

Pharmacy, Practice of.

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An act to incorporate the New Jersey pharmaceutical association.

Approved February 18, 1874. P. L. 1874, p. 899.

1. That James Stratton, Anselle Walker, John B. Lee, Joseph Bassett, A. S. White, Randall Rickey, and their associates, officers and members of said association, be and they are hereby constituted and declared to be a body politic and corporate in law by the name, style and title of the "New Jersey pharmaceutical association," and by that name to have perpetual succession; to have a corporate seal with power to change the same at pleasure.

Incorporation of New Jersey pharmaceutical association.

2. That the object of this association shall be for the cultivation and advancement of the science of pharmacy.

Object of association.

3. That the said association shall have power to make and adopt by-laws and regulations for the election of officers, the admission or expulsion of members, the collecting of dues, the imposing of fines, and method of collecting the same, and the general management of the association.

May adopt by-laws, &c.

Supplement.

Approved March 7, 1888. P. L. 1888, p. 149.

4. SEC. 1. That any person being a member of the New Jersey pharmaceutical association incorporated under the act to which this is a supplement, and who is actually engaged as proprietor in any drug store in this state and has no licensed clerk, shall be exempt from serving on juries and from any fine or penalty for neglect thereof; *provided*, he shall have filed in the office of the clerk of the county in which he shall reside a certificate of such membership made by the president of such association, together with an affidavit that such person is actually engaged as proprietor and has no licensed clerk, which shall entitle such person to such exemption for the term of one year from and after the filing thereof.

Certain members exempt from jury duty.

An act to regulate the practice of pharmacy in the state of New Jersey.

Approved April 5, 1886. P. L. 1886, p. 171

[This act, containing ten sections, is amended by the next act *infra*.]

An act to amend an act entitled "An act to regulate the practice of pharmacy in the state of New Jersey," approved April fifth, one thousand eight hundred and eighty-six.

P. L. 1895, p. 360.

Approved March 20, 1895.

That the act entitled "An act to regulate the practice of pharmacy in the state of New Jersey," approved April fifth, one thousand eight hundred and eighty-six, be amended so as to read as follows:

Registered pharmacists only allowed to retail, dispense or compound medicines.

5. SEC. 1. [That from and after the passage of this act it shall not be lawful for any person not a registered pharmacist, within the meaning of this act, to conduct any store or pharmacy for retailing, dispensing or compounding drugs, medicines or poisons, or for anyone not a registered pharmacist or qualified assistant to prepare and dispense physicians' prescriptions, or to retail or dispense medicines or poisons, except under the immediate supervision of a registered pharmacist.]

Governor shall appoint board of pharmacy.

6. SEC. 2. [That on or before the first day of June next, the New Jersey pharmaceutical association shall submit to the governor the names of fifteen pharmacists doing business within this state, from which number the governor shall appoint five persons, who shall constitute the board of pharmacy of the state of New Jersey, and who shall hold office for the term of one, two, three, four and five years, as designated in their respective appointments, and until their successors shall have been appointed and qualified; the New Jersey pharmaceutical association shall annually thereafter nominate to the governor five pharmacists, of whom the governor shall appoint one to fill the vacancy annually occurring in the said board, who shall hold office for five years, and until his successor shall have been appointed and qualified; any vacancy occurring in said board shall be filled by the governor for the unexpired term from among the persons last nominated to him; each person so appointed shall, within thirty days after appointment, take and subscribe an oath, before any officer authorized to administer oaths in the state, that he will faithfully and impartially discharge the duties prescribed in this act.]

Term for which members shall serve.

How vacancies shall be filled.

Members shall be qualified.

How board shall be organized.

Regular meetings.

Duties of the board.

7. SEC. 3. [That the board of pharmacy shall organize by electing a president, a secretary and a treasurer, and shall have power to make by-laws and rules for the proper fulfillment of its duties under this act; it shall meet on the third Thursday of January, April, July and October in the city of Trenton, and at such other places and dates as may be required; it shall examine into all applications for registration and grant certificates of registration to all persons whom it shall judge, on examination, to be properly qualified to practice pharmacy; it shall keep a book of registration, in which shall be entered the names and places of business of all persons registered under this act, and shall also keep a book of record of all its official transactions, which book shall be legal evidence of such transactions in any court of law; it shall have power to examine into all cases of alleged abuse, fraud and incompetence, cause the prosecution of all persons not complying with the provisions of this act, and suspend and revoke the registration of any person legally convicted of violating the same, or of any person addicted to chronic and persistent inebriety, or of any person convicted of a crime involving moral turpitude; it shall annually report to the governor and to the president of the New Jersey pharmaceutical association upon the condition of pharmacy in the state, which report shall embrace a detailed statement of the receipts and expenditures of the board; the members of such board shall receive the sum of five dollars for each day actually engaged in this service, to be paid from the fees and penalties collected under the provisions of this act, and all moneys thus collected by said board in excess of said per diem allowances and of the necessary expenses of said board, shall be paid to the treasurer of the New Jersey pharmaceutical association at its annual meeting; three members of the board shall constitute a quorum.]

Shall make annual report.

Compensation of members.

Qualifications necessary in order to obtain certificate of registry.

8. SEC. 4. [That every person applying for registration as pharmacist under this act shall not be less than twenty-one years of age and shall furnish satisfactory evidence that he has had at least four years' experience

in the practice of pharmacy and pay to the secretary of the board of pharmacy a fee of ten dollars, and upon passing an examination satisfactory to said board, he shall receive from said board a certificate of registration; in case of failure to pass a satisfactory examination, the applicant shall be granted a second examination (without the payment of another fee) at any time within one year from his first examination; and that the board of pharmacy shall grant an assistant's certificate to any person not less than eighteen years of age, who shall have had three years' practical experience in pharmacies where prescriptions have been usually compounded, and shall have passed a satisfactory examination before said board of pharmacy; which certificate shall entitle such person to all the privileges of a registered pharmacist during the temporary absence of his employer, and shall not entitle such assistant to engage in business on his own account or as manager to conduct a pharmacy; every person applying for an assistant's certificate shall pay to the secretary of the board of pharmacy a fee of five dollars before examination; in case of failure to pass a satisfactory examination the applicant shall be granted a second examination without the payment of another fee at any time within one year from his first examination; every pharmacist owning or conducting a pharmacy or store shall conspicuously display his certificate of registration in said pharmacy or store, and any failure to do so shall be prima facie evidence that such person is not a registered pharmacist; and every registered pharmacist and every registered assistant who desires to continue the practice of his profession shall once in three years during the time he shall continue such practice on such date as the board of pharmacy shall prescribe, pay to the secretary of the board a registration renewal fee of fifty cents, in return for which he shall receive a renewal of his registration.]

9. SEC. 5. [That any person who shall procure or attempt to procure registration for himself or any other person under this act, by making or causing to be made any false representations, or fraudulently represent himself to be registered, or shall adulterate or sell any adulterated drug, medicine or chemical, or who shall otherwise violate the provisions of this act (except section six), shall be deemed guilty of a misdemeanor and, upon conviction thereof, be liable to a penalty of not less than fifty or more than one hundred dollars, and for every subsequent offense or offenses a like fine or imprisonment, not to exceed six months, or both, at the discretion of the court.]

Penalty for false representation.

10. SEC. 6. [That it shall not be lawful for any person to retail or dispense any of the poisons enumerated in schedule A appended to this section or any other substance commonly recognized as a deadly poison, without distinctly labeling with a red label the bottle, box, vessel or wrapper in which such poison is contained, with the name of the article, the word "poison" and the name and place of business of the dispenser, nor without being satisfied that the purchaser is aware of its poisonous nature and intends to use it for a legitimate purpose; any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and for every such omission shall be liable to a fine of not less than ten dollars; and any person who shall give a fictitious name, or who shall make any false representations to the seller when buying any of the poisons thus enumerated, shall be deemed guilty of a misdemeanor and be liable to a fine of not less than ten dollars; the penal provisions of this act shall not apply to the sale of such poisons as are used in the arts, agriculture or in manufacturing, to persons known to be engaged in such pursuits, nor to the dispensing of poisons upon the prescription of a practicing physician.]

How poison shall be labeled.

Penalty for non-compliance.

Penalty for false representation of poisons.

When penalty shall not apply.

SCHEDULE A.

[Arsenic and its compounds or chemical derivatives; corrosive sublimate and other poisonous derivatives of mercury; phosphorus and its poisonous derivatives; prussic acid and its poisonous derivatives; tartrate of antimony; essential oil of bitter almonds; oils of tansy, savin or croton;

Schedule of poisons.

chloroform, chloral-hydrate, aconite, belladonna, conium, cantharides, digitalis, hyoscyamus, nux vomica, Indian hemp, veratrum viride, yellow jessamine, opium, their alkaloids or other preparations (except paregoric and other preparations of opium having less than two grains to the ounce); ergot, savin, cotton-root and their preparations.]

Penalty for dispensing drugs, &c., without registration, or adulterating drugs, &c.

11. SEC. 7. [That any person or persons who shall establish or conduct any pharmacy for the retailing, dispensing or compounding of drugs, medicines, physicians' prescriptions or poisons, not being a duly-registered pharmacist of this state, or shall be engaged as clerk or assistant in said store or pharmacy, and retailing, dispensing or compounding drugs, medicines, poisons or physicians' prescriptions, not having first obtained a certificate of registration as a pharmacist or assistant in accordance with the provisions of this act; or being a duly-registered pharmacist or assistant, shall violate any of the provisions of the next preceding section, or shall adulterate or sell any adulterated drug, medicine or chemical; or any person who shall procure, or attempt to procure, registration for himself or any other person under this act, by making or causing to be made any false representations, or fraudulently represent himself to be registered in accordance with the provisions of this act, shall forfeit and pay such sum, not to exceed one hundred dollars, together with costs, as the court shall determine, to be sued for and recovered in an action of debt, with costs of suit, by any person or persons, in the name of the board of pharmacy of the state of New Jersey, before any justice of the peace, district court or police magistrate in the county where the offense or offenses were committed, one-half thereof to the person or persons who shall sue therefor, and one-half to the board of pharmacy of the state of New Jersey.]

Act not to apply to professional pursuits of physicians or sale of non-poisonous patent medicines, &c.

12. SEC. 8. [That nothing in this act shall be construed to apply to or in any manner interfere with the strictly professional pursuits of any physician, nor with the making or vending of non-poisonous patent or proprietary medicines, nor with the sale of simple non-poisonous domestic remedies by retail dealers in rural districts, nor with the ownership of any pharmacy or store in part or whole by any person not a registered pharmacist; *provided*, such pharmacy or store be at all times in charge of a registered pharmacist; and any person holding a certificate of registration granted under any former act shall be considered a registered pharmacist within the meaning of this act.]

Fines, to whom paid.

13. SEC. 9. [That each and every fine imposed under the provisions of this act shall be paid to the treasurer of the board of pharmacy.]

Repealer.

14. SEC. 10. [That this act shall be a public act and shall take effect immediately, and that all acts and parts of acts conflicting or inconsistent herewith be and the same are hereby repealed.]

An act to regulate the practice of pharmacy in New Jersey.

P. L. 1898, p. 283.

Approved March 14, 1898.

When a registered or licensed physician may practice pharmacy.

15. SEC. 1. That from and after the passage of this act it shall and may be lawful for any duly-registered or licensed physician, authorized by the laws of this state to practice medicine and surgery therein, and located as a practitioner of medicine and surgery in any city, town, borough or village of this state, not exceeding one thousand in population, to engage in the practice of pharmacy in such city, town, borough, or village, and he shall be deemed and taken to be and shall possess all the rights, powers and privileges of a registered pharmacist, subject, however, to all the regulations and restrictions imposed by law upon a registered pharmacist. [See Sec. 12, *ante*.]

Repealer.

16. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

An act to incorporate colleges of pharmacy.

Approved May 8, 1894.

P. L. 1894, p. 224.

17. SEC. 1. That every association of persons, not exceeding one hundred in number, associated for the purpose of cultivating, improving and disseminating a knowledge of pharmacy, its collateral branches of science, and the best mode of preparing medicines and their compounds and of giving instructions in the same by public lectures, be and they are hereby authorized, at any regular meeting of such association, by a majority of votes to elect by ballot, or otherwise, according to the constitution or by-laws of such association, [or] to appoint not less than three nor more than nine trustees, and one or as many officers of such association as shall be deemed necessary; which said association and such other persons as may be associated with them are hereby constituted a body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance, and be capable in law of suing and being sued, defending and being defended, in all courts and places whatever, and may have and use a common seal, and alter and renew the same at pleasure, and by their name as aforesaid, and under their common seal, may make and enter into, execute and enforce any contract or agreement relating to, touching or concerning the objects of said corporation.

Incorporation of colleges of pharmacy.

18. SEC. 2. That said trustees of such association, elected or appointed as aforesaid, shall immediately certify such corporate name under their hands, and file such certificates in the office of the clerk of the court of common pleas of the county in which such association shall have holden the said meeting, whose duty it shall be to record the same, and for which he shall be entitled to receive twenty-five cents.

Trustees shall file certificate.

19. SEC. 3. That the estate and property, of what kind soever the same may be, of such association, shall be vested in the trustees thereof as a corporation, and by their corporate name the trustees of such association shall be able to purchase, receive, take, hold and convey, for the use and benefit of such corporation, and for the purpose of effecting the objects of its corporation, any lands, tenements and hereditaments, and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic and corporate; *provided*, that no such incorporation shall at any time hold real property the net income of which shall exceed five thousand dollars a year.

County clerk to record same.

Powers of trustees.

20. SEC. 4. That incorporations under this act shall be authorized to make, adopt and use, and from time to time to alter, amend or change such general form of a constitution and such by-laws for their government as to them shall seem right and proper; *provided*, that nothing in said constitution or by-laws be repugnant to the constitution or laws of the United States or of this state.

By-laws may be made.

21. SEC. 5. That the trustees and officers of any such incorporation shall be elected or appointed in such manner, at such time and in such places as the said corporation shall by their constitution or by-laws provide; the trustees shall appoint a treasurer, who shall have the custody of the funds of the said corporation, and shall give bonds for the faithful discharge of the duties of his office, in such sums and with such sureties as the trustees may determine.

Election of trustees and officers.

22. SEC. 6. That the sole and exclusive object of incorporations under this act shall be cultivating, improving and disseminating a knowledge of pharmacy, its collateral branches of science, and the best mode of preparing medicines and their compounds, and of giving instruction of the same by public lectures.

Sole object of incorporation.

23. SEC. 7. That corporations under this act may establish and regulate admission fees, annual dues, assessments and other charges against members, and the same shall be collectible by the trustees of such incorporations in the same manner as other debts.

May establish fees, dues, &c.

24. SEC. 8. That any association of persons heretofore incorporated under any special act of the legislature are hereby authorized to organize under this act in the manner provided in the first section, and upon filing

Associations heretofore incorporated may organize under this act.

a certificate of the corporate name of such association, as required by the second section, all the right, title and interest of any association heretofore incorporated, in any estate, real or personal, shall be vested in the said body corporate and politic so created, and the original incorporation of such association shall be null and void.

Trustees have power to issue certificates of membership and grant diplomas.

25. SEC. 9. That the trustees shall have power to issue certificates of membership, to adopt rules and regulations for the examination of candidates, and to grant diplomas to those who have undergone a satisfactory examination by the trustees, assisted by the professors of the college; students who have attended one course of lectures in any other regularly-constituted college of pharmacy may be entitled to graduate after attending one course of lectures in this college and complying with other requisitions provided herein, and in the by-laws of said college.

May confer degrees on graduates in pharmacy.

26. SEC. 10. That the trustees have power to grant the degree of graduate in pharmacy conferred by the college since its incorporation; it is authorized, from and after January first, one thousand eight hundred and ninety-five, to grant the degree of master in pharmacy to such of its former graduates or other persons as have attained high distinction in the profession of pharmacy, and have contributed by their labors and writings to the stock of professional knowledge in any of the branches of pharmaceutical science.

Associations not incorporated may be incorporated under this act.

27. SEC. 11. That any association of persons heretofore organized, but not incorporated, for the general purposes and the general manner prescribed by this act, shall be deemed and held to be incorporated under this act, to all intents and purposes, in law and in fact, upon the trustees filing a certificate of the corporate name of such association, as required by the second section; and all the right, title and interest of any such association in any property, privileges or franchises, shall be vested in the said body corporate and politic so created; and the trustees, or other officers heretofore elected or appointed, shall hold their offices for the terms for which they were elected, respectively, and until others are elected in their place.

Legislature may alter or repeal act or annul charters.

28. SEC. 12. That the legislature may, at any time, alter, modify or repeal this act, and may also annul or repeal the charter of any association incorporated under and by virtue of the provisions of this act; and the same shall take effect immediately.

Pilots.

1. Amended by sections 51, 52 and 56.
2. To certify appointment of pilot.
3. Pilot's oath.
4. Examination of applicants.
5. Fresh licenses taken out.
6. Power of removal.
7. Power to make rules.
8. Penalty on pilot for neglect.
9. Penalty for refusal to do duty.
10. Penalty for carelessness.
11. Repealed.
12. Commissioners disinterested.
13. Pilot's pay if carried to sea.
14. May receive pilotage, rates.
15. Fees for detention.
16. Fees for extra services.
17. Refusal of master to receive.
18. Of apprentices.
19. Who exclusively employed.
20. Precaution to be used.
21. Taxation or certificate of pilotage.
22. Penalty for intoxication.
23. How penalties applied.
24. Amended by sections 54 and 58.
25. Pilot's bond and license.
26. Commissioners' annual report.
27. Fees of commissioners.
28. Pay of pilot carried to sea.

29. Fees for pilotage.
30. Pilotage on merchant vessels outward.
31. Rates for intermediate distances.
32. Fees for detention on wharf.
33. Pilotage, to whom payable.
34. Masters of vessels to give to pilot draught of vessel.
35. Fees for moving vessel in New York harbor.
36. Additional fees between November and April.
37. Penalty for piloting without holding license.
38. President of board may administer oath.
39. Penalty for neglect by pilot.
40. Penalty for carelessness.
41. Repealer.
42. From whom commissioners to be selected.
43. Appeal from commissioners to governor.
44. Appeal operates as a supersedeas.
45. Stationing of pilot boats.
46. One apprentice to every boat.
47. Repealer.
48. New Jersey coasting vessels not required to employ licensed pilot.
49. Repealer.
50. When apprentice may be licensed as pilot.
51. Amended by sections 52 and 56.
52. Amended by section 56.
53. This section executed.
54. Amended by section 58.
55. Supplanted by section 5