

No. 920, A.]

[Published July 17, 1907.]

CHAPTER 366.

AN ACT to repeal section 1419, statutes of 1898, and to create section 1419, statutes of 1898, relating to the sale of poisons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. (Repeals Section 1419.)

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SECTION 2. There is created a new section, statutes of 1898, to read: (Section 1419.)

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Approved July 16, 1907.

No. 900, A.]

[Published June 25, 1907.]

CHAPTER 367.

AN ACT to appropriate four hundred fifty-six dollars and thirty-two cents to cancel a deficit incurred under the provisions of chapter 180, laws of 1899, relating to the prevention of San Jose scale and other injurious insect and fungus diseases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation: San Jose scale. SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of four hundred and fifty-six dollars and thirty-two cents to cancel a deficit incurred during the years 1904, 1905 and 1906 under the provisions of chapter 180, laws of 1899.

Approved June 24, 1907.

(In effect July 1, 1907.)

occupied by persons sick with any of the diseases mentioned in section 1416—1, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than five days nor more than ninety days.

(Ch. 93, 1907.)

Common councils not limited by sections 1416—1 to 1416—11 inclusive. SECTION 1416—13. The provisions of this act shall not be construed as a limitation upon the officers of the common council of any * * * city to pass such ordinances in aid of the officers of the commissioner of health as may tend to promote and secure the general health of the inhabitants of such city.

(Ch. 93, 1907.)

Repeal of conflicting laws. SECTION 1416—14. All acts or parts of acts, including the provisions of any special charter, contravening the provisions of this act, are hereby repealed.

(Ch. 93, 1907.)

Repeal. SECTION 1419, statutes of 1898, is repealed.

(Ch. 366, 1907.)

Poisonous drugs: rules of prescription and sale; penalty. SECTION 1419. 1. No person, co-partnership or corporation shall sell, furnish or deliver to another person any opium, morphine, heroin, cocaine, alpha or beta eucaine, chloral hydrate or any salt or combination of the same or any mixture, preparation or compound containing more than two grains of opium, one-fourth grain of morphine or heroin, one-eighth grain of cocaine or alpha or beta eucaine or ten grains of chloral hydrate in one fluid ounce, or if a dry preparation, in one avoirdupois ounce, except upon the original order or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, for a person or animal under his care or treatment. Such prescription shall contain the signature of the prescriber and the name of the person for whom prescribed, and if a veterinary prescription, it shall also state the kind of animal for which it is ordered. It shall be dated and kept on file by the person, co-partnership or corporation dispensing the articles ordered or prescribed, and shall not be again compounded or dispensed, except upon an order from the prescriber.

2. The provisions of this section shall not apply to preparations containing opium when recommended and sold in good faith for diarrhoea, colic or cholera, each bottle or package being accompanied by specific directions for use, nor to powder of ipecac and opium, nor to liniments, ointments and other preparations recommended and sold in good faith for external application, containing any of the narcotics named in this section when plainly labeled "for external use only," nor to sales made to physicians, druggists, manufacturers, hospitals or other public institutions which use such narcotic substances for lawful purposes.

3. No practitioner of medicine, dentistry or veterinary medicine shall furnish to or prescribe for the use of any habitual user of the same any cocaine, heroin, alpha or beta eucaine, opium, morphine, chloral hydrate, or any salt or compound of any of the foregoing substances, or any preparations containing any of the foregoing substances or their salts or compounds. Nor any practitioner of dentistry shall prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, nor shall any practitioner of veterinary medicine prescribe any of the foregoing substances for the use of any human being.

4. The provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith, for the use of any habitual user of narcotic drugs who is under his professional care, such substances as he may deem necessary for treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this act.

5. (a) No person, co-partnership or corporation shall sell or deliver to any other person any of the poisonous salts or compounds of antimony, arsenic, chromium, lead, mercury, silver, tin and zinc, the concentrated mineral acids; oxalic, carbolic and hydrocyanic acids and their salts, formaldehyde, yellow phosphorus, the essential oils, of almonds, pennyroyal, rue, savin and tansy; croton oil, creasote, chloroform, cantharides, aconite, belladonna, bitter almonds, colchicum, cotton root, cannabis indica, digitalis, ergot, hyoseyamus, lobelia, nux vomica, physostigma, strophanthus, stramonium, veratum viride, or any of the poisonous alkaloids or glucocides derived from the foregoing or in any other virulent poison except in the manner following, and moreover if the applicant be less than fourteen years of age, except upon the written order of an adult person. It shall first be learned by due inquiry that the per-

son to whom delivery is about to be made is aware of the poisonous character of the substance and that it is desired for a lawful purpose, and the box, bottle or other package shall be plainly labeled with the name of the substance, the word "Poison," and the name and address of the person, firm or corporation dispensing the substance.

(b) Before delivery be made of any of the foregoing substances, excepting paris green and sulphate of copper, there shall be recorded in a book, kept for that purpose, the name of the article, the quantity delivered, the purpose for which it is to be used, the date of delivery, the name and address of the person for whom it is procured and the name of the individual personally dispensing the same; and said book shall be preserved by the owner thereof for at least three years after the date of the last entry therein, and shall be open to inspection by duly authorized officers of the law.

6. The foregoing provisions shall not apply to articles dispensed upon the orders or prescriptions of lawfully authorized practitioners of medicine, dentistry, or veterinary medicine.

7. The record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale to licensed pharmacists or others, but the box, bottle or other package containing such substance, when sold at wholesale shall be properly labeled with the name of the substance, the word "poison," and the name and address of the manufacturer or wholesaler.

8. It shall not be necessary to place a "poison" label upon preparations containing any of the substances named in this section when a single box, bottle or other package, or when the bulk of one-half fluid ounce or the weight of one-half avoirdupois ounce does not contain more than an adult medicinal dose of such substance, nor in the case of liniments, ointments or other external preparations sold in good faith as such, when plainly labeled "for external use only," nor in the case of preparations put up in the form of pills, tablets, or lozenges containing any of the substances enumerated in this section and intended for internal use, when the dose recommended does not contain more than one-quarter of an adult medicinal dose of such substance.

9. No person seeking to procure any substance the sale of which is regulated by the provisions of this act, shall make any fraudulent representations for the purpose of evading or defeating the restrictions herein imposed.

10. Except as may be otherwise authorized by law, no person

shall throw, cast, deposit, drop, scatter or leave, or cause to be thrown, cast, deposited, dropped, scattered or left any drug, medicine or chemical, or any compound or combination thereof upon any public highway or place, or, without the consent of the owner or occupant thereof, upon any premises in the state of Wisconsin.

Any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than five dollars nor more than fifty dollars, and upon conviction for a second offense shall be fined not less than fifty dollars nor more than one hundred dollars, and upon conviction for a third offense shall be fined not less than one hundred dollars nor more than two hundred dollars, and shall be imprisoned in the county jail for not more than six months, and if a licensed pharmacist, physician, dentist or veterinary practitioner his license shall be revoked. It shall be the duty of the board of pharmacy to cause the prosecution of all person violating the provisions of this act.

(Ch. 366, 1907.)

Practice of medicine: titles; fees. SECTION 1435f. 1. Every person shall be regarded as practicing medicine, surgery or osteopathy within the meaning of this act, who shall append to his or her name the words or letters "Doctor," "Dr.," "Professor," "Prof.," "Specialist," "M. D.," "M. B.," or "D. O.," or any other title letters, combination of letters or designation which in any way represents him or her, or may tend to represent him or her, as engaged in the practice of medicine, surgery or osteopathy, in any of its branches, or who shall for a fee or for any compensation of any kind or nature whatsoever, prescribe or recommend for like use any drug or other medical or surgical treatment or osteopathic manipulation, for the cure or relief of any wound, fracture, bodily injury, infirmity or disease, provided, however, that nothing in this act contained shall be construed as applying to any dentist or resident refracting optician engaged in the practice of his profession.

(Ch. 363, 1907.)

Sexual diseases; unprofessional to advertise cures. SECTION 1436f. The words "immoral, dishonorable or unprofessional conduct" as used in section 1 of this act are hereby declared to mean: First; procuring, aiding or abetting a criminal