poisons he may sell or keep for sale; and it shall be unlawful for him to manufacture, prepare, sell, or administer any proscription, drug, chemical, medicine, or poison under any fraudulent name, direction, or pretense, or to adulterate any drug, chemical, medicine, or poison so used or sold, or to sell or offer for sale any adulterated or deteriorated drug, chemical, medicine, or poison. Any drug, chemical, medicine, or poison shall he held to ho adulterated or deteriorated within the meaning of this Act if it differs from the standard of quality or purity given in the United States Pharmacopoeia. Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not more than five hundred dollars.

SEC. 18. Every owner or proprietor of a pharmacy or drug store shall —

(a) Provide a seal containing an inscription giving the name of the pharmacy or drug store, and shall affix the same to every prescription box, bottle, or other package containing medicine sold in said pharmacy or drug store. He shall further label all medicines, except patent, proprietary, or other secret medicines or drugs, so as in designate their ingredients by name, or by the number of the prescription and the name of the physician writing it.

(b) Provide a cabinet; in which shall be kept all violent poisons enumerated in section nineteen of this Act and cause said cabinet to be locked when not in use.

(c) Preserve in a book kept for that purpose consecutively numbered copies of all prescriptions filled.

SEC. 19. Every person who dispenses, sells, or delivers any of the following violent poisons, to wit, arsenic, arsenical solutions, phosphorus, corrosive sublimate, cyanide of potassium or other cyanide, atrophine, cocaine, morphine, strychnine, or any of their salts, and all other poisonous vegetable alkaloids or any of their salts, hydrocyanic acid, prussic acid, oil of bitter almonds containing hydrocyanic or prussic acid, oil of mirbane (nitro-benzine), opium and its preparations, except paregoric and such others as contain less than 450 milligrams of opium per one hundred cubic centimeters (two grains to the ounce), shall make or cause to be made in a book kept for the purpose of recording the sale of such poisons an entry stating the date of each sale and the name and address of the purchaser, the name and quantity of the poison sold, and the purpose for which it was claimed to be purchased, before delivering it to the purchaser. He shall not deliver any such poison to any person without satisfying himself that such person is aware of its poisonous character, and that the poison is to be used for a legitimate purpose, and he shall affix to every box, bottle or other package containing any dangerous or poisonous drug, a label of red paper upon which shall be printed in large black letters the word "poison," and a vignette representing a skull and bones, before delivering it to any person. Books kept for the purpose of recording the sale of poisons shall be open at all times to the inspection of the Board of Pharmaceutical Examiners, and of health officers or officers of the law, and every such book shall be preserved for at least five years after the last entry in it has been made.

SEC. 20. Every person who dispenses, sells, or delivers any aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolaca, strophanthus, oil of tansy, veratrum viride or their pharmaceutical preparations, carbolic acid (phenol), chloral hydrate, chloroform, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, tartar emetic, white hellebore, or any drug, chemical, or preparation, which according to standard works of medicine or materia medica is liable to be destructive to human adult life in quantities of four grams (sixty grains) or less, without the prescription of a physician, shall label the receptacles containing them as is provided for poisons in section nineteen, but shall not be required to register the same.

Nothing in this section shall be construed as applying to the dispensing of medicines, drugs, or poisons on physicians' prescriptions, but no prescription the prescribed dose of which contains a dangerous quantity of poison shall be filled without first consulting the prescribing physician and verifying the prescription.

Any person violating the provisions of this or the preceding section shall, upon conviction, be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days, or both, in the discretion of the court.

SEC. 21. Every person registered as second-class pharmacist (practicante de farmacia) shall display conspicuously upon the outside of his place of business a sign on which shall appear his name, followed by the words "second-class pharmacist (practicante de farmacia)."

SEC. 22. Persons holding certificates of registration as Chinese druggists only shall not sell drugs or medicines to others than Chinese.

SEC. 23. Except as to the labeling of poisons, this Act shall not apply to registered physicians putting up their own prescriptions or dispensing medicines to their patients nor to persons selling drugs, medicines, chemicals, or poisons at wholesale only; nor to persons selling non-poisonous domestic remedies usually sold by grocers or merchants.

SEC. 24. Where the word "dollars" is used in this Act it shall be understood to mean dollars in money of the United States.

SEC. 25. All laws and parts of laws, ordinances, orders, and regulations in conflict with the provisions of this Act are hereby repealed.

SEC. 26. This Act shall take effect on its passage.

Enacted, January 26, 1903.

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