

No. 281

AN ACT

Regulating the sale and possession of certain dangerous drugs in the interest of public health, and imposing penalties.

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

Section 1. This act shall be known and may be cited as "The Dangerous Drug Act of 1955." The Dangerous
Drug Act of 1955.

Section 2. As used in this act:

Definitions.

(1) "Dangerous drug" means a drug intended for use by man: which

(a) contains any quantity of barbituric acid, bromal, carbromal, chloral, alpha-eucaine, beta-eucaine, paraldehyde, peyote, or sulfonmethane or any chemical derivative thereof, which derivative has been by the Secretary of Health, after investigation and after consultation with and on the advice of the Advisory Health Board of the Department of Health and the respective secretaries of state associations representing (i) physicians, (ii) pharmacists, (iii) dentists, (iv) veterinarians, and a representative of State licensed manufacturers of dangerous drugs, as herein defined, and other parties in interest who have notified in writing the Secretary of Health, found to be and by regulations designated as a dangerous drug; or

(b) because of its toxicity or other potentiality for harmful effect or the method of its use or the collateral measures necessary to its use, is not safe for use, except under the supervision of a practitioner, licensed by law, to administer or prescribe such drug; or

(c) is limited by the Federal Food Drug and Cosmetic Act to use under the professional supervision of a practitioner, licensed by law, to administer or prescribe such drug, but shall not include any drug the sale or dispensing of which is regulated by 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," as amended.

(2) "Prescription" means a written order and, in cases of emergency, a telephonic order for a dangerous drug, issued by a physician, dentist or veterinarian, duly licensed to practice in this State, in good faith, in the course of his professional practice, to a registered pharmacist for a dangerous drug for a particular patient, which specifies the date of its issue, the name and address of such physician, dentist or veterinarian, the name and address of the patient, the name and quantity of the drug prescribed, the directions for use of such drug and the signature of such physician, dentist or veterinarian.

Secretary of Health may by regulation remove drugs from prescription-dispensing requirements.

Section 3. The Secretary of Health, after investigation and after consultation with and on advice of the Advisory Health Board of the Department of Health and the respective secretaries of state associations representing (i) physicians, (ii) pharmacists, (iii) dentists, (iv) veterinarians, and a representative of State licensed manufacturers of dangerous drugs, as herein defined, and other parties in interest who have notified in writing the Secretary of Health, may by regulation remove drugs subject to section 2 (1) (a) from the prescription-dispensing requirements, when such requirements are not necessary for the protection of the public health: Provided, That such regulations shall conform unless cogent reasons require otherwise in the interest of public health, as far as possible with regulations promulgated under the provisions of the Federal Food, Drug and Cosmetic Act.

Written confirmation requirement of telephonic prescription.

Section 4. Any physician, dentist or veterinarian giving a prescription for a dangerous drug by telephonic order shall confirm the telephonic prescription for the dangerous drug, within seventy-two hours, by giving to the pharmacist a written prescription therefor, and the said pharmacist shall immediately reduce to writing said telephonic prescription.

Dangerous drugs to be dispensed by prescription of licensed physician, etc., to be compounded by registered pharmacist only.

Section 5. No dangerous drug shall be sold at retail or dispensed to any person, except under the prescription of a duly licensed physician, dentist or veterinarian, compounded or dispensed by a registered pharmacist or under the immediate personal supervision of a registered pharmacist, nor shall any such dangerous drug be refilled on such written order or telephonic order as provided for in this act, unless such refilling is authorized by the prescriber either in the original written order or by the written confirmation of the original telephonic order. No pharmacist shall dispense any dangerous drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the pharmacist, the name and address of the patient, the date compounded and the consecutive number of the

prescription under which it is recorded in his prescription files, together with the name of the physician, dentist or veterinarian prescribing it. The provisions of this section shall not apply to a duly licensed physician, dentist or veterinarian who keeps a record of the amount of such drugs purchased and a dispensing record showing the date, name and quantity of the drug dispensed and the name and address of the patient. No physician, dentist or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the dispenser, the date dispensed, the name and address of the patient and the directions for the use of the drug by the patient.

Inapplicable.

Label requirements for dispensing.

Section 6. No pharmacist, jobber, dealer in drugs or any other person, shall sell or have in his possession any dangerous drug, defined herein, unless the container bears a label securely attached thereto stating conspicuously the specific name of the drug referred to in clause (1) of section two and the proportion of amount thereof. Such label shall not be necessary when the drug is dispensed by a pharmacist upon a prescription or dispensed by a physician, dentist or veterinarian and the container is labeled in the manner described in section five hereof.

Label requirements for possession and sale.

Section 7. The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania and, for that purpose, the Secretary of Health is authorized to make such rules and regulations as may be deemed necessary for the proper enforcement of this act and to employ such assistants and employes as, in the Secretary of Health's opinion, may be necessary and to fix their compensation.

Enforcement.

Section 8. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than one thousand dollars (\$1000), or both, but, if the violation is committed after a conviction of such person under this act has become final, such person shall be subject to imprisonment for not more than three years, or a fine of not more than ten thousand dollars (\$10,000), or both.

Penalty.

Section 9. The following acts and all amendments thereof are repealed:

(1) The act of July eighteen, one thousand nine hundred thirty-five (Pamphlet Laws 1303), entitled "An act to regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health."

(2) The act of May twelve, one thousand nine hundred thirty-nine (Pamphlet Laws 133), entitled "An act to regulate the sale and possession of sulfanilamide and its derivatives in the interest of public health."

(3) The act of April twenty-six, one thousand nine hundred forty-five (Pamphlet Laws 318), entitled "An act to regulate the sale and possession of penicillium (penicillin) and its derivatives, preparations and compounds in the interest of public health."

Section 10. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any act of Assembly or part thereof repealed by this act.

Effective date. Section 11. This act shall take effect in thirty days.

APPROVED—The 28th day of December, A. D. 1955.

GEORGE M. LEADER

No. 282

AN ACT

Amending the act of May four, one thousand nine hundred twenty-seven (Pamphlet Laws 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating the procedure to be followed in enacting necessary ordinances in the course of preparing a consolidation, codification or revision of ordinances.

The Borough Code.

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

Subsection (b), section 1008, act of May 4, 1927, P. L. 519, re-enacted and amended July 10, 1947, P. L. 1621, further amended.

Section 1. Subsection (b) of section one thousand eight, act of May four, one thousand nine hundred twenty-seven (Pamphlet Laws 519), known as "The Borough Code," reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1621), is amended to read:

Section 1008. Recording, Advertising and Proof of Ordinances; Codification of Ordinances.— * * *

(b) Whenever any borough shall have caused to be prepared a consolidation, codification or revision of the general body of borough ordinances, or the ordinances on a particular subject, the borough council may adopt such consolidation, codification or revision as an ordinance of the borough, in the same manner that is now prescribed by law for the adoption of borough ordinances, except as hereinafter provided.