

*tary sewer owned and operated as a public utility by a city, borough, incorporated town or township, the department may make such change, alteration, adjustment or relocation as may be required as a part of such construction, reconstruction, widening or relocation. The department may also enter into agreements with any such city, borough, incorporated town or township for the sharing in the costs of such change, alteration, adjustment or relocation. In any case where, in the opinion of the secretary, such costs should be shared by the department and a city, borough, incorporated town or township and the department is unable to agree with such city, borough, incorporated town or township to a division of the costs, the department may proceed with the work and petition the Pennsylvania Public Utility Commission for a determination of the costs to be borne by each party.*

APPROVED—The 13th day of December, A. D. 1955.

GEORGE M. LEADER

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No. 253

AN ACT

Amending the act of July eleven, one thousand nine hundred seventeen (Pamphlet Laws 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties," correcting the spelling of the word "cocoa" to "coca" and providing for oral prescriptions in certain cases and regulating their use.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections one, three and seven, act of July eleven, one thousand nine hundred seventeen (Pamphlet Laws 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and reg-

Habit forming  
drugs.

Sections 1, 3 and  
7, act of July  
11, 1917, P. L.  
758, amended  
April 12, 1945,  
P. L. 225,  
further amended.

istered nurses for certain causes, and by providing for the enforcement of this act, and penalties," amended April twelve, one thousand nine hundred forty-five (Pamphlet Laws 225), are amended to read:

"Drug" defined.

Section 1. Be it enacted, &c., That, except as limited in section two of this act, the word "drug," as used in this act, shall be construed to include: (a) Opium; or (b) [cocoa] *coca* leaves; or (c) marihuana; (d) any compound or derivative of opium, [cocoa] *coca* leaves, or marihuana; or (e) any substance or preparation containing opium, [cocoa] *coca* leaves, or marihuana; or (f) any substance or preparation containing any compounds or derivative of opium, [cocoa] *coca* leaves, or marihuana and any substance identified chemically as 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester, or any salt or derivative thereof, by whatever trade name designated, or any preparation containing such substance or its salts or derivatives.

"Person" defined.

Section 3. The word "person," as used in this act, shall be construed to include an individual, a copartnership, a corporation, or an association. Masculine words include the feminine or neuter. The singular includes the plural. [The] *Except as otherwise provided by this act*, the word "prescription" shall be construed to designate a written order, by a duly licensed physician, dentist, or veterinarian, calling for a drug, or for any substance or preparation containing a drug. The word "physician," as used in this act, shall be construed to include physician, surgeon, osteopathic physician and osteopathic surgeon.

"Prescription" defined.

"Physician" defined.

Who may obtain drugs.

Section 7. A. No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except to—(a) another registered pharmacist or bona fide owner of pharmacy or drug store; (b) a duly licensed physician; (c) a duly licensed dentist; (d) a duly licensed veterinarian; (e) a bona fide hospital, dispensary, asylum, sanatorium, or public institution; (f) an individual, in pursuance of a written prescription *or an oral prescription, subject to the requirements hereinafter set forth*, issued by a *duly licensed* physician, dentist, or veterinarian, which prescription shall be dated as of the day on which signed, and shall be signed by the physician, dentist, or veterinarian who issued the same; (g) a person in charge of a laboratory where such drugs are used for the purpose of medical or scientific research only; (h) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (i) a person in the

employ of the United States, or of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

*B. Such drugs as the Secretary of Health, after considering any views expressed on the subject by the Advisory Health Board of the Department of Health and the respective secretaries of State associations representing (a) physicians, (b) pharmacists, (c) dentists and (d) veterinarians, shall, in his discretion, find and, by regulation, designate to possess relatively little or no addiction liability may be sold, dispensed, distributed, or given away, by a registered pharmacist to an individual upon oral prescription of a duly licensed physician, dentist, or veterinarian, which oral prescription together with the date of its communication, the name and address of the prescriber and such other information as may be required by law or regulation in the case of written prescriptions, shall be reduced promptly to writing by the registered pharmacist or the bona fide owner of the pharmacy or drug store and the writing filed and preserved by the registered pharmacist for a period of two years in such a way that it will be readily accessible for inspection by the proper authorities.*

Drugs to be designated for issue upon oral prescription.

*C. In issuing an oral prescription the prescriber shall furnish the pharmacist with the same information as is required by law or regulation in case of a written prescription for drugs, except for the written signature of the prescriber and the registered pharmacist who fills such prescription shall be required to inscribe such information on the written record of the prescription made, filed and preserved by him and shall inscribe on the label of the container of the drug the same information as is required in filling a written prescription. No such oral prescription shall be refilled.*

Procedure to be followed upon oral prescription.

*D. If the secretary shall subsequently determine that a drug to which the oral prescription procedure described in the preceding paragraphs has been made applicable possesses a degree of drug addiction liability that, in his opinion, results in abusive use of such procedure, he shall do so by regulation duly promulgated and publicized. The determination shall be final and, after the expiration of a period of six months from the date of its promulgation and publicity, the oral prescription procedure described in subsection B of this section shall cease to apply to the particular drug which is the subject of the determination.*

Cessation of oral prescription upon determination of Secretary of Health.

*E. No registered pharmacist or bona fide owner of a pharmacy or drug store regularly engaged in the sale of drugs at retail shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written*

Records of oral prescriptions to be preserved for two years.

order signed by the person to whom such drugs are sold, dispensed, distributed, or given, *or by oral prescription as provided for in this section*. Such order shall be preserved, for a period of two years, in such a way that it will be readily accessible to inspection by the proper authorities. When such drugs are sold, dispensed, distributed, or given to an individual, in pursuance of a prescription, [such] *either written or oral as provided for in this section, such written prescription or in the case of such oral prescription the written record of such oral prescription* shall be regarded as the written order herein required, and no further written order shall be necessary.

Duty of pharmacist to mark container of drugs filled by oral or written prescription.

*F.* Whenever a pharmacist sells or dispenses any [narcotic] drug on a prescription, *written or oral*, issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold, or dispensed, a label showing date, his own name, address, and registry number, or the name, address and registry number of the pharmacist for whom he is lawfully acting; the name and address of the patient, or if the patient is an animal, the name and address of the owner of the animal, and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian by whom the prescription was written *or orally given* and such directions as may be stated on the prescription. Whenever a physician, dentist, or veterinarian dispenses any narcotic *drug* to a patient, there must be affixed to the container in which said drug is dispensed, a label showing date, his own name, address, and registry number, the name and address of the patient, or if the patient is an animal, the name and address of the owner of the animal and the species of the animal. No person shall alter, deface, or remove any label so affixed.

Person to whom container of drug has been dispensed must keep it in the same container.

*G.* A person to whom, or for whose use any [narcotic] drug has been prescribed, sold, or dispensed by a physician, dentist, apothecary, or other person authorized under the provisions of section four of this act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 13th day of December, A. D. 1955.

GEORGE M. LEADER