

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 55

(By Mr. Allen)

PASSED February 15, 1951

In Effect Ninety days from Passage



33

ENROLLED
Senate Bill No. 55

(By MR. ALLEN)

[Passed February 15, 1951; in effect ninety days from passage.]

AN ACT to amend and reenact article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the board of pharmacy and its powers and duties; registration of pharmacists, assistant pharmacists and apprentices; use of titles of pharmacist, assistant pharmacist, pharmacy and drug store; operation of pharmacies and drug stores and permits and fees to operate the same; permits for manufacture, packaging and preparation of drugs, medicines and other products; sale of poisonous and habit-forming drugs; enforcement of this article and penalties for the violation of the provisions thereof.

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, as amended, be amended and reenacted to read as follows:

Article 5. Pharmacists, Assistant Pharmacists and Drug Stores.

Section 1. *Definitions.*—The following words and phrases as used in this article, shall have the following meanings, unless the context otherwise requires:

(1) The term “drug” means (a) articles in the official United States Pharmacopoeia, or official National Formulary, or any other supplement to either of them, which are intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, and (b) all other articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, and (c) articles, other than food, intended to affect the structure or any function of the body or man or other animals and (d) articles intended for use as a component of any articles specified in clause (a), (b), or (c).

(2) The term “poisonous drug” means any drug likely to be destructive to adult human life in quantities of five grains or less.

19 (3) The term "deleterious drug" means any drug like-
20 ly to be destructive to adult human life in quantities of
21 sixty grains or less.

22 (4) The term "habit-forming drug" means any drug
23 which has been or may be designated as habit-forming
24 under the regulations promulgated in accordance with
25 Section 502(d) of the Federal Food, Drug and Cosmetic
26 Act of June 25, 1938.

27 (5) The term "pharmacy" or "drug store" or "apothecary"
28 shall be held to mean and include every store or
29 shop or other place (a) where drugs are dispensed, or
30 sold at retail, or displayed for sale at retail, or (b) where
31 physicians prescriptions are compounded; or (c) which
32 has upon it or displayed within it, or affixed to or used
33 in connection with it, a sign bearing the word or words
34 "pharmacy", "pharmacists", "apothecary", "drug store",
35 "drugs", "druggist", "medicine", "medicine store", "drug
36 sundries", "remedies", or any word or words of similar
37 or like import; or (d) any store or shop or other place,
38 with respect to which any of the above words are used
39 in any advertisement.

40 (6) The term "prescription" shall be held to mean an
41 order for drugs or medicines or combinations or mixtures
42 thereof, written or signed by a duly licensed physician,
43 dentist, veterinarian or other medical practitioner licensed
44 to write prescriptions intended for the treatment or pre-
45 vention of disease of man or animals. The term "pre-
46 scription" shall also include orders for drugs or medi-
47 cines or combinations or mixtures thereof transmitted
48 to the pharmacist by word of mouth, telephone or other
49 means of communication by a duly licensed physician,
50 dentist, veterinarian or other medical practitioner
51 licensed to write prescriptions intended for treatment or
52 prevention of disease of man or animals, and such pre-
53 scriptions received by word of mouth, telephone or other
54 means of communication shall be recorded in writing
55 by the pharmacist and the record so made by the
56 pharmacist shall constitute the original prescription to
57 be filed by the pharmacist. All such prescriptions shall
58 be preserved on file for a period of five years, subject
59 to inspection by the proper officer of the law. The above
60 shall apply except for narcotic prescriptions, when all
61 narcotic laws and regulations must be complied with.

62 (7) The term "cosmetic" which, shall be held to in-
63 clude "dentrifice" and "toilet article", means (a) ar-
64 ticles intended to be rubbed, poured, sprinkled, or sprayed
65 on, introduced into, or otherwise applied to the human
66 body, or any part thereof for cleansing, beautifying, pro-
67 moting attractiveness, or altering the appearance, and
68 (b) articles intended for use as a component of any such
69 articles, except that such term shall not include soap.

Sec. 2. *Board of Pharmacy.*—There shall be a state
2 board of pharmacy, known as the "West Virginia Board
3 of Pharmacy", which shall consist of five practicing
4 pharmacists, who shall be appointed by the governor
5 by and with the advice and consent of the Senate. Each
6 member of the board, at the time of his appointment,
7 shall be a citizen and registered pharmacist of this state,
8 and actively engaged in the practice of pharmacy.

9 The members of the board in office on the date this
10 code takes effect shall, unless sooner removed, continue
11 to serve until their respective terms expire and until
12 their successors have been appointed and have qualified.
13 On or before the first day of July, one thousand nine

14 hundred thirty-one, and on or before the first day of July
15 of each year thereafter, the governor shall appoint one
16 member to serve for a term of five years, commencing
17 on said first day of July, and any member shall be eligible
18 for reappointment.

Sec. 3. *When Registered Pharmacist Required; Special Provision for Villages of not More Than Five Hundred Inhabitants; Person not a Registered Pharmacist or Assistant Pharmacist or Apprentice not to Compound Prescriptions or Dispense Poisons or Narcotics; Registration of Apprentices.*—It shall be unlawful for any
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
person not a registered pharmacist within the meaning of this article, who does not employ a registered pharmacist within the meaning of this article, to conduct any pharmacy, drug store, or apothecary shop or store for the purpose of retailing, compounding or dispensing medicines, poisons or narcotic drugs; *Provided*, That in any village of not more than five hundred inhabitants where there is no registered pharmacist within less than two miles of such village, the board of pharmacy may grant to any person who is a registered assistant pharmacist

17 a permit to conduct a drug store or pharmacy in such
18 village, which permit shall not be valid in any other
19 village than the one for which it was granted, and shall
20 cease and determine when the population of the village
21 for which such permit was granted shall become greater
22 than five hundred. It shall be unlawful for the pro-
23 prietor of any store or pharmacy to permit any person
24 not a registered pharmacist or assistant pharmacist to
25 compound or dispense prescriptions or prescription re-
26 fills, or to retail or dispense the poisons and narcotic
27 drugs named in section two, three and six, article eight,
28 chapter sixteen of this code. Except that an apprentice
29 registered with the state board of pharmacy, may com-
30 pound and dispense prescriptions or prescription refills
31 under the direct supervision of a registered pharma-
32 cist.

33 It shall be the duty of registered pharmacists or other
34 employers, who take into their employ an apprentice
35 for the purpose of his becoming a registered pharmacist,
36 to register said apprentice within ninety days thereafter
37 with the board of pharmacy. The board shall furnish

38 proper blanks for this purpose and shall issue certificates
39 to the apprentice upon being properly certified. The
40 experience requirement for licensure as a registered
41 pharmacist shall be computed from the date certified
42 as the date of entering said apprenticeship; and if such
43 apprenticeship is not registered with the board of phar-
44 macy, then he or she shall receive no credit for such
45 experience in a pharmacy when he or she makes ap-
46 plication for examination for licensure as a registered
47 pharmacist. An apprentice having served part or all
48 of his or her apprenticeship in a pharmacy without the
49 state shall be given credit for the same when the af-
50 fidavit of his or her said apprenticeship is signed by the
51 registered pharmacist under whom he or she served,
52 and it shows the exact time of such apprenticeship served,
53 and when same is attested by the secretary of the state
54 board of pharmacy of that state.

Sec. 4. *Use of Titles "Pharmacist" or "Assistant Phar-*
2 *macist"; "Drug Store" or "Drugs".*—It shall be unlawful
3 for any person not legally registered as a pharmacist,
4 unless he has in his employ a registered pharmacist, to

5 take, use or exhibit the title of pharmacist, or licensed
6 or registered pharmacist, or the title of druggist or apothecary,
7 or any other title or description of like import, or
8 to label, mark, or advertise his or any other place of
9 business as a pharmacy or drug store or by the use of
10 the words drug or medicines or any other compound or
11 derivative of the same, or by any other word or sign
12 indicating or intended to indicate that drugs or pharmaceutical
13 supplies are either sold or offered for sale. And
14 it shall be unlawful for any person not legally registered
15 as an assistant pharmacist to take, use or exhibit the
16 title of assistant pharmacist, or any title or description
17 of like import. Any person violating this section shall,
18 upon conviction, be deemed guilty of a misdemeanor
19 and fined not more than one hundred dollars.

Sec. 5. *Qualification of Applicant for Registration as
2 Pharmacist; Certificates of Registration.*—In order to be
3 registered as a pharmacist within the meaning of this
4 article, an applicant shall be a citizen of the United
5 States, not less than twenty-one years of age, shall present
6 to the board of pharmacy satisfactory evidence that he

7 is a graduate of a recognized school of pharmacy as de-
8 fined by the board of pharmacy, and in addition thereto
9 he shall have had at least one year of practical experi-
10 ence in a pharmacy or drug store under the instruction
11 and supervision of a registered pharmacist and shall pass
12 a satisfactory examination by or under the direction of
13 the board of pharmacy.

14 Every applicant for registration as a pharmacist shall
15 present to the board of pharmacy satisfactory evidence
16 that he is a person of good moral character and not ad-
17 dicted to drunkenness or the use of narcotic drugs. The
18 board shall issue certificates of registration to all ap-
19 plicants who successfully pass the required examination
20 and are otherwise qualified, and to all those whose cer-
21 tificates or licenses the board shall accept in lieu of an
22 examination as provided in the next succeeding section.

Sec. 6. *Registration of Pharmacists From Other States.*

2 The board of pharmacy may register and admit to prac-
3 tice as pharmacists in this state, without examination,
4 such persons as have been legally registered or licensed
5 as pharmacists in other states; *Provided*, That the ap-

6 plicant for such registration shall appear personally be-
7 fore the board and shall present satisfactory evidence
8 of qualification equal to that required of applicants for
9 registration in this state, and that he was registered
10 or licensed by examination in such other state, and that
11 the standard of competence required in such other state
12 is not lower than that required in this state. *And pro-*
13 *vided further*, That the board is satisfied that such other
14 state accords similar recognition to registered pharma-
15 cists of this state. Applicants for registration under this
16 section shall, with their application, forward to the secre-
17 tary of the board of pharmacy the same fees required
18 of other applicants for registration.

Sec. 7. *Refusal to Issue; Suspension or Revocation of*
2 *Certificate of Registration.*—The state board of pharmacy
3 shall refuse to issue a certificate of registration to a
4 person guilty of felony or gross immorality, or addicted
5 to drunkenness or the use of narcotic drugs, and shall
6 suspend or revoke a certificate for like cause or for
7 fraud in procuring it.

Sec. 8. *Reports by Secretary of Board to Secretary of*
2 *State; "List of Pharmacists".*—Within ninety days after

3 this code takes effect, the secretary of the board of
4 pharmacy shall make a report to the secretary of state
5 of all registered pharmacists and registered assistant
6 pharmacists in this state, giving the name of the person,
7 his business address, and the date of his registration.
8 On or before the fifteenth day of September each year,
9 the secretary of the board shall certify to the secretary
10 of state all changes in said list required by the addition
11 of new registrations, renewals, deaths, forfeiture of regis-
12 tration, or for other causes, occurring during the pre-
13 ceding year. The secretary of state shall enter in an
14 appropriate book, known as "List of Pharmacists" the
15 facts shown by such reports, which reports shall be filed
16 and preserved in his office.

Sec. 9. *Fees.*—The board of pharmacy shall be entitled
2 to charge and collect the following fees, in addition to
3 those provided in article one of this chapter and in sec-
4 tion fourteen and section sixteen of this article: For
5 renewing the registration of a pharmacist, five dollars;
6 for renewing the registration of an assistant pharmacist,
7 five dollars; for issuing a permit to an assistant pharma-

8 cist to conduct a pharmacy or drug store in a village of
9 not more than five hundred inhabitants, ten dollars.

Sec. 10. *Annual Renewal of Registration and Permits.*—

2 Every registered pharmacist and assistant pharmacist
3 within this state, who desires to continue in the practice
4 of his profession, shall on or before the first day of July,
5 one thousand nine hundred fifty-one and annually there-
6 after apply to the state board of pharmacy for a renewal
7 of his registration, or permit, and shall transmit with his
8 application the fees prescribed in the preceding section of
9 this article. If the board shall find that such applicant
10 has been legally registered in this state, and is entitled
11 to a renewal of the certificate or permit, it shall issue
12 to him a renewal certificate attesting that fact. Notifi-
13 cation of the annual renewal shall be given by the secre-
14 tary of the board at least thirty days prior to said first
15 day of July. If any pharmacist or assistant pharmacist
16 shall fail for a period of thirty days after said first day
17 of July to apply to the board for a renewal of his regis-
18 tration, his name shall be erased from the register of
19 registered pharmacists and assistant pharmacists, and

20 such person, in order to again become registered, shall
21 be required to appear personally before the board to
22 show cause for permitting the certificate or permit to
23 lapse. If such person submits to the board satisfactory
24 reasons for allowing the certificate or permit to lapse,
25 and satisfies the board as to his qualifications to practice
26 the profession, such person shall be required to pay the
27 same fee as in the case of examination.

Sec. 11. *Certificate of Registration or Permit Shall be*
2 *Exposed.*—Every certificate of registration to practice
3 as a pharmacist or assistant pharmacist, and every per-
4 mit to an assistant pharmacist to conduct a drug store
5 in a village of not more than five hundred inhabitants,
6 and every renewal of such certificate or permit, shall be
7 conspicuously exposed in the pharmacy or drug store or
8 place of business of which the pharmacist or assistant
9 pharmacist or other person to whom it is issued is the
10 owner or manager, or in which he is employed.

Sec. 12. *Responsibility for Quality of Drugs Dispensed*
2 *Exception; Falsification of Labels; Deviation from Pre-*
3 *scription.*—All persons, whether registered pharmacists

4 or not shall be held responsible for the quality of all
5 drugs, chemicals and medicines they may sell or dis-
6 pense, with the exception of those sold in the original re-
7 tail package of the manufacture.

8 The following acts shall be prohibited: (1) the falsi-
9 fication of any label upon the immediate container, box,
10 and/or package containing a drug. (2) The substitu-
11 tion or the dispensing of a different drug in lieu of any
12 drug prescribed in a prescription without the approval
13 of the practitioner authorizing the original prescription:
14 *Provided*, That this shall not be construed to interfere
15 with the Art of Prescription Compounding as practiced
16 by the pharmacist in preparing more elegant preparations
17 which do not alter the therapeutic properties of the pre-
18 scription. (3) The filling or refilling of any prescription
19 for a greater or lesser quantity of any ingredient than
20 that prescribed in the original prescription without the
21 approval of the practitioner authorizing the original pre-
22 scription.

23 Any person violating this section shall be guilty of a
24 misdemeanor, and on conviction thereof, shall be pun-

25 ished by a fine of not less than fifty nor more than one
26 hundred fifty dollars for each such offense.

Sec. 13. *Each Pharmacy to Have United States Pharmaco-
2 copoeia and National Formulary.*—Every pharmacy or
3 drug store as defined, shall own and have on file at all
4 times a recent edition of the United States Pharmaco-
5 poeia and a recent edition of the National Formulary
6 and any supplements to any of them or some other pub-
7 lication embodying their texts in full, and no license
8 shall be issued until there is a compliance with this
9 section.

Sec. 14. *Pharmacies or Drug Stores to be Registered;
2 Permit to Operate; Fees; Registered Pharmacist to Con-
3 duct Business.*—The board of pharmacy shall require and
4 provide for the annual registration of every pharmacy
5 or drug store, as defined, doing business in this state.
6 Any person, firm, corporation or copartnership desiring
7 to operate, maintain, open or establish a pharmacy or
8 drug store, as defined, in this state, shall apply to the
9 board of pharmacy for a permit to do so. The application
10 for such permit or license shall be made on a form pre-

11 scribed and furnished by the board of pharmacy, which
12 when properly executed, shall indicate the owner, man-
13 ager, trustee, lessee, receiver, or other person or persons
14 desiring such permit, as well as the location of such
15 pharmacy or drug store, including street and number,
16 and such other information as the board of pharmacy
17 may require. If it is desired to operate, maintain, open
18 or establish more than one pharmacy or drug store,
19 separate applications shall be made and separate permits
20 or licenses shall be issued for each. Every application
21 for a permit shall be accompanied by the required fee
22 of ten dollars, which amount shall be paid annually as
23 the fee for renewal of such permit or license. If an ap-
24 plication is found satisfactory, the secretary of the board
25 of pharmacy shall issue to the applicant a permit or
26 license for each pharmacy or drug store for which ap-
27 plication is made. Permits or licenses issued under this
28 section shall not be transferable and shall expire on the
29 thirtieth day of June of each calendar year, and if ap-
30 plication for renewal of permit or license is not made
31 or a new one granted on or before the first day of Sep-

32 tember, following, the old permit or license shall lapse
33 and become null and void. Every such place of business
34 so registered shall be in direct charge of a registered
35 pharmacist and operate in compliance with the general
36 provisions governing the practice of pharmacy and the
37 operation of a drug store or pharmacy.

38 The provisions of this section shall have no application
39 to the sale of patent or proprietary medicines which are
40 not poisonous, deleterious or habit-forming nor to such
41 ordinary drugs in original retail packages when such are
42 not poisonous, deleterious or habit-forming nor to flavor-
43 ing extracts or dyestuffs as are usually sold in a country
44 store.

Sec. 15. *Professional and Technical Equipment Re-*

2 *quired for Pharmacy or Drug Store*—Every registered
3 drug store or pharmacy must be equipped with proper
4 pharmaceutical utensils so that prescriptions can be
5 properly filled and United States Pharmacopoeia and
6 National Formulary preparations properly compounded.
7 The board of pharmacy shall prescribe the minimum of
8 such professional and technical equipment which a phar-

9 macy or drug store shall at all times possess.

10 Any person violating this section shall, upon conviction,
11 tion, be deemed guilty of a misdemeanor and fined not
12 more than fifty dollars, and no permit shall be issued or
13 continued for the conducting of a pharmacy or drug store
14 which has not complied with the provisions of this section.

Sec. 16. *Permit for Manufacture, Packaging, etc. of*
2 *Drugs, Medicines, Cosmetics, etc.; Regulations as to Sanitation and Equipment; Penalties; Revocation of Permit.—*

3 No drugs or medicines, or toilet articles, dentifrices, or
4 cosmetics, shall be manufactured, made, produced, packed,
5 packaged or prepared within the state, except under the
6 personal and immediate supervision of a registered pharmacist
7 or such other person as may be approved by the
8 board of pharmacy, after an investigation and determination
9 by the said board that they are qualified by scientific
10 or technical training and/or experience to perform
11 such duties of supervision as may be necessary to protect
12 the public health and safety; and no person shall manufacture,
13 make, produce, pack, package or prepare any
14 such articles without first obtaining a permit to do so
15

16 from the board of pharmacy. Such permit shall be sub-
17 ject to such rules and regulations, with respect to sani-
18 tation and/or equipment, as the said board of pharmacy
19 may from time to time adopt for the protection of the
20 public health and safety.

21 The application for such permit shall be made on a
22 form to be prescribed and furnished by the said board
23 of pharmacy and shall be accompanied by the required
24 fee of fifty dollars which amount shall also be paid as
25 the fee for each annual renewal of such permit. Separate
26 applications shall be made and separate permits issued
27 for each separate place of manufacture, making, pro-
28 ducing, packing, packaging or preparation.

29 Permits issued under the provisions of this section
30 shall be posted in a conspicuous place in the factory or
31 place for which issued; such permits shall not be trans-
32 ferable, and shall expire on the thirtieth day of June
33 following the date of issue and shall be renewed an-
34 nually. Nothing in this section shall be construed to
35 apply to those operating registered pharmacies or drug
36 stores.

37 Any person, firm or corporation violating any of the
38 provisions of this section and any permittee here-under
39 who shall violate any of the conditions of this permit
40 or any of the rules and regulations adopted by the said
41 board of pharmacy in pursuance of the power hereby
42 conferred, shall, upon conviction, be deemed guilty of
43 a misdemeanor and fined not more than fifty dollars for
44 each offense, and each and every day such violation
45 continues shall constitute a separate and distinct offense,
46 and upon conviction of a permittee, his permit shall also
47 forthwith be revoked and become null and void.

48 Any person, firm, corporation, or any permittee here-
49 under who shall have been convicted of two or more
50 successive violations of the provisions of this section or
51 of the rules and regulations adopted by the board of
52 pharmacy in pursuance of the powers hereby conferred,
53 shall at the discretion of the board of pharmacy have
54 such permit permanently revoked, and the board of phar-
55 macy is hereby authorized to refuse the issuance of
56 further permits to such person, firm, corporation, or
57 permittee.

Sec. 17. *Hearings by Board Upon Complaint.*—Any person aggrieved by the rules or regulations promulgated by the said board of pharmacy under the provisions of section sixteen, shall be entitled to have his complaint set down for hearing by said board. Requests for such hearing shall be made in writing and shall specify in detail the basis for the complaint, and the hearing shall be held within ten days from the date of the receipt of said request by the said board, unless postponed by mutual agreement. The said board shall have the power to make such rules and regulations with respect to the conduct of such hearings as may be necessary.

Sec. 18. *Limitation of Sale of Poisonous, Deleterious and Habit-Forming Drugs.*—The sale, holding for sale, or offering for sale at retail of any poisonous, deleterious, or habit-forming drug, or any injection, or any other medicine if the contents of its container, or any part thereof, taken at one time, are likely to prove poisonous, deleterious, or habit-forming is prohibited by any person other than a registered pharmacist, who shall take precautions to acquaint the purchaser of the nature of such drug, medicine or injection at the time of sale.

Sec. 19. *Rules and Regulations of Board of Pharmacy; Revocation of Permits; Employment of Field Agents, Chemists, Clerical and Other Qualified Personnel.*—The board of pharmacy shall make such rules and regulations, not inconsistent with law, as necessary, to carry out the purposes and enforce the provisions of this article and is hereby authorized to revoke any permit or license issued under the provisions of this article at any time when examination or inspection of the pharmacy or drug store shall disclose that such place of business is not being conducted according to law.

The board of pharmacy shall have the power and authority to employ field agents, chemists, clerical help and other qualified personnel, as may be necessary to carry out the purposes and enforce the provisions of this article.

Sec. 20. *Duty of Prosecuting Attorney When Violation Reported.*—It shall be the duty of each county prosecuting attorney to whom the board of pharmacy or such other person shall report any violations of this, or any other law, now in force pertaining to the practice of

6 pharmacy, or as defined, to cause appropriate proceedings
7 to be commenced and prosecuted for the enforcement of
8 the penalties as in such case may be provided.

Sec. 21. *Limitations of Article.*—The provisions of
2 this article shall not apply to the sale of patent or pro-
3 prietary medicines, nor to such ordinary drugs and dye-
4 stuffs as are usually sold in a country store.

5 The term “ordinary drugs” shall not be held to include
6 any of the poisons and narcotics named in sections two,
7 three and six of article eight, chapter sixteen of this code,
8 nor any intoxicating liquors, nor any poisonous, delete-
9 rious, or habit-forming drugs, as defined, or any injection,
10 and nothing in this article shall be construed to interfere
11 with any legally qualified practitioner of medicine, den-
12 tistry or veterinary medicine, who is not the proprietor
13 of the store for the dispensing or retailing of drugs, and
14 who is not in the employ of such proprietor, in the com-
15 pounding of his own prescriptions, or to prevent him from
16 supplying to his patients such medicines as he may deem
17 proper, if such supply is not made as a sale.

Sec. 22. *Offenses; Penalties.*—Any person who shall

2 violate any of the provisions of section three of this article
3 shall be guilty of a misdemeanor, and upon conviction
4 thereof, shall for each offense, be fined not exceeding two
5 hundred dollars, or confined in the county jail not to ex-
6 ceed six months, or both fined and imprisoned, in the
7 discretion of the court, and each day such violation shall
8 continue shall be deemed a separate offense.

9 Any person, firm, partnership or corporation who shall
10 violate any of the provisions of section fourteen shall be
11 deemed guilty of a misdemeanor and upon conviction
12 thereof for the first offense shall be fined not to exceed
13 one hundred dollars, or shall be imprisoned in the county
14 jail not to exceed six months, or both such fine and im-
15 prisonment, in the discretion of the court, and each and
16 every day that such violation continues shall constitute a
17 separate offense.

18 Any person, firm, partnership or corporation who shall
19 violate any of the provisions of section eighteen shall be
20 deemed guilty of a misdemeanor and upon conviction
21 thereof shall be fined not to exceed fifty dollars for the
22 first offense, and upon conviction of a second offense shall

23 be fined not less than one hundred dollars, or shall be im-
24 prisoned in the county jail not to exceed thirty days, or
25 both such fine and imprisonment, in the discretion of the
26 court, and each and every day that such violation contin-
27 ues shall constitute a separate offense.

Sec. 23. *Relief by Injunction.*—The board of pharmacy
2 or any person, corporation, or association, in addition to
3 the remedy set forth, may apply to a court having com-
4 petent jurisdiction over the parties and subject matter,
5 for a writ of injunction to restrain repetitious violations
6 of the provisions of this article.

Sec. 24. *Validity.*—If any clause, phrase, sentence,
2 paragraph or section of this article is for any reason held
3 to be unconstitutional, such decision shall not affect the
4 validity of the remaining portions of the article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

A. R. Wickers
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *thirty days from* passage.

Samuel H. Hays
Clerk of the Senate

J. R. Glegg
Clerk of the House of Delegates

Joseph H. Slaughter
President of the Senate

W. E. Roney
Speaker House of Delegates

The within *approved* this the *28th* day of *FEBRUARY*, 1951.

Chas. L. Patton
Governor.



of West Virginia **MAR 1 1951**
D. PITT O'BRIEN,
SECRETARY OF STATE