

AN ACT AMENDING ACT NUMBERED FIVE HUNDRED AND NINETY-SEVEN, ENTITLED "AN ACT REGULATING THE PRACTICE OF PHARMACY IN THE PHILIPPINE ISLANDS," AS AMENDED BY ACTS NUMBERED NINETEEN...

Act No. 2382, February 28, 1914

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

SECTION 1. Section one of Act Numbered Five hundred and ninety-seven, entitled "An Act regulating the practice of pharmacy in the Philippine Islands," is hereby amended to read as follows:

"SECTION 1. The Director of Health for the Philippine Islands shall appoint, with the approval of the Secretary of the Interior, a Board of Pharmaceutical Examiners consisting of three registered first-class pharmacists in good standing who shall be citizens of the United States or citizens of the Philippine Islands. Said pharmacists shall have had five consecutive years of practical experience in compounding and dispensing physicians' prescriptions and be informed on the drug business. They shall hold term of office, for only three years after their appointment and until their successors are appointed and qualified: Provided, That no member of the Board of Examiners provided for in this section shall be reflected to said office until three years have passed since his last term: 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 oath of office, 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 have the qualifications required by law; that I am in good professional standing; that I 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 -record and filing. Director of Health of the Philippine Islands.

"The Director of 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 Director of Health may, with the consent and approval of the Secretary of the Interior, remove any member of said Board for continued neglect of duty or incompetency, or for unprofessional or dishonorable conduct."

SEC. 2. Section three of the same Act is hereby amended to read as follows:

"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 of Examiners shall immediately upon the completion of the examinations revise the work of the candidates and shall, within the term of two months after the date of the completion of the examinations, report the rating obtained by each examinee, for the knowledge of the persons interested certificates. The Board shall issue three 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 or college, 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. 3. Section nine of Act Numbered Five hundred and ninety-seven is hereby amended to read as follows:

"SEC. 9. Any person who, prior to the ratification of the treaty of Paris, had been under the law qualified as a pharmacist by the Spanish Government, or any person who Licenciate, had received the degree of licenciate in pharmacy from the University of Santo Tomas, prior to the ratification of the Treaty of Paris, in the city of Manila, and who shall present such degree together with the proper application to the Board of Pharmaceutical Examiners, shall receive, without further examination, a certificate of registration as pharmacist from said Board, on payment of the required fee for registration."

SEC. 4. Section eleven of said Act is hereby amended to read as follows:

"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 the period of 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 engage in the practice of pharmacy in the Philippine Islands: Provided, That the period marked in this section for registration shall not be applicable to any person included in sections nine and ten hereof. Any person practicing pharmacy in the Philippine Archipelago without complying with the requirements of this Act shall be punished by a fine not to exceed two hundred pesos, or by imprisonment for not more than ninety days, or both, in the discretion of the court."

SEC. 5. Section thirteen of said Act is hereby amended to read as follows:

"SEC. 13. Any two members of the Board may issue 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, and that he has not failed to pass any examination before the Board, 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 not renewable, 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 pharmacist shall be five dollars. Each applicant for temporary registration as 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 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, without good cause, 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. 6. Section sixteen of said Act, as amended by Acts Numbered Nineteen hundred and twenty-one and Twenty-two hundred and thirty-six, is hereby further amended to read as follows:

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 second class pharmacist, but no certificate as second-class pharmacist (*practicante de farmacia*) shall be issued to any such person by the Board. The examination referred to by subsection (a) of section three of this Act shall be held in each of the following subjects: General chemistry, inorganic chemistry and organic chemistry applied to pharmacy; physics as applied to pharmacy; botany, pharmacology, pharmacognosy; qualitative analytical chemistry and its special application to the analysis of medicines; quantitative analytical chemistry, toxicology and microscopy; pharmaceutical practice and compounding of prescriptions. To be admitted to examinations applicants must pay the secretary-treasurer of the Board ten dollars as an examination fee, which amount shall serve such applicants as a fee entitling them to the certificate mentioned in section five, in case they pass their examination; they shall moreover establish: that they have completed twenty-one years of age; that they have been graduated from a legally chartered school, college or university; that they have been registered in the office of the secretary of the board as apprentices in pharmacy; that they have had at least two years' practical experience in a pharmacy where the prescriptions of physicians or veterinarians are compounded and where drugs, medicines and poisons are sold at retail: Provided, That from and after July first, nineteen hundred and thirteen, every person presenting himself for examination who has graduated from a legally chartered school, college or university in which said subjects or pharmaceutical studies are taught, in addition to the requirements hereinbefore set forth, shall submit satisfactory evidence that he has followed and has been examined in the studies preliminary to the study of pharmacy in a school, college or university approved by the Secretary of Public Instruction: Provided, further, That any person who has heretofore been admitted to examination, may hereafter present himself for examination without the requirements referring to preliminary studies in a college approved by the Secretary of Public Instruction: Provided, lastly, That any candidate who has failed to pass the examination satisfactorily three times, may not again be examined before the board prior to one year from the date was admitted to the last examination. It shall be the duty of the Examining Board to prepare the programme of subjects above mentioned in such manner that the same shall contain all of the knowledge that ought to be required from the candidate to show him capable of practicing pharmacy, which programme, after being approved by the Secretary of the Interior, shall be published three months before the date of the examinations when it is to be used: Provided, That any alteration that the Examining Board may later wish to introduce in said programme shall also be approved by the Secretary of the Interior and published three months before the date of the examination. The Pharmaceutical Examining Board

shall issue a registered pharmacist's certificate to anyone who has passed the examination mentioned in this section, but shall issue no certificate of practicante de farmacia to any second-class pharmacist. The Examining Board is hereby authorized to issue rules not in conflict with the provisions of this Act for the enforcement thereof, and prescribe penalties in said regulations not exceeding one hundred dollars fine and two months' imprisonment or both at the discretion of the court. Such rules shall have the force of law when approved by the Secretary of the Interior."

SEC. 7. Section twenty-three of the same Act, as amended by Act Numbered Twenty-two hundred and thirty-six, is hereby amended to read as follows:

"SEC. 23. Except as to the labeling of poisons, this Act shall not apply to registered physicians with legal practice putting up their own prescriptions or dispensing medicines to their patients in their own offices, or if there is no pharmacy within a minimum radius of five kilometers from the residence of the patient who requests medical treatment at his home, or in emergency cases and where medicines to be applied immediately are concerned: Provided, That Drug-stores, neither the provisions of this Act, nor those contained in the regulations in the premises prepared by the Board of Pharmaceutical Examiners are applicable to drug-stores, except the part making the presence of a registered pharmacist a necessary requisite, and drug-stores shall be understood to be the establishments engaged in the sale of simple drugs and chemical products at wholesale only, that is to say, in quantities greatly in excess of the therapeutic doses of each substance, and the sale to the public at retail shall be strictly prohibited: Provided, further, That drug establishments engaged in the sale of generic prescriptions at wholesale or in the manufacture of chemical products or medicinal preparations shall be directed by registered pharmacists : Provided, further, That the examining board shall have authority to determine what medicines shall be considered as nonpoisonous household remedies, with the approval of the Secretary of the Interior, and that the sale of such nonpoisonous household remedies by other persons than registered pharmacists is strictly prohibited in places that are not more than five kilometers distant from an established pharmacy."

SEC. 8. This Act shall take effect on its passage.

Enacted, February 28, 1914.

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