

discharge from such service, and who has had fifteen years experience as an assistant pharmacist, and every person registered in Pennsylvania as an assistant pharmacist or registered as a pharmacist in any other State, who has been in the retail drug business for at least twenty-five years, the last fifteen years of which were in this Commonwealth, may apply, during a period of ninety days from the approval of this act, on a form provided by the State Board of Pharmacy, for registration as a pharmacist. Upon approval of said application, after an oral examination and payment of a fee of fifty (\$50) dollars, the State Board of Pharmacy shall grant, and the Department of Public Instruction shall issue, a certificate of registration as a pharmacist to such person without requiring him to meet other provisions of law which may otherwise prevail for registration.

Section 2. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 537

AN ACT

Relating to, and regulating the manufacture, storing, and possession of explosives; requiring permits for magazines, and prescribing permit fees; and providing penalties.

Section 1. Be it enacted, &c., That no person shall manufacture, process, store, or have in his possession any explosives in this Commonwealth, until all requirements of this act have been complied with: Provided, That nothing contained in this act shall be construed to apply to the actual use of explosives in legitimate and lawful coal mining operations, agricultural work, or to the military and naval forces of the United States, or to the transportation of explosives upon vessels or railroad cars when in conformity with the rules of the Interstate Commerce Commission. Explosives.
Proviso.

Section 2. The term "explosives," whenever used in this act, shall mean and include any chemical compound or other substance intended for the purpose of producing an explosion, or that contains oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion, or by detonator, may produce an explosion capable of causing injury to persons, or damage to property. Definitions.

For the purpose of this act, manufactured articles

shall not be held to be explosives when individual units contain ingredients in such limited quantities and of such nature as not ordinarily to be classified as an explosive, such as fixed ammunition for small arms, firecrackers, safety fuse, matches, and other articles which may be defined from time to time by regulations of the department.

The term "magazine," as used herein, means any building or other structure used exclusively for the storage of explosives.

The word "person," as used in this act, shall be construed to include individuals, copartnerships, associations, and corporations, as well as the Commonwealth and all political subdivisions thereof.

Engaged in before passage of this act.

Section 3. All persons engaged in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device on the date when this act takes effect, shall, within sixty days thereafter, and all persons engaging in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device after this act takes effect, shall, before so engaging, make a report in writing, subscribed to by such person or his agent, to the Department of Labor and Industry, the report stating—

Engaging in after passage of this act.

Report to Department of Labor and Industry.

(1) The location of place of manufacture or processing.

(2) The kind of explosives manufactured, processed, or used.

Report concerning stored explosives.

Section 4. All persons storing explosives or having explosives in their possession on the date when this act takes effect, shall, within sixty days thereafter, and all persons contemplating the storing of explosives or having same in their possession after this act takes effect, shall, before obtaining or storing such explosives, make a report in writing, subscribed to by such person or his agent, to the Department of Labor and Industry, the report stating—

(1) The capacity, type of construction, and location of the magazine, if then existing, or, in case of a new magazine or a removal of any existing magazine, the capacity, type of construction, and proposed location of such magazine.

(2) The kind of explosives that are stored or in possession, or intended to be stored or obtained, and the maximum quantity involved.

(3) The distance that such magazine is located or intended to be located from the nearest buildings, magazines, railroads, and highways.

Department determines quantity stored.

Section 5. The department shall determine the amount of explosives that may be stored or placed in

magazines and shall issue a license to the person applying therefor, as hereinafter provided, such license to stipulate the maximum amount of explosives permitted.

License.

Whenever any person fails, for thirty days, to pay the annual license fee hereinafter provided, after the same becomes due or otherwise violates any of the provisions of this act, the Secretary of Labor and Industry may cancel such license. Whenever a license is cancelled for any cause, the Secretary of Labor and Industry, or his duly authorized representative shall notify, in writing, the person to whom such license is issued of the fact of such cancellation, and shall in said notice direct the removal of all explosives stored in said magazine within a reasonable time limit, but not to exceed ten days from the giving of said notice. Failure to so remove the explosives stored in said magazine within the time specified in said notice shall constitute a violation of this act.

Cancellation of license.

Notice of cancellation of license.

Violation.

Section 6. If at any time any governing body or other authority of any locality may know of any reason why a magazine or building in which explosives are used or kept is not or cannot be conducted in accordance with the provisions of this act, and should not be permitted to operate, upon notifying the Secretary of Labor and Industry, in writing, or his duly authorized representative, a hearing may be conducted by the said Secretary of Labor and Industry or his duly authorized representative, to show cause why a license should not be issued or should not be revoked.

Information by any governing body.

Hearing on revocation of license.

Section 7. All explosive plants and all buildings and magazines wherein explosives are manufactured or stored shall be located, operated, maintained, equipped, and conducted so as to provide for the adequate protection for all persons employed in or about such explosive plants or magazines. The location of explosive plants with respect to other buildings, railroads, and highways, and the location of buildings wherein explosives are manufactured or stored with respect to other magazines or buildings when explosives are manufactured shall be in accordance with the regulations adopted by the Department of Labor and Industry.

Regulations for safety.

Section 8. There shall be kept in the main office on the premises of every explosive plant a plan of said plant, showing the location of all buildings and the distance they are located from other buildings where persons are employed and from magazines, and these plans shall at all times be open to inspection by duly authorized inspectors of the Department of Labor and Industry. The superintendent of each plant shall, upon demand of said inspector, furnish the following information:

Plan of plant.

Information to
inspector.

(a) The maximum amount and kind of explosive material which is or will be present in each building at any one time.

(b) The nature and kind of work carried on in each building, whether or not said buildings are surrounded by natural or artificial barricades, and if so the details of construction of such barricades.

License after
Jan. 1, 1938.

Section 9. After January first, one thousand nine hundred and thirty-eight, every person storing or in possession of explosives shall be required to have a license for each magazine used for the storing or placing of explosives, which license shall be issued on a form prepared and furnished by the Department of Labor and Industry. The application for license shall be accompanied by the proper license fee, which shall be prescribed by the department, according to the quantity of explosives which are to be stored or placed in the magazine, and shall not be less than two dollars and fifty cents (\$2.50) nor more than twenty-five (\$25). Such license shall be kept posted conspicuously in or about the magazine for which issued. Licenses shall expire annually on the thirty-first day of December, and shall be renewed annually upon payment of the fee as specified in this section.

\$2.50 to \$25.00.

Renewal of
license.

Record.

Section 10. Every person, company, or corporation manufacturing, storing, selling, transferring, dealing in, or in any manner disposing of any explosives, shall keep, in a book for that purpose, an accurate record of all transactions with the date thereof relating to the receiving and disposing of the same, which record shall show the amount of each such explosive received, by whom transported or conveyed, and each and every sale or other disposition made of such explosives with the amount thereof, and the name of the person to whom delivery of the same was made, who shall be required to receipt therefor. Such record shall at all times be open to the inspection of any duly authorized representative of the Commonwealth.

Rules and
regulations.

Section 11. For the purpose of carrying out the provisions of this act and applying these provisions to specific cases, the Department of Labor and Industry shall have the power, and its duties shall be, to make, alter, amend, or repeal general rules and regulations to provide protection in the manufacture, processing, transportation, storage, use, or handling of explosives.

Penalty.

Section 12. Any person or persons who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for, or who shall hinder or interfere with a duly authorized officer of the Commonwealth in the performance of his duties as herein provided, shall, upon conviction in a summary proceeding, be punished by a fine of not less than

ten dollars (\$10) or more than one hundred dollars (\$100), and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than thirty days. Any person or persons who shall, on second offense, violate any of the provisions of this act or the rules and regulations of the department as herein provided for, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), or to suffer imprisonment for not more than one year, or both, at the discretion of the court. Prosecution for violation of this act may be instituted by the Secretary of Labor and Industry or his duly authorized representative.

Section 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

Section 14. All fees collected under the provisions of this act shall be paid into the State Treasury, through the Department of Revenue.

Fees to Department of Revenue.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 538

AN ACT

Providing for the erection, construction, and equipment of buildings for a new State sanatorium, or new buildings at existing sanatoria; designating the manner of acquiring or setting aside of land for the erection and construction of such buildings by The General State Authority; authorizing the Commonwealth to lease such new sanatorium or building or buildings and the grounds connected therewith from The General State Authority upon their completion, and the Department of Health to manage and operate the same; and conferring powers and imposing duties upon certain State departments.

WHEREAS, It is the desire of the Commonwealth of Pennsylvania that The General State Authority construct a new sanatorium or erect additional buildings to existing sanatoria and lease the same to the Commonwealth; therefore,

Section 1. Be it enacted, &c., That the Department of Health, with the approval of the Governor, may select for acquisition, either by the Department of Property and Supplies in the name of the Commonwealth or by The General State Authority with funds of the authority, a tract of land well supplied or capable of being supplied with water and capable of being sewerred and drained, for the erection and construction thereon by The General State Authority of an additional sanatorium for the treatment of persons afflicted with tuber-

Selection of sites.