SENATE BILL NO. 318.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 13, 1903.

To the Secretary of State:

I disapprove and herewith transmit Senate bill No. 318, styled "An Act to amend Article 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3771 and 3775, Title LXXXI, of the Revised Civil Statutes of the State of Texas, and to add therto Articles 3776a, 3776b and 3776c, providing penalties for the breach of said title regulating the practice of pharmacy within the State of Texas."

I give the following reasons for my action:

This bill proposes to divide the State of Texas into four pharmaceutical districts; to create a State Board of Pharmacy, with authority to prescribe the pay of its members; to appoint a State Pharmaceutical Agent, who is to receive pay per diem and for expenses; to appoint a Treasurer, not required to give bond; to charge for certificates of registration and for examination of applicants etc.

The bill would require great expense and inconvenience to applicants, owing to the size of the four districts. The existing law makes it the duty of the judges of the district courts to appoint a board of pharmaceutical examiners for their respective districts, and such board is required "to meet once a year in as central portions of the district as practicable." The law already upon our statute books relating to pharmacy seems reasonably sufficient for the purposes contemplated, nor is it believed that any pressing necessity exists for the creation of the board with the extraordinary powers thereon conferred, as provided in this bill. Article 3776a of the bill provides that "Any person not a qualified pharmacist, as defined in this act, who shall compound or dispense prescriptions or retail drugs or medicine, and any proprietor of a drug store who shall permit the same to be done except under the direct supervision of a qualified pharmacist, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars; * * * provided, that nothing in this act shall be construed to prevent the selling of patent or proprietary medicines in unbroken packages."

With reference to this article, I quote the opinion of the State Health Officer, who says:

"I regard this the most objectionable feature of the bill, as it would prohibit the country merchant and small dealers in general merchandise, who usually handle drugs, from retailing drugs and medicines, but permits them to sell patent and proprietary medicines. In other words, the man living in the country, several miles from the city where drug stores are kept under the supervision of a qualified pharmacist, can not go to the general merchandise store in his neighborhood and purchase twenty-five cents worth of quinine, but must buy a package of patent chill tonic; he can not buy a dime's worth of calomel, but must buy a package of liver pills. He can not buy any drug or medicine in bulk for ten, fifteen or twenty-five cents, as has always been his custom, unles it is dispensed by a licensed pharmacist, but he must buy the medicine in packages or buy patent medicines costing him more than the medicine in bulk. This, I think, would work a hardship on the class of people living out of the cities, for there are times when medicine is needed for immediate use and this bill, if it becomes a law, will prevent the small dealer in merchandise from retailing drugs except under the direct supervision of a licensed pharmacist, and the small dealer, as a rule, can not afford to employ a licensed pharmacist. Under this act the dealer in general merchandise can not sell in bulk the ordinary household remedies, such as quinine, calomel, salts, turpentine, or castor oil for medicinal use, paregoric, alum, borax, blue-mass, bismuth, etc."

I think it would be unjust to those of our people who live in the rural districts to deprive them of the right to buy the simple medicines mentioned according to their own choice, and subject them to the delay and inconvenience which this bill would impose upon them.

It is not provided in the bill that the said board or any of its members shall give any bond. They would neither be under oath as to the faithful discharge of their duties, nor would they be held liable to the State for their official conduct; they would be responsible only to themselves, and yet it is manifest from the provisions of the bill that considerable sums of money would be received and disbursed by them, if it should become a law.

A peculiar clause of the bill is expressed in these words:

"Provided, that the State shall never be liable for the salary and expenses of any member of this board except for such money as may be collected by the board from applicants for certificates in

the manner provided by law."

I have carefully examined this bill, and after due consideration, I believe it to be my duty to object to its becoming a law, and it is accordingly vetoed.

S. W. T. LANHAM,
Governor.