

Rec., May 22

# ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

House Bill No. 33

(By Mr. Tallman)

Passed May 18, 1933

In Effect from Passage

Originated in the..... Takes effect..... passage

Clerk of the House of Delegates.

CORRECTLY ENROLLED

Clerk.

Chairman Senate Committee.

Chairman House Committee.

## ENROLLED BILL

(H. B. No. 33)

[Passed May 18, 1933; in effect from passage.]

AN ACT to amend article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto sections fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, providing revenue by the licensing of drug stores and pharmacies.

*Be it enacted by the Legislature of West Virginia:*

That article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto sections fourteen, fifteen, sixteen, seventeen, eighteen and nineteen to read as follows:

Section 14. The board of pharmacy shall require and provide for the annual registration of every pharmacy or drug store, as defined, doing business in this state. Any person, firm, corporation or copartnership desiring to operate, maintain, open

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*James L. Smith*  
*Henry A. Steyer*

*Chairman House Committee.*

*Chairman Senate Committee.*

5 or establish a pharmacy or drug store, as defined, in this state,  
6 shall apply to the board of pharmacy for a permit to do so.  
7 The application for such permit or license shall be made on a  
8 form prescribed and furnished by the board of pharmacy, which,  
9 when properly executed, shall indicate the owner, manager,  
10 trustee, lessee, receiver or other person or persons desiring such  
11 permit, as well as the location of such pharmacy or drug store,  
12 including street and number and such other information as the  
13 board of pharmacy may require. If it is desired to operate,  
14 maintain, open or establish more than one pharmacy or drug  
15 store, separate applications shall be made and separate permits  
16 or licenses shall be issued for each. Every application for a per-  
17 mit shall be accompanied by the required fee of five dollars,  
18 which amount shall be paid annually as the fee for renewal of  
19 such permit or license. If an application is found satisfactory,  
20 the secretary of the board of pharmacy shall issue to the appli-  
21 cant a permit or license for each pharmacy or drug store for  
22 which an application is made. Permits or licenses issued under  
23 this section shall not be transferable and shall expire on June  
24 thirtieth of each calendar year, and if application for renewal  
25 of permit or license is not made or a new one granted on or

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26 before the first day of September, the old permit or license shall  
27 lapse and become null and void. Every such place of business  
28 so registered shall be in direct charge of registered pharmacists  
29 and operate in compliance with the general provisions governing  
30 the practice of pharmacy and the operation of drug stores.

Sec. 15. The board of pharmacy shall make such rules and  
2 regulations, not inconsistent with law, as necessary to carry out  
3 the purposes and enforce the provisions of this article and is  
4 hereby authorized to revoke any permit or license issued under  
5 the provisions of this act at any time, when examination or in-  
6 spection of the pharmacy or drug store shall disclose that such  
7 place of business is not being conducted according to law.

Sec. 16. It shall be the duty of each county prosecuting at-  
2 torney to whom the board of pharmacy shall report any viola-  
3 tions of this, or any other act, now in force pertaining to the  
4 practice of pharmacy, or, as defined, to cause appropriate pro-  
5 ceedings to be commenced and prosecuted for the enforcement  
6 of the penalties as in such case may be provided.

Sec. 17. Every pharmacy or drug store, as defined, shall  
2 own and have on file at all times the latest decennial edition of  
3 the United States Pharmacopeia and the latest edition of the

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4 National Formulary or some other publication embodying their  
5 texts in full, and no license shall be issued until there is a com-  
6 pliance with this rule.

Sec. 18. Any person, firm, partnership or corporation who  
2 shall violate any of the provisions of section fourteen shall be  
3 deemed guilty of a misdemeanor and upon conviction thereof  
4 for the first offense shall be fined not to exceed one hundred  
5 dollars, and upon conviction of a second offense shall be fined  
6 not less than two hundred dollars, or shall be imprisoned in jail  
7 six months, or both such fine and imprisonment, in the discre-  
8 tion of the court, and each day and every day that such viola-  
9 tion continues shall constitute a separate offense.

Sec. 19. The provisions of section fourteen shall have no ap-  
2 plication to the sale of patent or proprietary medicines nor to  
3 such ordinary drugs in original retail packages, extracts or  
4 dyestuffs as are usually sold in a country or city store.

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*James L. Smith*  
Chairman House Committee.  
*Amos D. Smith*  
Chairman Senate Committee.

*Wm. H. Hiner*  
Speaker of the House of Delegates.

*Geo. Wallace*  
Clerk of the House of Delegates.

*Wm. M. Mauney*  
President of the Senate.

*Amos D. Smith*  
Clerk of the Senate.

The within is.....

this.....day of....., 1933.

.....  
Governor.

Filed in the office of the Secretary of State  
of West Virginia. **MAY 29 1933**  
Wm. S. O'BRIEN,  
Secretary of State