

Chapter 689

Pharmacists and Pharmacies; Drug Manufacturers and Wholesalers

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ATTY. GEN. OPINIONS: Power of board to expend funds for advertising and educational purposes, 1930-32, p 415; use of fluorescein by optometrists, 1962-64, p 206; shopkeeper permit and drug store license for adjoining businesses with door connecting them, 1962-64, p 401; public hearing on proposed rules, 1962-64, p 422; requiring pharmacies to comply with general as well as special laws relating to them, 1962-64, p 448; construing "patent or proprietary medicines," 1964-66, p 222; application to contraceptive drugs sold by prescription, 1964-66, p 364; application of proposed sales tax law to sale of eyeglasses by optometrists and opticians, 1966-68, p 438; authority to refund fees, (1968) Vol 34, p 11.

689.010 to 689.660

CASE CITATIONS: Oregon Newspaper Publishers Assn. v. Peterson, (1966) 244 Or 116, 415 P2d 21.

689.010

ATTY. GEN. OPINIONS: Aspirin as proprietary medicine, 1948-50, p 217; the words "Drug Sundries" on business sign of unlicensed proprietor, 1948-50, p 345; drug dispensary in clinic, 1950-52, p 364; Alaskan drug stores as "retail pharmacies," 1950-52, p 391; application to itinerant vendor of veterinary medicine, 1952-54, p 7; registered hospital pharmacy or dispensary as "retail pharmacy," 1952-54, p 110; use of fluorescein by optometrists, 1962-64, p 206.

689.110

NOTES OF DECISIONS

Injury resulting from a violation of a former similar statute was conclusive evidence of negligence. Goodwin v. Rowe, (1913) 67 Or 1, 135 P 171.

ATTY. GEN. OPINIONS: Use of word "drugeteria" by person not a registered pharmacist, 1922-24, p 45; display of words "drug sundries" on outside of drugstore as a violation, 1930-32, p 307; legality of radio advertising of "drug departments," etc., which are not at all times in charge of a registrant, 1934-36, p 417; drug department and drug store in same building, 1936-38, p 676; sale of aspirin on trains operating in this state, 1948-50, p 217; necessity of registered pharmacist when "drug sundries" placed on business sign, 1948-50, p 345; legality of an unregistered pharmacist in charge of a drug department of a clinic dispensing drugs, 1950-52, p 364; power to deny corporations and nonpharmacists licenses to operate pharmacies, 1950-52, p 399; licensing of manufacturing and itinerant vending of veterinary medicines, 1952-54, p 7; retailer advertising "drugs," 1960-62, p 301; advertising by pharmacies, 1962-64, p 448.

689.160

ATTY. GEN. OPINIONS: Construing "wholesale," 1934-36,

p 787; application to itinerant vendor of veterinary medicine, 1952-54, p 7; validity of regulations regarding sale of patent or proprietary drugs containing antihistamines, 1964-66, p 222.

689.180

ATTY. GEN. OPINIONS: Validity of regulations regarding sale of patent or proprietary drugs containing antihistamines, 1964-66, p 222.

689.210

CASE CITATIONS: State v. Ellis, (1947) 181 Or 615, 184 P2d 860.

ATTY. GEN. OPINIONS: Alaskan drug stores as "retail pharmacies," 1950-52, p 391; pharmaceutical training in a hospital pharmacy or dispensary as acceptable under this section, 1952-54, p 110; effect of 1961 amendment on internship qualification, 1962-64, p 467.

689.230

ATTY. GEN. OPINIONS: Reciprocal registration of New York licensee, 1964-66, p 92.

689.310

ATTY. GEN. OPINIONS: Power to deny corporations and nonpharmacists licenses to operate pharmacies, 1950-52, p 399; registration of hospital pharmacy or dispensary, 1952-54, p 110; revocation of licenses for misleading advertisements, 1962-64, p 448.

689.320

ATTY. GEN. OPINIONS: Revocation of licenses for misleading advertisements, 1962-64, p 448.

689.330

NOTES OF DECISIONS

The United States Pharmacopoeia, National Formulary, and New and Nonofficial Remedies are official publications of which the court may take judicial knowledge. State v. Combs, (1942) 169 Or 566, 130 P2d 947.

ATTY. GEN. OPINIONS: Whether places of business on Indian reservations are exempt, 1938-40, p 736; shopkeepers' permits for operators of club cars and dining cars on trains, 1948-50, p 217; application to itinerant vendor of veterinary medicine, 1952-54, p 7; shopkeeper permit and drug store license for adjoining businesses with door connecting them, 1956-58, p 302; transfer of shopkeeper's permit, 1962-64, p 401.

689.350

NOTES OF DECISIONS

There is nothing about this section which violates either U.S. Const., Am. 14 or Ore. Const. Art I, §20. *Anderson v. Farr*, (1920) 97 Or 137, 191 P 346; *State v. McFall*, (1924) 112 Or 183, 229 P 79.

An indictment was sufficient where it charged the offense in the language of the statute. *State v. Miller*, (1909) 54 Or 381, 103 P 519.

ATTY. GEN. OPINIONS: Authority to collect license tax from agent soliciting orders for future delivery of goods from another state, 1920-22, p 288; license requirements for general dealers selling proprietary or patent medicines in the original packages, 1924-26, p 433; authority of board to issue license for less than a year and accept less than statutory fee, 1924-26, p 590; right of tea company to sell face powder, tooth paste, etc., through unlicensed agents, 1926-28, p 604; effect of device to evade statutes upon duty of agents to secure license, 1928-30, p 288; regulation of sales of drugs, nostrums, etc., by itinerant or traveling vendors, 1932-34, p 6; sales by persons who purchase their stock outright as interstate commerce, 1932-34, p 20; liability for license fees of persons making deliveries from house to house after soliciting and taking orders therefor, 1932-34, p 97; saleswoman of a laboratory as itinerant vendor, 1932-34, p 349; authority of board to issue blanket itinerant vendor's license to a firm, 1946-48, p 85; license requirements for distributors who deal exclusively with itinerant vendors, 1948-50, p 153; sale of aspirin on trains, 1948-50, p 217; license for person who collects and sells roots and herbs, 1948-50, p 268; application to itinerant vendor of veterinary medicine, 1952-54, p 7; application to vendors who purchase from Oregon or nonresident wholesalers, 1964-66, p 46.

689.410

ATTY. GEN. OPINIONS: Revocation of licenses for misleading advertisements, 1962-64, p 448.

689.423

ATTY. GEN. OPINIONS: Board's power to remove forged prescriptions from pharmacy files, 1958-60, p 50.

689.510

ATTY. GEN. OPINIONS: Power to deny corporations and nonpharmacists licenses to operate pharmacies, 1950-52, p 399; board's duties as exercise of sovereign power, 1962-64, p 309.

689.520

ATTY. GEN. OPINIONS: Salary of board member serving as secretary-treasurer, 1962-64, p 309; waiver of salary of one lucrative office, 1964-66, p 25.

689.530

ATTY. GEN. OPINIONS: Construing retail drug business to include hospital pharmacy, 1966-68, p 95.

689.540

ATTY. GEN. OPINIONS: Validity of restricting appointments to nominees of unofficial group, 1964-66, p 178.

689.550

ATTY. GEN. OPINIONS: Salary of board member serving

as secretary-treasurer, 1962-64, p 309; waiver of salary of one lucrative office, 1964-66, p 25.

689.560

ATTY. GEN. OPINIONS: Salary of board member serving as secretary-treasurer, 1962-64, p 309; waiver of salary of one lucrative office, 1964-66, p 25.

689.600

ATTY. GEN. OPINIONS: Power of board to expend funds for advertising and educational purposes, 1930-32, p 415; authority of board to receive private funds for inspection and law enforcement purposes, 1934-36, p 533; procedure for seizure of drugs illegally held or offered for sale, including habit-forming drugs left unattended in the hands of an unauthorized agent, 1950-52, p 366; board's power to remove forged prescriptions from pharmacy files, 1958-60, p 50; revocation of licenses for misleading advertisements, 1962-64, p 448.

689.610

ATTY. GEN. OPINIONS: Board's power to remove forged prescriptions from pharmacy files, 1958-60, p 50; board's duties as exercise of sovereign power, 1962-64, p 309.

689.620

NOTES OF DECISIONS

The board's attempt to regulate advertising of drugs was beyond the scope of the authority vested in the board. *Oregon Newspaper Publishers Assn. v. Peterson*, (1966) 244 Or 116, 415 P2d 21.

FURTHER CITATIONS: *Gortmaker v. Seaton*, (1969) 252 Or 440, 450 P2d 547.

ATTY. GEN. OPINIONS: Power to deny corporations and nonpharmacists licenses to operate pharmacies, 1950-52, p 399; board regulations, 1956-58, p 302; board's power to remove forged prescriptions from pharmacy files, 1958-60, p 50; board's duties as exercise of sovereign power, 1962-64, p 309; public hearing on proposed rules, 1962-64, p 422; revocation of licenses for misleading advertisements, 1962-64, p 448; validity of regulations regarding sale of patent or proprietary drugs containing antihistamines, 1964-66, p 222.

LAW REVIEW CITATIONS: 46 OLR 344.

689.650

CASE CITATIONS: *State v. Sargent*, (1969) 252 Or 579, 449 P2d 845.

689.660

NOTES OF DECISIONS

Law authorizing the Drug Advisory Council to designate dangerous drugs was not unconstitutional. *State v. Sargent*, (1969) 252 Or 579, 449 P2d 845.

FURTHER CITATIONS: *Gortmaker v. Seaton*, (1969) 252 Or 440, 450 P2d 547.

689.720

ATTY. GEN. OPINIONS: Internship in licensed pharmacy or manufacturing plant, 1962-64, p 467.

689.725

ATTY. GEN. OPINIONS: Public hearing on proposed rules, 1962-64, p 422.

689.990

ATTY. GEN. OPINIONS: Licensing of distributors or wholesalers, 1948-50, p 153; board's authority to seize property, 1950-52, p 366; naturopath or chiropractor dispensing drugs, 1950-52, p 383.