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State of California, Laws, statutes, etc.  
Department of Professional and Vocational Standards  
**Board of Pharmacy**

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# **Pharmacy Laws of California**

and

## **Administrative Rules of Board of Pharmacy**

Pharmacy Law	Dinitrophenol Law
Requirements for Registration as Licentiate	Eyebrow and Eyelash Dye Law
Dangerous Drug Act	State Narcotic Act
Poison Law	Economic Poison Law
Schedule "A" and "B"	Pure Food and Drug Law
Official Antidotes	Labor Law
Prophylactic Law	Department of Professional and Vocational Standards
Itinerant Vendor Law	Administrative Procedure
Rules and Regulations	Act



**January 1, 1948**

*This Is the Latest Official Information*  
**DESTROY ALL PREVIOUS ISSUES**

State of California  
Department of Professional and Vocational Standards  
Board of Pharmacy

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Pharmacy Laws of California  
and  
Administrative Rules of Board of Pharmacy

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January 1, 1948

This is the Joint Office's opinion  
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## TABLE OF CONTENTS

	Page
Pharmacy Law-----	7
Examination Requirements—Instructions to Applicants-----	27
Dangerous Drug Act-----	29
Information on Sale of Dangerous Drugs-----	32
Poison Law -----	35
Schedule A and B Poisons-----	41, 43
Official Antidotes-----	45
Label Requirements -----	65
Prophylactic Law -----	73
Itinerant Vendor Law-----	77
Rules and Regulations-----	79
Dinitrophenol Law -----	88
Eyebrow and Eyelash Dye Law-----	88
State Narcotic Act—Excerpts-----	89
Economic Poison Act—Excerpts-----	111
Pure Food and Drug Law—Excerpts-----	115
Labor Law—Hours of Pharmacists—Wages of Minors-----	123
Professional and Vocational Standards-----	125
Administrative Procedure Act-----	135



EARL WARREN  
GOVERNOR

## State of California

GOVERNOR'S OFFICE  
SACRAMENTO

October 8, 1947

### TO THE PHARMACEUTICAL PROFESSION:

The pharmacists of California have an important share in the task of advancing the standards of public health in our State. This is a great responsibility, and you are meeting it well.

The information in this handbook has been compiled by the State Board of Pharmacy to assist in keeping the standards of your profession high. It is my hope that you will find it a convenient guide to the laws and regulations under which pharmacy is practiced in this State.

With best wishes, I am

Sincerely,

A handwritten signature in cursive script, reading "Earl Warren".

Governor





GOVERNOR EARL WARREN

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# Pharmacy Law

[Sections 500 and 501, Business and Professions Code]

## Division II. Healing Arts

### Chapter 1. General Provisions

#### Article 1. Records

500. Whenever the register or book of registration of the Board of Medical Examiners, the Board of Dental Examiners, or the Board of Pharmacy is destroyed by fire or other public calamity, the board, whose duty it is to keep the register or book, may reproduce it so that there may be shown as nearly as possible the record existing in the original at the time of destruction. Records lost or destroyed

501. For the reproduction of the destroyed register or book the board shall make use of such existing official printed registers, books or matter, certificates, affidavits to be presented, or other official information as may be available and which may appear to the board to be authentic. Upon the completion of the reproduction, the board shall by resolution adopt the reproduced register or book as the register or book of the board, and thereafter the same shall be taken and used to all intents and purposes as well for evidence as otherwise as if it were the original. Reproduction of records

### Chapter 9. Pharmacy

(Added by Chapter 425 of the Statutes of 1937)

[Sections 4000 to 4256, Business and Professions Code]

#### Article 1. Administration

4000. There is in the Department of Professional and Vocational Standards a California State Board of Pharmacy in which the administration of this chapter is vested. The board consists of seven members who shall be appointed by the Governor. Board of Pharmacy

4001. The Governor shall appoint seven competent registered pharmacists, residing in different parts of the State, to serve as members of the board. Appointment

4002. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors. Terms

The terms of the members of the board in office when this chapter takes effect shall expire as follows: two members, January 15, 1938; one member, January 15, 1939; two members, January 15, 1940; and two members, January 15, 1941. The

terms shall expire in the same relative order as to such members as the terms for which they hold office before this chapter takes effect.

Vacancies occurring shall be filled by appointment for the unexpired term.

**Oath** 4003. Within 30 days after their appointment, the members of the board shall individually take and subscribe before the county clerk, in the county in which they individually reside, an oath faithfully and impartially to discharge the duties prescribed by this chapter.

**Teaching** 4004. No member of the board shall teach pharmacy in any of its branches, unless it be as a teacher in a public capacity and in a college of pharmacy.

**Officers** 4005. The board shall elect a president, a secretary and a treasurer. The secretary may or may not be a member of the board as the board in its sound discretion determines. The **Bond** secretary and treasurer shall each give a satisfactory bond running to the Board of Pharmacy for the faithful discharge of their respective duties. Each bond shall be in such sum as the board may from time to time require but not less than two thousand dollars.

**Register** 4006. The secretary shall keep a book of registration open at the City of San Francisco in which shall be entered under supervision of the board the names, titles, qualifications, and places of business of all persons coming under the provisions of this chapter. He shall erase from the register the name of any registered pharmacist who has died or who, in the opinion of the board, has forfeited his right under the law to do business in this State.

Upon receipt of the notification of any change in the place of business or name the secretary shall make the necessary change in his register.

(Amended by Stats. 1947, Ch. 931.)

**Secretary** 4007. The secretary shall give receipts for all money received by him and pay it to the Department of Professional and Vocational Standards, taking its receipt therefor. Besides the duties required by this chapter, the secretary shall perform such other reasonable duties appertaining to his office as may be required of him by the board. No member of the board shall act as secretary except during the temporary absence of the regular authorized officer.

(Amended by Stats. 1947, Ch. 931.)

**Quorum** 4008. Four members of the board constitute a quorum. The board shall hold a meeting at least once in every four months. The office of the board shall be located in San Francisco.

**Rules and regulations** 4009. The board may make such rules and regulations, not inconsistent with the laws of this State, as may be neces-



sary for the protection of the public, and appertaining to the practice of pharmacy, and relating to the sanitation of all establishments and persons licensed by the board and of all establishments where any drug or medicine is manufactured, compounded or prepared, and provide for such standards of minimum equipment of establishments licensed by the board.

(Amended by Stats. 1947, Ch. 931.)

4010. The board may regulate:

Powers

(a) The practice of pharmacy.

(b) The sale of poisons.

(c) The sale of drugs and medicines by or through any mechanical device.

4011. The board may investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines and may take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopoeia or National Formulary.

Complaints

4012. The board may employ inspectors of pharmacy and may inspect, during business hours, all pharmacies, dispensaries, stores or places in which drugs, medicines and poisons are compounded, dispensed or retailed.

Inspectors

4013. The members of the board shall each be paid the sum of ten dollars (\$10) per diem for every meeting of the board which they attend, and for each day engaged in rating examination papers based upon one per diem for each 20 papers or fraction thereof, and shall be further entitled to their actual travel and other necessary expenses incurred in the performance of their duties.

Compensation to board members

(Amended by Stats. 1947, Ch. 931.)

4014. The secretary shall receive such compensation as may be fixed by the board with the approval of the Director of Finance and in addition he shall be entitled to traveling and other expenses necessary in the performance of his duties.

Secretary

## Article 2. Persons and Businesses Subject to This Chapter

4030. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, compound, sell or dispense any drug, poison, medicine or chemical, or to dispense or compound any prescription of a medical practitioner, unless he is a registered pharmacist under the provisions of this chapter.

License necessary

(Amended by Stats. 1943, Ch. 510.)

4031. This chapter does not apply to or interfere with any one who holds a physician's and surgeon's certificate or certificate to practice chiropody and who is duly registered as such by the Board of Medical Examiners or the Board of Osteopathic

Physicians supplying medicines to patients

Examiners of this State, with supplying his own patients with such remedies as he may desire if he acts as their physician and is employed by them as such and if he does not keep a pharmacy, open shop or drug store, advertised or otherwise, for the retailing of medicines or poisons, and provided such person keeps accurate records of medicines dispensed and that such medicines may not be dispensed by a nurse or attendant.

(Amended by Stats. 1947, Ch. 931.)

Trade-  
marked  
drugs, etc.

4032. This chapter shall not apply to any packaged, bottled or nonbulk chemicals, drugs or medicines, when identified by and sold under a trade-mark, trade name or other trade symbol privately owned or registered in the United States Patent Office or as provided by the laws of the State of California, and labeled with directions for use and with the name and address of the manufacturer or distributor, if such chemical, drug or medicine meets with the requirements of the pure food and drug laws of the United States of America and of the State of California.

Except as provided in Section 4044, this section does not exempt the sale of any medicinal drug or medicinal preparation named and listed in the United States Pharmacopoeia, Homeopathic Pharmacopoeia of the United States, or the National Formulary when sold under such name alone or when sold under such name used conjointly with a trade name, brand or trade-mark, registered or not.

However, this section does not exempt the provisions of Section 4030 of this chapter requiring that any prescription of a medical practitioner shall be compounded or dispensed by a registered pharmacist whether the ingredient or ingredients of such a prescription be trade-marked or not.

(Amended by Stats. 1947, Ch. 931.)

Wholesaler  
defined

4033. "Wholesaler" as used in this chapter means and includes every person engaged in the business of jobber or wholesale merchant, selling, dispensing or vending any drug or medicine other than those enumerated in Sections 4032 and 4044 for resale which he has not derived, produced, manufactured or compounded. The provisions of this section do not apply to any pharmacy registered by the State Board of Pharmacy.

(Added by Stats. 1947, Ch. 931.)

Manufacturer  
defined

4033.1. "Manufacturer" as used in this chapter means and includes every person engaged in the business of preparing, compounding, manufacturing or repackaging of any drug or medicine other than those enumerated in Sections 4032 and 4044. The provisions of this section do not apply to any pharmacy registered by the State Board of Pharmacy.

(Added by Stats. 1947, Ch. 931.)

License

4033.2. No person, as principal or agent, shall conduct a business as manufacturer or wholesaler within this State without first obtaining a permit to do so as provided by this article.

(Added by Stats. 1947, Ch. 931.)



4033.3. Every application to conduct a wholesale or manufacturing business shall be made on a form furnished by the board. Upon the approval of such application by the board, and payment of the fee required, the board shall issue a permit to conduct a manufacturing or wholesale drug business. The permit shall be renewed annually before the first day of January of each year.

Tenure of  
license

(Added by Stats. 1947, Ch. 931.)

4034. (Repealed by Stats. 1947, Ch. 931.)

Wholesalers

4035. As used in this chapter "pharmacy" means and includes every store or shop where drugs, medicines or medicinal poisons are dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded, which has upon it or in it as a sign, the words "pharmacist," "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drug store," "drugs," "drug sundries," "prescriptions," or any of these words, or any combination of these words.

Pharmacy  
defined

(Amended by Stats. 1947, Ch. 931.)

4035.1. No store or shop selling any of those articles enumerated in Sections 4032 or 4044, or any person licensed as a general dealer shall be deemed to be a pharmacy as defined by Section 4035 by reason of having upon it or in it any words other than those restricted by Section 4035.

General  
dealer  
defined

(Added by Stats. 1947, Ch. 931.)

4036. Every store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the dispensing of prescriptions of medical practitioners, shall be in charge of a registered pharmacist or a licentiate in pharmacy.

Pharmacist  
in charge

(Amended by Stats. 1943, Ch. 510.)

4037. No store or shop shall use any words or combination of words enumerated in Section 4035 in any advertisement or display unless a registered pharmacist or a licentiate is in charge.

Advertisements

(Amended by Stats. 1947, Ch. 931.)

4038. All owners of pharmacies shall register every pharmacy that they own with the board.

Change of  
address

In the event of moving from one location to another, the board shall be notified in writing within 30 days after the change is made and the permit shall be returned for correction. In the event of any change in the name of the firm or the sale of any pharmacy, the board shall be notified in writing at once by the seller that a change has been made and the permit shall likewise be returned for correction.

(Amended by Stats. 1947, Ch. 931.)

4039. Each application to conduct a pharmacy shall be made on a form furnished by the board. Upon the approval of

Pharmacy  
permit



such application by the board and paying the fee required by this chapter for each pharmacy, the secretary of the board shall issue a permit to conduct a pharmacy under the provisions of Section 4038, if all of the provisions of this chapter have been complied with. The permit shall be renewed annually on or before November 1st of each year.

(Amended by Stats. 1947, Ch. 931.)

Penalty

4040. Any person violating any of the provisions of Sections 4038 and 4039 is guilty of a misdemeanor and shall be punished as provided in this chapter.

General  
dealer  
permit

4041. The board shall issue a permit to general dealers in rural districts upon the payment in advance of the fee required by this chapter, where the conditions, in its judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than three miles distant from the store of a registered pharmacist.

(Amended by Stats. 1947, Ch. 931.)

Drugs sold  
under  
permit

4042. The permit to general dealers in rural districts issued under the provisions of Section 4041 shall authorize the persons or firm named therein to sell in such locality, but not elsewhere, and under such regulations and restrictions as the board may from time to time adopt, the following simple household remedies and drugs, in such manner and form as may be authorized by the board:

Tincture of arnica, spirits of camphor, almond oil, distilled extract witch hazel, syrup of ipecac, syrup of rhubarb, hive syrup, sweet spirits of nitre, tincture of iron, epsom salts, rochelle salts, senna leaves, carbonate of magnesia, seidlitz powders, quinine, cathartic pills, chamomile flowers, caraway seed, chlorate of potash, moth balls, plasters, salves, ointments, peroxide of hydrogen, gum camphor, blue ointment, assafoetida, saffron, anise seed and saltpetre, and such other remedies or drugs as the board may from time to time designate.

Unlawful  
sale

4043. It is unlawful for any general dealer in a rural district to sell any drugs or ordinary household remedies, without complying with the requirements of this section and Sections 4041 and 4042.

Whenever a registered pharmacist establishes a pharmacy within three miles by the shortest road from the place of business of a dealer, no further permit shall be granted, and the permit already issued shall be void.

Sales  
without  
restriction

4044. The following drugs, medicines and chemicals, and such others as the board shall from time to time determine safe for general sale, may be sold by grocers, dealers, and other vendors generally without restriction, whether or not they are otherwise exempted from the provisions of this chapter by Section 4032 or otherwise referred to therein: Glauber salts, petroleum jelly, turpentine, cod liver oil, milk of magnesia, condition powders, cream of tartar, carbonate of soda, bay rum, essence of

peppermint, ammonia, alum, castor oil, bicarbonate of soda, chloride of lime, glycerine, witch hazel, sheep dip, borax, sulphur, aspirin tablets, gauze bandage, mineral oil, sterile cotton, medicated adhesive and corn plasters, peroxide of hydrogen, 10 volume, bluestone, copperas, flax seed, insect powder, fly paper, unmedicated corn plasters, unmedicated adhesive plasters and poultry vermifuge.

(Amended by Stats. 1947, Ch. 931.)

4045. In addition grocers and dealers generally may sell all economic poisons which are within the terms of Article 3 of Chapter 7 of Division 5 of the Agricultural Code, relating to economic poisons, and which are licensed and registered thereunder, sold in original sealed packages and labeled with the official poison labels, when prepared, packaged, and sold in accordance with rules and regulations authorized by said Article 3, except the following: Arsenate of lead, arsenate of calcium, paris green, london purple and hydrocyanic acid in original sealed packages of less than one pound, any economic poison containing more than two (2) percent strychnine or ten (10) percent elemental phosphorus, ant poisons containing more than 0.40 percent by weight of arsenic expressed in terms of metallic arsenic, corrosive sublimate and cyanide of potassium. Sales without restriction

4046. This chapter does not prevent the sale of epsom salts in original packages of not less than 10 pounds when plainly and properly labeled "For livestock only and not for medicinal purposes" in letters not less than one-half inch in height. Epsom salts

4048. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of a written order signed by the prescriber, and shall bear the name and address of the prescriber, his license classification, the name of the patient, name and quantity of the drug or medicine prescribed, the directions for the use, and the date of issue. Prescription defined

(Added by Stats. 1947, Ch. 931.)

[NOTE—For Provisions on Itinerant Vendors, see page 77]

#### Article 4. Applications and Registration Generally

4090. The board may examine and register as pharmacists all applicants whom it deems qualified. Applicants

(Amended by Stats. 1943, Ch. 510.)

4091. Proof of the qualifications for any registration shall be made to the satisfaction of the board and shall be substantiated by such affidavits or other evidence as may be required by the board. Proof of qualifications

(Amended by Stats. 1943, Ch. 510.)



College  
require-  
ment

4092. Graduation from a school or college of pharmacy or department of pharmacy of a university shall not be recognized by the board in regard to any applicant matriculating after January 1, 1938, unless the school or college of pharmacy or pharmacy department of a university requires a resident attendance of not less than eight calendar months of each year of its course. The course shall be distributed over a period of not less than four years, and shall consist of a minimum of 3,200 hours in pharmaceutical work including 1,300 hours of laboratory work predominantly related to pharmaceutical chemistry. Any student may, however, complete the required course of 3,200 hours in a lesser period of time.

(Amended by Stats. 1947, Ch. 931.)

Pharmacy  
experience

4093. Pharmaceutical experience constitutes service and experience obtained after the applicant's fifteenth birthday in a pharmacy under the personal supervision of a registered pharmacist or licentiate in pharmacy, and which consists of service and experience predominantly related to the selling of (*sic*) drugs, compounding physician's prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under State and Federal statutes.

4094. (Repealed by Stats. 1947, Ch. 931.)

4095. (Repealed by Stats. 1947, Ch. 931.)

Credit  
allowed

4095. A pharmaceutical year shall consist of not less than 2,300 clock hours of pharmaceutical experience as defined by Section 4093.

(Amended by Stats. 1947, Ch. 931.)

Character  
and  
citizenship

4096. Each applicant shall be of good moral character and temperate habits. Except for an applicant who is applying under the terms of Section 4134, he shall be a citizen of the United States, or, if eligible for citizenship and not a citizen, he shall have filed and proven his intention of becoming one. If citizenship is later denied to any person registered under this chapter, then such denial of citizenship shall automatically cancel all such registration and privileges.

Alien  
registra-  
tion

4097. The registration already granted to aliens as either registered pharmacists, licentiates in pharmacy or registered assistant pharmacists, under Chapter 406 of the Statutes of 1905, relating to pharmacy, shall not be affected by this chapter and such registration shall have the same force and effect under this chapter that it had under that statute.

Nothing in this chapter shall affect any pending legislation or prosecution, either civil or criminal, instituted before the passage of this chapter, but the same may be asserted, enforced or prosecuted as fully and to the same extent as if this chapter had not been passed.



4098. Each person applying for registration under this chapter shall pay to the secretary of the board, the fees provided by this chapter, on filing his application, and which shall be compensation to the board for investigation or examination of the applicant. Fees

### Article 5. Registered Pharmacists

4120. A registered pharmacist is a licentiate in pharmacy or a practicing pharmacist. Practicing pharmacists are persons who were registered as such under Chapter 406 of the Statutes of 1905, relating to pharmacy, and who have paid all moneys due for renewal of registration as required by that statute. Registered pharmacists

4121. An applicant for registration as a registered pharmacist shall be at least twenty-one years of age. Age

### Article 6. Licentiates in Pharmacy

4130. Licentiates in pharmacy are persons who were registered as such under Chapter 406 of the Statutes of 1905, relating to pharmacy, and who have paid all moneys due for renewals of registration as provided for in that statute, and are such other persons as are registered in accordance with the classes provided by this article. Licentiates

4131. The board shall register as a licentiate in pharmacy any person who is in any one of the classes provided in this article.

4132. Registration as a licentiate in pharmacy, class one, shall be granted to any person, at least 21 years of age, who :

(a) Has passed a written examination before the board and to its satisfaction.

(b) Has graduated from a school or college of pharmacy or department of pharmacy of a university recognized by the board.

(c) Has furnished evidence satisfactory to the board that he has prior to such graduation or within a period of two years after such graduation, completed at least one year's pharmaceutical experience as defined in Section 4093. College graduates

The experience required by subdivision (c) of this section may be acquired prior or subsequent to the taking of an examination given by the board, but no license to practice pharmacy shall be issued to any applicant by the board until the applicant has satisfied all the requirements of this section.

(Amended by Stats. 1947, Ch. 931.)

4132.5. The provisions of Section 4132 of this code relating to age and pharmaceutical experience do not apply during the time this section is in effect.

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars

in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede the provisions of Section 4132 to the effect indicated; but Section 4132 is not repealed by this section and after this section is no longer effective, Section 4132 shall have the same force as though this section had not been enacted.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The prescribed courses have been intensified and shortened in furtherance of the war effort, resulting in students being ready to be graduated at an earlier age and with less experience. It is in the interest of the people of the State that those being graduated be licensed immediately to fill a present shortage of qualified pharmacists. In addition, certain of the students who have completed their courses are imminent for induction in the armed forces but are under 21 years of age, and unless permitted to take the examination now will be under a great handicap when they return from military service.

(Added by Stats. 1943, Ch. 54.)

Licentiate  
by inter-  
change

4133. Registration as a licentiate in pharmacy, class two, shall be granted to any person, at least twenty-one years of age, appearing in person before the board, who:

(a) Has been registered by examination as a licentiate in pharmacy or a registered pharmacist in any state, which reciprocally grants registration without examination to persons who have been registered in this State as licentiates in pharmacy under the terms and conditions similar to those required in this class.

(b) Has graduated from a school or college of pharmacy or a department of pharmacy of a university recognized by the board.

(c) Has had four years of pharmaceutical experience.

(NOTE.—At the present time California has NO RECIPROCAL AGREEMENT with any state as provided in subdivision A above. All applicants must take the regular written examination.)

Licentiate  
by exami-  
nation

4134. Registration as a licentiate in pharmacy, class three, shall be granted to any person who:

(a) Has been registered as a licentiate in good standing in another state.

(b) Has graduated from a recognized school or college of pharmacy or department of pharmacy of a university.

(c) Has had not less than four years of actual pharmaceutical experience.

(d) Has passed a satisfactory written examination before the board.



4135. Registration as a licentiate in pharmacy, class four, shall be granted to any person at least 21 years of age, who has been registered as an assistant pharmacist in this State prior to September 1, 1943, and who has successfully passed an examination under the direction of the State Board of Pharmacy.

(Amended by Stats. 1943, Ch. 510.)

(Amended by Stats. 1945, Ch. 456.)

4160. (Repealed by Stats. 1943, Ch. 510.)

4161. (Repealed by Stats. 1943, Ch. 510.)

4162. (Repealed by Stats. 1943, Ch. 510.)

(These sections were added as Art. 7, Stats. 1947, Ch. 931.)

## Statutes 1947, Chapter 931

### Article 7. Hypodermics

4160. The Board of Pharmacy may, upon written application, on a form furnished by the board, and in its discretion, issue a permit to any person, permitting and authorizing such person to sell and dispense hypodermic syringes and hypodermic needles for the purposes and uses specified in said permit. Hypodermic permits

4161. Any sale of a hypodermic needle or hypodermic syringe shall at the time of sale be recorded in a book by the person making such sale and giving the date and hour of the sale, the type or kind of syringe sold, the quantity sold, the purpose and use for which such hypodermic needle or hypodermic syringe was purchased, the signature of the person making the sale and the signature and address of the purchaser. Such record book shall be available for inspection by any authorized representative of the board or of the Division of Narcotics of the Department of Justice of the State of California. Register of sale

4162. The provisions of this article with reference to hypodermic syringes and needles do not apply to the sale at wholesale by drug jobbers, drug wholesalers and drug manufacturers or manufacturers and wholesalers of surgical instruments to any of the following: Exemptions

(a) Pharmacies as defined in the Business and Professions Code.

(b) Physicians.

(c) Dentists.

(d) Chiropodists.

(e) Veterinarians.

(f) Other jobbers, wholesalers or manufacturers.

(g) Persons to whom a permit has been issued.



Nor do such provisions apply to the sale at retail by persons to whom a permit has been issued to any of the following :

- (a) Pharmacists.
- (b) Physicians.
- (c) Dentists.
- (d) Chiropodists.
- (e) Veterinarians.
- (f) Licensed medical technicians or technologists.
- (g) Nurses.
- (h) Hospital research teaching or clinical laboratories.
- (i) Other permittees.

4163. The possession by any person of a hypodermic needle or hypodermic syringe which has been obtained by false or fraudulent representation or design or by forged or fictitious name, or contrary to or in violation of any of the provisions of this chapter shall constitute a misdemeanor. Any person convicted thereof shall be punished as prescribed by law.

Fraudulent  
use

4164. Any person who has obtained a hypodermic needle or hypodermic syringe from any person to whom a permit has been issued as provided in this article and uses, permits or causes, directly or indirectly, such hypodermic needle or hypodermic syringe to be used for any purpose other than that for which it was purchased is guilty of a misdemeanor and upon conviction thereof is punishable by imprisonment for not less than six months or by a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500) or by both such fine and imprisonment.

Sales for  
human use

4165. No hypodermic needle or hypodermic syringe shall be sold for human use except upon the prescription of a physician and surgeon, dentist or chiropodist. The foregoing provisions shall not apply to sales of hypodermic needles or hypodermic syringes for human use for the purpose of administering adrenalin or insulin to persons suffering from diabetes or asthma.

(Article 8 of Chapter 9, Division 2, of said code repealed by Stats. 1947, Ch. 931)

#### Article 9. Certificates, Information, Records

Posting

4195. Every person holding a certificate of registration or a permit issued under this chapter shall keep said certificate of registration or permit or the last receipt of the renewal thereof displayed in a transparent container upon the licensed premises conspicuous to the purchasing public. Every relief pharmacist shall while on duty carry his certificate of registration upon his person.

Place of  
business

4196. Within 30 days after the changing of his place of business as designated on the books of the board or after changing his name according to law, every registered pharmacist

shall notify the secretary of the board of his change of place of business or change of name.

(Amended by Stats. 1947, Ch. 931.)

4197. The board shall not reissue any certificate without <sup>Certificate</sup> the payment of the fee required by this chapter and the payment of all annual fees that are delinquent at the time that the application is made.

4198. If any person registered under this chapter desires a reissuance of his certificate, the board may reissue one to him, subject to the provisions of Section 4197, upon his application <sup>Applica-  
tion</sup> therefor and the surrender of his old certificate.

4199. If any certificate belonging to a person registered under this chapter is lost or destroyed and a reissuance of the certificate is desired, the board may reissue one, subject to the provisions of Section 4197, upon application therefor and the submission of satisfactory proof, if required by the board, that the certificate has been lost or destroyed. <sup>Lost  
certificate</sup>

4200. When called upon by an officer, a member of the board or a duly authorized inspector, the owner or manager of any pharmacy or other store retailing drugs, medicines or poisons shall furnish the officer, member or inspector with the names of the owner or owners, manager or managers and employees together with a brief statement of the capacity in which these persons are employed in the stores. <sup>Information</sup>

Any person refusing to furnish the information, or wilfully furnishing information that is false or untrue is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars (\$20), nor more than fifty dollars (\$50), or by imprisonment for not less than 10 days and not more than 35 days, or by both such fine and imprisonment. <sup>Refusal</sup>

4201. All prescriptions filled shall be kept on file and open for inspection by duly constituted authorities for a period of at least two years, and any person who wilfully fails to do so is guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not exceeding fifty dollars (\$50), and for each subsequent offense shall be liable to a fine of not less than fifty dollars (\$50), and not more than one hundred dollars (\$100). <sup>Prescription  
file</sup>

4202. All persons registered under this chapter are exempt and free from jury duty. <sup>Jury  
duty</sup>

#### Article 10. Revocation of Certificates

4210. The board may revoke and suspend certificates issued under the provisions of this chapter upon the grounds provided by this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. <sup>Revocation  
of license</sup>

(Amended by Stats. 1945, Ch. 893.)



False  
affidavits

4211. The making of false affidavits in reference to his experience or the experience of any other person applying for registration by the holder of any certificate constitutes a ground for the temporary or permanent revocation of his certificate by the board.

Use of  
hypnotics

4212. The fact that the holder of any certificate becomes or is intoxicated or under the influence of liquor, or hypnotics while on duty constitutes a ground for the suspension or revocation of his certificate by the board.

(Amended by Stats. 1947, Ch. 931.)

Use of  
narcotics

4213. The habitual use of narcotic drugs by the holder of any certificate constitutes a ground for the suspension or revocation of his certificate issued by the board.

(Amended by Stats. 1947, Ch. 931.)

Crimes

4214. The conviction of the holder of any certificate of a crime involving moral turpitude or embezzlement or larceny, subsequent to the procuring of his certificate in any court having legal jurisdiction constitutes a ground for the suspension or permanent revocation of his certificate by the board. The certified copy of such conviction shall constitute conclusive evidence for the purpose of revocation or suspension of such license.

(Amended by Stats. 1947, Ch. 931.)

Insanity

4215. The adjudication of insanity or incompetency or commitment under any of the provisions of Division 6 of the Welfare and Institutions Code or under any of the provisions of Division 4 of the Probate Code or the adjudication of insanity or incompetency by any Federal court of competent jurisdiction constitutes a ground for the temporary suspension or revocation of a certificate by the board.

Intemper-  
ance

4218. Habitual intemperance or gross immorality constitutes grounds for suspension or revocation of a certificate of registration.

(Added by Stats. 1947, Ch. 931.)

Penalty for  
violation

4219. The violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provisions or terms of this chapter, or of any laws governing pharmacy, or of the rules and regulations promulgated by the board, shall constitute grounds for the suspension or revocation of any certificate, license or permit issued by the board.

(Added by Stats. 1947, Ch. 931.)

Narcotic  
violation  
penalty

4220. Conviction of a charge of violation of the Harrison Narcotic Act or the conviction for violation of the State Narcotic Act shall be grounds for the suspension or revocation of any or all licenses under the Pharmacy Act. The record of the conviction or compromise shall be conclusive evidence for action by the board.

(Added by Stats. 1947, Ch. 931.)

4221. The board shall discipline the holder of any certificate, whose default has been entered or who has been heard by the board and found guilty, by any of the following methods: Disciplinary action

- (a) Suspending judgment.
  - (b) Placing him upon probation.
  - (c) Suspending his right to practice for a period not exceeding one year.
  - (d) Revoking his certificate.
  - (e) Taking such other action in relation to disciplining him as the board in its discretion may deem proper.
- (Added by Stats. 1947, Ch. 931.)

4222. A person, whose certificate has been revoked or suspended for more than one year, may petition the board to reinstate the certificate after a period of not less than one year has elapsed from the date of the revocation or suspension. Restoration of license

The petition shall state such facts as may be required by the board. The petition shall be accompanied by two or more verified recommendations from pharmacists licensed by the board to which the petition is addressed and by two or more recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard at the next regular meeting of the board, held not earlier than 30 days after the petition was filed. The hearing may be continued from time to time as the board finds necessary. No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which he is on probation or parole.

In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the board may investigate and consider all activities of the petitioner since the disciplinary action was taken against him, the offense for which he was disciplined, his activity during the time his certificate was in good standing, and his general reputation for truth, professional ability and good character. The affirmative vote of at least five members of the board is necessary to set aside a penalty and to restore a certificate with or without terms, conditions and restrictions.

The secretary shall enter in his records of the case all actions of the board in setting aside a disciplinary penalty under this section and he shall certify notices to the Department of Professional and Vocational Standards. The Department of Professional and Vocational Standards shall make such changes on its records as may be necessary.

(Added by Stats. 1947, Ch. 931.)

#### Article 11. Offenses Against the Chapter

4225. The board may cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action. Prosecutions



Deputizing  
members

4226. At any time, when in its judgment it appears advisable, the board may deputize one of its members, or any other competent person, to investigate any suspected violation of any of the provisions of this chapter. If the result of such investigation seems to the board to justify such action, the board shall cause the prosecution of any person violating any of the provisions of this chapter.

Recovery of  
penalties

4227. The several penalties prescribed in this chapter may be recovered in any court having jurisdiction, by a civil action instituted by the board in the name of the State of California, or by criminal prosecution upon complaint being made.

The district attorney of the county wherein violations of the provisions of this chapter occur shall conduct all such actions and prosecutions at the request of the board.

Penalty for  
violations

4228. Any person violating any of the provisions of this chapter, when no other penalty is provided, is guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine of not less than fifty dollars (\$50), and not more than five hundred dollars (\$500), or by imprisonment of not less than 30 days or exceeding six months, or by both such fine and imprisonment.

(Amended by Stats. 1947, Ch. 931.)

Prior con-  
victions

4229. Any person convicted of violating the provisions of this chapter the third time shall, in addition to the penalties otherwise provided, have his registration as a pharmacist canceled by the magistrate passing sentence upon the third conviction. Within the meaning of this section, convictions under the provisions of Chapter 406 of the Statutes of 1905, relating to pharmacy, shall constitute convictions under the provisions of this chapter.

Any person having his certificate so canceled may, after the expiration of one year thereafter, make a new application for registration to the board. The board may refuse to register such applicant, or may register such applicant upon examination, or upon such terms and conditions as it may prescribe.

Fraudulent  
registration

4230. Any person who attempts to secure or secures registration for himself or any other person under this chapter by making or causing to be made any false representations, or who fraudulently represents himself to be registered, is guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine not exceeding one hundred dollars (\$100), or by punishment for a term not exceeding 50 days, or by both such fine and imprisonment.

Prescrip-  
tions

4231. Any person who permits the compounding of prescriptions of medical practitioners, or the selling of drugs and medicines in his store or pharmacy, except by a registered pharmacist, unless the same is expressly permitted by law, is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in this chapter.

(Amended by Stats. 1943, Ch. 510.)

4232. Any proprietor of a pharmacy, who fails, or neglects <sup>Pharmacies</sup> to place in charge of such pharmacy a registered pharmacist, or any proprietor, who by himself, or by any other person, permits the compounding of prescriptions, or the vending of drugs, medicines or poisons, in his store or place of business, except by a registered pharmacist, is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in this chapter.

(Amended by Stats. 1943, Ch. 510.)

4233. Any person, not being a registered pharmacist, who <sup>Management</sup> takes charge of, or acts as manager of any pharmacy or store, or who, not being a registered pharmacist retails, compounds, or dispenses drugs, medicines, or poisons is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in this chapter.

(Amended by Stats. 1943, Ch. 510.)

4234. Any person, who, while on duty, sells, dispenses or <sup>Violation</sup> compounds any drug or medicine while under the influence of <sup>penalty</sup> intoxicating liquor or narcotic or hypnotic drug shall be guilty of a misdemeanor.

(Added by Stats. 1947, Ch. 931.)

4235. Any person violating any rule or regulation adopted <sup>Sanitation</sup> by the board relating to the sanitary condition of any establishment or person licensed by the board or of any establishment manufacturing, preparing or compounding any drug or medicine is guilty of a misdemeanor and upon conviction thereof shall be liable to punishment by a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500) or by imprisonment for not less than 60 days, or by both such fine and imprisonment.

(Added by Stats. 1947, Ch. 931.)

4236. Every person who, with intent to defraud, signs <sup>Forged pre-</sup> the name of another, or of a fictitious person, knowing he has <sup>scriptions</sup> no authority so to do, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any medicine, drugs, narcotics or poisons is guilty of a forgery and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than 14 years, or by imprisonment in the county jail for not more than one year.

(Added by Stats. 1947, Ch. 931.)

## Article 12. Revenue

4250. Every person holding a certificate from the board <sup>Annual</sup> shall renew annually his registration with the board. Every <sup>renewal fee</sup> registered pharmacist who desires to retain his registration on the books of the board shall annually, after the expiration of the first year's registration and on or before the first day of July of each succeeding year, pay to the secretary of the



board the renewal fee, fixed by the board, within the limits prescribed by this chapter. In return for the payment of the renewal fee, a renewal certificate of registration shall be issued.

(Amended by Stats. 1943, Ch. 510.)

Failure  
to pay

4251. In case any person defaults in payment of the renewal fee, his registration may be revoked by the board on 60 days' notice in writing from the secretary, unless within this time the fee is paid, together with such penalty, not exceeding the amount fixed by this chapter, as the board may impose. Upon payment of the fee and penalty the board shall reinstate the delinquent's registration.

Fines

4252. All fines recoverable under this chapter shall be paid by the magistrate receiving the same to the board.

Compensation

4253. All compensation of members and all other expenses of the board shall be paid out of the examination and registration fees and fines.

Disposition  
of fees

4254. All fees collected on behalf of the board and all receipts of every kind and nature shall be reported each month for the month preceding to the State Controller and at the same time the entire amount shall be paid into the State treasury and shall be credited to the Pharmacy Board contingent fund. This contingent fund shall be for the use of the board and out of it and not otherwise shall be paid all expenses of the board.

Fund

(Amended by Stats. 1939, Ch. 959.)

Amount  
of fees

4255. The amount of the fees for investigation and examination of applicants for registration together with the amount of any additional fee to be paid upon the issuance of a certificate is that fixed by the schedule in Section 4256. An applicant for registration by interchange may at his option be examined as a licentiate without further fee for application.

(Amended by Stats. 1943, Ch. 510.)

Amount  
of fees

4256. The amount of fees and penalties prescribed by this chapter is that fixed by the following schedule:

(a) The fee for a permit to conduct a pharmacy is five dollars (\$5) for each pharmacy.

(b) The fee for a renewal of the permit to conduct a pharmacy is five dollars (\$5) for each pharmacy.

(c) The annual fee for a permit for a general dealer in a rural district is five dollars (\$5).

(d) The fee for any applicant for registration is ten dollars (\$10).

(e) The additional fee for the issuance of a certificate to any licentiate, who is found by the board on examination to be entitled to a certificate, is five dollars (\$5).

(f) The fee for the reissuance of a certificate is five dollars (\$5).

(g) The annual renewal fee for a registered pharmacist may be fixed by the board at an amount not to exceed the sum of five dollars (\$5).

- (h) The fee for a wholesaler is five dollars (\$5).
- (i) The fee for a manufacturer is five dollars (\$5).
- (j) The fee for a hypodermic license is one dollar (\$1).
- (k) The penalty for failure to pay any annual renewal fee may be fixed by the board at an amount not to exceed the sum of ten dollars (\$10).

(Amended by Stats. 1947, Ch. 931.)

(Article 5, comprising Sections 11475 to 11479 inclusive, of Chapter 4, Division 10 of the Health and Safety Code repealed by Stats. 1947, Ch. 931.)





## Requirements and Instructions for Licentiate Examination and Registration

1. *Age:* Not less than 21 years. Good moral character and temperate habits.
2. *Citizenship:* Must be a citizen of the United States. If not a citizen, must be eligible and have filed intention of becoming such. If citizenship is denied or not completed, registration will be automatically canceled.
3. *Examination:* Must be a graduate of a recognized college of pharmacy or department of pharmacy of a university recognized by the Board.

Statement showing dates of attendance and graduation must be furnished direct by the college on request of the Board.

4. *Registration:* One year of pharmaceutical experience is required before registration may be granted, which may be acquired prior or subsequent to the passing of the examination, but must be within a period of two years after graduation from college.

A pharmaceutical year shall consist of not less than 2,300 clock hours of employment in a pharmacy under the personal supervision of a registered pharmacist or licentiate in pharmacy and which consists of service and experience predominantly related to the selling of drugs, compounding physicians' prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes.

5. *Affidavits:* Experience must be proven by the affidavit of the owner or manager of the pharmacy or the registered pharmacist under whose supervision the experience was acquired; must cover actual time employed and show dates worked, name and location of store, and name of owner or manager.

As many affidavit forms as needed by the applicant will be furnished upon request.

6. *Application:* Must be complete, *all questions answered*, properly executed and filed with fee of \$10 *at least 10 days before date of examination*. An application must be filed and fee paid for each examination taken. Experience affidavits need only be furnished when the original application is filed.
7. *Subjects:* In writing in the following subjects: Chemistry, Materia Medica, Theoretical and Practical Pharmacy, Pharmaceutical Jurisprudence, Toxicology, Pharmaceutical Mathematics and Identification. *Practical work:* Prescription Technique.
8. *Time and Place:* The examination is held four times a year (January, April, July and October), requires three days and is given both in San Francisco and Los Angeles.



9. *Percentage Necessary:* A general average of not less than 75 percent and not below 50 percent in more than two subjects.
10. *Issuance of Certificate:* If registration is granted upon written examination, an additional fee of \$5 must be paid for issuance and registration of certificate to cover until June 30th following examination when regular renewal fee is due.
11. *Temporary Permit:* None issued. The section of the California Pharmacy Law which provided for the issuance of temporary permits to practice pharmacy between examinations was repealed, effective September 20, 1947.
12. *Reciprocity:* California has no reciprocal agreement with any state at present time. Registration is by *written examination only*.
13. *Reregistration:* Important. The original \$5 fee paid for the issuance and registration of certificate covers only until the 30th day of June following examination. Thereafter the renewal fee of \$5 is due and payable during the month of June and *must be paid before July first* of each year following or a penalty of \$2 will be added.

# Dangerous Drugs

## Division 22, Health and Safety Code

### SECTIONS 29000 TO 29043 HEALTH AND SAFETY CODE

#### Chapter 1. Definitions

29000. Definitions of terms in this division apply to this division only.

29001. "Dangerous drug" means any drug unsafe for self medication and includes the following:

(a) Any hypnotic drug. "Hypnotic drug" includes acetylurea derivatives, barbituric acid or malonylurea derivatives, chloral, paraldehyde, phenylhydantoin derivatives, sulfonmethane derivatives, or any compounds or mixtures or preparations thereof that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethyl-stilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

29002. "Person" means and includes any person, partnership, firm or corporation, acting either as principal or agent.

29003. "Furnish" means to supply by any means, by sale or otherwise.

29004. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name and address of patient, name and quantity of drug or drugs prescribed; directions for use and the date of issue.

(Amended by Stats. 1947, Chap. 648.)



29005. "Physician," "dentist," "chiropodist," "veterinarian" and "pharmacist" mean persons authorized by a currently valid and unrevoked license to practice their respective professions in this State. "Physician" means and includes physician and surgeon and also osteopathic physician and surgeon.

29006. "Manufacturer" means a person who derives, produces or prepares drugs. Every manufacturer shall maintain an established place of business; shall keep purchase and use, and sales record; and shall be registered with the board.

29007. "Wholesaler" means a person who supplies drugs that he himself has not derived, produced or prepared, on sales orders but not on prescriptions. Every wholesaler shall maintain an established place of business, shall keep purchase and sales records and shall be registered with the board.

29008. "Pharmacy" means a pharmacy licensed under the provisions of Chapter 9 of Division 2 of the Business and Professions Code.

29009. "Laboratory" means a research, teaching or testing laboratory not engaged in the sale of drugs but using hypnotic drugs for scientific or teaching purposes. Every laboratory shall maintain an established place of business; shall keep purchase records and shall be registered with the board.

29010. "Authorized officers of the law" means legally empowered peace officers including inspectors of the State Board of Pharmacy and of the State Bureau of Food and Drug Inspection.

29011. "Board" means the California State Board of Pharmacy.

## Chapter 2. Offenses

29020. No person shall furnish any dangerous drug except upon the prescription of a physician, dentist, chiropodist or veterinarian.

The provisions of this section do not apply to the sale of any dangerous drug by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, chiropodist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

29021. No person shall furnish any dangerous drug upon prescription except in a container correctly labeled with the date, the name and address and prescription number of the furnisher, the names of the prescriber and of the person for whom prescribed, and the directions for use given by the prescriber.

29022. No person shall refill any prescription for any hypnotic drug, nor shall any prescription for any dangerous drug be refilled except upon authorization of the prescriber which may be given with the original prescription, except that a prescription for diphenylhydantoin, aminopyrine, thyroid or the contained or derived active compounds or mixtures of any thereof, may be refilled for the person for whom prescribed, but only in the amount specified in the prescription.

(Amended by Stats. 1947, Chap. 648.)

29023. No person shall have in possession any hypnotic drug or any preparation included in subdivision (c) of Section 29001, except that furnished to such person upon the prescription of a physician, dentist, chiropodist or veterinarian.

The provisions of this section do not apply to the possession of any said drug by a manufacturer or wholesaler or pharmacy or physician or dentist or chiropodist or veterinarian or laboratory when in stock in containers correctly labeled with the name and address of the supplier.

29024. All stock of any dangerous drug of a manufacturer or wholesaler or pharmacy or physician or dentist or chiropodist or veterinarian or laboratory shall be at all times during business hours open to inspection by authorized officers of the law.

29025. All records of manufacture and of sale or disposition of dangerous drugs shall be at all times, during business hours, open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making.

29026. Every person who violates any provision of this chapter, with respect to any hypnotic drug is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Upon a third or subsequent conviction involving a violation respecting hypnotics, the board which granted a professional license to any such defaulter shall institute and maintain proceedings for the forfeiture of such licenses.

29027. Every person who violates any provision of this chapter by use of a minor as an agent or by unlawfully furnishing any hypnotic or dangerous drug to a minor shall be punished as for contributing to the delinquency of such minor.

29028. Every person who violates any provision of this chapter with respect to any dangerous drug other than a hypnotic drug is guilty of a misdemeanor.

29029. All fines collected for violations of the provisions of this chapter shall be paid one-half into the State Treasury to the credit of the Contingent Fund of the Board of Pharmacy and one-half to the treasurer of the jurisdiction in which the misdemeanor is prosecuted, to be deposited in the same fund as fines for other misdemeanors occurring in that jurisdiction are deposited.

29030. Every person who forges or increases the quantity of dangerous drugs in any prescription or who issues a prescription bearing a forged or fictitious signature for any dangerous drug as defined herein, or who obtains any dangerous drug by any forged, fictitious, or altered prescription, or who has in possession any dangerous drug secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), and for each subsequent offense shall be imprisoned in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years.

(Amended by Stats. 1947, Ch. 648.)



29031. The violation of any of the provisions of this division shall constitute grounds for the suspension or revocation of any license issued to such person under any of the provisions of the Business and Professions Code of the State of California. The proceedings for suspension or revocation shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

(Added by Stats. 1947, Ch. 648.)

### Chapter 3. Administration

29040. The California State Board of Pharmacy shall administer and enforce this division.

29041. The board, if after open hearing following due notice to persons who have filed written requests for such notice to the board it shall find any drug to be dangerous to the public health or safety, may make other rules, not inconsistent with this division, limiting or restricting the furnishing of such drug. Any violation of any such rule shall be punished in the same manner as is respectively provided in Sections 29026, 29027 and 29028.

29042. Notice of the adoption of any further rules by the board shall be given to interested parties and no person shall be subject to any prosecution for violating any such rules until the board has given due public notice of the adoption of such rules.

29043. The board shall upon request furnish any person with a copy of the laws or regulations relating to dangerous drugs, the furnishing or possession of which is restricted by this division or by further rules of the board.

### Information Concerning the Control and Sale of Dangerous Drugs

The following substances may be sold at retail *only on the order or prescription* of a physician and surgeon, osteopath, dentist, chiroprapist or veterinary surgeon duly licensed to practice in California. Such prescription *may not be refilled without the authorization of the prescriber*, which may be given with the original prescription.

A prescription is defined as either a verbal (telephonic) or written order by the prescriber. In either case the prescription must bear the name and address of the prescriber, his license classification (physician, osteopath, dentist, chiroprapist, veterinarian) name of patient, directions for use and date.

Manufacturers, wholesalers or pharmacies may sell to each other and to physicians, osteopaths, dentists, chiroprapists, veterinarians or laboratories without a prescription but must make and keep a record of sale showing date, name and address of supplier and buyer, name of drug and the quantity.

The container in which furnished must contain label with date, name and address and prescription number of furnisher, name of prescriber, name of person for whom prescribed and the directions for use given by the prescriber.

**Acetylurea Derivatives**

**Barbituric Acid or Malonylurea Derivatives**

**Chloral**

**Paraldehyde**

**Phenylhydantoin Derivatives**  
(except Diphenylhydantoin)

**Sulfonmethane Derivatives**

Any compounds or mixtures or preparations of the above that may be used for producing hypnotic effects.

**Amphetamine**, compounds or mixtures thereof *except* preparations for use in the nose and unfit for internal use.

**Desoxyephedrine**, compounds or mixtures thereof *except* preparations for use in the nose and unfit for internal use.

**Cinchophen**, compounds or mixtures thereof.

**Neocinchophen**, compounds or mixtures thereof.

**Diethyl-stilbestrol**, compounds or mixtures thereof.

**Ergot**, contained or derived active compounds or mixtures thereof, *except* preparations designed for treating animals (other than man) or poultry and so labeled.

**Cotton Root**, contained or derived active compounds or mixtures thereof, *except* preparations designed for treating animals (other than man) or poultry and so labeled.

**Oil of Croten**, contained or derived compounds or mixtures thereof.

**Oil of Rue**, contained or derived compounds or mixtures thereof.

**Oil of Savin**, contained or derived compounds or mixtures thereof.

**Oil of Tansy**, contained or derived compounds of mixtures thereof.

**Sulfanilamide**, or compounds or mixtures thereof, *except* preparations for topical application only containing not more than five percent (5%) strength and *except* preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

**Penicillin**, all preparations for internal and/or parenteral use. Topical applications are excepted.

(Added to Section 29001 pursuant to Section 29041 of the Health and Safety Code of California, October 26, 1945.)

The following are restricted as above *except* that *the prescription or order may be refilled for the person for whom prescribed, but only in the amount specified in the prescription.*

**Diphenylhydantoin**, contained or derived active compounds or mixtures thereof.

**Aminopyrine**, contained or derived active compounds or mixtures thereof.

**Thyroid**, contained or derived active compounds or mixtures thereof.



IT IS ILLEGAL for any person TO HAVE IN POSSESSION any of the following substances EXCEPT that FURNISHED to such person ON THE PRESCRIPTION of a physician, osteopath, dentist, chiropodist or veterinarian, duly licensed to practice in California.

**Acetylurea Derivatives**

**Barbituric Acid or Malonylurea Derivatives**

**Chloral**

**Paraldehyde**

**Phenylhydantoin Derivatives**  
(except Diphenylhydantoin)

**Sulfonmethane Derivatives**

Any compounds or mixtures or preparations of the above that may be used for producing hypnotic effects.

**Amphetamine**, compounds or mixtures thereof *except* preparations for use in the nose and unfit for internal use.

**Desoxyephedrine**, compounds or mixtures thereof *except* preparations for use in the nose and unfit for internal use.

These provisions do not apply to the possession of any said drug by a manufacturer or wholesaler or pharmacy or physician or osteopath or dentist or chiropodist or veterinarian or laboratory when in stock in containers correctly labeled with the name and address of the supplier.

#### ERRATA

The following lines insert in Section 20703 of the Poison Law on page (35), following paragraph (d), and preceding Schedule "B."

- (e) Phosphorus and preparations;
- (f) Thallium compounds and preparations;
- (g) Aconite, Belladonna, Cantharides, Cocculus, Conium, Digitalis, Gelsemium, Hyoscyamus, Nux Vomica, Santonica, Stramonium, Strophanthus, Veratrum, or their contained or derived active compounds and preparations, except preparations made and labeled for external use only, and except preparations containing not more than four-thousandths percent (0.004%) total belladonna alkaloids or not more than two-hundredths percent (0.02%) total nux vomica alkaloids, and except preparations in dosage forms each containing not more than two-tenths milligram (0.20 mg.) total belladonna alkaloids or not more than one milligram (1.0 mg.) total nux vomica alkaloids;
- (h) Zinc phosphide and preparations;
- (i) Sodium fluoroacetate and preparations.



# Poison Law

## Chapter 199, Statutes of 1947

*An act to add Division 15, comprising Sections 20700 to 20808, inclusive, and to add Section 40009 and 40010 to Division 30 of the Health and Safety Code to consolidate and revise the law relating to the regulation of the sale of poisons, and to repeal acts and parts of acts specified herein.*

[Approved by Governor May 9, 1947. Filed with Secretary of State May 9, 1947.]

*The people of the State of California do enact as follows:*

SECTION 1. Division 15 is added to the Health and Safety Code, to read:

### Division 15. Poisons

[Sections 20700 to 20808, Health and Safety Code]

#### Chapter 1. Definitions

20700. Definitions of terms in this division apply to this division only.

20701. "Board" means the California State Board of Pharmacy.

20702. "Dentist," "pharmacist," "chiropracist," and "veterinary surgeon" means persons who hold valid, unrevoked certificates to practice these respective professions in this State, issued by their respective examining boards in California.

"Physician" means any person holding a valid and unrevoked physician's and surgeon's certificate, or certificate to practice medicine and surgery, issued by the Board of Medical Examiners or the Board of Osteopathic Examiners of the State.

20703. "Poison" means and includes the compositions of the following schedules:

#### Schedule "A":

- (a) Arsenic compounds and preparations;
- (b) Cyanides and preparations, including hydrocyanic acid;
- (c) Fluorides soluble in water, and preparations;
- (d) Mercury compounds and preparations, except preparations made and labeled for external use only and containing not more than five-tenths percent (0.5%) total mercury, and except ointments or soaps containing not more than two percent (2.0%) total mercury or not more than ten percent (10.0%) ammonium mercuric chloride or mercuric oxide;

#### Schedule "B":

- (a) Antimony, Barium, Copper, Lead, Silver or Zinc compounds soluble in water, and preparations containing five percent (5.0%) or more of these compounds;
- (b) Bromine or Iodine and preparations;

(c) Hypochlorous acid, free or combined, and preparations that yield ten percent (10.0%) or more of available chlorine, excepting chloride of lime or bleaching powder;

(d) Permanganates soluble in water, and preparations containing five percent (5.0%) or more of these compounds;

(e) Nitric acid and preparations containing five percent (5.0%) or more of the free acid;

(f) Hydrochloric, Hydrobromic or Sulfuric acids, and preparations containing ten percent (10.0%) or more of the free acids;

(g) Oxalic acid or Oxalates, and preparations containing ten percent (10.0%) or more of these compounds;

(h) Acetic acid and preparations containing twenty percent (20.0%) or more of the free acid;

(i) Potassium or Sodium hydroxides, and preparations containing ten percent (10.0%) or more of the free alkalis;

(j) Ammonia solutions or ammonium hydroxide, and preparations containing five percent (5.0%) or more of free ammonia;

(k) Chloroform or Ether, and preparations containing five percent (5.0%) or more of these compounds, except preparations made and labeled for external use only;

(l) Methyl alcohol or Formaldehyde, and preparations containing one percent (1.0%) or more of these compounds;

(m) Phenol or carbolic acid, Cresols or other phenol derivatives, soluble in water, and preparations containing five percent (5.0%) or more of these compounds;

(n) Nitroglycerine and nitrates;

(o) Nicotine and preparations containing nicotine expressed as alkaloid more than two percent (2.0%).

(p) Ergot, cottonroot, pennyroyal and larkspur, or their contained or derived active compounds or mixtures thereof.

(Added by Stats. 1947, Ch. 199.)

SEC. 3. Section 20750 of said code is renumbered and amended to read:

(Amended by Stats. 1947, Ch. 199.)

20751. It is unlawful for any person to vend, sell, give away or furnish, either directly or indirectly, any poisons enumerated in Schedule "A" and "B" in Section 20703, unless there is affixed a poison label to the package, box, bottle, or paper in which the poison is contained. The poison label shall be substantially in the form provided in this chapter.

(Amended by Stats. 1947, Ch. 199.)

SEC. 4. Section 20751 of said code is renumbered and amended to read.

(Amended by Stats. 1947, Ch. 199.)

20752. It is unlawful to sell or deliver any poison named in schedule "A" or any other poison, which may from time to time be designated by the board, unless on inquiry it is found that the person desiring it is aware of its poisonous character, and it satisfactorily appears that it is to be used for legitimate purpose.

(Amended by Stats. 1947, Ch. 199.)



20752.2. Any person who makes a chemical examination of any tissue, organ or body fluid of man or animal, or of any food or drink, within the State of California, and finds the presence of poison, must, within 30 days, furnish the California State Board of Pharmacy with the name of the poison, the name of the food or drink in which poison was found, the name and address of person so poisoned, or the kind of animal so poisoned together with the name and address of the owner of said animal. Any person who fails to comply with any of the provisions of this section or who falsely makes or withholds such report shall be guilty of a misdemeanor as prescribed by law.

(Added by Stats. 1947, Ch. 199.)

20753. No poison shall be sold or delivered to any person who is less than 18 years of age.

20754. It is unlawful for any person to give a fictitious name or make any false representations to the seller or dealer when buying any of the poisons enumerated in Section 20703, except that this prohibition shall not apply to an officer or inspector of the board in the performance of the duties enjoined by law upon the board, or to any person acting under authority of the board in the performance of its duties.

20755. It is unlawful to sell or deliver any poison included in Schedule "A" or the additions thereto, without making or causing to be made, at the time of sale, an entry in a poison book kept solely for that purpose, stating the date and hour of sale, and the name, address and signature of the purchaser, the name and quantity of the poison sold, the statement by the purchaser of the purpose for which it is required, and the name of the dispenser, who shall be a registered pharmacist. The entry shall be made out in full, in ink by the dispenser himself, before the purchaser affixes his signature.

20756. The poison book shall be in form substantially as follows:

Date and hour	Name of purchaser	Residence	Kind and quantity	Purpose of use	Signature of pharmacist	Signature of purchaser
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This book shall always be open for inspection by the proper authorities, and shall be preserved for at least five years after the date of the last entry therein.

20757. The poison label required by this chapter to be placed on all packages of poison, shall contain the word "poison" and the "vignette" representing the skull and crossbones, printed upon red paper in distinct white letters, or in distinct red letters upon white paper, and shall contain the name of the article or contents of the package, the name and place of business of the person or firm packaging the poison. The name of the particular antidote adopted by the board for the poison sold (and no other) shall also be upon the poison label or be attached to the package.

(Amended by Stats. 1947, Ch. 199.)

20758. The entries in the poison book and the printed or written matter required to be placed on the label or the package, shall be in the English language, except that the vendor of said poison may enter them in any foreign language he may desire, in addition to the entry and label in English.

20759. Wholesale dealers and pharmacists are exempted from the registration of the sale of any poison enumerated in Schedule "A" when it is sold to a registered pharmacist, physician, dentist, chiropodist, or veterinary surgeon, or to a research, teaching, or testing laboratory or other established legitimate user in the chemical and technical arts.

(Amended by Stats. 1947, Ch. 199.)

20760. Wholesale dealers and pharmacists shall affix or cause to be affixed to every bottle, box, parcel or other inclosure of an original package containing any narcotic as defined in Article 1 of Chapter 1 of Division 10 of this code, a suitable label or brand with the word "poison" thereon.

20761. None of the provisions of this division shall be construed to prohibit the sale at cost of any economic poisons by any county through its horticultural commissioner or his deputies when authorized by the board of supervisors, if such economic poisons are to be used for the purpose of controlling insect or other animal pests or noxious weeds or plant diseases and if a record of poison sales is kept by such county officer in accordance with this division.

20762. The provisions of this division do not apply to any sale made upon the prescriptions of a practicing physician, dentist, chiropodist or veterinary surgeon.

20763. None of the provisions of this division shall apply to the furnishing of any ethyl alcohol or preparations thereof that are denatured in accordance with any formula approved for external use by the United States Treasury Bureau of Internal Revenue.

(Added by Stats. 1947, Ch. 199.)

20764. None of the provisions of this division shall apply to the sale of economic poisons defined in Article 3, Chapter 7 of Division 5 of the Agricultural Code and registered thereunder and sold in an unbroken original container when labeled as specified in Sections 20751 and 20757, except that the provisions shall apply to ant poisons containing more than four-tenths percent (0.4%) total arsenic and to preparations containing more than two percent (2.0%) total nux vomica alkaloids.

(Added by Stats. 1947, Ch. 199.)

### CHAPTER 3. ADMINISTRATION

20800. When in the opinion of the board it is in the interest of the public health, it may further add compounds or preparations to schedules "A" and "B" after an open hearing following due notification of interested parties, which rules will be applicable to all persons alike.

Notice of the adoption of rules pursuant to this section shall be given to the public in such manner as the board deems necessary. No person shall be subject to prosecution for violating the rule until the board has given due public notice of its rule. In addition to the public notice of the adoption of such rules, the board shall give written notice of the adoption of such rules within 30 days after the adoption thereof



by sending written notice thereof to all drug stores licensed under Chapter 9 of Division 2 of the Business and Professions Code.

No schedule adopted under the provisions of this division shall apply, except as specifically provided in this division, to any economic poison as defined in Section 1061 of the Agricultural Code.

(Amended by Stats. 1947, Ch. 199.)

20801. The board shall adopt a schedule of what in their judgment are the most suitable common antidotes for the various poisons usually sold. The board shall have the schedule of antidotes printed and shall forward by mail one copy to each person registered upon their books, and to any other person applying for it. The board may revise and amend the list of antidotes from time to time, as they deem advisable.

20802. Printed notice of all additions to the schedules of poisons set forth in this division, and the antidote adopted by the board for each such poison shall be given to all registered pharmacists with the next following renewal of their certificates.

20803. The board shall, upon request, furnish any dealer with a copy of the laws relating to articles, preparations and compounds, the sale of which is prohibited or regulated by this division or the rules of the board.

20804. The district attorney of the county wherein the violation is committed, shall, at the request of the board, institute and conduct all actions and prosecutions for violations of the provisions of this division relating to the labeling, sale or use of poisons.

20805. Any person violating any of the provisions of the division is guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than thirty dollars (\$30), nor more than five hundred dollars (\$500), or by imprisonment for not less than 30 days, and not more than 180 days, or by both such fine and imprisonment.

All money, forfeited bail or fines received under the operation of this division shall be sent without delay by the magistrate receiving it, 75 percent to the State Treasurer to be deposited in the State Treasury and 25 percent to the city treasurer of the city, if incorporated, otherwise to the county treasurer of the county in which the prosecution is conducted.

20806. Every judge and magistrate who collects fines or forfeitures under this division shall keep a record of the fines or forfeitures, and, upon the imposition of any such fine or forfeiture, shall immediately transmit a copy of the record thereof to the county clerk of the particular county. The county clerk shall keep a record of the fines and forfeitures imposed under this division in his county.

Whenever an imprisonment has been imposed for a violation of this division, and before the termination of the sentence thereof the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture in lieu thereof, such fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

The official bond of any judge or magistrate shall be liable for his failure to transmit the fines or forfeitures imposed by him under the provisions of this division.

20807. The county clerk of each county shall, on or before the fifteenth day of January, transmit to the State Controller an annual report of the fines and forfeitures collected during the preceding calendar year within his county.

The State Controller shall check the report of each county clerk with the transmittals of fines and forfeitures from the judges and magistrates, and whenever it is apparent that fines or forfeitures have not been transmitted, the State Controller shall bring suit to enforce the collection or transmittal thereof, or both.

20808. The records kept by any judge, magistrate or county clerk, under the provisions of this chapter, shall be open to the public for inspection, and may be checked by the State Controller, the Attorney General, or the district attorney of the particular county.

SEC. 2. Section 40009 is added to said code, to read :

40009. An act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof" approved March 6, 1907, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

SEC. 3. Section 40010 is added to said code to read :

40010. Section 347a of the Penal Code is repealed.



## Information Concerning the Sale of Poisons in California

### Schedule "A"

**Aconite** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Arsenic**, its compounds and preparations.

*Except:* *Ant poisons* containing more than four-tenths percent (0.4%) total arsenic when registered as an economic poison as defined in Article 3, Chapter 7, Division 5 of the Agricultural Code and sold in an original unbroken container and labeled with the official poison label.

**Belladonna** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

Preparations containing not more than four thousandths percent (0.004%) total Belladonna alkaloids.

Preparations in dosage form each containing not more than two-tenths milligram (0.20mg.) total Belladonna.

**Cantharides** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Cocculus** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Conium** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Cyanide** and preparations (hydrocyanic acid included).

**Digitalis** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Fluorides**, soluble in water, and their preparations.

**Gelsemium** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Hyoscyamus** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Mercury**, its compounds and preparations.

*Except:* Preparations made and labeled "*For External Use Only*" and containing not more than five-tenths percent (0.5%) total Mercury.

Ointments or soaps containing not more than ten percent (10%) Ammonium Mercuric Chloride or Mercuric Oxide.

**Nux Vomica** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

Preparations containing not more than two-hundredths percent (0.02%) total Nux Vomica Alkaloids.

Preparations in dosage form each containing not more than one milligram (1.0 gm.) total Nux Vomica alkaloids.

Preparations containing not more than two percent (2%) total Nux Vomica alkaloids when registered as an Economic Poison as defined in Article 3, Chapter 7, Division 5 of the Agricultural Code and sold in an original unbroken container labeled with the official poison label.

**Phosphorus** and its preparations.

**Santonica** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Sodium Fluoroacetate** and preparations.

**Stramonium** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Strophanthus** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Thallium** compounds and preparations.

**Veratrum** and contained or derived active compounds and preparations.

*Except:* Those made and labeled "*For External Use Only.*"

**Zinc Phosphide** and preparations.

#### Exemptions Not Included in Schedule "A"

**Ethyl Alcohol**, or preparations thereof, when denatured in accordance with any formula approved for external use by the U. S. Treasury Bureau of Internal Revenue.

**Economic Poisons:** (Any material for the control of any pest) as defined in Article 3 of Chapter 7 of Division 5 of the Agricultural Code, licensed and registered under Section 1071 of said code, in the original sealed package of the registrant, labeled with the official poison label, may be sold by dealers generally if they comply with the Agricultural Code *except the following* which are included in schedule "A," must bear the official poison label and may be sold at retail *only by a registered pharmacist* and the sale *entered in the poison register*.

*Ant poisons* containing more than four-tenths percent (0.4%) total arsenic.

*Preparations* containing more than two percent (2%) total Nux Vomica alkaloids.



Schedule "B"

The following poisons do not require signature of purchaser in the poison register, but should bear official poison label with antidote and be sold only by a registered pharmacist.

**Acetic Acid**, and preparations containing 20 percent or more free acid.

**Ammonia Solutions**, and preparations containing 5 percent or more of free ammonia.

**Ammonium Hydroxide**, and preparations containing 5 percent or more of free ammonia.

**Antimony Compounds** soluble in water, and preparations containing 5 percent or more of these compounds.

**Barium Compounds** soluble in water, and preparations containing 5 percent or more of these compounds.

**Bromine** and preparations.

**Carbolic Acid**, or other phenol derivatives, soluble in water, and preparations containing 5 percent or more of these compounds.

**Chloroform**, and preparations containing 5 percent or more of these compounds.

*Except:* Those made and labeled "*For external use only.*"

**Chlorine** and preparations that yield 10 percent or more of available chlorine.

*Except:* Chloride of lime and bleaching powder.

**Copper Compounds** soluble in water, and preparations containing 5 percent or more of these compounds.

**Cottonroot**, its contained or derived active compounds or mixtures thereof.

**Cresols** or other phenol derivatives, soluble in water, and preparations containing 5 percent or more of these compounds.

**Ergot**, its contained or derived active compounds or mixtures thereof.

**Ether**, and preparations containing 5 percent or more of these compounds.

*Except:* Those made and labeled "*For external use only.*"

**Formaldehyde**, and preparations containing 1 percent or more of these compounds.

**Hydrobromic Acid**, and preparations containing 10 percent or more of free acid.

**Hydrochloric Acid**, and preparations containing 10 percent or more of free acid.

**Hypochlorous Acid**, free or combined, and preparations that yield 10 percent or more of available chlorine.

*Except:* Chloride of lime and bleaching powder.

**Iodine** and preparations.

**Larkspur**, its contained or derived active compounds or mixtures thereof.

**Lead Compounds** soluble in water, and preparations containing 5 percent or more of these compounds.

**Methyl Alcohol** and preparations containing 1 percent or more of these compounds.

**Nicotine** and preparations containing nicotine expressed as alkaloid more than 2 percent.

**Nitric Acid** and preparations containing 5 percent or more of the free acid.

**Nitrites**.

**Nitroglycerine**.

**Oxalates**, and preparations containing 10 percent or more of these compounds.

**Oxalic Acid**, and preparations containing 10 percent or more of these compounds.

**Pennyroyal**, its contained or derived active compounds or mixtures thereof.

**Permanganates** soluble in water, and preparations containing 5 percent or more of these compounds.

**Phenol** (Carbolic Acid) or other phenol derivatives soluble in water, and preparations containing 5 percent or more of these compounds.

**Potassium Hydroxides**, and preparations containing 10 percent or more of free alkalies.

**Silver Compounds** soluble in water, and preparations containing 5 percent or more of these compounds.

**Sodium Hydroxides**, and preparations containing 10 percent or more of free alkalies.

**Sulfuric Acid**, and preparations containing 10 percent or more of free acid.

**Zinc Compounds** soluble in water, and preparations containing 5 percent or more of these compounds.



# Official Antidotes

The California State Board of Pharmacy

## General Instructions

The California State Board of Pharmacy gratefully acknowledges the assistance of the following institutions in compiling the information on the "Official Antidotes":

University of California  
College of Pharmacy and  
Division of Pharmacology, School of Medicine

University of Southern California  
Department of Pharmacology

Stanford University  
Department of Pharmacology and Therapeutics

Director of Public Health  
City and County of San Francisco

Toxicologist to the Coroner  
City and County of San Francisco

and to the members of their respective staffs, who through their assistance made this work possible.

## In case of poisoning call a physician or an emergency hospital immediately

The following are accepted procedures. If the poison can be removed safely from the stomach or other surface of the body before it is absorbed, the harm done the patient will be minimized. Once the poison is absorbed into the body much less can be done with any treatment. Antidotes are specified for the more important poisons.

General treatment promptly given is often more effective than the use of specific measures given after some delay. Treatment is directed toward removing the poison, neutralizing it, or protecting the organs in which it has been absorbed.

The following equipment and supplies are suggested for use in emergency treatment:

Stomach Tube, Size No. 30, rubber, with attached funnel.....	1
Stomach Tube, Size No. 20, rubber, with attached funnel.....	1
Lavage Solutions:	
Potassium Permanganate, 1:1000.....	1 liter
Sodium Bicarbonate, 5%, freshly prepared.....	1 liter
Lime Water (Saturated solution).....	1 liter
Nasal Tube, rubber with attached funnel.....	1
Sterile Gauze, 5-yard roll.....	1
Oxygen Inhalation Apparatus—Mask, tubing, bag.....	1
Cylinder of Oxygen.....	1
Cylinder of 5% Carbon Dioxide in Oxygen.....	1
Hypodermic Syringes, 2, 5, 20, and 50 cc.....	2 each
with Needles of Appropriate Sizes.	

### *Hypodermic Solutions and Tablets:*

Apomorphine Hydrochloride (5 mgm. tablets).....	20
Atropine Sulfate (0.5 mgm. tablets).....	20
Caffeine Sodium Benzoate (2 cc., 0.5 Gm. ampuls).....	12
Calcium Gluconate (10 cc., 10% ampuls).....	6

Dextrose (50 cc., 50% ampuls) -----	6
Distilled Water (10 cc. ampuls) -----	12
Ephedrine Hydrochloride (0.016 Gm. tablets) -----	6
Epinephrine (1 cc., 1:1000 ampuls) -----	12
Methylene Blue (50 cc., 1% in 1.8% sodium sulfate) -----	2
Morphine Sulfate (1 cc., (0.016 Gm.) ampuls) -----	6
Pentobarbital Sodium (5 cc., 0.25 Gm. ampuls) -----	6
Picrotoxin (20 cc. bottles, 0.3%) -----	2
Phenobarbital Sodium in Propylene Glycol (2 cc., 0.32 Gm. ampuls) -----	2
Physostigmine salicylate (0.6 mgm. tablets) -----	6
Sodium Bicarbonate (20 cc., 1.5 Gm. ampuls) -----	6
Sodium Formaldehyde Sulfoxylate (10 Gm. ampuls) -----	6
Sodium Iodide (10 cc., 1 Gm. ampuls) -----	6
Sodium Nitrite (10 cc., 3% ampuls) -----	2
Sodium Thiosulfate (50 cc., 25% ampuls) -----	2
Sodium Thiosulfate (10 cc., 10% ampuls) -----	6

*Intravenous Infusion Apparatus:*

Dextrose (5% in Normal Saline) infusion bottle -----	1 liter
Normal saline solution -----	2 liters
Plasma, Dry -----	2 units
Ringer's Solution, U.S.P. -----	1 liter
Sodium r-Lactate (1.87% or M/6) infusion bottle -----	1 liter

*Miscellaneous Drugs and Chemicals:*

Alcohol, Ethyl (95%) -----	500 cc.
Aluminum Hydroxide Gel. -----	250 cc.
Amyl Nitrite (0.3 cc. pearls) -----	12
Aromatic Spirit of Ammonia, 30 cc. bottles -----	3
Dimercaprol (BAL), (2:3-Dimercaptopropanol), (Ampuls, 10% in oil) -----	6
Calcium Lactate -----	30 Gm.
Charcoal, Activated -----	125 Gm.
Chloral Hydrate -----	125 Gm.
Copper Sulfate, 0.3 Gm. capsules -----	12
Ether, for anesthesia (125 Gm. containers) -----	4
Glycerin -----	500 cc.
Liquid Petrolatum -----	500 cc.
Lime Water -----	500 cc.
Magnesium Sulfate (Epsom Salt) -----	500 Gm.
Magnesium Oxide -----	125 Gm.
Methylene Blue, 0.065 Gm. tablets -----	100
Milk of Magnesia -----	250 cc.
Mustard, powdered -----	125 Gm.
Olive or Salad Oil -----	500 cc.
Paraldehyde -----	125 cc.
Pentobarbital Sodium, (0.1 Gm. capsules) -----	24
Potassium Ferrocyanide, (0.5 Gm. capsules) -----	12
Propylene Glycol -----	250 cc.
Sodium Bicarbonate (Baking Soda) -----	500 Gm.
Sodium Chloride (Salt) -----	500 Gm.
Sodium Citrate -----	125 Gm.
Sodium Iodide -----	30 Gm.
Sodium Formaldehyde Sulfoxylate -----	50 Gm.
Sodium Nitrite, powdered -----	30 Gm.
Sodium Phosphate, dibasic -----	125 Gm.
Sodium Thiosulfate -----	125 Gm.
Starch -----	125 Gm.
Tannic Acid -----	125 Gm.
Vinegar (Diluted Acetic Acid, 6%) -----	500 cc.

*"Universal Antidote":*

(Activated Charcoal, 2 parts; Magnesium Oxide, 1 part; Tannic Acid, 1 part) 15 Gm. ( $\frac{1}{2}$ ounce) -----	12
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## Removal of Poisons

If patient is vomiting do not give an emetic but give large amounts of warm water, then follow specific directions suggested. If an emetic is needed—GIVE SODIUM CHLORIDE 15 GM. (ONE-HALF OUNCE) IN GLASS OF WARM WATER AND REPEAT UNTIL VOMIT FLUID IS CLEAR. Gentle stroking or a touching of the throat with the finger or a tongue depressor will aid in inducing vomiting when the stomach is full of fluid.

An emetic of one to three teaspoonsful of powdered mustard in a glass of warm water may also be used. Apomorphine hydrochloride, 5 mgm. ( $\frac{1}{12}$  grain), injected hypodermically, may be used with care. *Caution:* Do not use in morphine poisoning.

*An emetic should not be given after poisoning by corrosive acids or caustic alkalis, since perforation of an eroded esophagus or stomach may occur.*

## "Universal Antidote"

Activated Charcoal 2 parts, Magnesium Oxide 1 part, Tannic Acid 1 part, in a mixture, and given as 15 Gm. ( $\frac{1}{2}$  ounce) in a half glass of warm water may be used to adsorb or neutralize poisons. This mixture is useful in poisoning by acids, alkaloids, glycosides, and the heavy metals. Except after corrosive substances it is to be followed by gastric lavage or an emetic.

## Gastric Lavage

Lavage is the most important method for removal of poisons from the stomach. Serious injury may result from improper use of the stomach tube and this procedure should preferably be carried out by a physician. Ordinarily, gastric lavage is not indicated unless the patient is seen within the first four hours after the poison has been swallowed. The stomach tube should be of moderately stiff rubber with a smooth blunt end and with funnel attached. For adults a No. 30 and for children a No. 20 (French scale) tube is suitable. This must be wet and chilled in ice water if possible, then inserted with care to avoid entering the trachea. The patient's head should be inclined slightly forward and the tip of the tube inserted during the act of swallowing, then gently pushed down the esophagus and into the stomach. Use a mouth gag if necessary. The average length of tube to be inserted for an adult is approximately 20 inches from its tip to the front teeth.

The "Universal Antidote" or a specific antidote should be administered orally with water before the tube is passed. With the tube in place a lavage fluid is introduced, then the funnel end is lowered to siphon off the contents, being assisted by compression and stripping of the tube toward the funnel end. The washing should be repeated, finally leaving a small quantity, about 60 cc. (2 fluid ounces) of the lavage solution in the stomach. Warm water or a teaspoonful of sodium chloride to a pint of warm water may be used for lavage. For an alkaline wash a 5% sodium bicarbonate solution may be used. One of the most effective solutions for oxidizable poisons is potassium permanganate solution, 1:1000 for adults and 1:2000 for children. This solution keeps well and can be used in the recommended amounts without concern as to toxicity.

*The stomach tube should not be used after poisoning by corrosive acids or caustic alkalis, since perforation of an eroded esophagus or stomach may occur.*

## Demulcents

1. Mucilaginous.
  - (a) Raw egg white mixed with water.
  - (b) Gelatin, 10 to 20 Gm. dissolved in a pint of warm water.
2. Fatty.
  - (a) Butter.
  - (b) Olive or salad oil.
  - (c) Cream or milk.
3. Starchy.
  - (a) Mashed potatoes.
  - (b) Flour and water.
  - (c) Cornstarch.

### General Methods to Prevent Collapse

1. Cover with a light blanket. Do not use a hot water bottle.
  2. Raise foot of bed. Apply elastic binders to arms and legs.
  3. Give strong tea or coffee. Tea is useful for children.
  4. Hypodermic injection of stimulants—caffeine, epinephrine.
  5. Fluid administration—dextrose 5% intravenously.
  6. Blood or plasma transfusion.
- Do not exhaust patient by too much or too vigorous treatment.

### Artificial Respiration

Avoid harmful forced methods of artificial respiration. Use inhalation apparatus with face mask and rubber balloon to provide a rhythmic intake of oxygen at about 20 inspirations per minute, or place patient on a stretcher or board supported in center and rock at 45 degree angle at the same rate. As an alternate method, apply gentle pressure on lower ribs intermittently, with head turned toward the side and supported by the arm. Keep air passages open. *Avoid vigorous application of pressure to the chest.* Rectum may be dilated manually to stimulate respiration. The procedures described are less harmful and more effective than the use of the pulmotor.

## Antidotes for the Common Poisons

### Acetanilid

(Certain cold and headache remedies.)

Give "Universal Antidote," then gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach, or use an emetic. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. 5% carbon dioxide in oxygen inhalation for cyanosis. Methylene blue 65 mgm. (1 grain) every four hours by mouth for persistent cyanosis. Have patient lie down and keep warm.

**Acetophenetidin**—Same as for Acetanilid.

**Acetylsalicylic Acid**—See Salicylates (Aspirin).

### Acids, Corrosive

(Acetic, Hydrochloric, Muriatic, Lactic, Nitric, Phosphoric, Sulfuric.)

**External**—Flood with water, then cover with moistened sodium bicarbonate. If eyes are involved wash first with water, then with 1 per cent solution of *sodium bicarbonate* (freshly prepared).

**Internal**—Do not use emetics, stomach tube, carbonates or bicarbonates. Give at least 20 to 30 cc. ( $\frac{2}{3}$  to 1 ounce) of milk of magnesia or preferably aluminum hydroxide gel well diluted with water. If these alkalies are not available, the whites of eggs (2 or 3) well beaten may be used. Give large quantities of water. Prevent collapse.

**Acid Cresolic**—See Phenols.

**Acid Oxalic**—See Oxalates.

### Aconite and Preparations



Give "Universal Antidote," followed by gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Hot tea or coffee, caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. 5% Carbon dioxide in oxygen inhalation or artificial respiration if necessary.

### Alcohol, Ethyl and Isopropyl

(Ethanol, Grain Alcohol, Isopropanol, Rubbing Alcohol.)

Give gastric lavage or an emetic (if patient is ambulatory). Sodium bicarbonate 4 Gm. (60 grains) in water to combat acidosis. 5% Carbon dioxide in oxygen inhalation. Keep patient warm and stimulate respiration by use of strong tea or coffee or aromatic spirit of ammonia, 4 cc. (1 teaspoonful) in water.

For sedation in delirium tremens, give paraldehyde 4 to 20 cc. (1 to 5 drams) in water by mouth. Chloral hydrate 1 Gm. (15 grains) by mouth or by rectum may be used. Give sodium r-lactate solution (1.87%) intravenously to combat acidosis.

### Alcohol, Methyl

(Methanol, Wood Alcohol, Denatured Alcohol.)

Give gastric lavage with 240 cc. (8 ounces) of 5% sodium bicarbonate solution diluted to 1 liter (1 quart) with warm water, leaving 60 cc. (2 ounces) in the stomach. Give sodium r-lactate solution (1.87%) intravenously to combat acidosis. Continue alkaline regime until the patient's plasma-carbon dioxide combining power has been restored to normal. 5% Carbon dioxide in oxygen inhalation. *Exclude light from eyes.*

### Alkalies, Caustic

(Lye, Soda, Soda Ash, Sodium Carbonate, Sodium Hydroxide, Potassium Hydroxide.)

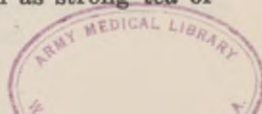
*External*—Flood with water, then wash with vinegar or if eyes are involved, wash with saturated boric acid solution or normal saline solution.

*Internal*—Do not use emetics or stomach tube. Give vinegar 15 to 30 cc. ( $\frac{1}{2}$  to 1 ounce) in a large quantity of water. Diluted orange or lemon juice is useful. Follow with demulcent. Patient should not be left alone for 24 hours, because of danger of collapse.

### Alkaloidal Poisons

(Not specifically covered.)

Give "Universal Antidote," then gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Have patient lie down and keep warm. Combat collapse by giving warm stimulating drinks such as strong tea or coffee.



**Ammonia**—Same as for Caustic Alkalies.

(Ammonium Hydroxide, Ammonia Water.)

**Aniline Dyes and Inks**—Same as for Acetanilid.

**Antimony Compounds**—Same as for Arsenic Compounds.

(Notably Tartar Emetic.)

**Antipyrine**—Same as for Acetanilid.

**Antiseptic Tablets**—See Mercury Compounds.

### **Arsenic Compounds and Preparations**

(Arsenous Acid, White Arsenic, Fowler's Solution, certain insect and rodent poisons, such as Ant Pastes, Paris Green, "Rough on Rats," Snail Baits, etc.)

Give "Universal Antidote," followed by gastric lavage with 240 cc. (8 ounces) of 5% sodium bicarbonate solution diluted to 1 liter (1 quart) with warm water, Magnesium sulfate 30 Gm. (1 ounce). Force fluids.

Dimercaprol (BAL) is indicated except in presence of known liver damage. A 10 per cent solution in oil is available for *intramuscular injection only*. The recommended dose is 0.25 cc. (4 minims) per 10 Kg. (22 pounds) of body weight, repeated four times at 4 hourly intervals during the first day, and once daily for the following 6 days. *Minor toxic reactions consisting of nausea associated with aches and pains may occur*. Experimental evidence indicates this antidote may also be effective for other heavy metals, such as antimony, bismuth, mercury and zinc.

**Atabrine**—See Quinacrine.

**Atropine**—See Belladonna Derivatives.

### **Barbituric Acid Derivatives**

(Barbital, Pentobarbital, Phenobarbital, etc.)

Give "Universal Antidote," then gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Keep patient warm and stimulate respiration. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. (7½ grains) subcutaneously or intravenously every two hours if needed. Picrotoxin may be used, *with caution*, giving 10 mgm. (¼ grain) or 3.3 cc. (50 minims) of 0.3% solution intravenously every 10 minutes until some awakening occurs, then 6 mgm. (¼₁₀ grain) or 2 cc. (30 minims) of 0.3% solution every 10 minutes as necessary. *Caution*, do not give in all more than 180 mgm. (3 grains) or 60 cc. (2 ounces) of 0.3% solution of picrotoxin. Give an intravenous infusion of dextrose solution (5%) to maintain urine output. 5% carbon dioxide in oxygen inhalation and artificial respiration if necessary. *Avoid Alcohol*.



## **Barium Compounds Soluble in Water**

Give magnesium sulfate or sodium sulfate, 15 to 30 Gm. ( $\frac{1}{2}$  to 1 ounce) in water. Emetic of mustard. Demulcent drinks and aromatic spirit of ammonia in water.

## **Belladonna, Derivatives and Preparations**

(Atropine, Hyoscyamine, Scopolamine, Hyoscyamus, Stramonium.)

Give "Universal Antidote," then gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. If excitation persists, give pentobarbital sodium 0.1 Gm. ( $1\frac{1}{2}$  grains) or paraldehyde 10 cc. ( $2\frac{1}{2}$  drams) in ice water by mouth. Catheterize if necessary. Physostigmine salicylate 3 mgm. ( $\frac{1}{20}$  grain) to combat peripheral effects, if necessary.

## **Benzene and Derivatives**

(Benzol, Toluene, Toluol, Xylene, Xylol.)

If inhaled, promptly remove from exposure. 5% carbon dioxide in oxygen inhalation or artificial respiration, if necessary.

If swallowed, give gastric lavage with 240 cc. (8 ounces) of 5% sodium bicarbonate solution diluted to 1 liter (1 quart) with warm water, or give an emetic. Blood transfusion in severe cases. Later, folic acid, 15 mgm. ( $\frac{1}{4}$  grain) intravenously, or liver extract (5 to 10 cc.) intramuscularly with a high caloric diet.

**Bichloride of Mercury**—See Mercury Compounds.

## **Bismuth Compounds Soluble in Water**

Give magnesium sulfate 30 Gm. (1 ounce) in water as cathartic and force fluids. Later promote diuresis with alkaline salts, sodium citrate 5 Gm. (75 grains) in water by mouth. Improve oral hygiene. See Dimercaprol under Arsenic.

**Bitter Almonds, Oil of**—See Cyanides.

**Blue Stone, Blue Vitriol**—See Copper Compounds.

## **Boric Acid and Soluble Borates**

Give gastric lavage with 240 cc. (8 ounces) of 5% sodium bicarbonate solution diluted to one liter (1 quart) with warm water. Normal saline solution 1 liter intravenously, or preferably Ringer's solution U.S.P. 1 liter intravenously. Promote diuresis with sodium citrate 1 Gm., (15 grains) repeated as necessary.

**Botulism**—See Food Poisoning.

## **Bromides Soluble in Water**

Give gastric lavage or an emetic if recently swallowed. Then give magnesium sulfate 30 Gm. (1 ounce) in water and force fluids. Normal saline solution 1 liter (1 quart) intravenously and hydrotherapy daily for several days to assist in the elimination of bromides.

## **Bromine**

There may be a delay of several hours before development of serious symptoms following inhalation. Have patient lie down and keep warm. 5% carbon dioxide in oxygen inhalation for respiratory symptoms. Respiratory stimulants are of doubtful value. May give hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. Epinephrine 0.5 cc. ( $7\frac{1}{2}$  minims) 1:1000, subcutaneously for dyspnea (bronchospasm), as needed. Important to irrigate or rinse the mouth with sodium thiosulfate, 10% solution.

## **Camphor**

(Camphorated Oil, Spirit of Camphor.)

Give gastric lavage or an emetic for excitation or convulsions, give pentobarbital sodium 0.1 Gm. ( $1\frac{1}{2}$  grains) intravenously. Keep patient warm and stimulate respiration if necessary.

## **Cantharides**

(Spanish Fly.)

Avoid oils or fats. "Universal Antidote," followed by gastric lavage. Demulcents. Give Dextrose, 5% solution intravenously to promote diuresis. Treat as for potential nephritis, giving alkaline salts and milk diet.

**Carbolic Acid**—See Phenols.

## **Carbon Disulfide**

(Carbon Bisulfide, certain rubber solvents.)

If inhaled, promptly remove from exposure and give 5% carbon dioxide in oxygen or artificial respiration if necessary. If swallowed, give 120 cc. (4 ounces) of liquid petrolatum, then gastric lavage with large quantities of warm water. Hot tea or coffee, caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously.

## **Carbon Monoxide**

Promptly remove from exposure and give 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary. Have patient lie down and keep warm. Give 50 to 100 cc. ( $1\frac{3}{4}$  to  $3\frac{1}{2}$  ounces) 50% dextrose solution intravenously. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. Blood transfusion if needed.

## **Carbon Tetrachloride and Tetrachloroethylene**

(Non-inflammable cleaning fluids, fire extinguisher fluids, certain hookworm remedies.)

If inhaled, promptly remove from exposure and give 5% carbon dioxide in oxygen or artificial respiration if necessary. If swallowed, give 120 cc. (4 ounces) liquid petrolatum, then gastric lavage with large quantities of warm water. Calcium gluconate, 5 to 10 Gm. ( $1\frac{1}{4}$  to  $2\frac{1}{2}$



drams) intramuscularly or intravenously. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. Later, treatment for liver damage. Methionine or choline 2 Gms. (30 grains) by mouth every 2 hours with high carbohydrate diet. Blood transfusion if needed.

### **Chlorates Soluble in Water**

(Potassium Chlorate, certain dentifrices, gargles, mouthwashes.)

Give sodium chloride 15 Gm. ( $\frac{1}{2}$  ounce) in a glass of warm water and repeat until vomiting occurs. Give milk or white of eggs beaten with water. Give gastric lavage with large quantities of warm water. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. Keep patient warm and treat as for potential nephritis, giving alkaline salts and milk diet.

### **Chloroform**

Same as for Carbon Tetrachloride and Tetrachloroethylene.

### **Cocaine**

Give "Universal Antidote," then gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. For convulsions or excitement, give pentobarbital sodium 0.1 Gm. ( $1\frac{1}{2}$  grains) by mouth or intravenously. For fainting, give inhalations of aromatic spirit of ammonia or a teaspoonful (4 cc.) in water. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary.

### **Cocculus Indicus and Derivatives**

(Fish Berries, Picrotoxin.)

Give "Universal Antidote," then gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. To control convulsions give 4 to 10 cc. (1 to  $2\frac{1}{2}$  drams) of paraldehyde in ice water by mouth. Pentobarbital sodium 0.1 Gm. ( $1\frac{1}{2}$  grains) may be given intravenously if necessary.

### **Collodion**

Same as for Ether.

### **Conium**

(Poison Hemlock.)

Give "Universal Antidote," followed by gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary.

## Copper Compounds Soluble in Water

(Copper Acetate, Copper Sulfate, Blue Stone, Blue Vitriol.)

Lavage with large quantities of water, preferably containing 30 cc. (1 ounce) of milk of magnesia. Give milk or white of eggs beaten with water as a demulcent. Give potassium ferrocyanide, 0.5 Gm. ( $7\frac{1}{2}$  grains) in water.

## Corrosive Sublimate

See Mercury Compounds.

## Cotton Root Preparations

Give "Universal Antidote" followed by gastric lavage of 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Give strong tea or coffee. Have patient lie down and keep warm. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary.

## Creosote and Cresols

See Phenols.

## Cresolic Acid

See Phenols.

## Croton Oil

Give white of eggs or flour mixed with water, follow with emetic of mustard. Give strong tea or coffee, stimulant of aromatic spirit of ammonia, one teaspoonful (4 cc.) in water. Demulcent drinks if needed.

## Cyanides—Soluble in Water, Including Hydrocyanic Acid

(Calcium Cyanide, Potassium Cyanide, Silver Cyanide, Sodium Cyanide, Oil of Bitter Almonds, certain fumigating agents.)

*Speed in giving the antidote treatment is essential.* Give amyl nitrite inhalation. Then inject intravenously 10 cc. ( $2\frac{1}{2}$  drams) of 3% sodium nitrite solution at the rate of  $2\frac{1}{2}$  to 5 cc. ( $\frac{1}{2}$  to  $1\frac{1}{4}$  drams) per minute, then inject intravenously 50 cc. ( $1\frac{3}{8}$  ounces) of 25% sodium thiosulfate solution. (*Caution: Avoid circulatory failure.*) As an alternate treatment, inject intravenously 50 cc. ( $1\frac{3}{8}$  ounces) of 1% methylene blue in 1.8% sodium sulfate solution. *If cyanide was swallowed*, gastric lavage with 5% sodium thiosulfate solution should be carried out along with either injection procedure. 5% carbon dioxide in oxygen or oxygen inhalation or artificial respiration if necessary. If signs of poisoning reappear, injection of the solutions should be repeated, using one-half the original doses.

## DDT—Dichlorodiphenyltrichloroethane

Give "Universal Antidote," followed by gastric lavage. Magnesium sulfate 30 Gm. (1 ounce) in water as a cathartic and force fluids. Hot



tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. Calcium gluconate 10 cc. ( $2\frac{1}{2}$  drams) of 10% solution intravenously for incoordination and tremors, or pentobarital sodium 0.1 Gm. ( $1\frac{1}{2}$  grains) intravenously if necessary. For prevention of liver damage, high carbohydrate and calcium diet.

**Denatured Alcohol**—See Alcohol, Methyl

### **Digitalis, Derivatives and Preparations**

Give "Universal Antidote" followed by gastric lavage with warm water. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary.

**Dinitronaphthol**—Same as for Dinitrophenol.

**Dinitro-Ortho-Cresol**—Same as for Dinitrophenol.

### **Dinitrophenol**

Gastric lavage with 5% sodium bicarbonate solution. Give two tablespoonsful of Epsom salt in water as a cathartic and force fluids. Immerse patient in cold bath to reduce body temperature. Normal saline solution, 1 liter (1 quart) intravenously. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. Oxygen inhalation for cyanosis.

### **Ergot, Derivatives and Preparations**

Give "Universal Antidote" followed by gastric lavage. Sodium nitrite, 30 to 60 mgm. ( $\frac{1}{2}$  to 1 grain) by mouth. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary. Keep patient warm.

### **Ether**

If inhaled, promptly remove from exposure. Give 5% carbon dioxide in oxygen inhalation or artificial respiration, if necessary. If swallowed, give sodium chloride 15 Gm. ( $\frac{1}{2}$  ounce) in a glass of warm water and repeat until vomit fluid is clear. Give aromatic spirit of ammonia, 4cc. (1 teaspoonful) in water. Caffeine with sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously.

### **Fluorides Soluble in Water**

(Insect and rodent poisons.)

Give gastric lavage with lime water or 1% calcium chloride solution. Give 10 cc. ( $2\frac{1}{2}$  drams) of 10% calcium gluconate solution intramuscularly. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary. Demulcent drinks and external heat.

### **Food Poisoning**

(Botulism, "Ptomaine.")

Give "Universal Antidote" followed by gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving a

small quantity, 60 cc. (2 ounces) in the stomach, or use an emetic. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary. Later give a saline cathartic and force fluids. In botulism poisoning use specific antitoxin.

### **Formaldehyde Solution**

(Formalin.)

Give aromatic spirit of ammonia 8 cc. (2 teaspoonsful) in water, then sodium chloride 15 Gm. ( $\frac{1}{2}$  ounce) in a glass of warm water and repeat until vomit fluid is clear. Give milk or white of eggs beaten with water.

**Fowler's Solution**—See Arsenic.

**Gas**—See Carbon Monoxide.

(Auto Exhaust or Illuminating Gas.)

**Gasoline or Kerosene**—Same as for Carbon Disulfide.

**Gelsemium, Derivatives and Preparations**—See Conium.

(Yellow Jasmine.)

**Green Hellebore**—See Veratrum Viride.

**Heroin**—See Morphine Derivatives.

**Hydrochloric Acid**—See Acids, Corrosive.

**Hydrocyanic Acid**—See Cyanides.

**Hyoscyamine**—See Belladonna.

**Hyoscyamus**—See Belladonna.

### **Insect Bites**

(Ants, Bees, Wasps, Hornets, Black Widow Spiders.)

Remove stinger, if present. Apply paste of baking soda. For allergic reaction give epinephrine 1:1000, 0.5 cc. ( $7\frac{1}{2}$  minims) subcutaneously. For muscle spasm give calcium gluconate 10 cc. ( $2\frac{1}{2}$  drams) of 10% solution intramuscularly.

### **Iodine and Preparations**

(Tincture of Iodine, Lugol's Solution.)

If swallowed, give sodium thiosulfate 15 Gm. ( $\frac{1}{2}$  ounce) in water, or starch paste followed by sodium chloride 15 Gm. ( $\frac{1}{2}$  ounce) in a glass of warm water and repeat until vomit fluid is clear. Give milk or white of eggs beaten with water.

**Isopropanol**—See Alcohol, Ethyl and Isopropyl.



**Kerosene**—Same as for Carbon Disulfide.

**Lactic Acid**—See Acids, Corrosive.

**Larkspur**—Same as for Aconite.

**Laudanum**—See Morphine.

**Lead Compounds Soluble in Water**—Same as for Barium.

(Lead Acetate, Sugar of Lead.)

**Lugol's Solution**—See Iodine.

**Lye**—See Alkalies, Caustic.

**Lysol**—See Phenols.

### **Mercury Compounds**

(Antiseptic Tablets, Bichloride of Mercury, Corrosive Sublimate, Mercuric Chloride, Mercuric Cyanide, Mercuric Oxide, Red Precipitate, White Precipitate.)

Give "Universal Antidote" followed by gastric lavage with 5% sodium formaldehyde sulfoxylate solution, allowing a small amount to remain in the stomach. Inject 100 cc. to 200 cc. ( $3\frac{1}{2}$  to  $6\frac{3}{4}$  ounces) of freshly prepared 5% to 10% sodium formaldehyde sulfoxylate solution intravenously. For later treatment give sodium citrate 1 to 4 Gm. (15 to 60 grains) every 4 hours by mouth. Give high colonic irrigation with 1% sodium formaldehyde sulfoxylate solution. Calcium gluconate 10 cc. ( $2\frac{1}{2}$  drams) of 10% solution intramuscularly or intravenously for muscle spasm. See Dimercaprol under Arsenic.

### **Metaldehyde**

(Certain Snail Baits.)

Give sodium chloride 15 Gm. ( $\frac{1}{2}$  ounce) in a glass of warm water and repeat until vomit fluid is clear. Then give magnesium sulfate 30 Gm. (1 ounce) in water. Have patient lie down and keep warm. Give strong tea or coffee or aromatic spirit of ammonia, 4 cc. (1 teaspoonful) in water.

**Methanol**—See Alcohol, Methyl.

**Methyl Salicylate**—See Salicylates.

**Mirbane, Oil of**—See Nitrobenzene.

### **Morphine, Derivatives and Preparations**

(Codeine, Heroin, Laudanum, Opium, Paregoric.)

Give "Universal Antidote," then gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously, if needed.

5% carbon dioxide in oxygen inhalation or artificial respiration if necessary. Atropine 0.5 mgm. (1/120 grain) subcutaneously if respiration fails to improve. Give strong tea or coffee and keep patient awake and warm.

**Moth Balls**—See Naphthalene.

**Muriatic Acid**—See Acids, Corrosive.

**Mushrooms, Poisonous**

(Toadstools.)

Give "Universal Antidote" followed by gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Atropine sulfate 0.5 mgm. (1/120 grain) subcutaneously if necessary to combat muscarine effect. Pentobarbital sodium 0.2 Gm. (3 grains) by mouth, if excitement persists. Later give a saline cathartic and force fluids.

**Mussel Poisoning**

Give "Universal Antidote," then an emetic of apomorphine hydrochloride 5 mgm. (1/12 grain) subcutaneously. Hot tea or coffee or caffeine sodium benzoate 0.5 Gm. (7½ grains) subcutaneously or intervenously. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary. Magnesium sulfate 15 Gm. (½ ounce) in water as a cathartic.

**Naphthalene**

(Moth Balls.)

Give sodium chloride 15 Gm. (½ ounce) in a glass of warm water and repeat until vomit fluid is clear. Demulcent drinks such as milk or white of eggs beaten with water. Have patient lie down and keep warm. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. (7½ grains) intramuscularly.

**Nicotine, Derivatives or Preparations**

(Nicotine Sulfate, "Black Leaf 40," certain garden sprays and insecticides.)

Give "Universal Antidote" followed by gastric lavage of 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. (7½ grains) subcutaneously or intravenously. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary.

**Nitric Acid**—See Acids, Corrosive.

**Nitrites**

Give "Universal Antidote" followed by gastric lavage. Give 5% dextrose intravenously. Blood transfusion if necessary. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. (7½ grains) subcutaneously



or intravenously. Ephedrine hydrochloride 0.016 Gm. ( $\frac{1}{4}$  grain) intramuscularly. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary. Methylene blue, 65 to 130 mgm. (1 to 2 grains) by mouth every 4 hours for persistent cyanosis.

**Nitrobenzene**—Same as for Nitrites.

(Oil of Mirbane, certain shoe dyes.)

**Nitroglycerin**—Same as for Nitrites.

### **Nux Vomica Derivatives or Preparations**

(Strychnine.)

Give "Universal Antidote" followed by gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Pentobarbital sodium 0.1 Gm. ( $1\frac{1}{2}$  grains) may be given intravenously. Do not use morphine or derivatives.

### **Oils, Ecboic and Volatile**

(Pennyroyal, Rue, Savin, Tansy, Turpentine.)

If vomiting has not occurred, give liquid petrolatum, 120 cc. (4 ounces) followed by an emetic or gastric lavage. Give demulcent drinks and large quantities of warm water. Give magnesium sulfate 30 Gm. (1 ounce) in water if diarrhea has not occurred; strong hot tea or coffee. Keep patient warm and support respiration. Pentobarbital sodium 0.1 Gm. ( $1\frac{1}{2}$  grains) intravenously for excitation.

**Oleander**—Same as for Digitalis.

**Opium**—See Morphine.

**Ortho-Dinitrocresol**—Same as for Dinitrophenol.

### **Oxalates Soluble in Water**

(Oxalic Acid, Potassium and Sodium Oxalates, Salt of Sorrel.)

Give calcium lactate, 10 to 20 Gm. ( $2\frac{1}{2}$  to 5 drams) in 250 cc. of water or lime water by mouth. Potassium permanganate solution 1:1000, 240 cc. (8 ounces) by mouth, followed by gastric lavage with same solution. Milk or other demulcents; external heat.

**Para-Dichlorobenzene**—Same as for DDT.

**Paregoric**—See Morphine.

**Paris Green**—See Arsenic.

**Pennyroyal, Oil of**—See Oils, Ecboic and Volatile.

**Pentobarbital**—See Barbituric Acid Derivatives.

### **Permanganates Soluble in Water.**

If vomiting has not occurred, give sodium chloride 15 Gms. ( $\frac{1}{2}$  ounce) in a glass of warm water until vomitus is clear. Then give magnesium sulfate 30 Gms. (1 ounce) in a glass of water followed by demulcent drinks.

**Phenobarbital**—See Barbituric Acid Derivatives.

### **Phenolphthalein**

(Certain laxative preparations.)

If ingested within three to four hours, administer 30 cc. (1 ounce) of propylene glycol diluted with an equal volume of water, followed immediately by gastric lavage. If propylene glycol is not available give 16 to 20 Gm. (4 to 5 drams) of activated charcoal or "Universal Antidote," followed by gastric lavage or an emetic. Give milk of magnesia 20 to 30 cc. ( $\frac{2}{3}$  to 1 ounce) or magnesium sulfate 15 to 30 Gm. ( $\frac{1}{2}$  to 1 ounce) with large amounts of water. Use soothing applications for skin rash.

### **Phenols, Derivatives and Preparations**

(Carbolic Acid, Cresote, Cresols, Lysol, Sheep Dip and various other antiseptic preparations.)

Give gastric lavage with 10% alcohol, followed by an equal or greater quantity of warm water. Give milk or white of eggs beaten with water. Normal saline solution, 1 liter (1 quart) intravenously. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously.

**Phosphoric Acid**—See Acids, Corrosive.

### **Phosphorus, phosphides, or preparations.**

(Certain fireworks, matches, rat pastes.)

Give copper sulfate 0.3 Gm. (5 grains) in water, which *must* be followed by gastric lavage with 1 liter (1 quart) of 1% sodium bicarbonate solution. Give 120 cc. (4 ounces) of liquid petrolatum as a demulcent. Do not use animal or vegetable fats or oils. Later, treatment for liver damage with high carbohydrate diet.

**Poison Hemlock**—See Conium.

**Potash**—See Alkalies, Caustic.

**Potassium Chlorate**—See Chlorates.

**Potassium Cyanide**—See Cyanides.

**Potassium Hydroxide**—See Alkalies, Caustic.

**Potassium Permanganate**—See Permanganates.

**Procaine**—Same as for Cocaine.

**Ptomaine**—See Food Poisoning.



## **Quinacrine**

(Atabrine.)

Stop drug administration. Sedation if necessary, with pentobarbital sodium 0.1 Gm. ( $1\frac{1}{2}$  grains) or paraldehyde 10 cc. ( $2\frac{1}{2}$  drams) in ice water by mouth. High carbohydrate diet and treat for possible liver damage.

## **Quinidine**

Stop drug administration. Same as for Alkaloidal Poisons.

**Quinine**—Same as for Quinidine.

**Red Precipitate**—See Mercury Compounds.

**Roach Powders**—See Fluorides.

**Rodent Poisons**—See Arsenic, Phosphorous or Thallium.

**Rubbing Alcohol**—See Alcohol, Ethyl or Isopropyl.

**Rue, Oil of**—See Oils, Eclic and Volatile.

## **Salicylates**

(Salicylic Acid, Acetylsalicylic Acid or Aspirin, Sodium Salicylate, Methyl Salicylate, or Oil of Wintergreen.)

Give "Universal Antidote," then gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Administer 5% dextrose intravenously. Give pentobarbital sodium 0.1 Gm. ( $1\frac{1}{2}$  grains) by mouth for excitation. Later, administer sodium bicarbonate 10 Gm. ( $2\frac{1}{2}$  drams) in water and treat for nephritis. Laryngeal edema may occur with acetylsalicylic acid, which requires epinephrine 0.5 cc. ( $7\frac{1}{2}$  minims) of 1:1000 solution subcutaneously.

## **Santonin**

Give "Universal Antidote" followed by gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. Pentobarbital sodium 0.1 Gm. ( $1\frac{1}{2}$  grains) for sedation if needed.

**Savin, Oil of**—See Oils, Eclic and Volatile.

**Scopolamine**—See Belladonna, Derivatives and Preparations.

**Sheep Dip**—See Phenols.

## **Silver Compounds Soluble in Water**

(Silver Acetate, Silver Nitrate, Caustic Pencil.)

Sodium chloride, 15 Gm. ( $\frac{1}{2}$  ounce) well diluted, followed with copious amounts of warm water, removed by gastric lavage. Demulcents; codeine 0.06 Gm. (1 grain) or morphine 8 mgm. ( $\frac{1}{8}$  grain) sub-

cutaneously for pain. Stimulant if necessary. Magnesium sulfate 30 Gm. (1 ounce) as a cathartic.

**Silver Cyanide**—See Cyanides.

### **Snake Bites**

Have patient lie down. Apply tourniquet above the bite immediately, release for one or two minutes every quarter hour. Induce bleeding at site of puncture and apply intermittent suction for several hours. Inject specific antivenin, 50 cc. (1½ ounces) if available.

**Soda Ash**—See Alkalies, Caustic.

**Sodium Carbonate**—See Alkalies, Caustic.

**Sodium Cyanide**—See Cyanides.

**Sodium Hydroxide**—See Alkalies, Caustic.

**Sodium Salicylate**—See Salicylates.

**Sorrel, Salt of**—See Oxalates.

**Spider Bites**—See Insect Bites.

(Black Widow.)

**Spirit of Camphor**—See Camphor.

**Squill**—Same as for Digitalis.

**Stramonium**—See Belladonna, Derivatives and Preparations.

**Strophanthus**—Same as for Digitalis.

**Strychnine**—See Nux Vomica.

**Sugar of Lead**—See Lead Compounds.

### **Sulfonamides**

(Sulfanilamide, Sulfapyridine, Sulfadiazine, Sulfathiazole.)

Give gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Give sodium bicarbonate 2 to 4 Gm. (½ to 1 dram) with large amounts of water by mouth in repeated doses to aid elimination. 5% carbon dioxide in oxygen inhalation for cyanosis. Methylene blue 65 mgm. (1 grain) by mouth every four hours for persistent cyanosis. Later treatment, folic acid 15 mgm. (¼ grain) for agranulocytosis if needed.

### **Sulfur Dioxide**

Remove promptly from exposure. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary. Normal saline solution, 1 liter (1 quart) intravenously. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. (7½ grains) subcutaneously or intravenously. Epinephrine 0.5 cc. (7½ minims) of 1:1000 solution subcutaneously for bronchial



spasm. If evidence of acidosis, give sodium r-lactate (1.87%) intravenously to restore plasma carbon dioxide combining power.

**Sulfuric Acid**—See Acids, Corrosive.

**Tansy, Oil of**—See Oils, Ecboic and Volatile.

**Tartar Emetic**—See Antimony.

**Tetracaine**—Same as for Cocaine.

**Tetrachloroethylene**—See Carbon Tetrachloride.

### **Thallium Compounds**

(Certain Rodent Poisons, "Thalgrain.")

Give gastric lavage with a 1% sodium iodide solution. For shock, an intravenous injection of 50 cc. (2 ounces) of 50% dextrose solution may be given. Hot tea or coffee, or caffeine sodium benzoate 0.5 Gm. ( $7\frac{1}{2}$  grains) subcutaneously or intravenously. Later, treatment to control mobilization of thallium. Daily intravenous injection of 10 cc. ( $2\frac{1}{2}$  drams) of 10% sodium iodide solution until daily urine test shows absence of thallium. When symptoms subside, thallium elimination may be increased by intravenous injection of 10 cc. ( $2\frac{1}{2}$  drams) of 10% sodium thiosulfate solution. Give dilute hydrochloric acid by mouth for achlorhydria. Treat for liver injury and nephritis if necessary.

**Toadstools**—See Mushrooms, Poisonous.

**Toluene, Toluol**—See Benzene.

**Turpentine, Oil of**—See Oils, Ecboic and Volatile.

### **Veratrum Viride: Derivatives and Preparations**

(Green Hellebore, Veratrine.)

Give "Universal Antidote" followed by gastric lavage with 240 cc. (8 ounces) of potassium permanganate solution 1:1000, leaving 60 cc. (2 ounces) in the stomach. Atropine sulfate 0.5 mgm. (1/120 grain) subcutaneously. 5% carbon dioxide in oxygen inhalation or artificial respiration if necessary.

**White Precipitate**—See Mercury Compounds.

(Ammoniated Mercury.)

**Wintergreen, Oil of**—See Salicylates.

**Wood Alcohol**—See Alcohol, Methyl.

**Yellow Jasmine**—See Gelsemium.

**Xylene, Xylol**—See Benzene.

## Zinc Compounds Soluble in Water

(Zinc Acetate, Zinc Chloride, Zinc Sulfate.)

Give a teaspoonful of dibasic sodium phosphate in water, followed by sodium chloride 15 Gm. ( $\frac{1}{2}$  ounce) in a glass of warm water and repeat until vomit fluid is clear. Have patient lie down and keep warm. Give strong tea or coffee or aromatic spirit of ammonia, 4 cc. (1 teaspoonful) in water. Give milk or white of eggs beaten with water. See Dimer-caprol under Arsenic.



## Label Requirements

### **LABEL REQUIREMENTS FOR SCHEDULE "A" AND "B" POISONS AS REQUIRED BY THE CALIFORNIA STATE BOARD OF PHARMACY**

#### **Acids, Corrosive**

(Acetic, Hydrochloric, Lactic, Muriatic, Nitric, Phosphoric, Sulfuric.)

**ANTIDOTE**—**External:** Flood with water, then cover with moist baking soda.

**Internal:** *Do not use emetics or baking soda.* Give water with milk of magnesia or aluminum hydroxide gel. If these are not immediately available, give milk or white of eggs beaten with water. **CALL A PHYSICIAN.**

**Acid Cresolic**—Same as for Phenols, Derivatives and Preparations.

#### **Acid Oxalic**

**ANTIDOTE**—Give 30 Gm. (1 ounce) calcium lactate in a glass of water, or a glass of lime water. If these are not immediately available give large quantities of milk. Then give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. **CALL A PHYSICIAN.**

#### **Aconite and Preparations**

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Precede by a tablespoonful of charcoal or tannic acid in water if available. Have patient lie down and keep warm. Give strong tea or coffee. **CALL A PHYSICIAN.**

#### **Alcohol, Methyl**

(Methanol, Wood Alcohol, Denatured Alcohol.)

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Two teaspoonsful of baking soda in a glass of water. Have patient lie down and keep warm. *Cover eyes to exclude light.* **CALL A PHYSICIAN.**

#### **Alkalies, Caustic**

(Lye, Potash and Soda Ash, Potassium and Sodium Hydroxides, Potassium and Sodium Carbonates.)

**ANTIDOTE**—**External:** Flood with water, then wash with vinegar. If in eyes, wash with saturated boric acid solution.

**Internal:** *Do not use emetics.* Give water with large amount of diluted vinegar, lemon or orange juice. Follow with milk or white of eggs beaten with water. **CALL A PHYSICIAN.**

## **Ammonia**

**ANTIDOTE**—**External:** Flood with water, then wash with vinegar. If in eyes, wash with saturated boric acid solution.

**Internal:** *Do not use emetics.* Give water with large amount of diluted vinegar, lemon or orange juice. Follow with milk or white of eggs beaten with water. **CALL A PHYSICIAN.**

**Ant Poisons**—Same as for Arsenic Compounds and Preparations.

## **Antimony Compounds**

(Tartar Emetic, Butter of Antimony, Antimony Trichloride.)

**ANTIDOTE**—Give two tablespoonsful of Epsom salt or milk of magnesia in water and force fluids. Have patient lie down and keep warm. **CALL A PHYSICIAN.**

**Antiseptic Tablets**—Same as for Mercury Compounds.

**Arsenate of Calcium**—Same as for Arsenic Compounds and Preparations.

**Arsenate of Lead**—Same as for Arsenic Compounds and Preparations.

## **Arsenic Compounds and Preparations**

(Arsenous Acid, White Arsenic, Fowler's Solution, certain insect and rodent poisons, such as Ant Pastes, Paris Green, "Rough on Rats," Snail Baits, etc.)

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Then two tablespoonsful of Epsom salt or milk of magnesia in water and force fluids. Have patient lie down and keep warm. **CALL A PHYSICIAN.**

**Atropine**—Same as for Belladonna, Derivatives and Preparations.

## **Barium Compounds Soluble in Water**

**ANTIDOTE**—Give two tablespoonsful of Epsom salt in a glass of warm water and repeat until vomit fluid is clear. Follow with milk or white of eggs beaten with water. **CALL A PHYSICIAN.**

**Belladonna, Derivatives and Preparations**—Same as for Aconite and Preparations.

(Atropine, Hyoscyamine, Scopolamine, Hyoscyamus, Stramonium.)

**Bichloride of Mercury**—Same as for Mercury Compounds.

**Bitter Almonds, Oil of**—Same as for Cyanides Soluble in Water.



## Bromine

**ANTIDOTE—External:** Flood with water, then wash with sodium thiosulfate solution (photographic "hypo") and cover with moist baking soda.

**Internal:** If inhaled, promptly remove from exposure, then give inhalations of ammonia. If swallowed, give a tablespoonful of sodium thiosulfate in water by mouth, then water with milk of magnesia. If these are not immediately available give starch paste in water by mouth. **CALL A PHYSICIAN.**

## Cantharides

(Spanish Fly.)

**ANTIDOTE—**Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Then give white of eggs beaten with water. *Avoid all fats and oils.* **CALL A PHYSICIAN.**

## Chloroform

**ANTIDOTE—**If inhaled, promptly remove from exposure. Artificial respiration if necessary. If swallowed, give a half glass of mineral oil, then a tablespoonful of powdered mustard in a glass of warm water and repeat until vomit fluid is clear. **CALL A PHYSICIAN.**

## Cocculus Indicus and Derivatives

(Fish Berries.)

**ANTIDOTE—**Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Precede by a tablespoonful of charcoal in water if available. Have patient lie down and keep warm. **CALL A PHYSICIAN.**

**Conium—**Same as for Aconite and Preparations.

(Poison Hemlock.)

**Corrosive Sublimate—**Same as for Mercury Compounds.

## Cotton Root Bark and Preparations

**ANTIDOTE—**Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Give strong tea or coffee, or aromatic spirit of ammonia, a teaspoonful in water. Have patient lie down and keep warm. Artificial respiration if necessary. **CALL A PHYSICIAN.**

**Creosote and Cresols—**Same as for Phenols, Derivatives and Preparations.

## Croton Oil

**ANTIDOTE—**Give flour or white of egg mixed with water, then a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Then give milk or white of eggs beaten with water. **CALL A PHYSICIAN.**

## **Cyanides—Soluble in Water, Including Hydrocyanic Acid.**

(Calcium Cyanide, Potassium Cyanide, Silver Cyanide, Sodium Cyanide, Oil of Bitter Almonds, certain fumigating agents.)

**ANTIDOTE**—Carry patient to fresh air. Have him lie down. Remove any contaminated clothing and keep patient warm.

*If patient is breathing:*

1. Break an amyl nitrite pearl in a cloth and hold lightly under nose for about 15 seconds. Repeat every 5 minutes for 5 times.
2. If swallowed, give a tablespoonful of sodium thiosulfate (photographic "hypo"). Follow with a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear.

*If patient is not breathing:*

Give artificial respiration until breathing starts, then break an amyl nitrite pearl in a cloth and hold lightly under nose for about 15 seconds. Repeat every 5 minutes for 5 times. **CALL A PHYSICIAN.**

## **DDT—Dichlorodiphenyltrichloroethane**

**ANTIDOTE**—Remove from further contact. If swallowed, give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. **CALL A PHYSICIAN.**

**Denatured Alcohol**—Same as for Alcohol, Methyl.

## **Digitalis, Derivatives and Preparations**

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Give strong tea or coffee or aromatic spirit of ammonia, teaspoonful in water. Have patient lie down and keep warm. **CALL A PHYSICIAN.**

## **Ether**

**ANTIDOTE**—If inhaled, promptly remove from exposure. Give carbon dioxide-oxygen inhalation or artificial respiration, if necessary. If swallowed, give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Give aromatic spirit of ammonia, teaspoonful in water. **CALL A PHYSICIAN.**

## **Fluorides Soluble in Water**

(Insect and rodent poisons.)

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Precede by lime water or 1% calcium chloride solution if available. Give strong tea or coffee or aromatic spirit of ammonia, teaspoonful in water. **CALL A PHYSICIAN.**

## **Formaldehyde Solution**

(Formalin.)

**ANTIDOTE**—Give a tablespoonful of aromatic spirit of ammonia in water, then a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Give milk or white of eggs beaten with water. **CALL A PHYSICIAN.**

**Fowler's Solution**—Same as for Arsenic Compounds and Preparations.



**Gelsemium, Derivatives and Preparations**—Same as for Aconite and Preparations.

(Yellow Jasmine.)

**Hydrochloric Acid**—See Acids, Corrosive.

**Hydrocyanic Acid**—See Cyanides Soluble in Water.

**Hyoscyamine and Hyoscyamus**—See Aconite and Preparations.

**Iodine and Preparations**

(Tincture of Iodine, Lugol's Solution.)

**ANTIDOTE**—If swallowed, give a tablespoonful of sodium thiosulfate (photographic "hypo") in water, or starch paste followed by a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Give milk or white of eggs beaten with water. CALL A PHYSICIAN.

**Lactic Acid**—See Acids, Corrosive.

**Larkspur**—Same as for Aconite and Preparations.

**Lead Compounds Soluble in Water**—Same as for Barium Compounds. Soluble in Water.

(Lead Acetate, Sugar of Lead.)

**London Purple**—Same as for Arsenic Compounds and Preparations.

**Lugol's Solution**—See Iodine and Preparations.

**Lye**—See Alkalies, Caustic.

**Lysol**—See Phenols, Derivatives and Preparations.

**Mercury Compounds**

(Antiseptic Tablets, Bichloride of Mercury, Corrosive Sublimate, Mercuric Chloride, Mercuric Cyanide, Mercuric Oxide, Red Precipitate, White Precipitate.)

**ANTIDOTE**—Give milk or white of eggs beaten with water, then a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Repeat milk or white of eggs beaten with water. CALL A PHYSICIAN.

**Methanol**—See Alcohol, Methyl.

**Mirbane, Oil of**—Same as for Nitrites.

**Muriatic Acid**—See Acids, Corrosive.

**Nicotine, Derivatives and Preparations**—Same as for Aconite and Preparations.

(Nicotine Sulfate, "Black Leaf 40," certain garden sprays and insecticides.)

**Nitric Acid**—See Acids, Corrosive.

## Nitrites

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Give two tablespoonsful of Epsom salt in water and force fluids. Have patient lie down and keep warm. Give strong tea or coffee. **CALL A PHYSICIAN.**

**Nitrobenzene**—Same as for Nitrites.

(Oil of Mirbane, certain shoe dyes.)

**Nitroglycerin**—Same as for Nitrites.

## Nux Vomica Derivatives and Preparations

(Strychnine.)

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Precede by a tablespoonful of charcoal or tannic acid in water if available. Have patient lie down and keep warm. **CALL A PHYSICIAN.**

**Oleander**—Same as for Digitalis.

## Oxalates Soluble in Water

(Oxalic Acid, Potassium and Sodium Oxalates, Salt of Sorrel.)

**ANTIDOTE**—Give 30 Gm. (1 ounce) calcium lactate in a glass of water, or a glass of lime water. If these are not available give large quantities of milk. Then give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. **CALL A PHYSICIAN.**

**Para-Dichlorobenzene**—Same as for DDT.

**Paris Green**—See Arsenic Compounds and Preparations.

## Pennyroyal, Oil of

**ANTIDOTE**—Give six tablespoonsful of mineral oil followed by a tablespoonful of salt in a glass of warm water, and repeat the latter until vomit fluid is clear. Then give milk or white of eggs beaten in water. Artificial respiration if necessary. **CALL A PHYSICIAN.**

## Permanganates

(Potassium Permanganate.)

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Give milk or white of eggs beaten with water. **CALL A PHYSICIAN.**

## Phenols, Derivatives and Preparations

(Carbolic Acid, Cresote, Cresols, Lysol, Sheep Dip and various other antiseptic preparations.)

**ANTIDOTE**—**External:** Wash with rubbing alcohol and follow with soap and water.  
**Internal:** Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Give milk or white of eggs beaten with water. Have patient lie down and keep warm. **CALL A PHYSICIAN.**



**Phosphoric Acid**—See Acids, Corrosive.

**Phosphorous, or Preparations**

(Certain fireworks, matches, rat pastes.)

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear, followed by eight tablespoonsful of mineral oil (not salad or vegetable oil). Have patient lie down and keep warm. **CALL A PHYSICIAN.**

**Poison Hemlock**—Same as for Aconite and Preparations.

**Potash**—See Alkalies, Caustic.

**Potassium Cyanide**—See Cyanides Soluble in Water.

**Potassium Hydroxide**—See Alkalies, Caustic.

**Potassium Permanganate**—See Permanganates.

**Red Precipitate**—See Mercury Compounds.

**Roach Powders**—See Fluorides Soluble in Water.

**Rodent Poisons**—See Arsenic, Phosphorous or Thallium.

**Santonin**

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have patient lie down and keep warm. **CALL A PHYSICIAN.**

**Scopolamine**—Same as for Aconite and Preparations.

**Sheep Dip**—See Phenols, Derivatives and Preparations.

**Silver Compounds Soluble in Water**

(Silver Acetate, Silver Nitrate, Caustic Pencil.)

**ANTIDOTE**—Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have patient lie down and keep warm. Give milk or white of eggs beaten with water. **CALL A PHYSICIAN.**

**Silver Cyanide**—See Cyanides Soluble in Water.

**Silver, Poisonous Salts of**—See Silver Compounds Soluble in Water.

**Soda Ash**—See Alkalies, Caustic.

**Sodium Carbonate**—See Alkalies, Caustic.

**Sodium Cyanide**—See Cyanides Soluble in Water.

**Sodium Hydroxide**—See Alkalies, Caustic.

**Sorrel, Salt of**—See Oxalates Soluble in Water.

**Squill**—Same as for Digitalis, Derivatives and Preparations.

**Stramonium**—Same as for Aconite and Preparations.

**Strophanthus**—Same as for Digitalis, Derivatives and Preparations.

**Strychnine**—See Nux Vomica Derivatives and Preparations.

**Sugar of Lead**—Same as for Barium Compounds Soluble in Water.

**Sulfate of Zinc**—See Zinc Compounds Soluble in Water.

**Sulfuric Acid**—See Acids, Corrosive.

**Tartar Emetic**—See Antimony Compounds.

### **Thallium Compounds**

(Certain Rodent Poisons, "Thalgrain.")

**ANTIDOTE**—Give 5 drops of tincture of iodine in a glass of water, then give a table-spoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have patient lie down and keep warm. **CALL A PHYSICIAN.**

**Veratrum Viride; Derivatives or Preparations**—Same as for Aconite and Preparations.

**White Precipitate**—See Mercury Compounds.

(Ammoniated Mercury.)

**Wood Alcohol**—See Alcohol, Methyl.

**Yellow Jasmine**—Same as for Aconite and Preparations.

### **Zinc Compounds Soluble in Water**

(Zinc Acetate, Zinc Chloride, Zinc Sulfate.)

**ANTIDOTE**—Give a teaspoonful of dibasic sodium phosphate in water, then a table-spoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have patient lie down and keep warm. Give strong tea or coffee or aromatic spirit of ammonia, a teaspoonful in water. Give milk or white of eggs beaten with water. **CALL A PHYSICIAN.**



# Prophylactic Act

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## Article 1. General Provisions

21200. Definitions of terms in this chapter shall not affect Construction the construction of the same terms elsewhere in this code.

21201. "Person" includes firm, association, partnership "Person" or corporation.

21202. "Pharmacy" includes any person operating a "Pharmacy" retail drug store, a pharmacy or drug department who complies with the requirements of Chapter 9 of Division 2 of this code, relating to pharmacy and who has a permit to operate issued by the board.

21203. "Wholesaler" includes any person operating as a "Whole-saler" wholesale druggist, manufacturer or surgical supply house, recognized by the board through the granting of a license to sell prophylactics for purposes of resale.

21204. "Retailer" includes any person operating a phar- "Retailer" macy recognized by the board through the granting of a license to sell prophylactics for use in the prevention of venereal disease.

21205. "Physician" includes any person who holds a cer- "Physician" tificate issued by the State Board of Medical Examiners or the State Board of Osteopathic Examiners.

21206. "Board" means the California State Board of "Board" Pharmacy.

21207. "Prophylactic" includes any device, appliance, or "Prophy-lactic" medicinal agent used in the prevention of venereal disease.

21208. The board shall administer and enforce this chap- Administration ter. It shall issue licenses and shall promulgate and issue rules and regulations not inconsistent with this chapter.

21209. The board may cause the arrest of any person who Arrest violates any provision of this chapter.

21210. Disposition of prophylactics by physicians are Disposition exempt from this chapter when such disposition is made in the regular practice of their profession and to their patients, in the manner specified for a licensee.

## Article 2. Licensing

21220. The board shall issue wholesale and retail licenses Licenses to persons qualifying therefor under this chapter.

21221. The fee for a wholesale license shall be fifty dollars (\$50).

**Fees** 21222. The fee for a retail license shall be two dollars (\$2).

**Retail license** 21223. A retail license shall be issued only to pharmacies and rural dealers licensed by the board under Chapter 9 of Division 2 of this code relating to pharmacy.

**Renewals** 21224. Every license issued or renewed under this chapter after October 31, 1943, shall expire November 1, 1944, and annually thereafter on November 1st of each calendar year. The penalty for failure to pay the annual renewal fee may be fixed by the board at an amount not to exceed 100 percent of such renewal fee.

[Amended Stats. 1943, Chap. 732]

**Transfer** 21225. A license under this chapter may be transferred with the written consent of the board.

**Revocation** 21226. The board may revoke the license of any licensee who violates any provision of this chapter.

**Separate license** 21227. A separate license shall be obtained by the licensee for each separate location where prophylactics are sold by him.

21228. No person shall hold both a wholesale and retail license for any one address or location.

### Article 3. Standards

21240. All sheath prophylactics shall be nonporous.

**Names** 21241. All sheath prophylactics shall bear the manufacturer's name, address and trade-mark. Such name, address, and trade-mark shall have previously been registered with the board by the manufacturer.

**Construction** 21242. All prophylactics shall be constructed of such material that their efficacy shall not be destroyed by the application of lubricants commonly used in connection therewith, including prophylactic ointments, petroleum jellies, mineral oils, or lubricating creams.

**Standards** 21243. The board shall adopt and promulgate from time to time, and shall have jurisdiction over, the establishing of such standards relating to and governing prophylactics as are deemed necessary by it in the interest of disease prevention.

**Seizures** 21244. The board shall seize any prophylactic not conforming to the standard under this chapter.

### Article 4. Regulation

**Disposition** 21260. It is unlawful for any person other than a licensee under this chapter to sell, give away or otherwise dispose of



prophylactics. Such licensee may dispose of prophylactics only under the conditions specified in this article.

21261. Licensed wholesalers may sell in the usual manner Wholesalers of conducting sales at wholesale, but only to other licensees. Such wholesalers shall place upon the invoice in connection with such sale the license number of the purchaser and their own license numbers.

21262. The manufacturer who has a wholesaler license Wholesale rules shall follow the rule of this chapter regulating sales by wholesalers in selling to either a wholesale or a retail licensee under this chapter.

21263. No licensed wholesaler shall sell any prophylactics Sales unless such prophylactics bear the manufacturer's name, address and trade-mark.

21264. Nothing in this article prevents a licensed wholesaler from selling prophylactics to physicians. Sales to physicians

21265. A licensed retailer may sell to other licensees, to Retailer physicians or upon their order, to any married person or to any other person over 18 years of age.

21266. Sales of prophylactics by a licensed retailer shall Place of sale be confined to the place of business for which his license has been granted. Deliveries of prophylactics may be made to purchasers by such retailer or his agent to any designated address.

21267. No licensed retailer shall sell any prophylactic except upon a prescription, unless such prophylactic specifically identifies the manufacturer thereof.

21268. It is unlawful for any person to display or expose Displays for sale any prophylactic, or any containers or packages containing or advertising prophylactics.

21269. The use of any mechanical device or vending Services machine in connection with the sales or disposition of prophylactics is unlawful.

21270. The board shall seize any mechanical device or vending machine containing any prophylactic. The owner of such machine, and the occupier of the premises where seizure is made, may be charged with a violation of this chapter.

## Article 5. Revenue

21280. The amount of all fees and one-half of all fines Deposit of fees collected under this chapter shall be reported each month for the month preceding to the State Controller and at the same time such amount shall be paid into the State Treasury and shall be credited to the Pharmacy Board Contingent Fund. The other one-half of fines collected under this chapter shall be deposited in the general fund of the county or city whose

funds are used for the support of the court in which the prosecution was had.

Appropriation

21281. The board shall have the use of all moneys paid into the Pharmacy Board Contingent Fund under this chapter for the enforcement of this chapter.

## Article 6. Penalties

Penalty

21290. Any person who violates any provision of this chapter is guilty of a misdemeanor.



## Itinerant Vendors

[NOTE.—This is an extract of Article 3 of Chapter 9 of Division II of the Business and Professions Code, relating to Pharmacy.]

4060. No person as principal or agent shall conduct as an <sup>Itinerant</sup> itinerant vendor within this State the business of selling or <sup>vendors</sup> in any manner disposing of drugs, nostrums, ointments or any appliances for the treatment of disease, deformities or injuries without previously obtaining a license to do so under the provisions of this article.

4061. Within the meaning of this article, itinerant vendors <sup>Defined</sup> include all persons who carry on the business described in Section 4060 by passing from house to house or place to place, or by haranguing the people on the public streets or in public places or in stores, shops or other places to which the public is invited or attracted, or use the various customary devices for attracting crowds to or into such places and therewith recommending their wares, and offering them for sale. Nothing in this article applies to persons holding a permit issued by the Board of Pharmacy to general dealers in rural districts.

(Amended by Stats. 1937, Ch. 666.)

4062. Subject to the provisions of Section 4061, nothing <sup>Manufacturers</sup> contained in this article prevents manufacturing pharmaceutical firms from placing their products on the market through their agents and managers.

4063. A license fee of twenty-five dollars is hereby levied <sup>Annual fee</sup> upon all such itinerant vendors doing business in this State.

The tax fee shall be paid on or before the first day of January of each year to the Board of Pharmacy in the Department of Professional and Vocational Standards, for the use and benefit of the State of California, and shall constitute a special fund for the enforcement of this entire chapter.

For each license issued or renewed after the first day of <sup>Reduction</sup> January, the fee shall be reduced one-fourth for each three months' period which has elapsed since this date.

Any person who fails to pay the license fee within thirty days after it has become due shall be liable to a penalty of twenty-five dollars.

(Amended by Stats. 1937, Ch. 666.)

4064. Nothing in this article prevents the collection of <sup>Local fees</sup> any tax or license that may be imposed by any county or municipal authority and nothing in this article repeals or modifies the provisions of Chapter 297 of the Statutes of 1905, relating to Civil War veterans.

- Application**      4065. Before any license is issued, each applicant for one shall apply to the Board of Pharmacy for an application. After it has been properly filled out, it shall be filed with the board and proper fee shall be paid.  
(Amended by Stats. 1937, Ch. 666.)
- Issuance**      4066. Upon the receipt of the correct fee from any person desiring to conduct a business under this article within this State, the secretary of the Board of Pharmacy shall issue a license to him to carry on such business within this State until the first day of January of the year next ensuing.  
(Amended by Stats. 1937, Ch. 666.)
- Transfer**      4067. The license shall be transferable as to its unexpired portion upon written notice to the board giving the name and address of the transferee. The notice shall be accompanied by a transfer fee of one dollar.  
Upon receipt of the notice and fee, the transferee shall succeed to the unexpired portion of the privileges granted by the license.  
(Amended by Stats. 1937, Ch. 666.)
4068. (Repealed by Stats. 1937, Ch. 666.)
4069. (Repealed by Stats. 1937, Ch. 666.)
- Report**      4070. The Board of Pharmacy in the Department of Professional and Vocational Standards shall on the first day of July of each year make a verified and itemized statement in writing to the Controller, of all receipts and disbursements of money coming into its possession by reason of this article.
- Penalty for violation**      4071. Any person who sells or offers for sale without a license any of the drugs, nostrums, ointments, or appliances described in Section 4060, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than two hundred fifty dollars, or by imprisonment in the county jail for not less than fifty days nor more than one hundred twenty days, or by both such fine and imprisonment.
- Fines**      4072. All fines recovered under this article shall be paid by the magistrate receiving them to the Board of Pharmacy. The board shall place the fines in the special fund provided by Section 4063.
- Pleadings**      4073. In all actions or prosecutions under this article it need not be alleged in the complaint nor proved by the prosecution that the defendant has not a license as required in this article, but the fact that he has such license may be pleaded as a matter of defense.



# Rules and Regulations

Extracts from California Administrative Code, Title 16, pages 147 to 156

## CHAPTER 17. CALIFORNIA STATE BOARD OF PHARMACY

Printed December 5, 1946

### Article

1. General Provisions
2. Pharmacies
3. Licentiates in Pharmacy
4. Schools or Colleges of Pharmacy

### Article

5. Prophylactics
6. Dangerous Drugs
7. Fees and Penalties

### Article 1. General Provisions

**1700. Location of Offices.** The principal office of the California State Board of Pharmacy is located at 507 Polk St. San Francisco 2, California, and a branch office is located at 907 California State Building, Los Angeles 12, California.

NOTE.—§§1700 to 1728, inclusive, issued under authority contained in Sections 4009 and 4010 of the Business and Professions Code. §§1733 to 1739, inclusive, issued under authority contained in Section 21208 of the Business and Professions Code. §§1744 issued under authority contained in Section 29041 of the Health and Safety Code. §§1749(a) and 1749(b) issued under authority contained in Section 4256 of the Business and Professions Code. §1749(c) issued under authority contained in Section 21208 of the Business and Professions Code. Source of §§1700 to 1749, inclusive, is the Rules and Regulations of the California State Board of Pharmacy.

**1701. Tenses, Gender, and Number.** For the purpose of the Rules and Regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; each gender includes the other two genders; and the singular includes the plural and the plural, the singular.

**History:** 1. Originally published 12-5-46 (Title 16).

**1702. Definitions.** For the purpose of the Rules and Regulations contained in this subchapter, the term "Board" means the California State Board of Pharmacy.

**History:** 1. Originally published 12-5-46 (Title 16).

**1703. Delegation of Certain Functions.** The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby

delegated to and conferred upon the secretary, or, in his absence from the office of the Board, the acting secretary.

**History:** 1. Originally published 12-5-46 (Title 16).

**1704. Filing of Addresses.** Each person holding a certificate of registration, license, permit or any other authority to practice or engage in any activity in the State of California under any and all laws administered by the Board shall file his proper and current mailing address with the Board at its office in San Francisco and shall immediately notify the Board at its said office of any and all changes of mailing address, giving both his old and his new address.

**History:** 1. Originally published 12-5-46 (Title 16).

## Article 2. Pharmacies

**1709. Application for Permit to Conduct Pharmacy.** An application for a permit to conduct a pharmacy shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required, and filed with the Board at its office in San Francisco.

**History:** 1. Originally published 12-5-46 (Title 16).

**1710. Supply of Drugs and Chemicals.** (a) The owner of a pharmacy in which prescriptions are compounded shall maintain in such pharmacy an adequate supply of drugs and chemicals. Such drugs and chemicals shall meet all standards of strength and purity as established in the current edition of U.S.P. and N.F. and shall be properly stored. Pharmaceuticals which vary from the purity specified on the label or are unfit for use due to deterioration or other causes shall not be carried in stock.

(b) The owner of a pharmacy in which prescriptions are compounded shall maintain in such pharmacy a representative stock, as commonly found in drug stores, of the following: Fluid extracts; tinctures; spirits; medicinal waters; elixirs; household drugs, both wet and dry; pills and tablets; chemicals; ointments; extracts; pharmaceuticals; and biologics.

(c) **Definition of Drug and/or Medicine.** Drug and/or medicine as recognized by the Board shall be any substance of either animal, vegetable, or mineral composition or origin whose ordinary use is for the prevention, treatment, or cure of disease in man or other animals, and shall include those substances listed in the United States Pharmacopoeia, National Formulary and the Homeopathic Pharmacopoeia.

**History:** 1. Originally published 12-5-46 (Title 16).

2. Amendment filed 10-1-47 (Register 10, No. 1).

**1711. Equipment and Miscellaneous Supplies.** The owner of a pharmacy in which prescriptions are compounded shall maintain in such pharmacy at least the following equipment and miscellaneous supplies: One suitable prescription scale, accurate to one-half grain; weights, either apothecary set from one-half grain to one ounce, or metric set from 10 milligrams to 50 grams; at least six graduates, varying in size from 2 drams to 16 ounces; at least four mortars, together with pestles, glass or Wedgewood, ranging in size from 2 ounces to 16 ounces; at least four spatulas of assorted sizes; funnels, glass or plastic, at least three assorted



sizes; pill tile, glass or porcelain; ointment slab; a reasonable amount of consumable material, filter paper, powder papers, litmus paper, empty capsules, ointment jars, bottles, pill and powder boxes, labels and distilled water; exempt narcotic and poison record book and suitable prescription file; adequate supply of prescription and poison labels; and a current U.S.P. and N.F.

**History:** 1. Originally published 12-5-46 (Title 16).

**1712. Posting Schedules of Official Antidotes.** The owner of a pharmacy in which prescriptions are compounded shall post the schedule of antidotes for various poisons adopted by the Board pursuant to the provisions of Section 3 of the Poison Law (Stats. 1907, Chapter 102, page 124, as amended) in a conspicuous place in such pharmacy.

**History:** 1. Originally published 12-5-46 (Title 16).

**1713. Clean and Orderly Condition of Pharmacy.** The owner of a pharmacy in which prescriptions are compounded shall maintain such pharmacy and the equipment therein in a clean and orderly condition.

**History:** 1. Originally published 12-5-46 (Title 16).

**1714. Violation of Rules and Regulations.** (a) The violation of any of the Rules and Regulations in this article shall be sufficient cause for the suspension or revocation of a permit to operate a pharmacy.

(b) Proceedings to determine whether there has been a violation of any of the Rules and Regulations in this article and the penalty for a violation, if proved, shall be conducted in accordance with the provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

### Article 3. Licentiates in Pharmacy

**1719. Registration by Examination Only.** Registration as a licentiate in pharmacy shall be by written and practical examination only. (California has no reciprocal agreement with any other state.)

**1720. Application for Examination and Registration.** (a) An application for an examination and registration as a licentiate in pharmacy shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required, and filed with the Board at its office in San Francisco at least ten (10) days before the date fixed for examination.

(b) An applicant shall use his full name in filling out an application.

(c) A separate application shall be filed and an examination fee paid for each examination taken.

(d) Experience affidavits shall be required only upon the original filing of an application.

**1721. Application After Expulsion From Examination.** An applicant for an examination and registration as a licentiate in pharmacy who has been expelled from an examination room for cribbing, cheating or other dishonest conduct shall not be permitted to complete the examination applied for and shall not be permitted to file a new application for examination during the balance of the same calendar year or the calendar year next following such expulsion.

**1722. Time and Place of Holding Examinations.** Examinations shall be held at such times and places as may be determined by the Board.

**1723. Examination.** (a) The complete examination shall consist of a written examination and a practical examination and shall be of three days' duration.

(b) The written examination shall be in the following subjects: Chemistry, materia medica, theoretical pharmacy, practical pharmacy, toxicology, pharmaceutical mathematics and identification.

(c) The practical examination shall be in prescription technique.

**1724. Passing Grade in Examination.** A general average of not less than seventy-five percent (75%) in all subjects and not less than fifty percent (50%) in more than two (2) subjects shall be a passing grade in an examination.

**1725. Reissuance of License After Change of Name.** A person desiring the reissuance of his license as a registered pharmacist because of a change in his name, shall make written application therefor and surrender his old certificate to the Board.

**1726. Surrender of Temporary Certificate After Written Examination.** An applicant for examination to whom a temporary certificate has been issued shall surrender his temporary certificate to the Board after he has taken a written examination.

**1727. Reissuance of Lost or Destroyed Certificates.** A person desiring the reissuance of his license as a registered pharmacist because the original has been lost or destroyed, shall make written application therefor to the Board accompanied by affidavits proving to the satisfaction of the Board the fact and manner of such loss or destruction.

#### Article 4. Schools or Colleges of Pharmacy

**1730. Recognized Schools or Colleges of Pharmacy.** In accordance with the provisions of Articles 4 and 6 of Chapter 9 of Division 2 of the Business and Professions Code, the following schools or colleges of pharmacy are recognized and approved by the Board :

##### Alabama

Alabama Polytechnic Institute School of Pharmacy, Auburn.  
Howard College, Department of Pharmacy, Birmingham.

##### California

University of California College of Pharmacy, San Francisco.  
University of Southern California College of Pharmacy, Los Angeles.

##### Colorado

University of Colorado College of Pharmacy, Boulder.

##### Connecticut

University of Connecticut College of Pharmacy, New Haven.

##### District of Columbia

George Washington University School of Pharmacy, Washington.  
Howard University College of Pharmacy, Washington.

##### Florida

University of Florida School of Pharmacy, Gainesville.



**Georgia**

Southern College of Pharmacy, Atlanta.  
University of Georgia School of Pharmacy, Athens.

**Idaho**

Idaho State College of Pharmacy, Pocatello.

**Illinois**

University of Illinois College of Pharmacy, Chicago.

**Indiana**

Indianapolis College of Pharmacy, Indianapolis.  
Purdue University School of Pharmacy, Lafayette.

**Iowa**

Drake University College of Pharmacy, Des Moines.  
State University of Iowa College of Pharmacy, Iowa City.

**Kansas**

University of Kansas School of Pharmacy, Lawrence.

**Kentucky**

Louisville College of Pharmacy, Louisville.

**Louisiana**

Loyola University, New Orleans College of Pharmacy, New Orleans.  
Xavier University College of Pharmacy, New Orleans.

**Maryland**

University of Maryland School of Pharmacy, Baltimore.

**Massachusetts**

Massachusetts College of Pharmacy, Boston.

**Michigan**

Detroit Institute of Technology College of Pharmacy and Chemistry, Detroit.  
Ferris Institute College of Pharmacy, Big Rapids.  
University of Michigan College of Pharmacy, Ann Arbor.  
Wayne University College of Pharmacy, Detroit.

**Minnesota**

University of Minnesota College of Pharmacy, Minneapolis.

**Mississippi**

University of Mississippi School of Pharmacy, Oxford.

**Missouri**

St. Louis College of Pharmacy, St. Louis.  
University of Kansas City, School of Pharmacy, Kansas City.

**Montana**

Montana State University School of Pharmacy, Missoula.

**Nebraska**

Creighton University College of Pharmacy, Omaha.  
University of Nebraska College of Pharmacy, Lincoln.

**New Jersey**

Rutgers University, New Jersey College of Pharmacy, Newark.

**New York**

Columbia University College of Pharmacy, New York.  
Fordham University College of Pharmacy, New York.  
Long Island University, Brooklyn College of Pharmacy, Brooklyn.  
St. John's University College of Pharmacy, Brooklyn.  
Union University, Albany College of Pharmacy, Albany.  
University of Buffalo School of Pharmacy, Buffalo.

**North Carolina**

University of North Carolina School of Pharmacy, Chapel Hill.

**North Dakota**

North Dakota Agricultural College School of Pharmacy, Fargo.

**Ohio**

Cincinnati College of Pharmacy, Cincinnati.

Ohio Northern University College of Pharmacy, Ada.

Ohio State University College of Pharmacy, Columbus.

University of Toledo College of Pharmacy, Toledo.

Western Reserve University School of Pharmacy, Cleveland.

**Oklahoma**

University of Oklahoma School of Pharmacy, Norman.

**Oregon**

Oregon State College of Pharmacy, Corvallis.

**Pennsylvania**

Duquesne University School of Pharmacy, Pittsburgh.

Philadelphia College of Pharmacy and Science, Philadelphia.

Temple University School of Pharmacy, Philadelphia.

University of Pittsburgh School of Pharmacy, Pittsburgh.

**Rhode Island**

Rhode Island College of Pharmacy and Allied Sciences, Providence.

**South Carolina**

Medical College of the State of South Carolina School of Pharmacy, Charleston.

University of South Carolina School of Pharmacy, Columbia.

**South Dakota**

South Dakota State College of Agriculture and Mechanic Arts, Division of Pharmacy, Brookings.

**Tennessee**

University of Tennessee School of Pharmacy, Memphis.

**Texas**

University of Texas College of Pharmacy, Austin.

**Virginia**

Medical College of Virginia School of Pharmacy, Richmond.

**Washington**

State College of Washington School of Pharmacy, Pullman.

University of Washington College of Pharmacy, Seattle.

**West Virginia**

West Virginia University College of Pharmacy, Morgantown.

**Wisconsin**

University of Wisconsin School of Pharmacy, Madison.

**1731. Recognition of Unapproved Schools or Colleges of Pharmacy.** The school, college or pharmacy or department of pharmacy of a university from which an applicant for examination as licentiate in pharmacy has been graduated shall not be approved or recognized by the State Board of Pharmacy unless the curriculum of such school, college of pharmacy or department of pharmacy of a university consisted of not less than two years prior to 1927; not less than three years prior to and including 1932; and not less than four years after 1932; and the requirements of such school, college of pharmacy or department of pharmacy of a university from which such applicant was graduated shall not have been at any time in any degree or particular less than those required by the State of California at the same time; provided, however, that an applicant who has graduated from a school, college of pharmacy or department of pharmacy of a university not located or



situated within the United States of America shall be permitted to file for examination after the satisfactory completion of one year's residency in any school, college of pharmacy or department of pharmacy of a university that is recognized and approved by the California State Board of Pharmacy. (Filed 11-22-46)

#### Article 5. Prophylactics

**1733. Rubber Sheath Type Prophylactics.** Rubber prophylactic sheaths must be strictly first grade, must be actually air tested by the manufacturer, must be free from physical defects such as perforations, weak tips, holes, blisters, dark spots, pin holes and any other defects which impair their quality or reduce their efficacy. They shall satisfactorily pass the following tests:

(a) **Inflation Test:** Inflation of 12 samples taken from different lots of the same product and such samples to average .9 cubic feet of inflation.

(b) **"A" Test:** Friction for five minutes with vaseline followed immediately by inflation to at least .4 cubic feet.

(c) **"B" Test:** Immersion in mineral oil for five minutes followed immediately by inflation to at least .4 cubic feet.

(d) **"C" Test:** Inflation of one sample to .9 cubic feet, deflation, oil smear without friction followed immediately by inflation to at least .4 cubic feet.

(e) **"C-2" Test:** Inflation of one sample to .9 cubic feet, deflation, cold cream smear without friction followed immediately by inflation to at least .4 cubic feet.

(f) **"D" Test:** Inflation to .9 cubic feet, deflation, five minutes friction with vaseline followed immediately by inflation to at least .4 cubic feet.

(g) **"D-2" Test:** Inflation to .9 cubic feet, deflation, five minutes friction with mineral oil followed immediately by inflation to at least .4 cubic feet.

(h) **"E" Test:** Inflation to .9 cubic feet, deflation, five minutes friction with Q.T. Vaginal Jelly followed immediately by inflation to at least .4 cubic feet.

(i) **"F" Test:** Inflation to .9 cubic feet, deflation, five minutes friction with Sanitube Prophylactic Ointment followed immediately by inflation to at least .4 cubic feet.

**1734. Skin Sheath Type Prophylactics.** Skin prophylactics shall be strictly first grade, must be free from obnoxious odors, shall contain no excess of deteriorating fats and greases, be free from pin holes and patches and other physical defects, free from filler used to disguise imperfections or discolorations, and when filled with water, hold water content for a reasonable length of time.

**1735. Name, Address, and Trade Mark of Manufacturer.** The name, address and trade mark of the manufacturer must appear on each individual rubber and skin prophylactic sheath and upon the unit container thereof.

**1736. Month and Year of Manufacture.** Merchandise approved for registration under the standards hereinabove recited must bear in distinct letters and figures not less than one-eighth of 1" in height, immediately below the trade mark and name and address of manufacturer, the month and year of manufacture expressed in symbols based upon the following code:

January, 1943	-----C 13	July, 1943	-----C 73
February, 1943	-----C 23	August, 1943	-----C 83
March, 1943	-----C 33	September, 1943	-----C 93
April, 1943	-----C 43	October, 1943	-----C103
May, 1943	-----C 53	November, 1943	-----C113
June, 1943	-----C 63	December, 1943	-----C123

**1737. Prophylactic Ointments.** Prophylactic ointments shall conform with the following requirements:

- (a) Shall contain at least 30 percent calomel.
- (b) Shall contain phenol 1 percent or its germicidal equivalent.
- (c) Be capable of killing staphylococcus aureus in at least 45 minutes when tested by the wet filter paper method described in Circular No. 198 United States Department Agriculture, December 1941.
- (d) Have good penetrating and inhibiting power as shown by Agar Plate F.D.A. method.
- (e) Be of such consistency as to be easily applied at body temperature.
- (f) Tubes shall contain and deliver not less than 3 Gm.
- (g) Directions enclosed must be in various languages.
- (h) Directions must include caution to apply ointment within one hour after exposure and preferably immediately thereafter.
- (i) Controls must be kept by the manufacturer and numbered serially; the serial control number of each batch must appear on the unit container.
- (j) The qualitative formula of each product must be filed with the Board of Pharmacy by the manufacturer thereof.

**1738. New Type Prophylactics.** (a) Manufacturers desirous of offering a new prophylactic for sale in California shall submit to the Board at least two dozen samples of each brand of prophylactic sheath for which registration is requested. In case of prophylactic ointments at least one dozen samples must be submitted of each brand for which registration is requested.

(b) Each manufacturer shall submit to the California State Board of Pharmacy a photostatic copy of the trade mark ownership of all prophylactics which they desire registered.

**History:** 1. Originally published 12-5-46 (Title 16).

**1739. Record of Sales by Wholesale Dealers.** Licensed wholesale prophylactic dealers shall keep a record of all prophylactic sales to licensed retailers. These records shall include the retailer's prophylactic



license number, together with the quantity of merchandise purchased. These records shall be kept for a period of at least one year.

**History:** 1. Originally published 12-5-46 (Title 16).

#### Article 6. Dangerous Drugs

**1744. Penicillin.** All preparations of penicillin for internal and/or parenteral use may be sold only upon prescription of a physician, dentist, chiropodist or veterinarian and can be refilled only upon the order of the prescriber; topical applications of penicillin excepted.

**History:** 1. Originally published 12-5-46 (Title 16).

#### Article 7. Fees and Penalties

**1749. Penalties.** (a) The penalty for the failure to pay the annual renewal fee for a permit to conduct a pharmacy on or before November 1st of each year as provided for in Section 4039 of the Business and Professions Code is two dollars (\$2).

(b) The penalty for the failure to pay the annual renewal fee for a registered pharmacist on or before July 1st of each year as provided for in Section 4250 of the Business and Professions Code is two dollars (\$2).

(c) The penalty for the failure to pay the annual renewal fee for a retail license to sell prophylactics on or before November 1st of each year as provided for in Section 21224 of the Business and Professions Code is two dollars (\$2).

**History:** 1. Originally published 12-5-46 (Title 16).

2. Amendment filed 10-1-47 (Register 10, No. 1).

## **Dinitrophenol Law**

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### **Section 382.5 of the Penal Code**

Added by Statutes 1939, Chapter 582

Sale of  
dinitro-  
phenol

382.5. Every person who sells, dispenses, administers or prescribes dinitrophenol for any purpose shall be guilty of a felony, punishable by a fine not less than one thousand dollars nor more than five thousand, or by imprisonment in the state prison for not less than one year, nor more than fourteen years, or by both such fine and imprisonment.

Exceptions

This section shall not apply to dinitrophenol manufactured or sold as an economic poison registered under the provision of Section 1071 of the Agricultural Code nor to sales for use in manufacturing or for scientific purposes, and not for human consumption.

## **Eyebrow and Eyelash Dye Law**

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### **Section 382.6 of the Penal Code**

Added by Statutes 1939, Chapter 583

Sale of  
eyebrow and  
eyelash  
dyes

382.6. Every person who sells, dispenses, administers or prescribes preparations containing diphenylamine, paraphenylenediamine, or paratoluylenediamine, or a derivative of any such chemicals, to be used as eyebrow and eyelash dyes shall be guilty of a felony, punishable by a fine not less than one thousand dollars nor more than five thousand, or by imprisonment in the state prison for not less than one year, nor more than fourteen years, or by both such fine and imprisonment.



# State Narcotic Act

## Division 10. Health and Safety Code

### Chapter 1. Definitions and General Provisions

#### Article 1. Definitions

11000. As used in this division, the terms "physician," "veterinarian," "dentist," "chiropodist," "pharmacist," and "osteopathic physician and surgeon," or any similar designation, mean persons who hold valid, unrevoked certificates to practice their respective professions in this State, issued by their respective examining boards in this State. The term "physician" includes physician and surgeon and also osteopathic physician and surgeon.

11001. "Narcotics," as used in this division, means any of the following:

- (a) Cocaine.
- (b) Opium.
- (c) Morphine.
- (d) Codeine.
- (e) Heroin.
- (f) Alpha eucaine.
- (g) Beta eucaine.

(h) All parts of the plant loco weed or of the plant *Cannabis sativa* L., (Commonly known as marihuana), whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but not including the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(i) Isonipecaïne. "Isonipecaïne" shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

11002. "Narcotics," as used in this division, also means any of the salts, derivatives, or compounds of a narcotic or any preparation or compound containing a narcotic or its salts, derivatives, or compounds.

11003. "*Cannabis sativa*," as used in this division, means the male and female of any species commonly known as *Cannabis sativa*, hemp, Indian hemp, or marihuana.

11004. "State division," as used in this division, means the Division of Narcotic Enforcement in the State Department of Justice.

11005. "Chief," as used in this division, means the Chief of the Division of Narcotic Enforcement.

11006. "Board of Pharmacy," as used in this division, means the California State Board of Pharmacy.

11007. "Prescription," as used in this division, means a prescription for a narcotic.

11008. "Sale," as used in this division, includes barter, exchange, or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

11009. "Addict," as used in this division, means a person who unlawfully uses, or is addicted to the unlawful use of, narcotics.

11010. "Opium pipe," as used in this division, includes a pipe, together with the usual attachments, or other apparatus used or intended to be used in the smoking of opium or heroin.

11011. "Vehicle," as used in this division, means any vehicle or equipment used for the transportation of persons or things.

11012. "Transport," as used in this division, with reference to narcotics, includes "conceal," "convey," or "carry."

11013. "Owner," as used in this division, with reference to a vehicle, means any person having any right, title, or interest in it.

11014. "Person," as used in this division, includes any corporation, association, copartnership, company or one or more individuals.

11015. "Osteopath," as used in this division, shall be those persons who are licensed in the State of California as osteopathic physicians and surgeons.

11016. "Division," as used in this division, unless otherwise specifically designated, means Division 10, Health and Safety Code.

## Chapter 2. Division of Narcotic Enforcement

11100. There is in the Department of Justice a Division of Narcotic Enforcement.

11101. There is a Chief of the Division of Narcotic Enforcement, who is appointed and whose salary is fixed by the Attorney General pursuant to the State Civil Service Act.



The provisions of Article XXIV of the Constitution and the term "state civil service" shall apply to and include the chief of the division.

11102. The state division shall enforce all laws regulating the cultivation, production, sale, giving away, prescribing, administering, furnishing, or having in possession narcotic or other dangerous drugs other than those drugs enumerated in schedules "A" and "B" of Chapter 102, Statutes of 1907.

11103. The chief may, subject to the approval of the Department of Finance, employ and fix the compensation of such inspectors, chemists, clerical, and other employees as are necessary. Two of the inspectors shall be registered licentiates in pharmacy.

11104. The state division may employ a physician to interview and examine any patient for whom any narcotic has been prescribed or to whom any narcotic has been furnished or administered, and who is an habitual user of narcotics.

The patient shall submit to the interview and examination and shall not in any manner hinder or impede it.

The physician employed by the state division to conduct the interview and examination shall report the results of the examination and interview to the state division.

The physician so employed may testify in any action brought under this division or in any hearing before the State Board of Medical Examiners and his testimony is not privileged.

Every person who violates any provision of this section is guilty of a misdemeanor.

11105. The chief and the inspectors appointed by him have the powers and duties of peace officers in the performance of their duties.

11106. The chief and the inspectors appointed by him, when authorized so to do by the chief, may expend such sums as the chief deems necessary in the purchase of drugs for evidence and in the employment of operators to obtain evidence.

The sums so expended shall be repaid to the officer making the expenditures upon claims audited by the chief and approved by the Department of Finance. The claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the state division.

11107. This division does not prohibit the inspectors of the Board of Pharmacy from inspecting records in connection with the regulation of the sale, giving away, prescribing, or administering, of narcotics or other drugs.

### Chapter 3. Prescriptions

#### Article 1. Requirements of Prescriptions

11161. No person other than a physician, dentist, chiropractist or veterinarian shall write a prescription.

11162. No person shall write, issue, fill, compound, or dispense a prescription that does not conform to this division.

11162.5. A prescription, in order to be effective in legalizing the possession of unstamped narcotic drugs and eliminating the necessity for use of order forms, must be issued for legitimate medical purposes. The responsibility for the proper prescribing and dispensing of narcotic drugs is upon the practitioner, but a corresponding liability rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued to an addict or habitual user of narcotics, not in the course of professional treatment but for the purpose of providing the user with narcotics sufficient to keep him comfortable by maintaining his customary use, is not a prescription within the meaning and intent of this division; and the person filling such an order, as well as the person issuing it, may be charged with violation of the law.

11163. Except in the regular practice of his profession, no person shall prescribe, administer, or furnish, a narcotic to or for any person who is not under his treatment for a pathology or condition other than narcotic addiction, except as provided in this division.

11164. No person shall prescribe for or administer, or dispense a narcotic to an addict, or to any person representing himself as such, except as permitted by this division.

11165. No person shall issue a prescription that is false or fictitious in any respect.

11166. No person shall write a prescription unless it is wholly written, in handwriting, signed, and dated by him as of the date on which it is written, contains the name and address of the person for whom prescribed, and states the name and quantity of the narcotic prescribed.

11166.05. Prescription blanks shall be issued by the state division in serially numbered groups of 100 forms in triplicate each, and shall be furnished free of cost to any person authorized to write a prescription, and such prescription blanks shall not be transferable.

11166.06. The prescription blanks shall be printed on distinctive paper, serial number of the group being shown on each form, and also each form being serially numbered.

11166.07. Not more than one such prescription group shall in any case be issued or furnished by the state division to the same prescriber at one time.



11166.08. No person shall issue a prescription other than on the official prescription form issued by the state division, and no person shall fill any prescription other than on the official prescription form issued by the state division, except that in the case of an epidemic or a sudden or unforeseen accident or calamity a prescriber may issue a prescription upon a form other than the official prescription form issued by the state division, where failure to issue such prescription might result in loss of life or intense suffering, but such a prescription shall have endorsed thereon by the prescriber a statement concerning the accident, calamity, or circumstances constituting the emergency because of which the unofficial blank is used.

11166.09. All prescriptions on the official blanks shall be written in triplicate, all three copies signed by the prescriber.

11166.10. The prescription book containing the prescriber's copies of prescriptions issued shall be retained by the prescriber which shall be preserved for two years and shall at all times be open to inspection by inspectors of the state division, special agents of the Board of Medical Examiners, inspectors of the Board of Osteopathic Examiners, and inspectors of the Board of Pharmacy.

11166.11. The original and one copy of the prescription shall be delivered to the person filling the prescription. The duplicate shall be properly endorsed by the pharmacist filling the prescription at the time such prescription is filled. The original shall be retained by the person filling the prescription, and at the end of each month in which the prescription is issued, the duplicate shall be returned to the state division.

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any preparations containing codeine or to preparations containing not more than two grains of opium to the fluid or avoirdupois ounce, without additional narcotics when compounded with other medicinal ingredients or to codeine, when prescribed in combination with any of the narcotic drugs or preparations mentioned in this section, or to preparations containing apomorphine hydrochloride, or ethylmorphine hydrochloride (dionin), prescribed in writing in good faith for medicinal purposes only.

When codeine, or tincture opii camphorata (paregoric) is not compounded with other ingredients, it shall be prescribed on the official blanks.

11167. No person shall prescribe, administer, or furnish a narcotic for himself.

11168. No person shall prescribe, administer, or furnish a narcotic except under the conditions and in the manner provided by this division.

11169. No person shall antedate or postdate a prescription.

11170. (1) No person shall obtain or attempt to obtain narcotics, or procure or attempt to procure the administration of or prescription for narcotics, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the concealment of a material fact; or (c) by the use of a false name or the giving of a false address.

(2) No person shall make a false statement in any prescription, order, report, or record, required by this division.

(3) No person shall, for the purpose of obtaining narcotics, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person.

(4) No person shall affix any false or forged label to a package or receptacle containing narcotics.

11171. No person shall obtain or possess a prescription that does not comply with this division.

11172. No person shall furnish a narcotic pursuant to a telephone order, except that in an emergency a pharmacist may deliver a narcotic through his employee or responsible agent pursuant to the telephone order of a person authorized to prescribe a narcotic, if the employee or agent is supplied with a prescription before delivery.

The employee or agent shall immediately deliver the prescription to the pharmacist. The pharmacist shall file the prescription within a reasonable time.

11173. No person shall fill a prescription if it shows evidence of alteration, erasure, or addition by any person other than the person writing it.

11174. No person shall fill a prescription unless it is tendered to him on or before the seventh day following the date of issue.

11175. A person who fills a prescription shall keep it on file for at least three years from the date of filing it.

11176. No person shall obtain or possess a narcotic obtained by a prescription that does not comply with this division.

11177. A narcotic prescription on file shall at all times be open to inspection by the prescriber, and properly authorized officers of the law, including all inspectors of the state division and of the Board of Pharmacy.

## Article 2. Exempt Narcotics

11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying addiction, containing not more than one grain of codeine in



one fluid ounce without additional narcotics, or to *mistura glycyrrhiza* compound, N. F.

11201. This article does not except tincture *opii camphorata* (commonly known as *paregoric*) from the provisions of this division and it may be sold only upon the prescription of a physician, and the prescription shall not be again refilled or dispensed.

### Article 3. Prescriber's Record

11225. Every person who issues a prescription, or administers or dispenses a narcotic shall make a record that, as to the transaction, shows all of the following:

- (a) The name and address of the patient.
- (b) The date.
- (c) The character and quantity of narcotics involved.
- (d) The pathology and purpose for which the prescription is issued, or the narcotic administered, prescribed, or dispensed.

11226. The record shall be preserved for two years and shall at all times be open to inspection by inspectors of the state division and inspectors of the Board of Pharmacy.

Every person who violates any provision of this section is guilty of a misdemeanor.

11227. In a prosecution under this division proof that a defendant received or has had in his possession at any time a greater amount of narcotics that is accounted for by any record required by law or that the amount of narcotics possessed by a defendant is a lesser amount than is accounted for by any record required by law is *prima facie* evidence of guilt.

### Article 4. Copies of Prescriptions

11228. Any record required by this division shall be open at all times to inspection by properly authorized officers of the law, including inspectors of the state division and the Board of Pharmacy. It is unlawful to refuse to permit, or to obstruct such inspection.

11250. Whenever the pharmacist's copy of a narcotic prescription is removed by a peace officer, inspector of the state division, or inspector of the Board of Pharmacy, for the purpose of investigation or as evidence, the officer or inspector shall give to the pharmacist a receipt in lieu thereof.

### Article 5. Refilling Prescriptions

11275. No person shall refill a narcotic prescription. However, where a prescription was originally issued for a narcotic preparation for which a prescription was not by law required, a prescription can be refilled unless the prescriber otherwise directs.

## Chapter 4. Use of Narcotics

### Article 1. Lawful Medical Use Other Than Treatment of Addicts

11330. A physician may prescribe for, furnish to, or administer narcotics to his patient when the patient is suffering from a disease, ailment, injury, or infirmities attendant upon old age, other than narcotic addiction.

The physician shall prescribe, furnish, or administer narcotics only when in good faith he believes the disease, ailment, injury, or infirmity, requires such treatment.

The physician shall prescribe, furnish, or administer narcotics only in such quantity and for such length of time as are reasonably necessary.

11331.5. In order to provide a supply of narcotics as may be necessary to handle emergency cases, any hospital which does not employ a resident pharmacist and which is under the supervision of a licensed physician, may purchase narcotics on federal order forms for said institution, under the name of said licensed physician, said supply to be made available to a registered nurse for administration to patients in emergency cases, upon direction of a licensed physician.

A report showing the kind and amount of narcotics purchased on the federal order form shall be forwarded, by registered mail, to the Division of Narcotic Enforcement, at the time such narcotics are purchased.

### Article 2. Treatment of Addicts for Addiction

11390. Any narcotic employed in treating an addict for addiction shall be administered by a physician, or by a registered nurse acting under his instruction.

11391. No person shall treat an addict for addiction except in one of the following:

(a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A state narcotic hospital.

(e) A state hospital.

This section does not apply during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

11392. A physician treating an addict for addiction shall not prescribe for or furnish the addict more than any one of the following amounts of narcotics during each of the first 15 days of such treatment:

(a) Eight grains of opium.

(b) Four grains of morphine.



11393. After 15 days of treatment the physician shall not prescribe for or furnish to the addict more than any one of the following amounts of narcotics during each day of such treatment:

- (a) Four grains of opium.
- (b) Two grains of morphine.

11394. At the end of 30 days from the first treatment, the prescribing or furnishing of narcotics shall be discontinued.

11395. The physician treating an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the state division, stating the name and address of the patient, and the name and quantities of narcotics, if any, prescribed.

The report shall state the progress of the patient under the treatment.

The physician shall in the same manner further report on the fifteenth day of the treatment and on the thirtieth day of the treatment, and thereafter shall make such further reports as are requested in writing by the state division.

### Article 3. Physicians' Reports

11425. A physician prescribing or furnishing a narcotic to an habitual user shall within five days after first prescribing or furnishing the narcotic personally report in writing by registered mail, over his signature, to the state division.

The report shall contain all of the following:

- (a) Name of the patient.
- (b) Address of the patient.
- (c) Character of the injury or ailment.
- (d) Quantity and kind of narcotic used.
- (e) A statement as to whether or not the patient is an addict.

11426. The physician shall upon request in writing from the state division furnish any additional reports upon the treatment of the user as the state division may request in writing.

### Article 4. Veterinarians

11450. No veterinarian shall prescribe, administer, or furnish a narcotic for himself or any other human being.

11451. A prescription written by a veterinarian shall state the kind of animal for which ordered and the name and address of the owner or person having custody of the animal.

## Chapter 5. Illegal Narcotics

### Article 1. Illegal Sale, Possession, Administration and Transportation

11500. Except as otherwise provided in this division, no person shall possess, transport, sell, furnish, administer or give

away, or offer to transport, sell, furnish, administer, or give away, or attempt to transport a narcotic except upon the written prescription of a physician, dentist, chiropodist, or veterinarian licensed to practice in this State.

## Article 2. Marihuana

11530. No person shall knowingly plant, cultivate, cut, harvest, dry, or process any loco weed or *Cannabis sativa* or any part thereof.

## Article 3. Narcotic Pipes and Resorts

11555. It is unlawful to possess an opium pipe.

11556. It is unlawful to knowingly visit or to be in any room or place where any narcotics are being or have recently been smoked.

11557. It is unlawful to open or maintain to be resorted to by other persons any place in which narcotics are unlawfully sold, given away, or smoked.

## Chapter 6. Sale Without Prescription

11570. No prescription is required in case of the sale of narcotics at retail in pharmacies by pharmacists to any of the following:

- (a) Physicians.
- (b) Dentists.
- (c) Chiropodists.
- (d) Veterinarians.

In any sale mentioned in this article, there shall be executed any written order that may otherwise be required by law or by the provisions of Section 2 of an act of Congress, approved Dec. 17, 1914, as heretofore amended, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves and salts, derivatives, or preparations.

11571. No prescription is required in case of sales at wholesale by jobbers, wholesalers and manufacturers to any of the following:

(a) Pharmacists as defined in the Business and Professions Code.

- (b) Physicians.
- (c) Dentists.
- (d) Chiropodists.
- (e) Veterinarians.
- (f) Other jobbers, wholesalers or manufacturers.

11572. All wholesale jobbers, wholesalers, and manufacturers, mentioned in this division shall keep, in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of Section 2 of the act of Congress, approved December 17, 1914, relating to the production,



importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves and salts, derivatives, or preparations.

11573. The written orders or blank forms shall always be open for inspection by any peace officer or any inspector or member of the Board of Pharmacy or the chief or any inspector of the state division.

The written orders or blank forms shall be preserved for at least three years after the date of the last entry made.

11574. A true and correct copy of all orders, contracts, or agreements taken for narcotics shall be forwarded by registered mail to the state division within 24 hours after the taking of the order, contract, or agreement, unless the order, contract, or agreement is recorded as required under the provisions of Section 2 of an act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves, their salts, derivatives, or preparations, by a wholesale jobber, wholesaler, or manufacturer, permanently located in this State, as provided for in that section.

11575. The taking of any order, or making of any contract or agreement, by any traveling representative or employee of any person for future delivery in this State, of any narcotic constitutes a sale within the meaning of this division.

11576. Within 24 hours after any purchaser in this State gives any order to, or makes any contract or agreement for purchases from or sales by, an out-of-state wholesaler or manufacturer of any narcotics for delivery in this State, the purchaser shall forward to the state division by registered mail a true and correct copy of the order, contract, or agreement.

## Article 2. Seizure and Disposition of Narcotics

11650. Narcotics possessed in violation of this division, and all opium pipes, may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in the Penal Code.

11651. All opium pipes seized under the provisions of this division shall, upon conviction of the owner or defendant, be ordered destroyed by the judge of the court in which conviction is had.

11652. The order of destruction shall contain the name of the party charged with the duty of destruction, but the judge shall turn all such evidence over to the state division for destruction.

11653. All narcotics that have been seized under this division shall, by order of the court upon the conviction of the owner or defendant, be turned over immediately to the state division for destruction or disposition.

11654. Narcotics and opium pipes seized under this division, now in the possession of any city or county official, or of the State Board of Pharmacy, or that may hereafter come into their possession, in which no trial was had, shall be delivered to the state division for destruction or disposition.

No narcotics or opium pipes coming into the possession of the state division as described in this section shall be destroyed within six months from seizure.

11655. The state division may dispose of narcotics, other than heroin or smoking opium, by gift to the medical superintendents of state prisons or state hospitals, for medical purposes.

11656. When narcotics or opium pipes have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the state division, be turned over to it for safe-keeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division.

11657. When narcotics or opium pipes have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over immediately to the state division, unless the court finds that the narcotics were lawfully possessed by the defendant.

### Article 3. Prosecutions and Disposition of Fines

1180. The district attorney of the county in which any violation of this division is committed shall conduct all actions and prosecutions for the violation.

However, subject to the approval of the Attorney General, the chief may employ special counsel for that purpose, who may take complete charge of the conduct of such actions or prosecutions. The chief may fix the compensation to be paid for the service and may incur such other expense in connection with the conduct of the actions or prosecutions as he may deem necessary. No attorney employed as special counsel shall receive as compensation more than three thousand five hundred dollars (\$3,500) in any one year.

11681. All money, forfeited bail, or fines received under this division shall be sent without delay by the judge or magistrate receiving them, 75 percent to the State Treasurer to be deposited in the State Treasury, and 25 percent to the city treasurer of the city, if the offense occurred in a city, otherwise to the treasurer of the county in which the prosecution is conducted.

11682. Judges and magistrates who collect fines or forfeitures under this division shall keep a record thereof, and, upon the imposition of any such fine or forfeiture, shall immediately transmit a record of it to the State Controller.



11683. When an imprisonment has been imposed for a violation of this division, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture instead, the fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

11684. Whenever a fine has been imposed for violation of this division, and before the full payment of the fine a sentence of imprisonment is imposed instead, the imprisonment shall be recorded and accounted for to the State Controller.

11685. Each judge or magistrate shall transmit to the State Treasurer an annual report of the fines and forfeitures collected by him during the calendar year. This report shall be rendered before the fifteenth day of January of the following year on blanks furnished by the State Controller.

11686. The State Controller shall check the reports and records of each judge and magistrate with the transmittals of fines and forfeitures and whenever it appears that fines or forfeitures have not been transmitted the State Controller shall bring suit to enforce their collection or transmittal, or both.

11687. The official bond of any judge or magistrate is liable for his failure to transmit the fines or forfeitures imposed by him under this division.

11688. The records kept by a judge or magistrate under this division are open to public inspection, and may be checked by the State Controller, the Attorney General, the district attorney of the particular county, or the state division.

#### Article 4. Penalties

11712. Any person convicted under this division for having in possession any narcotic, or of violating the provisions of Sections 11530 or 11557 shall be punished by imprisonment in the county jail for not less than 90 days nor more than one year, or in the state prison for not more than six years.

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other state, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not more than 10 years.

11713. Any person convicted under this division for transportation, selling, furnishing, administering, or giving away, or offering to transport, sell, furnish, administer, or give away, any narcotic shall be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years.

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other state, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison for not more than 10 years.

11714. Every person who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, preparing for sale, peddling, or using any narcotic is guilty of a felony punishable by imprisonment in the state prison for not less than one year nor more than six years, and for each subsequent offense shall be imprisoned in the state prison for not less than six years.

11715. Every person who forges or alters a prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic, or who obtains any narcotic by any forged, fictitious, or altered prescription, or who has in possession any narcotic secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years, and for each subsequent offense shall be imprisoned in the state prison for not more than 10 years.

11715.5. Any person not a citizen of the United States of America who is convicted of violating Sections 11712, 11713, 11714, 11715, or of committing any offense referred to in those sections shall be reported to the appropriate agency of the United States having charge of deportation matters.

The certificate shall be issued by the court in which the conviction takes place, shall recite the facts of the case, and recommend that the defendant be deported.

11715.6. In no case shall any person convicted of violating Sections 11712, 11713, 11714, 11715, or of committing any offense referred to in those sections, be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

11715.7. Any person who shall violate any of the provisions of Sections 11162, 11162.5, 11163, 11164 and 11170 shall be punished by imprisonment in a county jail for not less than six months or in the state prison for not more than six years.

11716. Every person who violates or fails to comply with any provision of this division, except one for which a penalty is otherwise in this division specifically provided, is guilty of a misdemeanor punishable by a fine in a sum not less than thirty dollars (\$30) nor more than five hundred dollars (\$500), or by imprisonment for not less than 15 nor more than 180 days, or by both.



11717. The board of pharmacy may revoke the registration of any registered pharmacist or registered assistant pharmacist upon conviction of violating any provision of this division, and in such case the registration shall not be restored before the period of one year from the date of the revocation.

#### Article 4.5. Addicts

11721. A narcotic addict, as defined in Section 11009, is punishable by imprisonment in the county jail for not less than three nor more than six months.

11722. In no case shall any narcotic addict punishable under this article be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

#### Article 5. Abatement

11780. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away any opium, morphine, cocaine, heroin, cannabis sativa, or loco weed, and every building or place wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

11781. Whenever there is reason to believe that such a nuisance is kept, maintained or exists in any county, the district attorney of the county, in the name of the people, shall, or any citizen of the state resident in the county, in his own name, may maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

11782. Unless filed by the district attorney, the complaint in the action shall be verified.

11783. If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of the nuisance.

11784. Except when it is granted on application of the people of the State, on granting the temporary writ the court or judge shall require a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the defendant enjoined such damages, not exceeding an amount to be specified, as the defendant sustains by reason of the injunction if the court finally decides that the applicant was not entitled to it.

11785. The action shall have precedence over all other actions, except criminal proceedings, election contests, hearings on injunctions, and actions to forfeit vehicles under this division.

11786. If the complaint is filed by a citizen it shall not be dismissed by him or for want of prosecution except upon a sworn statement made by him and his attorney, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court.

11787. In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff.

11788. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for the action, the costs shall be taxed against him.

11789. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in the action are a lien upon the building or place. The lien is enforceable and collectible by execution issued by order of the court.

11790. A violation or disobedience of the injunction or order for abatement is punishable as a contempt of court by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than one nor more than six months, or by both.

11791. If the existence of the nuisance is established in the action, an order of abatement shall be entered as a part of the judgment, which order shall direct the removal from the building or place of all fixtures, musical instruments, and other movable property used in conducting, maintaining, aiding, or abetting the nuisance and shall direct their sale in the manner provided for the sale of chattels under execution.

The order shall provide for the effectual closing of the building or place against its use for any purpose, and for keeping it closed for a period of one year, unless sooner released, as provided in this division.

11792. While the order of abatement remains in effect, the building or place is in the custody of the court.

11793. For removing and selling the movable property, the officer is entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

11794. The proceeds of the sale of the movable property shall be applied as follows:

First—To the fees and costs of the removal and sale.



Second—To the allowances and costs of closing and keeping closed the building or place.

Third—To the payment of the plaintiff's costs in the action.

Fourth—The balance, if any, to the owner of the property.

11795. If the proceeds of the sale of the movable property do not fully discharge all of the costs, fees, and allowances, the building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of the sale shall be applied in like manner.

11796. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees, and allowances that are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at the building or place and prevent it from being established or kept thereat within a period of one year thereafter, the court, or judge may, if satisfied of his good faith, order the building or place to be delivered to the owner, and the order of abatement canceled so far as it may relate to the property.

The release of property under the provisions of this division does not release it from any judgment, lien, penalty, or liability to which it may be subject.

11797. Whenever the owner of a building or place upon which the act or acts constituting the contempt have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceedings under this division, the fine is a lien upon the building or place to the extent of his interest in it.

The lien is enforceable and collectible by execution issued by order of the court.

### **Excerpts from California Vehicle Code Relating to Drug Addicts**

Grounds requiring refusal of license:

The department shall not issue an operator's or chauffeur's license to any person \* \* \*

(b) Who is an habitual drunkard or addicted to the use of narcotic drugs or an habitual user of any other drug rendering such person incapable of safely operating a motor vehicle.

**Driving When Addicted to or Under Influence of Narcotics or Other Drugs.** (a) It is unlawful for any person who is addicted to the use, or under the influence, of narcotic drugs to drive a vehicle upon any highway. Any person convicted under this subsection shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State prison for not less than one year nor more than five years or in the

county jail for not less than 90 days nor more than one year or by a fine of not less than two hundred dollars (\$200) nor more than five thousand dollars (\$5,000) or by both such fine and imprisonment.

### **Excerpts from Concealed Weapon Act**

(Stats. 1931, p. 2316)

Aliens, narcotic addicts and felons must not possess certain firearms.

On and after the date upon which this act takes effect, no person not a citizen of the United States of America and no person who has been convicted of a felony, under the laws of the United States, of the State of California, or any other State or any other government or county (country), or who is addicted to the use of any narcotic drug or drugs shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

\* \* \* Any person who shall violate the provisions of this section shall be punishable by imprisonment in the State prison not exceeding five years, or in a county jail not exceeding one year or by fine not exceeding five hundred dollars (\$500), or by both fine and imprisonment.

(Stats. 1923, p. 695)

No probation or suspension of sentences: In no case shall any person punishable under the preceding sections of this act be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.



## Provisions of the State Narcotic Act

Which differ from the Harrison Law as set forth in  
Division 10, Health and Safety Code

Division of Narcotic Enforcement of California  
156 State Bldg., San Francisco  
September, 1945

Although the California State Narcotic Act follows the U. S. Harrison Narcotic Act in principle, and embodies in effect most of its regulations, there are many sections of the State Narcotic Act which are at variance with the Federal Act.

The Harrison Narcotic Act is primarily a tax measure, whereas the State law is an enforcement act, for the protection of public health and safety.

Enumerated below are the sections wherein the two laws differ:

### PRESCRIPTION FORMS

Chapter VIII, Article 173. "Forms to be used: The Government does not furnish prescription forms, \* \* \* Any prescription form may be used, providing the required data is shown thereon."

Chapter 3, Section 11166.08 provides: "No person shall issue a prescription other than on the official prescription form issued by the State division, and no person shall fill any prescription other than on the official prescription form issued by the State division, except that in the case of an epidemic or a sudden or unforeseen accident or calamity a prescriber may issue a prescription upon a form other than the official prescription form issued by the State division, where failure to issue such prescription might result in loss of life or intense suffering, but such a prescription shall have endorsed thereon by the prescriber a statement concerning the accident, calamity, or circumstances constituting the emergency because of which the unofficial blank is used."

The following amendments to the State Narcotic Act (Division 10, of the Health and Safety Code) which are pertinent to the Pharmacist, are effective September 15, 1945. *This does not comprise the entire act, only important excerpts therefrom.*

#### I

Has been amended to include Isonipecaïne (Demerol) which requires triplicate prescription and may not be refilled. "Isonipecaïne" shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

## II

No person shall write, issue, fill, compound, or dispense a prescription that does not conform to this division.

*A prescription, in order to be effective in legalizing the possession of unstamped narcotic drugs and eliminating the necessity for use of order forms, must be issued for legitimate medical purposes. The responsibility for the proper prescribing and dispensing of narcotic drugs is upon the practitioner, but a corresponding liability rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued to an addict or habitual user of narcotics, not in the course of professional treatment but for the purpose of providing the user with narcotics sufficient to keep him comfortable by maintaining his customary use, is not a prescription within the meaning and intent of this division; and the person filling such an order, as well as the person issuing it, may be charged with violation of the law.*

No person shall prescribe for or administer, or dispense a narcotic to an addict, or to any person representing himself as such, except as permitted by this division.

## III

No person shall write a prescription unless it is wholly written, in handwriting, signed, and dated by him as of the date on which it is written, contains the name and address of the person for whom prescribed, and states the name and quantity of the narcotic prescribed.

## IV

The original and one copy of the prescription shall be delivered to the person filling the prescription. *The duplicate shall be properly endorsed by the pharmacist filling the prescription at the time such prescription is filled.* The original shall be retained by the person filling the prescription, and at the end of each month in which the prescription is issued, the duplicate shall be returned to the State division.

## V

The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any preparations containing codeine or to preparations containing not more than two grains of opium to the fluid or avoirdupois ounce, without additional narcotics when compounded with other medicinal ingredients or to codeine, when prescribed in combination with any of the narcotic drugs or preparations mentioned in this section, or to preparations containing apomorphine hydrochloride, or ethylmorphine hydrochloride (dionin), prescribed in writing in good faith for medicinal purposes only.



When codeine, or tincture opii camphorata (paregoric) is not compounded with other ingredients, it shall be prescribed on the official blanks.

## VI

No person shall antedate or postdate a prescription.

## VII

(1) No person shall obtain or attempt to obtain narcotics, or procure or attempt to procure the administration of or prescription for narcotics, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the concealment of a material fact; or (c) by the use of a false name or the giving of a false address.

(2) No person shall make a false statement in any prescription, order, report, or record, required by this division.

(3) No person shall, for the purpose of obtaining narcotics, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person.

(4) No person shall affix any false or forged label to a package or receptacle containing narcotics.

## VIII

The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying addiction, containing not more than one grain of codeine in one fluid ounce without additional narcotics, or to mistura glycyrrhiza compound, N.F.

## IX

In a prosecution under this division proof that a defendant received or has had in his possession at any time a greater amount of narcotics than is accounted for by any record required by law or that the amount of narcotics possessed by a defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

## X

A prescription written by a veterinarian shall state the kind of animal for which ordered and the name and address of the owner or person having custody of the animal.

*NOTE.—Triplicate prescriptions are NOT to be used by physicians, etc., to obtain narcotics for office supply. Federal order forms MUST be used. If in doubt as to any narcotic*

*transaction which may arise in connection with your business,  
write or phone*

**DIVISION OF NARCOTIC ENFORCEMENT**

**DEPARTMENT OF JUSTICE**

**STATE OF CALIFORNIA**

**156 State Building, San Francisco (2)**

**TELEPHONE UNDERhill 8700—Ext. 560**

*and avail yourself of proper guidance. This is for YOUR protection.*



# Extracts from the Agricultural Code and Poison Law of California

Pertaining to the Registration and Sale of Economic Poisons

## AGRICULTURAL CODE

1066. It is unlawful to sell any adulterated or misbranded economic poison. Unlawful sales

(Amended by Ch. 334, Stats. 1935; by Ch. 888, Stats. 1937; by Ch. 348, Stats. 1939, and by Ch. 952, Stats. 1943.)

1066.5. As used in this section "thallium" includes any preparation of thallium or of the salts thereof. Thallium

It is unlawful for any person to sell or to possess thallium except that:

(a) Federal, State, county, or municipal officers or employees, in their official capacities, or persons under the immediate supervision of such officers or employees, may possess thallium for use for pest control purposes.

(b) Licensed physicians, surgeons, pharmacists, or veterinaries may possess thallium for use in their respective professions.

(c) Metallurgists and manufacturers of alloys of which thallium is a component part may possess thallium for laboratory use or manufacture of alloys.

(d) Persons operating research or chemical laboratories may possess thallium for use for the purposes of such laboratories.

(e) Registered manufacturers of ant poison may manufacture and sell, and dealers in ant poison may possess for sale and sell, ant poison containing not more than 1 per cent of thallium, expressed as metallic, prepared, packaged, and sold in accordance with such rules and regulations as the director may deem necessary to protect the public health.

(f) Wholesalers or jobbers of economic poison may possess for sale or sell thallium to any person included within the above classifications, or for export.

(Added by Ch. 952, Stats. 1943; amended by Ch. 166, Stats. 1945.)

1071. Every manufacturer of, importer of, or dealer in any economic poison, except dealers or agents selling economic poison which has been registered by the manufacturer or wholesaler thereof and persons selling raw material to manufacturers of economic poisons, before the same is offered for sale shall obtain a license from the department. The annual Licenses and fees

fee is fifty dollars (\$50), payable to the director. The payment of such fee shall permit the registrant to manufacture, import, or deal in 10 variously labeled economic poisons of varying name or composition, and for each such variety over 10 an additional fee of two dollars (\$2) shall be paid. Persons manufacturing an economic poison in either case (1) which does not exceed a total retail value of five hundred dollars (\$500) per annum and is intended to be used in households or their immediate environment, which intent must be expressed on the label of said economic poison; or (2) licensed pest control operators manufacturing an economic poison that does not exceed a total retail value of five hundred dollars (\$500) per annum, that is not sold to the general public and is intended to be sold only by being used in connection with their own pest control service work, which intent must be expressed on the label of said economic poison, shall pay an annual license fee of ten dollars (\$10) to the director. The payment of such fee shall permit the registrant to manufacture, import, or deal in two variously labeled economic poisons of varying name or composition, and for each such variety over two, an additional fee of two dollars (\$2) shall be paid. County, State, and Federal officers or employees selling economic poison at cost shall not be required to pay a license fee.

Exemption

When any manufacturer, importer, or dealer in economic poisons has complied with this article and the rules and regulations provided for therein and applies for registration of economic poisons, and for a license, the director shall register each economic poison sought to be registered and issue a license to the applicant authorizing the manufacture and sale of economic poison in the State. In the event the director finds that such registration can not be permitted and the license can not be issued, due to noncompliance with this article or the rules and regulations thereunder, he may after reasonable notice call a hearing for the purpose of determining whether the application shall be reconsidered or denied. All licenses and registrations expire on June thirtieth of each year and may be renewed after application in the manner provided for prior registration and licensing.

(Amended by Ch. 426, Stats. 1933; by Ch. 334, Stats. 1935; by Ch. 888, Stats. 1937; by Ch. 793, Stats. 1939; by Ch. 273, Stats. 1945.)

## Poison Law

SEC. 5a. The following is schedule "A" referred to in Section 1, viz.: \* \* \* provided, however, that the following shall not be included in this schedule \* \* \* all economic poisons, as that term is defined in Article 3 of Chapter 7 of Division 5 of the Agricultural Code, and licensed and registered thereunder and sold in original sealed packages and labeled with the official poison labels, except the following: Ant poisons containing more than four-tenths per cent (0.4%) total arsenic, and preparations containing more than two per cent (2%) total



Nux Vomica; all of which economic poisons, with the above exceptions, may be sold by dealers generally, when prepared, packaged, and sold in accordance with rules and regulations authorized by the provisions of said article of the Agricultural Code, anything in this or any other act to the contrary notwithstanding.

ALL ECONOMIC POISONS MUST BE REGISTERED with the State Department of Agriculture as provided in Section 1071 (above) of the Agricultural Code before being offered for sale in California, and may be sold only in the original package of a registrant.

*The following are included in Schedule "A" and must bear the official poison label, be sold only by a registered pharmacist and the sale entered in the poison register:*

Ant poisons containing more than  $\frac{4}{10}$  of 1% of arsenic (metallic).

Preparations containing more than two per cent (2%) total Nux Vomica.

For further information regarding the registration and sale of Economic Poisons address

DIVISION OF CHEMISTRY  
DEPARTMENT OF AGRICULTURE  
1125 10th Street  
Sacramento 14, California





## California Pure Drugs Act

### The requirements of California Pure Drugs Act as applied to the retail drug trade

26240. The term "misbranded" shall apply to all drugs or devices, the package or label of which bears any statement, design, or emblem regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug or device which is falsely branded or labeled as to the county, city and county, city, town, State, Territory, District of Columbia, or foreign country in which it is manufactured or produced. "Mis-branded"

26241. A drug or device shall be deemed to be misbranded if in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count. Contents of label

Under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

26242. A drug or device shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. Same: Display

26243. A drug shall be deemed to be misbranded if it is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetophenetidin, antipyrine, atropine, hyoscine, hyoscyamine, codeine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, barbituric acid, or any derivative or preparation of any such substances, contained therein.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210.)

26244. A drug or device shall be deemed to be misbranded unless its labeling bears (1) adequate directions for use; and Directions

(2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users.

If any requirement of clause (1) of this section as applied to any drug or device is not necessary for the protection of the public health, the board shall promulgate regulations exempting such drug or device from such requirements.

Packaging  
and labeling

26245. A drug shall be deemed to be misbranded if it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein. The method of packing may be modified with the consent of the board.

Same

26246. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.

Drug  
subject to  
deterioration

26247. A drug shall be deemed to be misbranded if it has been found by the board to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the board shall by regulations require as necessary for the protection of public health.

No such regulation shall be established for any drug recognized in an official compendium until the board has informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body has failed within a reasonable time to prescribe such requirements.

Containers

26249. A drug shall be deemed to be misbranded (1) if its container is so made, formed, or filled as to be misleading;

Imitation

(2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

Prescriptions  
in labeling

26250. A drug or device shall be deemed to be misbranded if it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof.

Amidopyrine,  
cinchophen,  
sulfanila-  
mide or  
thyroid

26251. A drug shall be deemed to be misbranded if it is a drug sold at retail and contains any quantity of amidopyrine, cinchophen, sulfanilamide, thyroid, or any of its preparations, compounds or derivatives, unless it is sold on an order, or prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label bears the name and place of business



of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession. Prescriptions containing amidopyrine, cinchophen or sulfanilamide, their compounds, preparations or derivatives issued under this section can not be refilled without the order of the physician, dentist or veterinarian who prescribes the same. Bandages of all types, and preparations and ointments for external use only, containing 5 per cent or less sulfanilamide, or any of its preparations, compounds or derivatives, are exempt from the provisions of this section.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210; by Stats. 1943, Ch. 779.)

26252. A drug sold on a written prescription signed by a member of the medical, dental or veterinary profession (except a drug sold in the course of the conduct of a business selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this article if:

Drug sold  
on written  
prescription

(1) Such member of the medical, dental or veterinary profession is licensed by law to administer such drug; and

(2) Such drug bears a label containing the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession.

26253. A drug shall be deemed misbranded:

(1) If it be an imitation of or offered for sale under the name of another article;

(2) If the contents of the package as originally put up have been removed, in whole or in part, and other contents have been placed in such package.

(Amended by Stats. 1943, Ch. 779.)

26254. A drug shall be deemed to be misbranded if the package as offered for sale at retail or wholesale fails to bear a statement on the label of

Morphine,  
etc.

(1) The quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, barbituric acid, bromal, carbromal, coca, marihuana, paraldehyde, peyote, or sulphonmethane, and

(2) The quantity of any chemical derivative of such substances or any derivative or preparation of any such substances, contained therein, which derivative has been by the board after investigation, found to be, and by regulations under this act, designated as, habit-forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—may be habit-forming."

(Amended by Stats. 1943, Ch. 779.)

The following sections pertain to the Guaranty. When purchasing pharmaceuticals, this is a protection for the retail druggists.

Guaranty

26296. No dealer shall be prosecuted under the provisions of this chapter if after receipt of an article he has used reasonable care in the use and handling thereof and he can produce a guaranty signed by the wholesaler, jobber, manufacturer, or other party located or residing in the United States from whom he purchased such article, to the effect that the same is not adulterated, or misbranded within the meaning of this chapter; provided, however, that as to drug contained in an original unbroken package, no retailer, who after the receipt of such package has used reasonable care in the use and handling thereof, shall be prosecuted under this chapter for a violation of any provision thereof in connection with any article received by such retailer in the regular channels of trade and as usual first-class merchantable stock and not as seconds, or damaged articles or merchandise or job lots purchased under such conditions as to put the purchaser on notice that such merchandise was not regular first class merchandise. The guaranty must be dated prior to the date of sale of the article.

(Amended by Stats. 1943, Ch. 779.)

Same

26297. Such guaranty may be either general or special and must be produced prior to the time of certification of facts to the district attorney for prosecution.

General guaranty

26298. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated, mislabeled or misbranded within the meaning of this chapter.

Special guaranty

26299. A special guaranty shall guarantee in the same manner as a general guaranty the particular articles listed in an invoice of the articles, and shall be attached to or shall fully identify such invoice.

Seller's name, etc.

26300. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person.

Article covered

26301. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor.

Guaranty under federal act

26302. If the guaranty is to the effect that such article is not adulterated or misbranded within the meaning of the Federal act, it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere, unless at any time the standard for the article concerned under this chapter is higher than the standard for a like article under the Federal act.

(Amended by Stats. 1943, Ch. 779.)



26303. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Bureau of Laboratories that such article or articles were adulterated or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation.

Nonresident  
guarantor

(Amended by Stats. 1943, Ch. 779.)

26320. The standards of purity of drugs shall be the United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, and the National Formulary.

Standards  
of purity





# California Pure Foods Act

## Sanitation and Preparation of Foods in Drug Stores

26470. A food shall be deemed to be adulterated:

(4) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.

When  
deemed  
adulterated  
components

## FOOD SANITATION ACT

(Act approved March 6, 1909; Statutes 1909, Amended—Chapter 359, Statutes 1937. Chapter 942, Statutes 1939.)

### Places Where Food Handled to Be Kept Sanitary

SECTION 1. Every building, room, basement or cellar, occupied, or used as a bakery, confectionery, cannery, packing house, slaughter house, restaurant, hotel, grocery, meat market, or other place or apartment, used for the production, preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced, kept, handled or sold; and for the purpose of this act the term "food" shall include all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof.

### Unsanitary Conditions Defined—Dispensing of Bulk Foods

SEC. 2. The floors, sidewalks, ceilings, furniture, receptacles, utensils, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, shall at no time be kept in an unclean, unhealthful or unsanitary condition; and for the purposes of this act, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale or distribution is not securely protected from flies, dust, dirt, unsanitary conditions, and as far as may be necessary, by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt, and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling and distributing of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws,

cleavers, and all other utensils, receptacles and machinery, used in moving, handling, cutting, chopping, mixing, canning, and all other processes used in the preparation of food, are not thoroughly cleaned daily; and if the clothing of operatives, employees, clerks and other persons therein employed, is unclean, or if they dress or undress, or leave or store their clothing therein.

## Regulations Governing the Manufacture, Distribution and Storage of Biologics

### Rule No. 3

Manufacturers, jobbers and retail distributors of biological products shall maintain a refrigerator of sufficient capacity to store all of those products in their possession which are listed as requiring refrigeration and the entire stock of such products shall be kept within the refrigerator at all times. The temperature of the refrigerator shall not be permitted to rise above 10° C (50° F.), as indicated by a required standard mercury thermometer.

## Marketing of New Drugs

Regulation adopted August 31, 1940, by the State Board of Health governs the procedure prior to marketing a new drug.

Application forms will be furnished by that bureau on request.

For further information regarding the Pure Food and Drugs Act, Food Sanitation Act, Manufacture, Distribution and Storage of Biologics or the Marketing of New Drugs, address

DEPARTMENT OF PUBLIC HEALTH  
Phelan Building, 760 Market St.,  
San Francisco, California



# Employment Law

Chapter 5, Part 2, Division II of the Labor Code.

## Chapter 5. Pharmacies

850. No person employed to sell at retail drugs and medicines or to compound physicians' prescriptions shall perform any work in any store, dispensary, pharmacy, laboratory, or office for more than an average of nine hours per day, or for more than one hundred eight hours in any two consecutive weeks, or for more than twelve days in any two consecutive weeks. Hours of pharmacy employees

(Amended by Stats. 1939, Ch. 567.)

851. No person employing another person to sell at retail drugs and medicines or to compound physicians' prescriptions shall require or permit such employee to perform any work in any store, dispensary, pharmacy, laboratory, or office for more than an average of nine hours per day, or for more than one hundred eight hours in any two consecutive weeks, or for more than twelve days in any two consecutive weeks. Prohibition

(Amended by Stats. 1939, Ch. 567.)

851.5. Except on Sundays and holidays, and except for a period of time for meals, not to exceed one hour in length, the hours of work permitted per day by this chapter shall be consecutive. This section does not apply to hospitals employing only one person to compound physicians' prescriptions. Hours consecutive Exception

(Added by Stats. 1939, Ch. 567.)

852. The employer shall apportion the periods of rest to be taken by an employee so that the employee will have one complete day of rest during each week. Rest periods

(Amended by Stats. 1939, Ch. 567.)

853. Any person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than twenty dollars nor more than fifty dollars or by imprisonment for not exceeding sixty days, or both. Penalty

854. The provisions of this chapter shall not apply in any case of emergency. The word "emergency" shall be construed as being accident, death, sickness, or epidemic. Emergency

855. The provisions of this chapter are enacted as a measure for the protection of the public health.

856. The Labor Commissioner shall enforce this chapter. Enforcement

## Excerpt from California Administrative Code

### 4. Minimum Wages

(Enforcement under the jurisdiction of the  
Industrial Welfare Commission.)

(a) Every employer shall pay to each minor employee wages not less than sixty-five cents (65¢) per hour for all hours worked; except that a lesser rate, but not less than fifty cents (50¢) per hour, may be paid to:

A number of minors not exceeding 10% of the number of persons employed in an establishment. An employer of less than ten (10) persons may employ one minor at said lesser rate.



## Department of Professional and Vocational Standards

[Sections 1 to 24, Business and Professions Code]

*An act to establish a Business and Professions Code, thereby consolidating and revising the law regulating and protecting private business and licensed professions and callings and penalizing violations thereof, and to repeal acts and parts of acts specified herein.*

(Approved June 15, 1937; Chapter 399 of the Statutes of 1937.)

*The people of the State of California do enact as follows:*

### General Provisions

1. This act shall be known as the Business and Professions Title Code.
2. The provisions of this code insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations thereof, and not as new enactments. Continuation of existing law
3. All persons who, at the time this code goes into effect, hold office under any of the acts repealed by this code, which offices are continued by this code, shall continue to hold the same according to the former tenure thereof. Tenure
4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible. Pending proceedings
5. No rights given by any license or certificate under any act repealed by this code are affected by the enactment of this code or by such repeal, but such rights shall hereafter be exercised according to the provisions of this code. Existing rights
6. All persons who, at the time this code goes into effect, are entitled to a certificate under any act repealed by this code, are thereby entitled to a certificate under the provisions of this code so far as the provisions of this code are applicable. Rights to a certificate
7. Any conviction for a crime under any act repealed by this code, which crime is continued as a public offense by this code, constitutes a conviction under this code for any purpose for which it constituted a conviction under the act repealed. Previous convictions
8. Unless the context otherwise requires, the general provisions hereinafter set forth shall govern the construction of this code. Construction

- Headings 9. Division, part, chapter, article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of this code.
- Delegation of powers 10. Whenever, by the provisions of this code, a power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer, unless it is expressly otherwise provided.
- Writings 11. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required by this code, it shall be made in writing in the English language unless it is otherwise expressly provided.
- Reference to statutes 12. Whenever any reference is made to any portion of this code or of any other law of this State, such reference shall apply to all amendments and additions thereto now or hereafter made.
13. (Repealed by Stats. 1941, Ch. 805.)
- Definitions 14. The present tense includes the past and future tenses; and the future, the present. Each gender includes the other two genders.  
(Amended by Ch. 30, Stats. 1939.)
15. "Section" means a section of this code unless some other statute is specifically mentioned. "Subdivision" means a subdivision of the section in which that term occurs, unless some other section is expressly mentioned.
16. The singular number includes the plural, and the plural the singular.
17. "County" includes city and county.
18. "City" includes city and county.
19. "Shall" is mandatory and "may" is permissive.
20. "Oath" includes affirmation.
21. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the territories.
22. "Board," as used in any provision of this code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "division," and "agency."
23. "Department," unless otherwise defined refers to the Department of Professional and Vocational Standards.



23.5. "Director," unless otherwise defined, refers to the Director of Professional and Vocational Standards.

(Added by Ch. 30, Stats. 1939.)

23.6. "Appointing power," unless otherwise defined, refers to the Director of Professional and Vocational Standards.

(Added by Stats. 1945, Ch. 1276.)

24. If any provision of this code, or the application thereof, to any person or circumstance, is held invalid, the remainder of the code, or the application of such provision to other persons or circumstances, shall not be affected thereby. Constitutionality

## Division I. Department of Professional and Vocational Standards

### Chapter 1. The Department

(Sections 100 to 404, Business and Professions Code)

100. There is in the State government a Department of Professional and Vocational Standards. Department

SEC. 2. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

- (a) The Board of Dental Examiners of California.
- (b) The Board of Medical Examiners of the State of California.
- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Board of Examiners in Veterinary Medicine.
- (f) The State Board of Accountancy.
- (g) The California State Board of Architectural Examiners.
- (h) The State Board of Barber Examiners.
- (i) The State Board of Registration for Civil Engineers.
- (j) The Contractors' State License Board.
- (k) The State Board of Cosmetology.
- (l) The State Board of Funeral Directors and Embalmers.
- (m) The Structural Pest Control Board.
- (n) The Yacht and Ship Brokers Commission.
- (o) The Bureau of Furniture and Bedding Inspection.
- (p) The Board of Nurse Examiners of the State of California.
- (q) The State Board of Drycleaners.
- (r) The Board of Chiropractic Examiners.
- (s) The Board of Social Work Examiners.
- (t) The State Athletic Commission.
- (u) Any other boards, offices or officers subject to its jurisdiction by law.

102. Upon the request of any board regulating, licensing, or controlling any professional or vocational occupation created Additional boards

by an initiative act, the Director of Professional and Vocational Standards may take over the duties of the board under the same conditions and in the same manner as provided in this code for other boards of like character. Such boards shall pay a proportionate cost of the administration of the department on the same basis as is charged other boards included within the department. Upon request from any such board which has adopted the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code as rules of procedure in proceedings before it, the director shall assign hearing officers for such proceedings in accordance with Section 110.5.

(Amended by Stats. 1945, Ch. 869.)

103. (Repealed by Stats. 1945, Ch. 1276.)

104. (Repealed by Stats. 1945, Ch. 1276.)

105. (Repealed by Stats. 1945, Ch. 1276.)

106. The Governor has power to remove from office at any time, any member of any board appointed by him for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct. Nothing in this section shall be construed as a limitation or restriction on the power of the Governor, conferred on him by any other provision of law, to remove any member of any board.

(Amended by Stats. 1945, Ch. 1276.)

**Secretary**

107. Each board may elect a secretary, who may, but need not be, a member of the board, and may fix his salary, with the approval of the Director of Finance. The secretary is entitled to traveling and other expenses necessary in the performance of his duties.

**Functions  
of boards**

108. Each of the boards comprising the department exists as a separate unit, and has the functions of setting standards, holding meetings, and setting dates thereof, preparing and conducting investigations of violations of laws under its jurisdiction, issuing citations and holding hearings for the revocation of licenses, and the imposing of penalties following such hearings, insofar as these powers are given by statute to each respective board.

**Per diems  
and expenses  
of witnesses**

108.5. In any investigation, proceeding or hearing which any board, commission or officer in the department is empowered to institute, conduct, or hold any witness appearing at such investigation, proceeding or hearing whether upon a subpoena or voluntarily, may be paid the sum of three dollars (\$3) per day for every day in actual attendance at such investigation, proceeding or hearing and for his actual, necessary and reasonable expenses and such sums shall be a legal charge against the funds of the respective board, commission or officer; provided further, that no witness appearing other than at the instance of the board, commission or officer may be compensated out of such funds.



The board, commission or officer will determine the sums due such witness and enter the amount on its minutes.

(Added by Stats. 1943, Ch. 1035.)

109. The decisions of any of the boards comprising the department with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are not subject to review by the director, but are final within the limits provided by this code which are applicable to the particular board. Decisions of boards

110. The department shall have possession and control of all records, books, papers, offices, equipment, supplies, funds, appropriations, land and other property—real or personal—now or hereafter held for the benefit or use of all of the bodies, offices or officers comprising the department. The title to all property held by any of these bodies, offices or officers for the use and benefit of the State, is vested in the State of California to be held in the possession of the department. The department, however, shall not have the possession and control of examination questions prior to submission to applicants at scheduled examinations. Powers of department

110.5. The department shall maintain a staff of hearing officers qualified under Section 11502 of the Government Code, who, together with any additional employees assigned for that purpose, shall constitute the Division of Administrative Procedure. The department may employ hearing officers on a permanent, part-time or intermittent basis and shall maintain a staff which is sufficient to fill the needs of the various State agencies. Upon request from any agency the director shall assign a hearing officer for any proceeding arising under Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, but such person shall be deemed an employee of the department and not of the agency to which he is assigned. Upon assignment such persons may be temporarily transferred for payroll purposes only to the agency to which they are assigned or they may be retained as employees of the department and the agency to which they are assigned charged pursuant to Chapter 3 of Part 1 of Division 3 of Title 2 of the Government Code with the cost of the services, including the salary and provisions for retirement, vacation and sick leave. When not engaged in hearing cases, hearing officers may be assigned by the director to perform other duties vested in the department, including those provided for in Section 110.6. Hearing officers

(Added by Stats. 1945, Ch. 869.)

110.6. The department is authorized and directed, through its division of administrative procedure, to study the subject of administrative law and procedure in all its aspects; to submit its suggestions to the various agencies in the interests of fairness, uniformity and the expedition of business; and to report its recommendations to the Governor and Legislature at the Administrative procedure

commencement of each regular session. All departments, agencies, officers and employees of the State shall give the department ready access to their records and full information and reasonable assistance in any matter of research requiring recourse to them or to data within their knowledge or control.

(Added by Stats. 1945, Ch. 869.)

Commissioner  
on examina-  
tion

111. Unless otherwise expressly provided, any board may appoint, with the approval of the appointing power, to give the whole or any portion of any examination qualified persons, who shall be designated as commissioners on examination. A commissioner on examination need not be a member of the board but he shall have the same qualifications as one and shall be subject to the same rules.

Directory

112. Each board, with the approval of the director of the department, may publish a directory of all persons in good standing who hold certificates or licenses under the chapter or act which it administers.

(Added by Stats. 1937, Ch. 474.)

Officers,  
employees,  
etc.  
Absence  
from State

113. Upon recommendation of the director, officers and employees of the department, and officers, members, and employees of the boards and commission comprising it or subject to its jurisdiction may confer, in this State or elsewhere, with officers or employees of this State, its political subdivisions, other states or the United States, or with such other persons, associations or organizations as may be of assistance to the department, board or commission on the conduct of its work. The officers, members and employees shall be entitled to their actual traveling expenses incurred in pursuance hereof, but when such expenses are incurred with respect to travel outside of the State, they shall be subject to the approval of the Governor and the Director of Finance.

(Added by Stats. 1937, Ch. 474; amended by Stats. 1941, Ch. 885.)

Licensee in  
armed  
service;  
renewal of  
license

114. Notwithstanding any other provision in this code, any person holding a valid unexpired license issued by any board, commission, or bureau in the department, who enters any branch of the armed services of the United States in time of war or during a national emergency, shall not be required to renew such license at any time while exclusively engaged in such service.

A licensee, having availed himself of the provisions of this section, shall apply for the renewal of his license immediately upon re-entry into the private practice of his profession or vocation, and in no case shall application for renewal of a license be made later than one year from date of discharge from active service or return to inactive military status. The licensee applying for renewal of his license at a time more than one year from date of discharge or return to inactive military status



may be subjected to re-examination or to the payment of penalties as prescribed in this code or both.

For the purposes of this section, time spent by a licensee in receiving treatment or hospitalization in any Veterans' Facility during which he is prevented from practicing his profession or vocation shall be excluded from said period of one year.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution, and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

Licensees are daily returning from the armed forces in ever increasing numbers. Many of those who are being discharged do not immediately resume practice of their professions or vocations because they need time in which to readjust themselves mentally and physically and to reestablish their homes and otherwise take care of their personal affairs. Moreover, no allowance for time required for hospitalization following discharge is now permitted.

(Added by Stats. 1941, Ch. 885.)

(Amended by Stats. 1945, Ch. 1195.)

## Chapter 2. The Director of Professional and Vocational Standards

150. The department is under the control of a civil executive officer who is known as the Director of Professional and Vocational Standards. Director

151. The director is appointed by the Governor and holds office at the Governor's pleasure. He shall receive a salary of eight thousand dollars (\$8,000) per annum, and his necessary traveling expenses. He shall execute and furnish to the State of California an official bond in the sum of twenty-five thousand dollars (\$25,000) conditioned upon the faithful performance of his duties. Appointment  
of director

(Amended by Stats. 1945, Ch. 1185.)

152. For the purpose of administration, the reregistration and clerical work of the department is organized by the director, subject to the approval of the Governor, in such manner as he deems necessary properly to segregate and conduct the work of the department. Organization

153. The director may investigate the work of the several boards in his department and may obtain a copy of all records and full and complete data in all official matters in possession of the boards, their members, officers, or employees, other than examination questions prior to submission to applicants at scheduled examinations. Investigation

Selection  
and dis-  
cipline of  
employees

154. Any and all matters relating to employment, tenure or discipline of employees of any board, agency or commission, shall be initiated by said board, agency or commission, but all such actions shall, before reference to the State Personnel Board, receive the approval of the appointing power.

To effect the purposes of Division 1 of this code and each agency of the department, employment of all personnel shall be in accord with Article XXIV of the Constitution, the law and rules and regulations of the State Personnel Board. Each board, agency or commission, shall select its employees from a list of eligibles obtained by the appointing power from the State Personnel Board. The person selected by the board, agency or commission to fill any position or vacancy shall thereafter be reported by the board, agency or commission, to the appointing power.

(Amended by Stats. 1945, Ch. 1276.)

Employment  
of enforce-  
ment  
personnel

155. The director may employ such investigators, inspectors, and deputies as are necessary properly to investigate and prosecute all violations of any law, the enforcement of which is charged to the department or to any board, agency or commission in the department.

(Amended by Stats. 1945, Ch. 1276.)

Expenses

156. (Repealed by Stats. 1945, Ch. 1276.)

157. Expenses incurred by any board or on behalf of any board in any criminal prosecution or unprofessional conduct proceeding constitute proper charges against the funds of the board.

(Added by Stats. 1937, Ch. 474.)

Refunds  
of fees

158. With the approval of the Director of the Department of Professional and Vocational Standards, the boards and commissions comprising the department or subject to its jurisdiction may make refunds to applicants who are found ineligible to take the examinations or whose credentials are insufficient to entitle them to certificates or licenses.

Notwithstanding any other provisions of law any application fees, license fees or penalties imposed and collected illegally, by mistake, inadvertence, or error shall be refunded. Claims authorized by the department shall be filed with the State Controller, and the Controller shall draw his warrant against the fund of the agency in payment of such refund.

Oaths

159. The members and the executive officer of each board, agency, bureau, division, or commission have power to administer oaths and affirmations in the performance of any business of the board, and to certify to official acts.

Adminis-  
trative  
expenses

201. A charge for the estimated administrative expenses of the department, not to exceed the available balance in any appropriation for any one fiscal year, may be levied in advance on a pro rata share basis against any of the funds of any of



the boards, bureaus, commissions, divisions, and agencies, at the discretion of the director and with the approval of the Department of Finance.

202. Upon proper presentation of claims by the department to the State Controller, the State Controller shall draw his warrant against any of the funds of any one of the boards to cover its share of the estimated administrative expenses of the department. The fund of one board shall not be used to pay the expenses of any other board. Warrant

203. The amount of the warrant shall be remitted to the State Treasurer by the department for credit to the professional and vocational standards' fund. The department shall pay all of its necessary administrative expenses out of this fund. Fund of department

204. A sum, not to exceed one percent of the total amount appropriated for all of the boards herein mentioned may be withdrawn from the professional and vocational standards' fund without at the time furnishing vouchers and itemized statements. This sum shall be used as a revolving fund where cash advances are necessary, and at the close of each biennium, or at any other time, upon demand of the Department of Finance, shall be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller. Revolving fund

## Chapter 5. Buildings of the Department

[Chapter 5 added by Stats. 1939, Ch. 909]

400. The Department of Administrative Procedure may, with the approval of the Department of Finance, purchase or otherwise acquire real property and may construct and equip buildings and make improvements thereon for its use and the use of the boards and commissions comprising the department or subject to its jurisdiction and for the use of other departments, boards and agencies of the State, irrespective of the funds from which appropriations are made for their support. Authority to acquire property for buildings, etc.

401. When there is money in the fund of any board or commission comprising the Department of Administrative Procedure or subject to its jurisdiction, which money, the Director of Administrative Procedure finds, is not required to meet any demand which has accrued or may accrue against the fund, the Controller, upon executive order of the Director of Finance, shall transfer the sum designated by the Director of Administrative Procedure from the fund of the board or commission to the Department of Administrative Procedure Fund to be used for the purposes of this chapter. Transfer of funds

No money may be taken from the fund of any board or commission when it will interfere with the administrative duties imposed upon the board or commission. The unencumbered, unexpended money in the fund of any board in Division Number One of the department shall never be reduced to less than Prohibitions

twenty-five thousand dollars (\$25,000) by any transfer ordered by the Director of Administrative Procedure under this chapter.

Transfer  
of funds

402. The Department of Finance, from funds at its disposal for office and housing facilities for any other department, board or agency, and any other department, board or agency, supported in whole or in part from the General Fund or special funds, may transfer in the manner authorized by law any money appropriated or made available for their use or investment to the Department of Administrative Procedure Fund for expenditure by the Department of Administrative Procedure for the purposes of this chapter.

Buildings  
constructed:  
Supervision

403. Any building constructed by the Department of Administrative Procedure under this chapter shall be subject to the supervision of the Department of Administrative Procedure, in accordance with rules and regulations established by the Department of Administrative Procedure and the Department of Finance.

Renting

The Department of Administrative Procedure may, with approval of the Department of Finance, rent the space therein to any other department and to any board or agency for such rentals and upon such terms and conditions as the Department of Administrative Procedure deems fit.

Use of  
rentals

The costs of operation, maintenance, repairs, and other reasonable and necessary expenses shall be paid from rentals. Thereafter, from such net rentals there shall be returned to the General Fund of the State and to such other funds from which contributions were made to the cost of the facilities, amounts commensurate with the financial requirements of the various funds from which contributions were made; the returnable amounts to be determined by the Department of Administrative Procedure, with the approval of the Department of Finance, and not to exceed the amount of the original contributions from the respective funds.

Rules and  
regulations

404. The Department of Administrative Procedure and the Department of Finance may establish rules and regulations for the administration of any building constructed under this chapter.



# **Administrative Procedure**

## **Chapter 1425, Statutes of 1947**

*An act to amend the titles of Chapter 5 and of Article 1 of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, and to amend Sections 11380, 11381, 11382, 11383, 11384, 11385, 11411, 11412, and 11415 of said code and to add Sections 11382.5, 11409, and 11409.5 and Article 1, comprising Sections 11370 to 11373, inclusive, Article 4, consisting of Sections 11420 to 11427, inclusive, Article 5, consisting of Sections 11440, and Article 6, consisting of Section 11445, to Chapter 4, Part 1, Division 3, Title 2 of said code and to add Sections 18597 and 26803.5 to said code, and to repeal Article 2, comprising Sections 11400 to 11402, inclusive, of Chapter 4, Part 1, Division 3, Title 2, and Section 11529 of said code and Section 723 of the Political Code, all relating to rules and regulations of state agencies.*

[Approved by Governor July 17, 1947. Filed with  
Secretary of State July 17, 1947]

*The people of the State of California do enact as follows:*

SECTION 1. A new Article 1, consisting of Sections 11370 to 11373, inclusive, is added to Chapter 4, Part 1, Division 3, Title 2 of the Government Code, to read:

### **Article 1. General**

11370. Chapter 4 and Chapter 5 of this part of the Government Code constitute, and may be cited as, the Administrative Procedure Act.

11371. In this chapter unless otherwise specifically indicated:

(a) "State agency" does not include an agency in the judicial or legislative departments of the State Government.

(b) "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement or revision of any such rule, regulation, order or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the organization or internal management of the state agency.

(c) "Order of repeal" means any resolution, order or other official act of a state agency which expressly repeals a regulation in whole or in part.

11372. "Department" as used in this chapter means the Department of Professional and Vocational Standards, acting through the Division of Administrative Procedure.

11373. Except as provided in Section 11409, nothing in this chapter confers authority upon or augments the authority of any state agency to adopt, administer, or enforce any regulation. Each regulation adopted, to be effective, must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.

SEC. 2. The title of Article 1 of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, consisting of Sections 11380 to 11385, inclusive, is renumbered and amended to read:

#### Article 2. Filing and Publication

SEC. 3. Section 11380 of said code is amended to read:  
11380. Every state agency shall:

(a) File with the Secretary of State a certified copy of every regulation adopted by it except one which:

(1) Establishes or fixes rates or tariffs.

(2) Relates to the use of public works, including streets and highways, under the jurisdiction of any state agency when the effect of such order is indicated to the public by means of signs or signals.

(3) Is directed to a specifically named person or to a group of persons and does not apply generally throughout the State.

(b) File with the Secretary of State a certified copy of every order of repeal of a regulation required to be filed under subdivision (a) of this section.

(c) Deliver to the Secretary of State at the time of filing a regulation or order of repeal two duplicate copies of the regulation or order of repeal together with a citation of the authority pursuant to which it or any part thereof was adopted.

SEC. 4. Section 11381 of said code is amended to read:

11381. No fee shall be charged by any state officer or public official for the performance of any official act in connection with the certification or filing of regulations pursuant to this article.

SEC. 5. Section 11382 of said code is amended to read:

11382. The Secretary of State shall endorse on each copy of each regulation or order of repeal filed with or delivered to him, the time and date of filing and shall maintain a file of the certified copies of regulations and orders of repeal for public inspection. The duplicate copies of every regulation or order of repeal delivered to the Secretary of State shall be immediately transmitted to the department.

SEC. 6. Section 11382.5 is added to said code, to read:

11382.5. Within 10 days from the receipt of endorsed copies of a regulation or an order of repeal from the Secretary of State, the department shall file one copy of the regulation or



the order in the office of the county clerk of each county in this State.

For this purpose the department may cause additional copies or reproductions of each regulation or order of repeal to be made, the cost thereof to be determined by the Director of Finance and paid by the state agency which filed the regulation or order of repeal in the manner prescribed in Section 11413.

SEC. 7. Section 11383 of said code is amended to read :

11383. The filing of a regulation or an order of repeal with the Secretary of State raises the rebuttable presumptions that :

- (a) It was duly adopted.
- (b) It was duly filed and made available for public inspection at the day and hour endorsed on it.
- (c) All requirements of this chapter and the regulations of the department relative to such regulation have been complied with.

The courts shall take judicial notice of the contents of each regulation and of each order of repeal duly filed.

SEC. 8. Section 11384 of said code is amended to read :

11384. The publication of a regulation in the California Administrative Code or Register raises a rebuttable presumption that the text of the regulation as so published is the text of the regulation adopted.

The courts shall take judicial notice of the contents of each regulation or notice of the repeal of a regulation printed in the California Administrative Code or California Administrative Register.

SEC. 9. Section 11385 of said code is amended to read :

11385. With the approval of the department any state agency may file with the Secretary of State and the department may publish in such manner as it believes proper any regulation or order of repeal of a regulation not required by this article to be filed with the Secretary of State.

SEC. 10. Section 11409 is added to Article 3, Chapter 4, Part 1, Division 3, Title 2, of said code, to read :

11409. The department shall :

(a) Provide for the continuing compilation, codification and publication, with periodic supplements, of all regulations required to be filed with the Secretary of State, or of appropriate references to any regulations the printing of which the department finds to be impractical, such as detailed schedules or forms otherwise available to the public, or which are of limited or particular application.

The publication of compiled regulations shall be known as the "California Administrative Code," and the periodic supplements thereto shall be known as the "California Administrative Register."

(b) Prescribe regulations for carrying out the provisions of Articles 2 and 3 of this chapter. Among other things the regulations shall provide for the manner and form in which regulations, notice of the repeal of regulations, compilations, and codifications shall be prepared, printed, and indexed, to the end that all regulations, compilations, and codifications shall be prepared and published in a uniform manner and at the earliest practicable date and that each regulation published shall be accompanied by a reference to the statutory authority pursuant to which it was enacted.

SEC. 10.5. Section 11409.5 is added to said code, to read :

11409.5. The department shall supply the county clerk of each county with a complete set of the California Administrative Code, and of the California Administrative Register, which have been or are published and of each supplement to such code or register.

SEC. 10.6. Section 11411 of said code is amended to read :

11411. The publication date shall be determined by the department, and all rules and regulations thereafter filed and all rules and regulations theretofore filed and in effect on the publication date shall be published.

SEC. 10.7. Section 11412 of said code is amended to read :

11412. Nothing in this chapter limits or restricts the discretion of the department to determine the form in which the California Administrative Code, and the California Administrative Register shall be published. Either or both of said publications may be issued in such units, whether in bound volumes or in loose-leaf form, separately or in combination, at the same or at different times, as the department deems most economical and best adapted to make the current regulations available to interested persons and to the public.

SEC. 10.8. Section 11415 of said code is amended to read :

11415. After the regulations of a state agency have been published by the department, any subsequent printings or reprinting of those regulations shall be printed in the format (including the numbering system) prescribed by the department, unless the state agency obtains permission from the Department of Finance to print otherwise.

SEC. 11. Article 4, consisting of Sections 11420 to 11427, inclusive, is added to Chapter 4, Part 1, Division 3, Title 2 of the Government Code, to read :

#### Article 4. Procedure for Adoption of Regulations

11420. It is the purpose of this article to establish basic minimum procedural requirements for the adoption, amendment or repeal of administrative regulations. Except as provided in Section 11421, the provisions of this article are applicable to the exercise of any quasi-legislative power conferred by



any statute heretofore or hereafter enacted, but nothing in this article repeals or diminishes additional requirements imposed by any such statute. The provisions of this article shall not be superseded or modified by any subsequent legislation except to the extent that such legislation shall do so expressly.

11421. (a) The provisions of this article shall not apply to an emergency regulation adopted pursuant to subdivision (b) of this section.

(b) If in any particular case the state agency makes a finding that the adoption of a regulation or order of repeal is necessary for the immediate preservation of the public peace, health and safety or general welfare and that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, the regulation or order of repeal may be adopted as an emergency regulation or order of repeal.

11422. A regulation or an order of repeal required to be filed with the Secretary of State shall become effective on the thirtieth day after the date of filing unless;

(a) Otherwise specifically provided by the statute pursuant to which the regulation or order of repeal was adopted, in which event it becomes effective on the day prescribed by such statute.

(b) It is an emergency regulation or order of repeal adopted pursuant to subdivision (b) of Section 11421, in which case the statement shall be filed with the Secretary of State together with the emergency regulation or order of repeal, which shall, in that event only, become effective upon filing or upon any later date specified in the regulation or order of repeal.

(c) A later date is prescribed by the state agency in the regulation or order of repeal.

11423. At least 30 days prior to the adoption, repeal or rescission of a regulation, notice of the proposed action shall be:

(a) Published in such newspaper of general circulation, trade or industry publication, as the state agency shall prescribe.

(b) Mailed to every person who has filed a request for notice thereof with the state agency.

(c) In cases in which the state agency is within a state department, mailed or delivered to the director of such department.

(d) When appropriate in the judgment of the state agency, (1) mailed to any person or group of persons whom the agency believes to be interested in the proposed action and, (2) published in such additional form and manner as the state agency shall prescribe.

Where the form or manner of notice is prescribed by statute in any particular case, in addition to filing and mailing notice as required herein, the notice shall be published, posted,

mailed, filed or otherwise publicized as prescribed by that statute.

The failure to mail notice to any person as provided in this section shall not invalidate any action taken by a state agency pursuant to this article.

11424. The notice of proposed adoption, repeal or rescission of a regulation shall include:

(a) A statement of the time, place, and nature of the proceedings for adoption, repeal or rescission of the regulation;

(b) Reference to the authority under which the regulation is proposed;

(c) Either the express terms or an informative summary of the proposed regulation;

(d) Such other matters as are prescribed by statute applicable to the specific state agency or to any specific regulation or class of regulations.

11425. On the date and at the time and place designated in the notice the state agency shall afford any interested person or his duly authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing, with or without opportunity to present the same orally. The state agency shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.

In any hearing under this section the state agency or its duly authorized representative shall have authority to administer oaths or affirmations, and may continue or postpone such hearing from time to time to such time and at such place as it shall determine.

11426. Except where the right to petition for adoption of a regulation is restricted by statute to a designated group or where the form of procedure for such a petition is otherwise prescribed by statute, any interested person may petition a state agency requesting the adoption or repeal of a regulation as provided in this article. Such petition shall state clearly and concisely:

(a) The substance or nature of the regulation, amendment, or rescission requested;

(b) The reasons for the request;

(c) Reference to the authority of the state agency to take the action requested.

11427. Upon receipt of a petition requesting the adoption, amendment or repeal of a regulation pursuant to this article, a state agency shall within 30 days deny the petition in writing or schedule the matter for public hearing pursuant to Sections 11423, 11424, and 11425 of this article.

SEC. 12. Article 5, consisting of Section 11440 is hereby added to Chapter 4, Part 1, Division 3, Title 2 of said code, to read:



## Article 5. Judicial Review

11440. Any interested person may obtain a judicial declaration as to the validity of any regulation by bringing an action for declaratory relief in the superior court in accordance with the provisions of the Code of Civil Procedure and, in addition to any other ground which may exist, such regulation may be declared to be invalid for a substantial failure to comply with the provisions of this chapter or, in the case of an emergency regulation or order of repeal, upon the ground that the findings and statement do not constitute an emergency within the provisions of Section 11421(b).

SEC. 12.5. Article 6, consisting of Section 11445 is hereby added to Chapter 4, Part 1, Division 3, Title 2, of said code, to read:

## Article 6. Exemptions

11445. Articles 4 and 5 of this chapter shall not apply to the Public Utilities Commission or the Industrial Accident Commission, and Articles 2 and 3 of this chapter shall apply only to the rules of procedure of said state agencies.

SEC. 13. Section 26803.5 is added to said code, to read:

26803.5. Each regulation and order of repeal of a regulation filed with a county clerk pursuant to Article 2 of Chapter 4, Part 1, Division 3, Title 2, of this code shall be retained in an active file, available for public inspection, until receipt by the county clerk of the next California Administrative Register or supplement to the California Administrative Code in which such regulation, order of repeal or notice thereof, is published.

The county clerk shall at all times keep a complete current set of the California Administrative Code, and the California Administrative Register available for public inspection.

SEC. 14. The title of Chapter 5, Part 1, Division 3, Title 2 of said code is amended to read:

## CHAPTER 5. ADMINISTRATIVE ADJUDICATION

SEC. 15. Section 723 of the Political Code is hereby repealed.

SEC. 16. Section 18597 is added to the Government Code, to read:

18597. The "state civil service" includes state officers and employees appointed or employed by the Codification Board upon the date of the transfer of the functions of such board to the Department of Professional and Vocational Standards.

SEC. 17. Article 2 of Chapter 4, Part 1, Division 3, Title 2, of the Government Code, comprising Sections 11400 to 11402, inclusive, is repealed.

SEC. 18. The Department of Professional and Vocational Standards, acting through its Division of Administrative Procedure, shall succeed to and is hereby vested with all the powers, duties, purposes, responsibilities and jurisdiction now or hereafter vested by law in the Codification Board.

The department shall have possession and control of all records, books, papers, offices, equipment, money, funds, appropriations, and all other property, real or personal, now or hereafter held for the benefit of or use of the Codification Board.

SEC. 19. All persons employed by the Codification Board shall, upon the effective date of this act, become the employees of the Division of Administrative Procedure in the Department of Professional and Vocational Standards.

SEC. 20. Section 11529 of the Government Code is repealed.

## Government Code

[Sections 11500 to 11528]

### Chapter 5. Administrative Adjudication

#### Definitions

11500. In this chapter unless the context or subject matter otherwise requires:

(a) "Agency" includes the state boards, commissions and officers enumerated in Section 11501 and those to which this chapter is made applicable by law, except that wherever the word "agency" alone is used the power to act may be delegated by the agency and wherever the words "agency itself" are used the power to act shall not be delegated unless the statutes relating to the particular agency authorize the delegation of the agency's power to hear and decide.

(b) "Party" includes the agency, the respondent and any person, other than an officer or an employee of the agency in his official capacity, who has been allowed to appear in the proceeding.

(c) "Respondent" means any person against whom an accusation is filed pursuant to Section 11503 or against whom a statement of issues is filed pursuant to Section 11504.

(d) "Hearing officer" means a hearing officer qualified under Section 11502.

(e) "Agency member" means any person who is a member of any agency to which this chapter is applicable and includes any person who himself constitutes an agency.

#### Application of chapter

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.



(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.  
Board of Medical Examiners of the State of California.  
Board of Osteopathic Examiners of the State of California.  
Board of Nurse Examiners of the State of California.  
State Board of Optometry.  
California State Board of Pharmacy.  
State Department of Public Health.  
State Board of Public Health.  
Board of Examiners in Veterinary Medicine.  
State Board of Accountancy.  
California State Board of Architectural Examiners.  
State Board of Barber Examiners.  
State Board of Registration for Civil Engineers.  
Registrar of Contractors.  
State Board of Cosmetology.  
State Board of Funeral Directors and Embalmers.  
Structural Pest Control Board.  
Yacht and Ship Brokers Commissioner.  
Director of Professional and Vocational Standards.  
Collection Agency Board.  
State Fire Marshal.  
State Mineralogist.  
Director of Agriculture.  
Labor Commissioner.  
Real Estate Commissioner.  
Commissioner of Corporations.  
Department of Social Welfare.  
Social Welfare Board.  
Department of Institutions.  
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.  
Board of Pilot Commissioners for Humboldt Bay and Bar.  
Board of Pilot Commissioners for the Harbor of San Diego.  
Fish and Game Commission.  
State Board of Education.  
State Board of Equalization.  
Insurance Commissioner.  
Building and Loan Commissioner.  
State Board of Drycleaners.  
Board of Social Work Examiners.  
Board of Chiropractic Examiners.

11502. (a) The Director of the Department of Professional and Vocational Standards has power to appoint a staff of hearing officers for the department as provided in Section 110.5 of the Business and Professions Code. Any agency requiring full-time hearing officers for the purposes of this act has power to appoint them for the particular agency. Each hearing officer shall have been admitted to practice law in this State for at least five years immediately preceding his appointment and shall

Appointment  
of hearing  
officers

possess any additional qualifications established by the State Personnel Board for the particular class of position involved.

(b) All persons now employed or on reemployment lists or in the military service who, pursuant to and in accordance with the terms and provisions of their civil service classifications and prior to the effective date of this act, shall have performed functions similar to those of a hearing officer in an agency may act as hearing officers in the same agency and shall not be subject to the qualifications provisions of subdivision (a).

(c) Full-time hearing officers serving pursuant to appointment under subdivision (a) shall be paid at the rate of not less than four thousand eight hundred dollars (\$4,800) per year.

Accusation

11503. A hearing to determine whether a right, authority, license or privilege should be revoked, suspended, limited or conditioned shall be initiated by filing an accusation. The accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the statutes and rules which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such statutes and rules. The accusation shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

Statement  
of issues

11504. A hearing to determine whether a right, authority, license or privilege should be granted, issued or renewed shall be initiated by filing a statement of issues. The statement of issues shall be a written statement specifying the statutes and rules with which the respondent must show compliance by producing proof at the hearing, and in addition any particular matters which have come to the attention of the initiating party and which would authorize a denial of the agency action sought. The statement of issues shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief. The statement of issues shall be served in the same manner as an accusation; provided, that, if the hearing is held at the request of the respondent, the provisions of Sections 11505 and 11506 shall not apply and the statement of issues together with the notice of hearing shall be delivered or mailed to the parties as provided in Section 11509.

Service of  
accusation;  
what  
included

11505. (a) Upon the filing of the accusation the agency shall serve a copy thereof on the respondent as provided in subdivision (c). The agency may include with the accusation any information which it deems appropriate, but it shall include a post card or other form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506. The copy of the



accusation shall include or be accompanied by a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon him of the accusation, and that failure to do so will constitute a waiver of his right to a hearing.

(b) The statement to respondent shall be substantially in the following form: Statement to respondent

Unless a written request for a hearing signed by or on behalf of the person named as respondent in the accompanying accusation is delivered or mailed to the agency within 15 days after the accusation was personally served on you or mailed to you, [here insert name of agency] may proceed upon the accusation without a hearing. The request for a hearing may be made by delivering or mailing the enclosed form entitled Notice of Defense, or by delivering or mailing a notice of defense as provided by Section 11506 of the Government Code to: [here insert name and address of agency].

(c) The accusation and all accompanying information may be sent to respondent by any means selected by the agency. But no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent shall have been served personally or by registered mail as provided herein, or shall have filed a notice of defense or otherwise appeared. Service may be proved in the manner authorized in civil actions. Service by registered mail shall be effective if a statute or agency rule requires respondent to file his address with the agency and to notify the agency of any change, and if a registered letter containing the accusation and accompanying material is mailed, addressed to respondent at the latest address on file with the agency. Manner of service

11506. (a) Within 15 days after service upon him of the accusation the respondent may file with the agency a notice of defense in which he may: Notice of defense

- (1) Request a hearing;
- (2) Object to the accusation upon the ground that it does not state acts or omissions upon which the agency may proceed;
- (3) Object to the form of the accusation on the ground that it is so indefinite or uncertain that he cannot identify the transaction or prepare his defense;
- (4) Admit the accusation in whole or in part;
- (5) Present new matter by way of defense.

Within the time specified respondent may file one or more notices of defense upon any or all of these grounds, but all such notices shall be filed within that period unless the agency in its discretion authorizes the filing of a later notice.

(b) The respondent shall be entitled to a hearing on the merits if he files a notice of defense, and any such notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file such notice shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing. Unless objection is

taken as provided in subdivision (a) (3), all objections to the form of the accusation shall be deemed waived.

(c) The notice of defense shall be in writing signed by or on behalf of the respondent and shall state his mailing address. It need not be verified or follow any particular form.

Amended  
or supple-  
mental  
accusation

11507. At any time before the matter is submitted for decision the agency may file or permit the filing of an amended or supplemental accusation. All parties shall be notified thereof. If the amended or supplemental accusation presents new charges the agency shall afford respondent a reasonable opportunity to prepare his defense thereto, but he shall not be entitled to file a further pleading unless the agency in its discretion so orders. Any new charges shall be deemed controverted, and any objections to the amended or supplemental accusation may be made orally and shall be noted in the record.

Time and  
place of  
hearing

11508. The agency shall determine the time and place of hearing. The hearing shall be held in San Francisco if the transaction occurred or the respondent resides within the First District Court of Appeal district, in the County of Los Angeles if the transaction occurred or the respondent resides within the Second or Fourth District Court of Appeal districts, and in the County of Sacramento if the transaction occurred or the respondent resides within the Third District Court of Appeal district. Provided that the agency, if the transaction occurred in a district other than that of respondent's residence, may select the county appropriate for either district; the agency may select a different place nearer the place where the transaction occurred or the respondent resides; or the parties by agreement may select any place within the State.

11509. The agency shall deliver or mail a notice of hearing to all parties at least 10 days prior to the hearing. The hearing shall not be prior to the expiration of the time within which the respondent is entitled to file a notice of defense.

Form of  
notice of  
hearing

The notice to respondent shall be substantially in the following form but may include other information:

You are hereby notified that a hearing will be held before [here insert name of agency] at [here insert place of hearing] on the ---- day of -----, 19--, at the hour of -----, upon the charges made in the accusation served upon you. You may be present at the hearing, may be but need not be represented by counsel, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to [here insert appropriate office of agency].

Subpoenas

11510. (a) Before the hearing has commenced the agency shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Section 1985



of the Code of Civil Procedure. After the hearing has commenced the agency itself hearing a case or a hearing officer sitting alone may issue subpoenas and subpoenas duces tecum.

(b) The process issued pursuant to subdivision (a) shall extend to all parts of the State and shall be served in accordance with the provisions of Sections 1987 and 1988 of the Code of Civil Procedure. No witness shall be obliged to attend at a place out of the county in which he resides unless the distance be less than 100 miles from his place of residence, except that the agency, upon affidavit of any party showing that the testimony of such witness is material and necessary, may indorse on the subpoena an order requiring the attendance of such witness. Witnesses from more than 100 miles

(c) All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the State or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court. Witnesses appearing pursuant to subpoena, except the parties, who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of \$3 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearing. Fees, mileage and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed. Witness fees and expenses

11511. On verified petition of any party, an agency may order that the testimony of any material witness residing within or without the State be taken by deposition in the manner prescribed by law for depositions in civil actions. The petition shall set forth the nature of the pending proceeding; the name and address of the witness whose testimony is desired; a showing of the materiality of his testimony; a showing that the witness will be unable or can not be compelled to attend; and shall request an order requiring the witness to appear and testify before an officer named in the petition for that purpose. Where the witness resides outside the State and where the agency has ordered the taking of his testimony by deposition, the agency shall obtain an order of court to that effect by filing a petition therefor in the superior court in Sacramento County. The proceedings thereon shall be in accordance with the provisions of Section 11189 of the Government Code. Depositions

11512. (a) Every hearing in a contested case shall be presided over by a hearing officer. The agency itself shall determine whether the hearing officer is to hear the case alone or whether the agency itself is to hear the case with the hearing officer. Hearing officer to preside

(b) When the agency itself hears the case the hearing officer shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the agency on matters of law; Powers of hearing officer

the agency itself shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the hearing officer. When the hearing officer alone hears a case he shall exercise all powers relating to the conduct of the hearing.

Disqualifica-  
tion of  
hearing  
officer and  
agency  
members

(c) A hearing officer or agency member shall voluntarily disqualify himself and withdraw from any case in which he can not accord a fair and impartial hearing or consideration. Any party may request the disqualification of any hearing officer or agency member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing can not be accorded. Where the request concerns an agency member the issue shall be determined by the other members of the agency. Where the request concerns the hearing officer the issue shall be determined by the agency itself if the agency itself hears the case with the hearing officer, otherwise the issue shall be determined by the hearing officer. No agency member shall withdraw voluntarily or be subject to disqualification if his disqualification would prevent the existence of a quorum qualified to act in the particular case.

(d) The proceedings at the hearing shall be reported by a phonographic reporter.

Evidence  
rules

11513. (a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

Admissi-  
bility of  
evidence

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

Evidence by  
affidavit

11514. (a) At any time 10 or more days prior to a hearing or a continued hearing, any party may mail or deliver to the opposing party a copy of any affidavit which he proposes to



introduce in evidence, together with a notice as provided in subdivision (b). Unless the opposing party, within seven days after such mailing or delivery, mails or delivers to the proponent a request to cross-examine an affiant, his right to cross-examine such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made as herein provided, the affidavit may be introduced in evidence, but shall be given only the same effect as other hearsay evidence.

(b) The notice referred to in subdivision (a) shall be substantially in the following form:

The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing in (here insert title of proceeding). (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question him unless you notify (here insert name of proponent or his attorney) at (here insert address) that you wish to cross-examine him. To be effective your request must be mailed or delivered to (here insert name of proponent or his attorney) on or before (here insert a date seven days after the date of mailing or delivering the affidavit to the opposing party).

11515. In reaching a decision official notice may be taken, either before or after submission of the case for decision, of any generally accepted technical or scientific matter within the agency's special field, and of any fact which may be judicially noticed by the courts of this State. Parties present at the hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the agency. official notice

11516. The agency may order amendment of the accusation after submission of the case for decision. Each party shall be given notice of the intended amendment and opportunity to show that he will be prejudiced thereby unless the case is reopened to permit the introduction of additional evidence in his behalf. If such prejudice is shown the agency shall reopen the case to permit the introduction of additional evidence. Amendment of accusation after submission

11517. (a) If a contested case is heard before an agency itself the hearing officer who presided at the hearing shall be present during the consideration of the case and if requested, shall assist and advise the agency. Where a contested case is heard before an agency itself, no member thereof who did not hear the evidence shall vote on the decision. Decision

(b) If a contested case is heard by a hearing officer alone, he shall prepare a proposed decision in such form that it may be adopted as the decision in the case. A copy of the proposed decision shall be filed by the agency as a public record. The agency itself may adopt the proposed decision in its entirety, Adoption of proposed decision of hearing officer

or may reduce the proposed penalty and adopt the balance of the proposed decision.

Procedure  
upon failure  
to adopt  
proposed  
decision

(c) If the proposed decision is not adopted as provided in subdivision (b) each party shall be furnished with a copy of the proposed decision. The agency itself may decide the case upon the record, including the transcript, with or without taking additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer he shall prepare a proposed decision as provided in subdivision (b) upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of such proposed decision shall be furnished to each party. The agency itself shall decide no case provided for in this subdivision without affording the parties the opportunity to present either oral or written argument before the agency itself. If additional oral evidence is introduced before the agency itself no agency member may vote unless he heard the additional oral evidence.

Form of  
decision

11518. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented and the penalty, if any. The findings may be stated in the language of the pleadings or by reference thereto. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail.

Effective  
date of  
decision

11519. The decision shall become effective 30 days after it is delivered or mailed to respondent unless: a reconsideration is ordered within that time, or the agency itself orders that the decision shall become effective sooner, or a stay of execution is granted. A stay of execution may be included in the decision or if not included therein may be granted by the agency at any time before the decision becomes effective.

If respondent was required to register with any public officer, a notification of any suspension or revocation shall be sent to such officer after the decision has become effective.

Defaults

11520. If the respondent fails to file a notice of defense or to appear at the hearing, the agency itself may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent; and where the burden of proof is on the respondent to establish that he is entitled to the agency action sought, the agency may act without taking evidence. Nothing herein shall be construed to deprive the respondent of the right to make any showing by way of mitigation.

Reconsid-  
eration

11521. (a) The agency itself may order a reconsideration of all or part of the case on its own motion or on petition of any party. The power to order a reconsideration shall expire 30 days after the delivery or mailing of a decision to respondent, or on the date set by the agency itself as the effective date of the decision if such date occurs prior to the expiration of the 30-day period. If no action is taken on a petition



within the time allowed for ordering reconsideration the petition shall be deemed denied.

(b) The case may be reconsidered by the agency itself on all the pertinent parts of the record and such additional evidence and argument as may be permitted, or may be assigned to a hearing officer. A reconsideration assigned to a hearing officer shall be subject to the procedure provided in Section 11517. If oral evidence is introduced before the agency itself no agency member may vote unless he heard the evidence.

11522. A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

Petition for  
reinstatement or  
reduction  
of penalty

11523. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this section any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the agency. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the agency and shall be delivered to petitioner, within 30 days after a request therefor by him, upon the payment of the expense of preparation and certification thereof. The complete record includes the pleadings, all notices and orders issued by the agency, any proposed decision by a hearing officer, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the agency to prepare all or any part of the record the time within which a petition may be filed shall be extended until five days after its delivery to him. The agency may file with the court the original of any document in the record in lieu of a copy thereof.

Judicial  
review

11524. The agency may grant continuances at any stage of the proceedings.

Continuance

11525. If any person in proceedings before an agency disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceeding, the agency shall certify the facts to the superior

Contempt

court in and for the county where the proceedings are held. The court shall thereupon issue an order directing the person to appear before the court and show cause why he should not be punished as for contempt. The order and a copy of the certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed and the person charged may purge himself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action before a superior court.

Mail vote

11526. The members of an agency qualified to vote on any question may vote by mail.

Charge

11527. Any sums authorized to be expended under this chapter by any agency shall be a legal charge against the funds of the agency.

Power to  
administer  
oaths

11528. In any proceedings under this chapter any agency, agency member, secretary of an agency or hearing officer has power to administer oaths and affirmations and to certify to official acts.

o



State of California  
Department of Professional and Vocational Standards  
**Board of Pharmacy**

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# **Pharmacy Laws of California**

and

## **Administrative Rules of Board of Pharmacy**

Pharmacy Law  
Requirements for Registration  
as Licentiate  
Dangerous Drug Act  
Poison Law  
Schedule "A" and "B"  
Official Antidotes  
Prophylactic Law  
Itinerant Vendor Law  
Rules and Regulations

Dinitrophenol Law  
Eyebrow and Eyelash Dye Law  
State Narcotic Act  
Economic Poison Law  
Pure Food and Drug Law  
Labor Law  
Department of Professional  
and Vocational Standards  
Administrative Procedure  
Act



**January 1, 1948**

*This Is the Latest Official Information*  
**DESTROY ALL PREVIOUS ISSUES**

## IMPORTANT

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### RENEW YOUR

Licentiate Certificate Before July 1st  
Pharmacy Permit Before November 1st  
Prophylactic Permit Before November 1st  
Wholesaler Permit Before January 1st  
Manufacturer Permit Before January 1st

### Mail All Fees to

**507 Polk Street, San Francisco 2, California**

*There is a penalty of \$2 for each licentiate renewal not received by July 1st. Every pharmacy or drugstore must have a POISON REGISTER. Make sure that you have one in your store and that entries are properly made of all Schedule "A" poisons required to be registered under Chapter 1, Section 20755, Health and Safety Code. Article 7, Section 4161 of the Health and Safety Code requires registration of the sale of hypodermic syringes or needles. You may use a portion of your poison register for this purpose or a separate book.*

The following laws are not under the jurisdiction of the Board of Pharmacy. For information regarding them, address as indicated:

Pure Food and Drug Law: "Secretary of State Board of Health, 760 Market St., San Francisco, Cal."

Wages, Hours, etc., for Women and Minors: "Division of Industrial Welfare, 965 Mission St., San Francisco, or 404 State Building, Los Angeles 12, Cal."

Nine-hour Law for Pharmacists: "State Labor Commissioner, 965 Mission St., San Francisco, Cal."

Insecticide Act: "Division of Chemistry, State Department of Agriculture, Sacramento, Cal."

Narcotic Drugs: "Division of Narcotic Enforcement, State Building, San Francisco, Cal."

The Division of Narcotic Enforcement has charge of the enforcement of all laws regulating the sale, giving away, prescribing, administering, furnishing or having in possession narcotic drugs.



EARL WARREN

Governor

JAMES A. ARNERICH

Director

FRED A. TAYLOR

Assistant Director



State of California

Department of Professional and Vocational Standards

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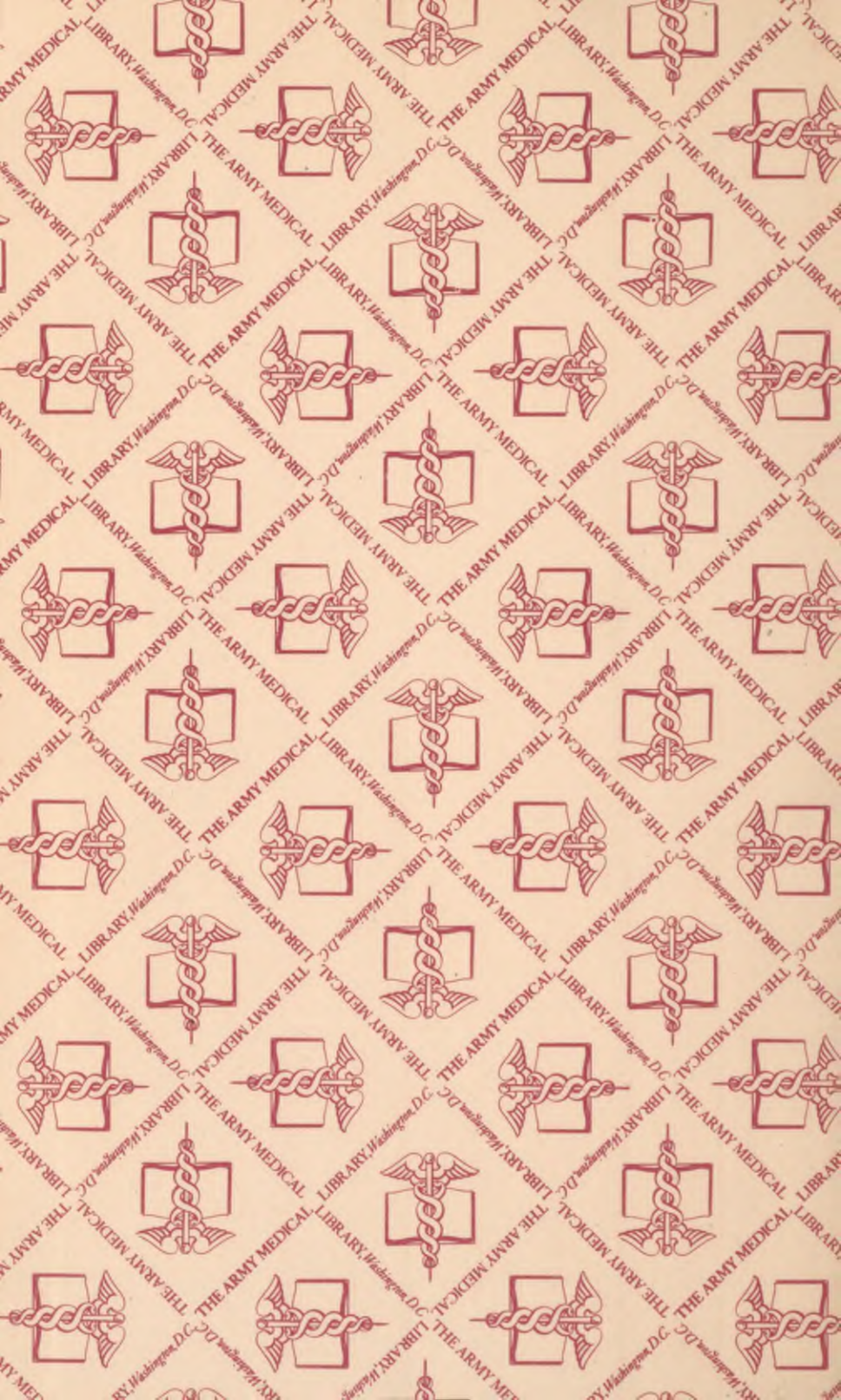
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