A SURVEY OF THE LAWS PERTAINING TO RETAIL PHARMACY IN WISCONSIN

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INTRODUCTION

It is believed that to often a graduate pharmacy student knows to little of the laws and regulations applying to the operation of a retail pharmacy. Therefore the licenses necessary and the regulations important in business have been read and the parts pertaining to a retail pharmacy have been quoted or abstracted. Since city ordinances and regulations are as important as state and federal laws those of the City of Madison were studied as being typical of cities in the state.

WISCONSIN STATE BOARD OF PHARMACY LAWS
Wisconsin Statutes

151.01 Board. (1) The state board of pharmacy consists of five resident pharmacists, at the time of appointment actually engaged in practice, appointed by the governor, one each year for a term of five years.

(4) The board may adopt by-laws, rules and regulations, and shall cause prosecution of violations of this chapter. It shall report annually, to the governor and the Wisconsin Pharmaceutical association, its proceedings, registrations, and receipts and disbursements.

The following rules and regulations were adopted by the Wisconsin State Board of Pharmacy on November 15, 1939. They have the full force of law.

Regulation 1
Permit Necessary to open a Pharmacy

Before establishing a drug store, pharmacy, apothecary shop, or any similar place of business, a permit therefore shall first be obtained by making application to the Board of Pharmacy. Application for permit should be filed at least 10 days prior to the opening date.

Such permit shall be renewed annually on June 1st. Such permit is not transferrable. Any change in ownership--in whole or part (over 50%) in any store, whether individually owned, a partnership, or a corporation, requires a new permit.

Such permit and renewal shall be framed, and displayed in the front window or door of such pharmacy. At the time of application, renewal, or change, the following information shall be submitted.

(a) The names of all pharmacists employed.
(b) The names of all Assistant pharmacists employed.
(c) The names of all apprentices employed.
(d) The names of all three in the above classifications, employed on a part time basis.

A pharmacist may be in charge of only one pharmacy, but he may own more than one such place of business.

(Wisconsin Statute 151.02 Registration. (1)) xxx
(9) xxx Every pharmacy and store conducted under the supervision of a registered pharmacist shall be annually registered on June 1 with the state board of pharmacy, on application forms provided for that purpose by the board, on request, and the board shall thereupon issue a suitable certificate of

registration to such persons which permit shall be conspicuously displayed in a front window or door of such place of business. xxx For the registration of every place herein required to be registered, there shall be paid an annual registration fee of $5, payable on June 1, of each year. xxx)

Regulation 2
Equipment

Every pharmacy shall have the following pharmaceutical equipment.

No permit shall be issued or continued for the conduct of a pharmacy unless the following equipment is on hand:

Latest revision of the U. S. Pharmacopoeia with all Supplements pertaining to that revision.

Latest edition of the National Formulary.

One prescription scale capable of weighing ½ grain or less.

One set of accurate Apothecary weights ½ grain to two drams.

One set of accurate Metric weights from 50 mg. to 20 Gm.

Counter scale and weights.

Graduates--capable of accurately measuring volumes from one minim to at least one pint; and from 1 cc. to at least 500 cc.

Mortars and Pestles--at least one glass 2 oz., at least one glass 8 oz., and at least one wedgewood one pint size.

Spatulas--Stainless steel, at least three assorted sizes and one non-metallic (Rubber or Bone) medium size.

Funnels--Glass, one 2 ounce; one 8 ounce; one 16 ounce.

Stirring Rods--at least one glass or rubber.

Pill Tile or Ointment Slab--regulation size, at least one.

Heating Apparatus--Tripod and Bunsen burner, or alcohol lamp, or gas or electric hot plate.

One prescription counter with sufficient drawers and storage space.

Suitable refrigeration (if biologicals are stocked).

Narcotic drug locker.

Regulation 3
Prescription Record

There shall also be kept in every pharmacy a suitable book or file, in which every prescription compounded or dispensed shall be preserved for a period of not less than 5 years.

Regulation 4
Prescription Room Sanitation

No permit shall be issued or continued for the conduct of a pharmacy unless the pharmacy be equipped with proper sanitary applicances and kept in a clean and orderly manner.

Each prescription room shall be equipped with water facilities.

Regulation 5
Who May Use The Title Drug Store, Pharmacy, Etc.

No person, firm or corporation may use or display the title "drug store", "pharmacy", "apothecary" or any other title, insignia, symbol (mortar and pestle, colored show globe, sign, etc.) in, on, or about a place of business unless such place is in charge of a pharmacist. *Exception see Regulation No. 6.

Regulation 6
"Towns Less than 500"

A registered Assistant Pharmacist may be in sole charge of a drug store in a town or village having fewer than 500 inhabitants.

Regulation 7
Display of Certificates and Renewals

Certificates of all pharmacists and Assistant pharmacists shall be framed and displayed conspicuously to the public view.

Yearly Renewal cards shall be placed in the lower right hand corner of the Certificate and shall be posted when received. Only current renewal cards may be posted.

The above are to be kept in a clean and orderly condition. Only valid, current Wisconsin Certificates of persons actually employed in a pharmacy may be displayed.

Regulation 8
Unprofessional Conduct

No person shall sell, exchange, deliver or have in his possession with intent to sell, exchange, offer for sale or exchange any drug which is adulterated.

Adulteration: Drugs:

Any article shall be deemed to be adulterated--

First, if, when sold, or offered or exposed for sale or had in possession with intent to sell, under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity laid down in the latest edition thereof, current at the time when such drug is sold or offered or exposed for sale or had in possession with intent to sell.

Second, if its strength, quality, or purity falls below the professed standard under which it is sold.

The above applies equally to all supplements of the above two compendiums.

Substances not prescribed or called for in a prescription--may not be added.

Substances prescribed or called for may not be omitted. Substitution of any kind is prohibited.

Regulation 9
Revocation of Registration

The board under certain conditions may revoke the license of any pharmacist or assistant pharmacist for the following causes:

(a) Felony.
(b) Gross Immorality.
(c) Addiction to Alcoholic Liquors.
(d) Addiction to Narcotic Drugs.
(e) If registration was secured by fraud.
(f) If registration was secured by mistake.
(g) One guilty of repeated violations of the Pharmacy Laws.
(h) One guilty of repeated violations of the Rules and Regulations of the Board.
(i) One guilty of repeated Acts of "Unprofessional Conduct."

Regulation 10
False Representation

Applies to anyone making a false representation, oath or affidavit to procure registration or permit for himself or another.

This includes affidavits for practical time served in drug stores by candidates filing for the State Board of Pharmacy examination.

Regulation 11
DRUGS MAY BE SOLD IN DRUG STORES ONLY
Exception--See Regulation No. 12

The term "drug" includes the following: (Drug Defined)

(1) Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and

(2) All other articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and

(3) Articles (other than food) intended to affect the structure or any function of the body of man or other animals; and

(4) Articles intended for use as a component of any articles specified above.

Regulation 12
"RURAL PERMITS"
Exception--To Regulation No. 11

In rural districts where there is no pharmacist within three miles this board may issue to merchants a permit to sell drugs for 1 year as specified on the application and permit.

Fee--$5.00.

Renewable--Annually on June 1st.

Not transferable.

These permits are issued to individuals only who alone may sell drugs.

This is an emergency permit and therefore limited in its privileges.

No bulk drugs may be sold nor may drugs or medicines be dispensed for consumption on the premises.

The following drugs, properly packaged and labeled, may be sold in unbroken containers:

Aspirin
Boric Acid
Aromatic Cascara
Ess. of Peppermint
Ess. of Wintergreen
Camphorated Oil
Mineral Oil
Cod Liver Oil
Milk of Magnesia
Hydrogen Peroxide
Petroleum Jelly
Boric Acid Ointment
Zinc Ointment
Sulfur Ointment
Spirits of Camphore
Glycerin Suppositores
Saccharin
Witch Hazle
Spts. Nitre
Salt Petre
Tr. of Iodine--Sales require recording in poison register.

Regulation 13
POISONS
Dispensing at Retail

No person shall sell or deliver any of the poisonous substances listed in Sec. 7 of Chapter 146.20 or any poison, except as follows:

(a) The dispenser shall ascertain that the applicant is aware of the poisonous character of the substance and desires it for a lawful purpose.

(b) He shall plainly label the container with the name of the substance, the word "Poison", and the name and address of the dispenser.

(c) A poison label shall not be required in the case of liniments, ointments, or other external preparations, when labelled "for external use only."

(d) If the applicant be under fourteen years of age, he or she must have the written order of an adult person.

(e) Before delivery of a poison, the dispenser shall record the following facts, in a book kept for that purpose.

1. The name of the article
2. The quantity
3. Purpose
4. Date
5. Name and address of the person for whom procured
6. Name and address of the purchaser
7. The name of the individual personally dispensing the same.

This book shall be preserved by the owner for at least three years after the date of the last entry therein, and shall be open to inspection.

(Wisconsin Statutes 146.20 Poisons, dispensing regulated. (1) No person shall sell or deliver any of the poisonous salts or compounds of antimony, arsenic, chromium, lead, mercury, silver, tin or zinc, the concentrated mineral acids; oxalic, carbolic or hydrocyanic acids or their salts, formaldehyde, yellow phosphorus, the essential oils of almonds, pennyroyal, rue, savin or tansy; croton oil, creosote, chloroform, cantharides, aconite, belladonna, bitter almonds, colchicum, cotton root, Cannabis indica, digitalis, ergot, hyoscyamus, lobelia, nux vomica, physostigma, strophanthus, stramonium, veratrum viridi, or any of the poisonous alkaloids or glucosides derived form the foregoing or in any other virulent poison, unless it be upon the prescription of authorized practitioners of medicine, dentistry or veterinary medicine, except as follows: (see above).)

Regulation 14
State Narcotic Act

The Wisconsin Statutes give the State Board of Pharmacy and the State Board of Health concurrent authority in administering the provisions of the uniform State Narcotic Act.--(Chapter 161)

In the main, observance of the Federal law will insure compliance with the State act. There are exceptions.

Narcotics may be dispensed by the pharmacists on prescription only, except in the case of exempt narcotic preparations containing Codeine, the sale of which require entry into an excempt Narcotic record book and the observance of certain quantity limitations and record specifications. All pharmacists shall familiarze themselves with all provisions of Chapter 161.

Regulation 15
Manufacturers and Wholesalers

1. Manufacturers and Wholesalers (whether person, firm, or corporation) who manufacture, produce, package, pack, or prepare drugs or medicines are required to obtain a permit from this Board (The Board of Pharmacy).

The fee for such permit and renewal shall be $1.00 annually--renewable on Junelst of each year.

2. They shall have in charge of such manufacturing, producing, packaging, packing, and preparing, a pharmacist or "such other person as may be approved by the board as qualified by scientific training and education to perform such duties."

Regulation 16
Rules to be Posted

The owner or "Pharmacist in charge" of any drug store, pharmacy, or apothecary shop, etc., shall post a copy of these rules and regulations in a conspicuous place in said drug store, pharmacy or apothecary shop, etc.

Penalties

Minimum penalties for violation of the Pharmacy Act are $10.00, $25.00, $50.00, and $100.00.

It may be of interest to note that certain medicines may be sold without either a "pharmacy permit" or "rural permit".

Wisconsin Statutes 151.04 Practice. (1) xxx

(3) This (referring to pharmacists's license or assistant pharmacist's license) shall not interfere with the dispensing of drugs, medicines or other articles by physicians, nor with the sale of proprietary medicines in sealed packages, labeled to comply with the federal and state pur food and drug law, with directions for using, and the name and location of the manufacturer, nor the sale of economic poisons for use in agricultural and industrial arts, nor with the sale of products used for control of insects or animals pests, weeds or fungus diseases, when sold in original unbroken containers, and in compliance with the insecticide and fungicide law of this state, nor with the sale of alum, ammonia, borax, bay rum, bicarbonate of soda, cream of tartar, con-

centrated lye, olive oil, sal ammoniac, sal soda, sulphur, copperas, epsom salts, glauber salts, castor oil, glycerine, senna leaves, indigo, blue vitriol, turpentine, wood alcohol and denatured alcohol.

Probably just as well included in this section as any is an isolated State Statute of interest to the retail druggist.

315.235 Advertising or display of indecent articles, sale in certain cases prohibited.

(1) As used in this chapter, the term "indecent articles" means any drug, medicine, mixture, preparation, instrument, article or device of whatsoever nature used or intended or represented to be used to procure a miscarriage or prevent pregnancy.

(2) No person, firm or corporation shall publish, distribute or circulate any circular, card, advertisement or notice of any kind offering or advertising any indecent article for sale, nor shall exhibit or display any indecent article to the public.

(4) No person, firm or corporation shall sell or dispose of or attempt or offer to sell or dispose of any indecent articles to or for any unmarried person; and no sale in any case of any indecent articles shall be made except by a pharmacist registered under the provisions of chapter 151 a physician or surgeon duly licensed under the laws of this state.

(5) Any person, firm or corporation violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $500 or by imprisonment in the county jail for not to exceed 6 months, or by both such fine and imprisonment.

WISCONSIN STATE BOARD OF PHARMACY

Dear Sir:

The fee of $5.00 for annual renewal of your permit to sell drugs **AS LISTED ON YOUR PERMIT ONLY** is due June 1st, 1945. Send remittance by Postal or Express Money order or certified check, payable to the order of S. H. Dretzka, Secretary.

Cash is sent at risk of sender.

Please forward the attached-card with your remittance.

Print your name plainly.

S. H. DRETZKA, Secy.
709 N. 11th St.,
Milwaukee 3, Wis.

APPLICATION FOR RENEWAL OF REGISTERED ASSISTANT PHARMACIST CERTIFICATE

Name of Employer _____ Location _____
(Drug Store or Other)

Check the following Position (or Positions) which applies to you:

Owner	☐	Detail Man	☐	Retired	☐
Manager	☐	Salesman (Drug)	☐	Unemployed	☐
Assistant Pharmacist	☐	Laboratory	☐	(Desiring work):	
Relief Assistant	☐	Educator	☐	Full time ☐ Part time ☐	

In Another Field _____, Specify _____

SAMPLE

Assistant Fee - $2.00

Date _____

Change address if not correctly shown.

Change of Address if any.

(You are required by law to complete this form and return with Remittance)

APPLICATION FOR RENEWAL OF REGISTERED PHARMACIST CERTIFICATE

Name of Employer _____ Location _____
(Drug Store or Other)

Check the following Position (or Positions) which applies to you:

Owner	☐	Detail Man	☐	Retired	☐
Manager	☐	Salesman (Drug)	☐	Unemployed	☐
Pharmacist Clerk	☐	Laboratory	☐	(Desiring work):	
Relief Pharmacist	☐	Educator	☐	Full time ☐ Part time ☐	

In Another Field _____, Specify _____

SAMPLE

Registered Fee - $3.00

Date _____

Change address if not correctly shown.

Change of Address if any.

(You are required by law to complete this form and return with Remittance)

RENEWAL RENEWAL

Wisconsin State Board of Pharmacy

APPLICATION FOR REGISTRATION OF PHARMACY

This application must be made out in full and returned with the fee of five dollars on or before June 1st, 1946. Read carefully and fill in with typewriter or print with pen and ink.

FEE $5.00

Make Separate Remittance for Renewal of Pharmacy. DO NOT Remit One Check to Cover Pharmacy Renewal and Registered Certificate Renewal.

To Secretary Wisconsin State Board of Pharmacy,
709 N. 11 St.,
Milwaukee 3, Wisconsin

Application is hereby made _____
(Name of Applicant Individual, Firm or Corporation)

_____
(Street and Number) (City or Town) (Population) (County)

for Registration of a Pharmacy and a Permit to run the same at _____
(Place at which Pharmacy is Located)

from June 1st, 1946, to June 1st, 1947, who presents the following statements in support of her / his / their right to be granted such registration and permit, as provided by Sections 151.02, and 151.04, of the statutes, relating to requirements for registered pharmacies.

Name or title under which business is carried on.

_____

SAMPLE SAMPLE

_____

ATTACH LABEL HERE

SAMPLE

1. Name of registered pharmacist employed on full time basis. If owner is a registered pharmacist, his name must also be listed here.

Name	Certificate Number	Approximate Weekly Time Schedule

2. Names of all registered pharmacists employed on a relief basis.

Name	Certificate Number	Hours Employed

(Please Give All Information Requested on Reverse Side.)

3. Names of registered assistant pharmacists employed on full time basis.

Name	Certificate Number	Approximate Weekly Time Schedule

4. Names of all registered assistant pharmacists employed on a relief basis.

Name	Certificate Number	Hours Employed

5. Names of persons receiving practical experience preparatory to taking the State Board examination.

RE: Point 5.

ATTENTION STORE OWNERS!

The Law Provides That Those Listed as Apprentices Shall Receive The Following Training.

"Candidates shall file proof satisfactory to the Board of having had the required amount of legal practice and experience a retail pharmacy or drug store under the direction and *supervision* of a *registered pharmacist*, which practice and experien shall be predominantly work directly related to selling *drugs* and preparing and compounding pharmaceutical preparations a physician's prescriptions, and keeping of records and making of reports required under state and federal statutes."

Excerpt from Chapter 151.02, Laws of Wisconsin

Name	How Long in Your Employ	How Long Elsewhere	Age

6. What is the number of your pharmacy registration permit? _____

7. If a new pharmacy or a succession give date opened by you _____

8. In whose name was this pharmacy last registered? _____

9. Are the certificates of persons named in questions 1, 2, 3, and 4 displayed in your store? _____

Yes	No	Minimum Equipment Required:
		Latest revisions of the U. S. Pharmacopoeia and National Formulary.
		One prescription scale capable of weighing ¼ grain or less.
		One set of accurate Apothecary weights ½ grain to two drams.
		One set of accurate Metric weights from 50 mg. to 20 gm.
		Counter scale and weights.
		Graduates—capable of accurately measuring volumes from one minim to at least one pint; and from 1 c to at least 500 cc.
		Mortars and Pestles—at least one glass 2 oz.; at least one glass 8 oz.; and at least one wedgewood one pi size.
		Spatulas—Stainless steel, at least three assorted sizes; and one non-metallic (Rubber or Bone) medium siz
		Funnels—Glass, one 2 ounce; one 8 ounce; one 16 ounce.
		Stirring Rods—at least one each, glass or rubber.
		Pill Tile or Ointment Slab—regulation size, at least one.
		Heating Apparatus—Tripod and Bunsen burner, or alcohol lamp, or gas or electric hot plate.
		One prescription counter with sufficient drawers and storage space.
		Suitable refrigeration (if biologicals are stocked).
		Narcotic drug locker.
		Water facilities.

IMPORTANT NOTICE TO ALL SIGNERS

Penalty: Chapter 151.05 of The Wisconsin Statutes Reads:

"Anyone who Wilfully Makes a False Representation To Procure Registration or Permit For Himself or Another, Sh Forfeit $50.00 for Each Offense."

I have read the foregoing and acknowledge it.

_____ * "Pharmacist in Charge"

_____ * Signature of Proprietor
If partnership—one member
If corporation—Pres. or Sec'y

* If Proprietor is also "Pharmacist in Charge" sign in both places.

Date of Application _____

FEDERAL NARCOTIC REGULATIONS

Excerpts from REGULATIONS NO. 5 Relating to the Importation, Manufacture, Production, Compounding, Sale, Healing In, Kispensing and Giving away of Opium of Coca Leaves or any compound, manufacture, salt, derivative, or preparation thereof.

Chapter II. Definitions

Art. 2. As used in these regulations:

(b) The term "narcotic", "narcotics" or "narcotic drugs" means opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, including "excempt preparations", defined below.

(c) The term "exempt preparations" means the preparations and remedies described in section 6 of this art. which contain not more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid or avoirdupois ounce, and liniments, ointments, and other preparations for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them, provided that such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and a record of all sales, exchanges, or gifts of such preparations and remedies is kept as provided in Article 185.

(i) The term "practitioner" includes a physician, dentist, veterinary surgeon, or any other person who may be lawfully entitled to distribute, dispense, prescribe, or administer narcotics to patients.

Chapter III. Special Taxes

Art. 3. Persons liable. - Liability to payment of special tax and registeration attaches to every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, administers, or gives away narcotics. As to the tax rates applicable to a person engaged in one or more of the foregoing activities see Article 13.

Art. 4. Manner and time of registration. - Every person required to register shall execute and file with the collector for the district in which he proposes to engage in any activity involving use of narcotic drgus, an application for registration on Form 678 or 678-A and pay the special tax or taxes enumerated in Article 13. Form 678-A shall be executed by new applicants and approved by the collector before the activity is commenced. Form 678 shall be executed and filed on or before the succeeding July 1, and annually thereafter as long as liability is incurred. These forms may be obtained from the collector.

Art. 8. Signatures - Individuals. - The application shall be signed by the person desiring registration.

Firms and corporations. - The application of a firm shall be signed by a member, that of a corporation by an officer duly authorized to act. xxx If owned by a partnership, the name of each partner shall appear. In the case of a corporation the names of the principal officers shall be shown.

Art. 9. Oath - When required. - xxx If the tax is not in excess of $10, the application may be signed or acknowledged before two witnesses in lieu of an oath. The witnesses shall themselves sign the application in their capacity as such.

Art. 10. Inventory required. - Every person making application for registry or reregistry in any class (see Art. 13), except Classes I and II, shall, as of December 31 preceeding the date of his application, or any date between December 31 and the date of applying for such registry or reregistry, prepose under oath or affumation, in duplicate, an inventory of all narcotic drugs and preparations on hand at the time of makingsuch ineventory. The inventories shall be prepared on form 713, copies of which may be obtained from collectors upon request. If the taxpayer is engaged in business in more than one class, a separate inventory shall be prepared for each class. A Class V registrant is not required to make an inventory of prepartaion or remedies exempt under section 6, but he is required to make an inventory of all nonexempt narcotic drugs and preparations in his possession. The original inventory shall be forwarded to the collector, with the application for registration, and the duplicate shall be kept on file by the maker for a period of 2 years.

Art. 11. Registry numbers. - Upon approval of the application the collector will assign a registry number to the applicant. The numbers are issued serially without regard to classes. The same number shall be retained throughout all the consecutive periods for which the applicant may be registered. In the case of one engaged in business at two or more places, a separate number will be assigned for each place of business.

Art. 13. Rates of tax. - Persons subject to tax are divided into classes as shown by the table below.

Class	Annual tax rate	Persons liable
I	$24	Importers, manufactures, producers, compounders
II	$12	Wholesale dealers.
III	$ 3	Retail dealers.
IV	$ 1	Physicians, dentists, veterinary surgeons, and other practitioners.
V	$ 1	Manufactures of and dealers in exempt preparations (including dispensing physicians).
VI	$ 1	Persons not registered in Class I, but lawfully entitled to obtain and use in a laboratory narcotics for research, instruction or analysis.

When business is done during the month of July, tax shall be paid for the full year. The tax in Classes IV or V is at the rate of $1 a year or any fraction thereof, regardless of when business is first commenced. In Classes I to III, inclusive, and in Class VI, if business is commenced after the month of July, the amount due is to be reckoned proportionately by months from the first day of the month in which business is begun to July 1 following.

Art. 15. Prescription Compounding. - Persons who have paid tax as retail dealers (see Art. 18) do not incur liability as manufacturers or compounders on account of compounding narcotic preparations to fill legitimate prescriptions of registered practitioners, even though the preparations, are compounded in advance of receipt of prescriptions, so long as they are used for prescription purposes only.

Aqueous and oleaginous solutions. - Persons qualified as retail dealers may also supply registered practitioners on order forms, or exempt officials on orders, in quantities not exceeding one ounce at any one time, with aqueous or oleaginous solutions, in which the narcotic content does not exceed a greater proportion than 20 per cent of the complete solution, to be used in legitimate office practice. xxx The original order forms must be filed by the dealer with his narcotic prescriptions. Each package containing an aqueous or oleaginous solution so furnished must bear a label showing the date of the order, number of the order form if any, the name and proportion of narcotic drug contained in the solution, and the name, address, and registry number of the vendee and vendor, respectively.

Art. 18. Retail dealers. - Every person who sells narcotic drugs or preparations from original stamped packages, with or without compounding, pursuant to prescriptions written by registered practitioners in the course of professional practice only is liable to tax as a retail dealer at the rate of $3 per annum in Class III, with the following exceptions:

Manufactures. - One registered as a member of Class I, who is qualified under the laws of this jurisdiction in which his place of business is located to fill prescriptions, will be

permitted to do so from original stamped packages of his own production without payment of tax as a retail dealer. If, however, prescriptions are filled from packages produced by any other person, additional liability to tax as a retail dealer will be incurred.

Practitioners. - a duly qualified practitioner (see Art. 19) is not required to pay additional tax on account of the sale of narcotic drugs for legitimate medical purposes to his own bona fide patients. A practitioner who operates a drug store and in his capacity as a druggist sells narcotic drugs or preparations, pursuant to prescriptions written by other practitioners, incure additional liability as a retail dealer.

Art. 22. Several places of business. - Generally a taxpayer must pay as many special taxes as he has places of business. Thus if a concern has one or more separate branches where any of the various taxable businesses is carried on, tax must be paid for each branch separately. xxx

Art. 25. Partnerships. - A partnership is subject to the same tax liability as an individual. Should either of the partners also individually engage in a taxable activity, he will incur additional liability with respect to such liability.

Art. 27. Principals. - Principals, rather than agents, are liable to the taxes imposed. Employers and other principals will be regarded as responsible for the acts of employees and other agents within the scope of their employment.

Art. 28. Employees. - An employee of a person who has registered and paid tax will not himself incur liability to tax so long as he acts solely within the scope of his employment. However, an employee who, within or without the scope of his employment, does any unlawful act, will be held personally liable.

Art. 31. Operation of State Laws. - Payment of special tax under Federal law confers no right or privilege to conduct business contrary to State law. The holder of a special-tax stamp issued by the Federal Government may still be punishable under a State law prohibiting or regulating the production, manufacture, or sale of narcotic drugs. On the other hand, compliance with State law affords no immunity under Federal law. Persons who engage in business in violation of the law of a State are, nevertheless, required to pay special tax as imposed under the internal-revenue laws of the United States.

Art. 38. Change of control. - Certain persons other than the taxpayer may, without incurring additional liability, carry on the business at the same address and for the remainder of the period for which special tax was paid. To secure such right the party or parties continuing the business must execute, without 30 days, a return on Form 678-A, showing

the basis of the right. Under the conditions indicated the parties having such right include the following:

(1) The retict, children, or other legal representatives of a deceased taxpayer.

(2) A receiver or referer in bankruptcy, or an assignee for the benefit of creditors.

(3) The partner or partners remaining after death or withdrawal of a member.

Special tax, reckoned from the first day of the month in which the change occurs, is incurred and must be paid by the parties indicated under the conditions stated:

(1) Where additional partners are taken into a firm operating under the old or a new firm name.

(2) Where a corporation is formed to continue the business of a partnership, or a new charter is issued to a former corporation.

(3) Where a stockholder or other party continues a business previously conducted by a corporation, whether on not the corporation is dissolved.

Art. 39. Qualification of successor. - No collector will issue a special-tax-stamp to any person who desires to carry on business as shown in the last paragraph of Article 38 until the collector is satisfied that such person is lawfully entitled to obtain registration.

Art. 40. Change of name or location. - The name of an individual, firm, or corporation that has paid special tax may be changed, or a special-tax payer may relocate his place of business, without incurring additional tax liability, provided the change is registered with the collector.

Art. 41. Registration. - A special-tax payer who changes his name or relocates his place of business shall within 30 days execute a new return on Form 678-A, marking it "Revised Registry". The return shall set forth the date of change and the new name or address. The return shall be forwarded with the special-tax stamp to the collector who issued the stamp for recording the change.

Art. 45. Issuance of stamps. - Stamps covering special taxes are issued in two forms, with and without coupons. Stamps without coupons are for use in cases where the full tax is always due regardless of the period covered. Coupon stamps are for the use in cases where the tax may be prorated. The coupon stamps are issued to registrants in Classes I, II, and III, and VI, and the stamps without coupons to registrants in Classes IV and V.

Collectors will distinctly write or print on the stamp, before it is issued, the taxpayer's name, address, and registry number, and the number of the class or classes in which registered.

Art.46. Posting of stamps. - Every special tax stamp issued to a taxpayer must be kept posted conspicuously on the premises where the business is operated. One who fails so to post a stamp thereby incurs liability to a penalty, equal to and in addition to the tax, plus the costs of prosecution; but in no case shall the penalty (not including the costs of prosecution) be less than $10. Where the failure is willful the penalty is doubled. This liability is additional to any and all liability otherwise incurred.

Art. 47. Loss of stamp. - If a taxpayer loses his special-tax stamp, or if it is accidently destroyed, he shall immediately notify the collector, who will issue a certificate of payment. Form 785 must be displayed in lieu of the stamp. Unless a certificate is so obtained and displayed liability to display special-tax stamp will be incurred.

Chapter IV

Commodity Taxes

These taxes are paid by affixing tax stamps on the individual package or narcotic container but is not of interest to the usual retail druggist since retail druggists may, under the conditions indicated in Article 15 under heads of "Prescription compounding and Aqueous and oleaginous solutions" fill prescriptions and supply solutions for office practice without payment of tax on the narcotics furnished in such manner.

Chapter V

Order Forms

Art. 62. Written order required. - Except as otherwise provided order forms are required for all sales or other dispositions of narcotic drugs.

Art. 63. By whom procurable. - Blank forms may be obtained only by persons who are duly qualified and registered under this Act and have legitimate use therefor. Order forms will not be furnished to persons registered in Class V who are not manufactures.

Art. 64. Manner of procurement. - A person desiring and entitled to receive order forms should submit requisition on Form 679 to the collector of the district in which he is doing business. The order forms are issued in books each containing 10 original and 10 duplicate forms. Blank requisitions; Form 679, may be obtained from the collector. The requisition shall show the taxpayer's name, address, registry number and class, and the number of books of order forms desired. A charge of 10 cents is made for each book of order forms, and the requisition should be accompanied by remittance of the proper amount in the form of a certified check, cash, or money order.

Art. 65. Signing of requisitions. - Benerally requisitions for order forms shall be signed by the same person or persons signing the application for registration (see Art. 8). However, they may be signed by another person authorized by power of attorney previously filed with and approved by the collector. xxx

Execution of Order Forms

Art. 69. Execution of forms. - Order forms are issued in duplicate and shall be executed in duplicate. They are arranged to permit the execution of the original and duplicate simultaneously by insertion of a carbon sheet. The original shall not leave the possession of the person executing it until the duplicate is made.

The attachment of extra sheets to order forms is not permitted. If one order form is not sufficient to include all the items of an order, a second form shall be used. The order forms are intended solely to cover disposition of narcotic drugs and preparations to registered persons. They shall not in any case be used as prescriptions.

Art. 70. Manner of preparation. - The order forms shall become a part of the permanent records of the registrant filling them, and are required by law to be kept available for inspection for a period of two years. The manufacturer or wholesaler dealer should insist for his own protection that the order forms be prepared in such manner as to render their subsequent alteration both difficult of accomplishment and easy of detection. Purchasers also should be careful to protect order forms signed by them against subsequent alteration. Official order forms for the purchase of taxable narcotic drugs should therefore be prepared by the use of typewriter, ink, or indelible pencile, and manufacturers and wholesale dealers should return unfilled any order form executed in a loss permanent manner.

Art. 73. Signing of order forms. - Official narcotic order forms shall be signed by the purchasing registrant with ink or indelible pencil. The signature shall bein the same form as on the application for registration. xxx

Art. 75. Items. - Only one item shall be entered on each numbered line and not more than 10 items shall be entered on a single order form. An item shall consist of one or more packages or bottles of the same kind and size; two or more packages or bottles shall always be regarded as a single item and shall never be counted on the form as two or more items. A separate item shall be made for each article of different description or size. The number of items entered on the form shall be stated by the purchaser in the space provided near the bottom of the form for that purpose. The purchase shall show with respect to each item the number of stamped packages, the size of each package in terms of pounds, ounces, grains, pills, or tablets (indicating size in case of pills or tablets), if in a solid form, or in terms of gallons, quarts, pints, or ounces if in liquid form; the name of the article desired, and the name and quantity of the narcotic drug contained in the article if it is not itself a pure narcotic drug. The showing of the catalogue number is optional with the purchaser.

Art. 76. Dishonored order forms. - Any order form returned because of improper preparation (see Art. 83) must be retained on file with the duplicate thereof and a new form prepared if the articles are still desired.

Art. 77. Unused order forms. - Where, as to one or more classes, a registrant discontinues business or transfers to a different location in the same or a different district, he shall return for cancellation all unused order forms on which such class number or numbers have been entered by the collector.

Filling of Order Forms

Art. 78. Who may fill. - Except as hereinafter provided, order forms may be filled only by a registered importer, manufacturer, producer, compounder, or wholesale dealer (a Class I or II registrant).

Art. 79. Solutions. - An order form calling for one ounce or less of an aqueous or oleaginous narcotic solution may be filled by a retail dealer under the conditions outlined in Article 15.

Art. 80. Returned goods. - A person registered in any class may return narcotics to the person from whom obtained pursuant to the latter's order form.

Art. 81. Discontinuance of business. - A person discontinuing, or who has discontinued, business in any class may dispose of his narcotics pursuant to order forms, provided he has obtained specific approval from the collector for the district in which the proposed recipient is located to dispose of his narcotic stock to such recipient.

Exceptions to Use of Order Forms

Art. 90. When not required. - The use of order forms is not required:

(1) For dispositions by a duly qualified and registered practitioner in the course of his professional practice only.

(2) For sales or other dispositions pursuant to properly executed prescriptions for legitimate medical purposes.

(3) For lawful exportations.

(4) For sales or other dispositions to exempt officials.

(5) For the sale, distribution, giving away, dispensing or possession of preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in 1 fluid ounce, or, if a solid or semisolid preparation, in avoirdupois ounce or, of liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain coacine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them, provided that such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of this Act and that a record of dispositions is kept as required by Article 185.

Chapter VIII

Retail Dealers, Practitioners, Dealers in Exempt Preparations and Laboratories.

Art. 166. Who may issue. - A prescription for narcotic drugs may be issued only by a physician, dentist, veterinary surgeon, or other practitioner who has duly registered, or an exempt official.

Art. 167. Purpose of issue. - A prescription, in order to be effective in legalizing the possession of unstamped narcotic drugs and eliminating the necessity for the 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 druggist 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 the act; and the person filling such an order, as well as the person issuing it, may be charged with violation of the law.

Art. 168. Manner of execution. - Practitioners. - All prescriptions for drugs and preparations not specifically exempt under section 6 of the act (see Articles 180 to 182) shall be dated as of and signed on the day when issued and shall bear the full name and address of the patient and the name, address, and registry number of the practitioner.

A physician may sign a prescription in the same manner as he would sign a check or legal document, as, for instance, J. H. Smith, John H. Smith, or John Henry Smith. Prescriptions should be written with ink or indelible pencil or typewritten; if typewritten, they should be signed by the practitioner. The duty of properly preparing prescriptions is upon the practitioner, and he is liable to the penalties provided by the act in case of failure to insert the information required by law. A prescription may be prepared by a secretary or agent for the signature of a practitioner, but the practitioner is responsible in case that prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the druggist who fills a prescription not prepared in the form prescribed by law.

Art. 169. Who may fill. - A prescription for narcotic drugs may be filled only by a retail dealer registered in Class III, an exempt official, or a member of Class I who is qualified, to sell drugs at retail.

Art. 170. Refilling. - The refilling of a prescription for taxable narcotics is prohibited.

Art. 171. Partial filling. - As a general rule, the partial filling of narcotic prescriptions is not permissible. If, however, a dealer is unable to supply the full quantity called for in a prescription and an emergency exists, he may supply a portion of the drugs called for by the prescription, provided he makes a suitable notation on the face of the prescription of the quantity furnished and the reason for not supplying the full quantity on the back of the prescription and advises the issuing practitioner thereof. No further quantity shall be supplied except upon a new prescription.

Art. 172. Telephone orders. - The furnishing of narcotics pursuant to telephone advice of practitioners is prohibited, whether prescriptions covering such orders are subsequently received or not, except that in an emergency a druggist may deliver narcotics through his employee or responsible agent pursuant to a telephone order, provided the employee or agent is supplied with a properly prepared prescription before delivery is made, which prescription shall be turned over to the druggist and filed by him as required by law.

Art. 174. Filing. - Dealers who fill prescriptions shall keep them in a separate file in such manner as to be readily accessible to inspection by investigating officers, for not less than two years.

Art. 175. Labels on containers. - The dealer filling a prescription shall affix to the package a label showing his name and registry number, the serial number of the prescription, the name and address of the patient, and the name, address, and registry number of the practitioner issuing the prescription.

Exempt Preparations

Art. 181. Standards of exemption. - Preparations designed for or capable of internal use to be exempt shall not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce. The preparation shall contain active medicinal drugs other than narcotics in sufficient proportion to confer upon the preparation valuable medicinal qualities other than those possessed by the narcotic drug alone. Use for aural, nasal, ocular, rectal, urethral, or vaginal purposes is not regarded as external use and, therefore, preparations manufactured or used for such purpose containing more than the percentages of narcotic drugs as above indicated are not within the exemption.

There is no limitation upon the percentage of narcotic drugs external preparations may contain. In order to be within the exemption a preparation for external use, containing more than the maximum percentage of narcotic drugs above specified, shall contain ingredients rendering it unfit for internal administration.

Art. 184. Dispositions to consumers. - Preparations or remedies which are within the exemption may be sold with or without prescriptions, and a prescription for such a preparation may be refilled provided, of course, the preparation is furnished in good faith for medicinal purposes only. The filling or refilling of narcotic preparations calling for more than one exempt preparation or a mixture of an exempt preparation or remedy further reduced or diluted by the addition of non-narcotic medicinal agents is authorized, provided, of course, the preparation is furnished in good faith for medicinal purposes.

An extemporaneous prescription calling for narcotic drugs not in excess of the amounts specified in section 6 may be refilled in the same manner as a prescription calling for ready-made preparations or remedies, provided the mixture is dold in good faith for medicinal purposes only, and a record is kept of the sale in the manner indicated in Article 185.

Art. 185. Records required. - xxx The record of dispositions to consumers shall show the name of the recipient, his address, the name and quantity of the preparation, and the date of delivery.

Forms are not furnished for the keeping of these records, but the records shall be in the following form:

Form of record of dispositions to consumers

Date	Name of recipient	Address	Name of preparation	Quantity

xxx As to records required in the case of registrants supplying exempt preparations to consumers pursuant to prescriptions issued by a registered physician, the foregoing requirement as to records of disposition to consumers shall be deemed to be complied with if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filling, and the prescriptions are kept on the narcotic prescription file.

Miscellaneous

Art. 193. Safeguarding of narcotics. - Narcotic drugs and preparations shall at all times be properly safeguarded and securely kept where they will be available for inspection by properly authorized officers, agents, and employees of the Treasury Department.

Art. 194. Procedure in case of loss. - Where, through breakage of the container or other accident, otherwise than in transit, narcotics are lost or destroyed, the person having title thereto shall make affidavit as to the kinds and quantities of narcotics lost or destroyed and the circumstances involved, and immediately forward the affidavit to the narcotic district superivosr. A copy of such affidavit shall be retained and filed with the other narcotic records. xxx

Where narcotics are lost by theft, or otherwise lost or destroyed in transit, the consignee shall immediately upon ascertainment of the occurrence file with the narcotic district supervisor, a sworn statement of the facts, including a list of the narcotics stolen, lost or destroyed, and documentary evidence that the local authorities were notified. A copy of the sworn statement shall be retained and filed with the other narcotics records of the consignee.

A loss in transit does not authorize a vendor to duplicate a shipment on the same order form. A separate order form covering each and every shipment of narcotics is required.

WISCONSIN NARCOTIC LAWS
Wisconsin Statutes
1945

Only those statutes which are in addition to or contrary to the Federal Narcotic Laws will be mentioned.

Chapter 161
Uniform Narcotic Drug Act

161.01 Definitions.

(1) "Coca leaves" includes cocaine and any compounds, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substance from which cocaine or ecgonine may be synthesized or made.

(2) "Opium" includes morphine, codeine and heroin and any compound, manufacture, salt, derivative, mixture or preparation of opium, but does not include apomorphine or any of its salts.

(13) "Cannabis" includes all parts of the plant Cannabis sativa L., 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 shall not include 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 capable of germination.

(13a) "Isonipecaine" means the substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof by whatever trade name identified.

(14) "Narcotic drugs" means coca leaves, opium, Cannabis, isonepecaine, and every substance neither chemically nor physically distinguishable from then. (Any preparation for internal use is classed as a narcotic if it contains one-half grain or more of cannabis to the ounce of the mixture).

171.06. Sales by apothecaries. (1) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician xxx If the prescription be for an animal it shall state the species of animal for which the drug is prescribed. xxx

161.09 Records required.

(5) Form and Preservation of records. xxx Every such record shall be kept for a period of 2 years from the date of the transaction recorded (see Art. 185 Federal Laws.)

The keeping of a record required by or under the Federal Narcotic Laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction or theft.

161.16 Records, confidential. Prescriptions, orders and records required by this chapter, and stocks of narcotic drugs, shall be oepn for inspection only to federal, state, county and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his officie of any such prescription, order or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a magistrate or a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders or records relate is a party.

These are the only differences between the State Statutes and the Federal Narcotic Laws. In all other cases it can be said that a retail pharmacist who observes the federal law automatically observes the state law at the same time.

No State Narcotic License is required by pharmacists unless persons or firms are engaged in the wholesale or manufacture of narcotics in which they are required to apply to the State Board of Health for a state narcotic license which is issued without fee. Applications for such license will be mailed upon request.

Form 678A—Rev. Dec. 1939
TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE
PRINT NAME AND ADDRESS PLAINLY BELOW

APPLICATION FOR REGISTRY AND SPECIAL-TAX STAMP—OPIUM, ETC.

FOR NEW APPLICANTS ONLY—SEE INSTRUCTIONS ON BACK

U. S. Registry No. _____ (To be assigned by Collector) for period from _____, to June 30, 194__

Name _____

Address _____

_____ (Number of stamp or stamps)

_____ (Date issued)

(Entered on Record 10)

If firm or partnership, give below name and residence of each member; if corporation, give name, residence, and title of each officer		Check class or classes covered by application		
Name and title	Residence	Class	Annual tax	Description of occupation (See instruction 4 on back)
		1 ☐	$24	
		2 ☐	$12	
		3 ☐	$3	
		4 ☐	$1	
		5 ☐	$1	
		6 ☐	$1	

State your last business or occupation previous to this application, giving address, or name and address of employer _____ (Occupation)

_____ (Name of employer), _____ (Address)

What is your State professional license or certificate number, if any _____ Date issued to you _____

What is your State store or business registration number, if any _____ Date issued to you _____

Application for registry and special-tax stamp is hereby made pursuant to part V, subchapter A, chapter 27, Internal Revenue Code, for the period indicated above to cover the business or businesses stated or practice engaged in and at the location specified.

I solemnly swear, or acknowledge, before two witnesses, that the person, firm, or corporation named above is duly authorized by the laws of this State to engage in the business or businesses or practice above described, and to distribute, prescribe, dispense, or administer drugs coming within the scope of the above-named act in the class or classes for which this application is made and at the address given. I further swear, or acknowledge, that all of the above statements are true and correct.

Subscribed and sworn to before me this _____ day of _____, 19____.

_____

_____

_____

(Official title, or signatures and addresses of witnesses and date of signing)

Received by Collector (date) _____

Approved (date) _____

(Signed) _____ *District Supervisor.*

16—13370

(Signed) _____

_____ (State whether individual, owner, member of firm, or, if officer of corporation, give title)

REMIT TO COLLECTOR OF INTERNAL REVENUE AT _____ (To be filled in by Collector)

REMITTANCE ENCLOSED

Cash:		Certified Check:		Post Office Money Order:	

NOTES.—Do not pay for Class 5 when paying for other classes.
Payable only by Cash, Certified Check, or Post Office Money Order.

Form 678C—Revised Mar. 1939
TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE

APPLICATION FOR REGISTRY AND SPECIAL-TAX STAMP—MARIHUANA, ETC.

PRINT NAME AND ADDRESS PLAINLY BELOW

U. S. Registry No. _____ (To be assigned by Collector) for period from _____ to June 30, 19____

Name _____

Address _____

_____ (Number of stamp or stamps)

_____ (Date issued)

_____ (Entered on Record 10)

If firm or partnership, give below name and residence of each member; if corporation, give name, residence, and title of each officer

Name and title	Residence

Check class or classes covered by application

Class	Annual tax	Description of occupation (See instruction 4 on back)
1 ☐	$24	
2 ☐	$1	
3 ☐	$3	
4 ☐	$1	
5 ☐	$1	

State your last business or occupation previous to this application, giving address, or name and address of employer _____ (Occupation)

_____ (Name of employer), _____ (Address)

What is your State professional license or certificate number, if any _____ Date issued to you _____

What is your State store or business registration number, if any _____ Date issued to you _____

Application for registry and special-tax stamp is hereby made pursuant to sections 3230 and 3231, Internal Revenue Code, for the period indicated above to cover the business or businesses stated or practice engaged in and at the location specified.

I solemnly swear, or acknowledge, before two witnesses, that all of the above statements are true and correct.

Subscribed and sworn to before me this _____ day of _____, 19____

_____

_____

_____

(Official title, or signatures and addresses of witnesses and date of signing)

Received by Collector (date) _____

_____

(Signed) _____

_____

(State whether individual, owner, member of firm, or, if officer of corporation, give title)

REMIT TO COLLECTOR OF INTERNAL REVENUE AT _____ (To be filled in by Collector)

REMITTANCE ENCLOSED

Cash:		Certified Check:		Post Office Money Order:	

NOTE.—Payable only by Cash, Certified Check, or Post Office Money Order.

16—8816

Form 678 (Rev. Nov. 1936)
TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE

(MUST BE FILED WITH COLLECTOR BY JULY 1 OR PENALTY ATTACHES)

APPLICATION FOR RE-REGISTRY AND SPECIAL-TAX STAMP—OPIUM, ETC.

(See instructions on back)

Print name and address plainly below

U. S. Registry No. _____ for period from July 1, 19____, to June 30, 19____
(To be assigned by Collector)

Name _____

Address _____

_____ (Number of stamp or stamps)

_____ (Date issued)

_____ (Entered on Record 10)

If firm or partnership, give below name and residence of each member; if corporation, give name, residence, and title of each officer

Name and title	Residence

Check class or classes covered by application

Class	Annual tax	Description of occupation (See instruction 4 on back)
1 ☐	$24	
2 ☐	$12	
3 ☐	$3	
4 ☐	$1	
5 ☐	$1	
6 ☐	$1	

What is your State professional license or certificate number, if any? _____ Date issued to you _____

What is your State store or business registration number, if any? _____ Date issued to you _____

Application for re-registry and special-tax stamp is hereby made pursuant to the Act of Congress approved December 17, 1914, as amended, for the period indicated above to cover the business or businesses stated or practice engaged in and at the location specified.

I solemnly swear, or acknowledge before two witnesses, that the person, firm, or corporation named above is duly authorized by the laws of this State to engage in the business or businesses or practice above described, and to distribute, prescribe, dispense, or administer drugs coming within the scope of the above-named act in the class or classes for which this application is made and at the address given. I further swear or acknowledge that all of the above statements are true and correct.

Subscribed and sworn to before me this _____ day of _____, 19____

_____
(Official title)

2—8582

(Signed) _____

_____
(State whether individual, owner, member of firm, or, if officer of corporation, give title)

WITNESSES	ADDRESS	DATE

Remit to Collector of Internal Revenue at _____
(To be filled in by Collector)

REMITTANCE ENCLOSED

Cash:		Certified Check:		Post Office Money Order:	

Mailed out by Collector _____

Received by Collector _____

Notes: Do not pay for Class 5 when paying for other classes. Payable only by certified check, cash, or money order.

Form 713
TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE
Revised March 1939

ORIGINAL

INVENTORY OF OPIUM, COCA LEAVES, MARIHUANA, ETC.

(Forward original to collector; keep duplicate on file)

U. S. Registry No. _____

Class No. _____

Stamp No. _____

Period _____
(To be filled in by collector)

COLLECTOR OF INTERNAL REVENUE,

_____ District, _____

ANNUAL INVENTORY OF

Applicant _____
(Name of person, firm, or company)

Address _____

Narcotic Law—*Classes _____
(Class 3, 4, 5, or 6)

Marihuana Tax Act—*Classes _____
(Class 3, 4, or 5)

AFFIDAVIT

_____, being first
(Name and official position of person making the affidavit; in the case of a firm or corporation to be a member or officer of such)

duly sworn, states that on _____, 19____, the narcotic drugs and preparations described in Sections 3220 and 3238 (*b*), Internal Revenue Code, which were then in possession of the above-named applicant, as a member of the class or classes indicated, were inventoried, and that the following is a true statement of the names, descriptions, and quantities of such drugs and preparations in the possession of such applicant at the close of business on that date.

Subscribed and sworn to before me this _____

day of _____, 19____

_____ _____
(Signature of person making the affidavit)

[SEAL] _____ _____
(Official position of person making the affidavit)

* No inventory required on this form for class 1 or 2 stock.

NAME AND DESCRIPTION OF DRUG OR PREPARATION (If in pill or tablet form, give size of pill or tablet)	QUANTITY (In gallons, pints, pounds, ounces, grains, pills, or tablets)

o2—9952

Form 713
TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE
Revised March 1939

DUPLICATE

INVENTORY OF OPIUM, COCA LEAVES, MARIHUANA, ETC.

(Forward original to collector; keep duplicate on file)

COLLECTOR OF INTERNAL REVENUE,

_____ District, _____

ANNUAL INVENTORY OF

Applicant _____
(Name of person, firm, or company)

Address _____

Narcotic Law—*Classes _____
(Class 3, 4, 5, or 6)

Marihuana Tax Act—*Classes _____
(Class 3, 4, or 5)

AFFIDAVIT

_____, being first
(Name and official position of person making the affidavit; in the case of a firm or corporation to be a member or officer of such)

duly sworn, states that on _____, 19____, the narcotic drugs and preparations described in Sections 3220 and 3238 (*b*), Internal Revenue Code, which were then in possession of the above-named applicant, as a member of the class or classes indicated, were inventoried, and that the following is a true statement of the names, descriptions, and quantities of such drugs and preparations in the possession of such applicant at the close of business on that date.

_____
(Signature of person making the affidavit)

_____
(Official position of person making the affidavit)

*No inventory required on this form for class 1 or 2 stock.

NAME AND DESCRIPTION OF DRUG OR PREPARATION (If in pill or tablet form, give size of pill or tablet)	QUANTITY (In gallons, pints, pounds, ounces, grains, pills, or tablets)

2—9952

LIVE STOCK REMEDY LAWS

Wisconsin Statutes

95.64 Live stock remedies; definition, sales. (1) The term "live stock remedy" as used in sections 95.64 to 95.66 shall include all devices, remedies, cures, tonics, powders, proprietary medicines, condimental feeds, medicated stock foods and similar preparations for the treatment or prevention of any disease of live stock, poultry or other domestic animals and administered internally for their stimulating, invigorating, curative or other powers, but excluding all medicines manufactured, sold and recommended primarily for human use.

(2) No person by himself, his servant or agent shall sell, offer or expose for sale or have in his possession with intent to sell any live stock remedy which is not registered as provided in section 95.65, or which:

(a) Is sold under a name, brand or trade-mark which is misleading or deceptive;

(b) Purports to cure Bang's Disease (commonly called contagious abortion), hog cholera, fowl cholera, tuberculosis, foot and mouth disease, roup, white diarrhea or any other disease of domestic animals for which no genuine cure is known;

(c) Does not have printed or written upon the label of each package as sold at retail, in type not less than one-fourth the largest type on the package;

1. The common name in English of all ingredients;
2. The percentage of each diluent, filler or inert ingredient;
3. A statement of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any such substance contained therein;
4. The net contents, by weight or measure, or such package;
5. The name and principal address of the manufacturer or person responsible for placing such live stock remedy on the market;

(d) Does not contain all the contents of thepackage as originally put up, without addition.

(3) No label of a package in which a live stock remedy is sold at retail shall state that the remedy has been registered by the department unless such statement is immediately followed in at least equally large and conspicuous type in

the same color by the words: "This statement does not indicate or imply directly any indorsement by the department."

95.69 Penalties. Any person who shall violate any of the provisions of this chapter shall upon conviction for the first offence be punished by a fine of not less than $25 nor more than $100, or by imprisonment in the county jail not less than 10 days nor more than 60 days, or by both such fine and imprisonment and upon conviction for any subsequent offense by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail not less than 30 days nor more than 6 months, or by both such fine and imprisonment.

No license or prescription is necessary to sell livestock remedies at retail.[1] However, poisonous chemicals must be registered in the Poison Register Book. Ointments and salves can be prepared as the individual purchaser requests, but must not be made up in advance and placed on the shelves without a manufacturer's registration (Sec. 95.65).

[1]Exception (95.39 Biological products) (1) It shall be unlawful for any person to sell, furnish, give away or supply any tuberculin or any biological product containing Brucella organisms for use in this state unless the label on the container thereof states the name and address of the manufacturer and the date of expiration and the vendor, within 15 days, report to the department the name of the recipient, the date and amount delivered.

(2) It shall be unlawful for any person to use or dispose of any tuberculin until assured in writing by the person from whom received that its sale or delivery to said person has been reported to the department.

INSECTICIDE AND FUNGICIDE LAWS

Wisconsin Statutes

94.67 Insecticides and fungicides, adulteration or misbranding. (1) It shall be unlawful for any person to manufacture, sell or offer for sale, within the state of Wisconsin any insecticide or fungicide which is adulterated or misbranded within the meaning of sections 94.67 to 94.71.

(2) It shall be unlawful for any person to misrepresent the value of any treatment applied to trees, shrubs, vines, or other plant material, or to any animal, for preventing, destroying, repelling or mitigating any insect, fungus, or bacterial disease, or for accelerating its growth or productive power.

(3) The department shall promulgate uniform rules and regulations for enforcing this section, including the collection and examination of insecticides and fungicides, manufactured or offered for sale in this state for the purpose of determining whether such articles are adulterated or misbranded with the meaning of this section and including the establishment of chemical and other standards to which insecticides and fungicides not specifically covered by this section, shall conform.

94.68 Definition of terms. The term "insecticide" as used in sections 94.67 to 94.71 shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "paris green" shall include the product sold in commerce as paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. The term "fungicide" shall include any substance or mixture intended to be used for preventing, destroying, repelling or mitigating any fungus that may infest vegetation or be present in any environment whatsoever.

94.69 Adulteration defined. For the purpose of sections 94.67 to 94.71, any article shall be deemed to be adulterated:

(1) In the case of paris green: First, if it does not contain at least fifty per cent of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per cent of arsenious oxide third, if any substance has been mixed and packed with it

so as to reduce or lower or injuriously affect its quality or strength.

(2) In the case of paste lead arsenate: First, if it contains more than fifty per cent of water second, if it contains total arsenic equivalent to less than twelve and one-half per cent of arsenic oxid (As_2O_3); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one hundredths per cent of arsenic oxid; fourth, if any substances have been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength; that extra water may be added to paste lead arsenate if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

(3) In the case of dry or powdered lead arsenate: First, if it contains total arsenic equivalent to less than twenty-five per cent of arsenic oxid; second, if it contains arsenic in water-soluble forms equivalent to more than one and one-half per cent of arsenic oxid; third, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

(4) In case of insecticides or fungicides, other than paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance had been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling or mitigating insects, or fungi, shall be injurious to such vegetation when used; fifth, if it fails to conform to standards promulgated by the department.

94.70 Misbranding defined. (1) The term "misbranded" as used herein shall apply to all insecticides, paris greens, lead arsenates or fungicides, and articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, paris greens, lead arsenates or fungicides which are falsely branded as to the state, territory or country in which they are maufactured or produced.

(2) For the purpose of sections 94.67 to 94.71, an article shall be deemed to be misbranded:

(a) In the case of insecticides, paris greens, lead arsenates and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to decieve or mislead the

purchaser, of if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if the quantity of the contents be not plainly and correctly stated on the outside of the package.

(b) In the case of insecticides (other than paris green and lead arsenates) and fungicides: First, if it contains arsenic in any of its combinations or in the elemental form, and the total amount of arsenic present (expressed as per cent of metallic arsenic) is not stated on the label; second, if it contains arsenic if any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per cent of metallic arsenic) is not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not effectively prevent, destroy or repeal insects or fungi, and does not have the names and percentage amounts of each and every one of such inert ingredients, and the fact that they are inert plainly and correctly stated on the label; provided that in lieu of naming and stating the percentage amount of each and every inert ingredient, the producer may at this discretion state plainly upon the label the correct names and percentage amounts of each and every ingreident of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

94.71 Immunity by wholesaler's guaranty. (1) No dealer or agent shall be prosecuted under the provisions of sections 94.67 to 94.7, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other person residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of sections 94.68 to 94.71. Said guaranty, to afford protection, shall contain the name and address of the person making the sale of such articles to such dealer or agent, and in such case said person shall be amenable to the fines and other penalties, which would otherwise attach to the dealer or agent.

(2) Any insecticide or fungicide that is condemned as being adulterated or misbranded, shall be confiscated and disposed of by destruction, or in such other manner as the inspector may direct.

PURE FOOD AND DRUG INFORMATION

Digest of Laws pertaining to the Operation of a Retail Pharmacy in Wisconsin - compiled and arranged by Jennings Murphy.

THE LAW

The Federal Food, Drug and Cosmetic Law contains three provisions which have particular bearing on the problem of dangerous drugs. The law states that a drug is misbranded if:

(1) adequate directions for use are not given in the labelling;

(2) adequate warnings are not given in its labelling against its 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;

(3) It is dangerous to health when it is used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof.

THE PHARMACIST'S JUDGMENT

Although the Food and Drug Administration has, at various times, expressed its opinion concerning certain drugs, the warnings it believes necessary, its conception of what constitutes adequate directions, and its beliefs concerning unsafe dosages, the Administration does not have the authority to declare a drug dangerous to health, to decree a specific warning statement to be inadequate, or to promulgate official "safe" dosage tables. It does not have the power to order any drug to be sold only on prescription. It is not charged with the responsibility of issuing "official" lists of drugs which should not be sold over-the-counter. The list of drugs which accompanies this article, while we believe it to accurate, is not considered an "official" list.

It is up to pharmacists to judge whether or not a particular drug is dangerous to health when it is used in the dosage, or frequency, or duration recommended in its labelling; and whether its label bears adequate directions and adequate warnings.

The Administration is charged with the enforcement of the law, and its only basis of procedure is to bring action against those acts which, in its opinion, violate the law. The Administration may be correct in its opinion and be upheld by the courts, or it may be incorrect and be overruled by the courts. The Administration will base its prosecutions on its opinions, but anyone who disagrees with the opinion has the full right to challenge them by trial in the courts.

It may be argued that the Food and Drug Administration has authority only over drugs in interstate commerce and therefore it has no jurisdiction over the pharmacists dealing in intrastate commerce. The distinction between what constitutes interstate and intrastate commerce, at the present time, is the subject of considerable controversy. The Administration believes it does have jurisdiction over the sale of drugs, once they have been in interstate commerce, until they reach the ultimate consumer. Future court decisions will confirm or deny this authority.

Every pharmacist must decide for himself whether he wishes to observe the law and its interpretation by the Food and Drug Administration or contest them in court.

During the period since the new law was enacted, the Food and Drug Administration has expressed its opinion on several groups of drugs which, directly or indirectly, place them in the category of articles that are believed to be unsafe for self-medication and which, therefore, should be dispensed only on prescription.

The Administration has expressed the opinion that for certain drugs, including sulanilamide and its analogues, amidopyrine and coinchophen, it is impossible to devise adequate dosages and directions for use which will be safe for self-medication. The dosage and directions for use of these drugs, in the opinion of the Administration, can be determined only by the physician after a careful consideration of the individual patient's condition. Dosage of the sulfonamide drugs, for example, is based on the maintenance of a definite concentration of drug in the patient's blood - a factor only the physician in attendance can determine. Therefore, if it is impossible to devise adequate directions for use for such drugs, it is impossible to sell them over-the-counter without them being misbranded under the law. The Administration has expressed the opinion that dinitrophenol cannot be used safely even by the physician.

A few years ago, W. G. Campbell, Chief of the Food and Drug Administration, prepared a memorandum for his district officials setting forth a list of drugs with indications concerning the nature of warning statements which the Administration felt were satisfactory. Here again, these warning statements represented only the opinion of the Administration and were not regulations issued under the law.

In the case of a number of drugs, the Administration felt the warning statement should include a note to the effect that the product should be used only under the direct supervision of a physician. Only in rare instances would a patient who is under the direct supervision of a physician be sent by him to a pharmacy to buy a patent drug over-the-counter. In most, if not all cases, the physician would give a prescription for such a drug and provide specific directions for its use.

It would be ridiculous to think of selling a product over-the-counter and telling the customery, "Here is the product you asked for but be sure and do not take it except under the supervision of a physician." Yet that is what the pharmacist would be doing if he sold products bearing this type of warning label over-the-counter. Therefore, it follows that if thepharmacist is to govern himself in accordance with the opinion of the Food and Drug Administration, he will dispense drugs which bear this warning phase only on prescription.

D. C. PHARMACISTS

The District of Columbia pharmacists decided that when dangerous drugs are sold on prescriptions, the pharmacist should follow a three-point procedure.

1. Attach a "Cannot be refilled" label to the container.
2. Mark prescription "Do not refill."
3. Refill only on the specific authorization (written, verbal, or telephone) of the physician and then not more than twice. When refilling on authorization record the date, hour and method of authorization and the compounder's name on the back of original prescription and indicate whether it is the first or second refilling. A new prescription, naturally, is not to be considered a refill.

Based on the rules developed by the District of Columbia Pharmaceutical Association and supplemented with subsequent expressions of opinion by the Food and Drug Administration, the list of drugs which should be dispensed only on prescription, appears below.

The list is not "official." There is no such thing as an "official" list. Several pharmaceutical associations have published similar lists of so-called dangerous drugs which should not be sold over-the-counter, and the impression may have been created that such lists have been issued officially by the Federal Food, Drug and Cosmetic Act or that the drugs listed have been banned by governmental decree. Such is not the case, although these lists do offer sound guidance to the pharmacist in complying with the law and are a helpful activity on the part of these associations.

DANGEROUS DRUGS

This is Not an Official List but Only Offers Guidance to Pharmacists.

Acetanilid
Acetanilid and Bromides
Aconite
Aminopyrine
Ammoniated Mercury Ointment
Antipyrine
Aspidium
Barbiturates
Benzedrine Sulfate
Bromides
Cantharides
Carbon Tetrachloride
Chenopodium
Chrysarobin
Chrysophanic Acid
Cinchophen
Colchicine
Colchicum
Digitalis
Dinitrophenol
Emetine
Epinephrine
Ipecac
Mercuric Chloride Ointment
Neocinchophen
Phosphides
Phosphorus
Radium
Santonin
Squill
Strophanthus
Strychnine
Sulfanilamide
Sulfapyridine and Sulfathiazole
Tetrachlorethylene
Thiocyanates
Thymol
Thyroid

CITY OF MADISON CIGARETTE LAWS

General Ordinances of the City of Madison

9.08. (1) It shall be unlawful for any person, firm, or corporation, in any manner, directly or indirectly, upon any pretense or by any device, to manufacture, sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes, cigarette paper or cigarette wrappers, or any paper made or prepared for the purpose of being filled with tobacco in the city of Madison without first obtaining a license therefore, as hereinafter provided.

(2) License for the manufacture, sale, exchange, barter, disposition of or giving away or keeping for sale of cigarettes, cigarette paper, or cigarette wrappers made or prepared for the purpose of being filled with tobacco for smoking in the City of Madison, shall be issued by the city clerk. Every such license shall be issued on the first day of July in each year or thereafter whenever applied for and shall continue in force from date of issuance until the succeeding thirtieth day of June, unless sooner revoked for a violation of this section as herein provided.

(3) Every person, firm, or corporation desiring a license under this section shall file with the city clerk a wrritten application therefore stating the name of the person and the place for which such license is desired. Every license shall be signed by the city clerk and shall name the licensee and the place wherein he is authorized to conduct such business and the same shall not be delivered until the applicant shall produce and file with such clerk a receipt showing the payment of a license fee of five dollars to the city treasurer.

(4) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than five and not more than one hundred dollars for each offense; and each day when any cigarettes or cigarette papers or wrappers are manufactured, sold, or disposed of within the City of Madison without a license having been issued therefore shall be a separate offense.

The ordinance above is in agreement with Wisconsin Beer, Liquor, and Cigarette Laws Section 352.50, Miscellaneous Provisions Relating to Sale and Manufacture of Cigarettes; Local Licenses; and Prohibiting Sale of Cigarettes to Minors.

Therefore as far as the retail druggist is concerned he has only to apply for a license to the city clerk and upon paying his five dollar fee will receive the license to sell cigarettes and related tobacco items. No state license is required.

Section 352.50 (b) deals with the sale of cigarettes to minors:

> Any minor being in possession of any cigarettes, --- to tell where or from whom such cigarettes, cigarette paper or cigarette wrappers were obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five dollars,---.

Section 139.50 Cigarette Tax, deals with the state taxes on cigarettes and related tobacco products. Yet this is of no concern to the retail pharmacist engaged only in intrastate business since his cigarettes, cigarette papers, etc. will be shipped to him from his wholesaler or jobber with the required stamps already affixed.

Section 352.50 (5) deals with the penalties for selling cigarettes to minors, selling without a license, etc.

> (5) Any person violating any of the provisions of subsection (1), (2), (3), (4) or (5) of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars nor less than twenty-five dollars for the first offense and by a fine of not more

than two hundred dollars nor less than twenty-five dollars for the second or subsequent offense, after the passage of this act. And if upon such second or subsequent violation, the person so violating subsection (1), (2), (3), (4) or (5) of this section shall have been personally guilty of a failure to exercise due care to prevent violation thereof, he shall be punsihed upon conviction thereof by a fine of not more than three hundred dollars nor less than twenty-five dollars or by imprisonment in the county jail not exceeding sixty days or by both such fine and imprisonment, and such conviction shall immediately terminate the license of the person so convicted and such person shall not be entitled to another license hereunder for a period of five years thereafter, nor shall he in that period act as the servant or agent of a person licensed hereunder for the performance of the acts authorized by such license.

Form G-25-44

Application for License for Sale of Cigarettes

No._____

TO THE CITY CLERK OF THE CITY OF MADISON

The undersigned respectfully requests that a license be granted him for the manufacture, sale, exchange, barter, disposition of or giving away or keeping for sale of cigarettes, cigarette papers and cigarette wrappers, as provided by section 4608f of the Statutes of Wisconsin, as amended by chapter 135, laws of 1915, at his place of business, situated at No._____ Street, in said City. Expires June 30, 19____.

_____
Applicant

$5.00 to accompany application.

Dated _____

WISCONSIN LIQUOR LAWS

State Statutes

The laws regarding the sale of liquors, permits, tax stamps, etc. are quite lengthy and involved. Therefore instead of entirely quoting laws and ecplaining them I have abstracted the existing state of conditions in the State of Wisconsin and noted any points which I deemed pertinent to the retail pharmacist, quoting any material I believed especially interesting or necessary.

Since of necessity the city laws must follow closely those of the state I have taken most of this material from the phamphlet issued by the Beverage and Cigarette Tax Division entitled "Wisconsin Beer, Liquor and Cigarette Laws", May 25, 1942. As far as fees are concerned and differences between the state law and city ordinances of the City of Madison I have indicated the latter by putting the city ordinance change in parenthesis after the state law involved.

There are two types of licenses a pharmacy can and may possess - a Class A License and a Pharmacist's permit. Let us discuss the latter first since it is almost always in evidence, while the Class A License is not often deemed necessary or desirable.

176.18 Pharmacist's Permit.

(1) The governing body of any town may, upon application, grant to any registered pharmacist a permit to sell within such town intoxicating liquors in quantities less than one gallon for medicinal, mechanical or scientific purposes only and not to be drunk on the premises. The permit shall not cost over ten dollars (City of Madison $10.00 plus publication fee of 50¢) and shall be granted and issued as provided for in section 176.05, which briefly is:

a. Application blanks are furnished by the State treasurer and sworn to by the applicant. Approved by the city council before May 15th of each year.

b. License or permit, blanks furnished by the state treasurer, issued by the city clerk after producing and filing with the city clerk a receipt showing payment of necessary fees to the city treasurer.

c. All licenses shall remain in force until the first day of July next after the granting thereof.

(2) No sale may be made by the pharmacist until the purchaser signs a certificate stating the use of the intoxicating liquor, medicinal, scientific, or mechanical, and that it is not for a beverage; and also in the case on a physician's prescription the date, number and name of the physician issuing the prescription.

(3) These original certificates are filed with the city clerk at the end of each month. Each city clerk is authorized to destroy said certificates every ninety days.

(4) A book (actually merely carbon copies of the original certificates) must be kept by the pharmacist and filed with the city clerk the third Tuesday in April of each year. The clerk, in turn, must destroy these records every two years except that these records shall be kept on file for a period of one year after the filing of same.

(5) Any person who makes a false statement to a physician or to a pharmacist in order to obtain any intoxicating liquor for other than medicinal, mechanical or scientific purposes and a sale is thereby made, and any pharmacist who neglects or refuses to comply with any of these requirements, shall be punished by a fine of not less than forty dollars nor more than two hundred dollars, besides the cost of suit, or by imprisonment in jail not less than thirty days nor more than eight months.

(6) If any pharmacist is convicted of violating any of these provisions the court rendering judgment for such conviction may cancel and annul defendant's permit.

(7) Each container containing intoxicating liquor having an alcoholic content of 21% or more by volume dispensed by the holder of a pharmacists permit shall bear a state stamp in addition to any other provided for by law. These stamps are furnished by the state treasurer and vary from $.005, up to and including 8 ounces, to $.02 for more than 16 and up to 32 ounces.

These stamps will be affixed by the jobber or wholesaler supplying the liquor, and yet the pharmacists must keep this in mind and check to make sure the correct stamps are affixed to the bottles. These are special Pharmacist Tax Stamps and must be affixed in addition to the regular tax stamps when liquor is sold under a Pharmacist's Permit.

(8) No advertising of any sort is permitted with only a pharmacist's permit, and liquor may be displayed onlyupon wall shelving not to exceed three feet in length. Violation here shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars or by imprisonment in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment. Nothing herein shall be construed to prohibit the display of the permit required by this section.

Some interesting rulings have been made by the Attorney General in regard to Pharmacist's Permits for the sale of intoxicating liquor.

City may not by ordinance require registered pharmacist holding permit xxx to take out also "Class A" license for sale of intoxicating liquors. Municipality has discretion to refuse pharmacist's permit under (1), but such discretion may not be abused. Municipality may not require that liquor be sold only on prescription for scientific and mechanical purposes. 27 Atty. Gen. 495.

City may not by ordinance set up regulations respecting sale of intoxicating liquors for medicinal or scientific purposes which are in conflict with this section. Requirements or regulations not required by said section are in conflict therewith. 27 Atty. Gen. 650.

The City of Madison adopted the provisions of section 176.18 of the Wisconsin Statutes completely in an Ordinance Amending and Revising Section 9.095 of the General Ordinances of the City of Madison entitled "Licensing and Regulating the Sale of Intoxicating Liquors."

The CLASS "A" LICENSE.

Since the material on intoxicating beverages and especially Class "A" licenses is very extensive I have only quoted and abstracted portions which I deem of interest to the retail pharmacist. The complete regulations may be found in the pamphlet entitled "Wisconsin Beer, Liquor and Cigarette Laws" issued by the Beverage and Cigarette Tax Division in May of 1942.

Under 66.05 (1) Licenses for Fermented Malt Beverages of the Wisconsin State Statutes are listed the general requirements for licenses:

1. No person shall sell fermented malt beverages unless licensed by the governing board of the city, village or town in which the place of business is located.
2. The governing body of any city, village or town shall have the power, but shall not be required, to issue licenses to wholesalers and retailers within its respective limits. The retailers' licenses shall be of two classes, to be designated as Classes "A" and "B".
3. The electors of any city, village or town may, by ballot, at the spring election, determine whether or not Class "B" retail licenses shall be issued for the sale of fermented malt beverages for consumption on or off the premises where sold, or whether or not Class "A" retail licenses shall be issued for the sale of fermented malt beverages for consumption away from the premises where sold, in the manner of petition and ballot as described in section 66.05 (d),3.
4. The Class "A" retailers' license may be issued to persons of good moral character, who shall be citizens of the United States and of the state of Wisconsin and have resided in this state continuously for not less than one year prior to the date of the filing of the application for said license. This license shall authorize sales of fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers, or bottles and unrefrigerated. The license fee shall not exceed $10 per year or fractional part thereof. Not more than 2 Class "A" licenses shall be issued in the state to any one corporation or person. Also no such license shall be issued to any person acting as agent for or in the employ of another.

5. Nothing in the state statutes shall be construed as prohibiting or restricting any city, village or town ordinances from placing additional regulations upon the sale of fermented malt beverages, not in conflict with the terms and provisions of this subsection.

The tax on fermented malt beverages is handled by the means of tax stamps issued by the state treasurer and is covered in Wisconsin Statutes 139.01 to 139.35. The tax varies with the per cent of alcohol present by volume - the beverage containing 21% or more of alcohol by volume having approximately four times the tax of that with an alcoholic content of less than 21%.

139.26 (1a) Whenever the tax imposed by this section has been paid on intoxicating liquors and such intoxicating liquors are supplied to hospitals, for hospital or medicinal purposes or has been paid on alcohol and such alcohol is supplied to institutions of learning or museums for nonbeverage purposes, the person, firm, or corporation making the purchase of such alcohol or intoxicating liquors shall, upon application to the state treasurer, be entitled to a refund of an amount equivalent to the tax paid on such alcohol. Application for refund or tax exemption shall be made upon a form prescribed by the state treasurer and under such rules and regulations as he may promulgate.

3. The payment of these taxes shall be evidenced by the affixing of beverage tax stamps to the containers of all intoxicating liquors.

4. 1939.28 Distribution of revenues is not of any use, but may be of interest:

(2) after the sum required by the appropriations made by sub section (6) of section 20.05 of the statutes has been set aside, the balance of all revenues derived from the occupational tax on intoxicating liquors shall be distributed to the cities, towns and villages and shall be used by them to reduce the tax on general property. Such distribution shall be made semiannually and all cities, towns, and villages shall share therein in proportion to their population in the last federal census.

5. A retailer must purchase intoxicating liquor from a Wisconsin manufacturer, rectifier or wholesaler holding a permit to engage in the sale of liquor in Wisconsin under the provisions of chapter 176.

Eleven Fermented Malt Beverage Regulations are in effect in the State of Wisconsin covering stamps, registration and cancellation. None of them are of particular interest to the retail pharmacist as he will purchase his liquor with the stamps already affixed and cancelled. It must only be borne in mind to check and be sure that said stamps are present as the retailer is subject to penalty and fine for displaying or selling fermented malt beverages not possessing the correct tax stamps.

Chapter 176

Intoxicating Liquors

176.04 Sale without license; penalty (1) Any person selling or dealing in intoxicating liquors without a license shall be punished by a fine of not less than two hundred fifty dollars nor more than one thousand dollars, besides the cost; or by imprisonment not to exceed one year nor less than three months. In case of a second or subsequent conviction in the same year the punishment shall be both by fine and imprisonment.

(3) No license shall be required for the use of intoxicating liquor in hospitals or in bona fide institutions for the aged and the infirm where such liquor is used for medicinal, mechanical, or scientific purposes only or for one licensed to practice surgery or medicine in using alcohol in any form in the bona fide treatment of the sick or in using or prescribing such alcohol for such bona fide treatment. However, a permit to receive shipments of such intoxicating liquor must first be obtained from the state treasurer as otherwise provided for in section 176.401.

176.041 Expiration of licenses. All licenses or permits issued by the state treasurer pursuant to the provisions of this chapter, unless otherwise specified, shall be issued January first of the licensed year and shall expire December thirty-first of the licensed year.

176.05 Liquor licenses. (1) Authority to grant Licenses. Each town board, village board, and common council may grant retail licenses as they deem proper within their own respective towns, villages, or cities for the sale of intoxicating liquor.

(2) Kinds of Licenses. (a) Licenses to sell or traffic in intoxicating liquors shall be designated either "Retail Class A" or "Retail Class B". The retail pharmacist will be interested only in the Class "A" license which permits its holder to sell intoxicating liquors only in original packages or containers, in quantities of not more than three wine gallons at any one time, and to be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity.

(3) Limitation to Same Persons. Not more than two retail "Class A" licenses shall be issued in the state to any one person or corporation. No license shall be issued to any person acting as agent for or in the employ of another.

(3a) Federal Stamp Tax A Prerequisite. No license shall be issued to any person until such person has obtained a valid federal tax stamp appropriate to his business.

(4) License Fees. The license fee shall be the same for each class of licenses and the amount as determined by the governing body of the village city or town issuing the license, except that the minimum fee shall be fifty dollars and the maximum fee shall be five hundred ollars. (Madison-$450 per year for Class "A" and "B". Paragraphs (a) and (b) of subsection (7) of section 9.095 of the General Ordinances of the City of Madison entitled "Licensing and Regulating the Sale of Intoxicating Liquor").

(5) Form; Duration. The application for a license to sell intoxicating liquor and "fermented malt beverages" shall be furnished by the state treasurer and distributed to the retailer through the local licensing body. Except for semi-annual licenses as defined in subsection (6) of 176.05, all licenses shall remain in force until the first day of July next after the granting thereof, unless sooner revoked. They shall not be delivered until the applicant shall produce and file with the clerk a receipt showing the payment of the sum required to the proper treasurer. If the licensee shall die or become bankrupt the license is transferrable provided the transferee or assignee is acceptable to the licensing authorities, secures their consent, and meets all the requirements of law applicable to the original applicants.

(8) Annual License Meetings. All village and town boards shall meet not later than May 15th of each year to act upon applications of license which have been presnted to them on or before April 15th, and all licenses must be granted or denied by June 15th, provided that nothing shall prevent any governing body from granting any licenses which are applied for after July 1.

(9) Where And To Whom Licenses Not Granted. No license shall be granted for the sale of intoxicating liquors to any person not of good moral character and a full citizen of the United States and of this state and who has not resided

in this state continuously for at least one year prior to the data of filling the application; nor to a person who has habitually been a petty law offender, or who has been convicted of an offense against the laws of this state punishable by imprisonment in the state prison, unless the person so committed has been duly pardoned.

(11) Restrictions on Premises Under Retail "Class A" or "Class B" Licenses. At all times upon premises operated under a retail "Class A" license the selling of intoxicating liquors must be done by or under the supervision of the licensee or a person holding an operators license. An operator's license is described under subsection (10) of section 66.85. This license is issed by the city council, village or town board to persons meeting approximately the same requirements as those for the licensee. The fee shall not be over five dollars a year, and expires the thirtieth day of June of each calendar year.

(12) License Framed and Posted. Every license for the sale of intoxicating liquor or malt beverages must be framed and conspicuously posted so that all persons visiting the place of business may see the same.

176.07 Blinds prohibited when premises closed. A full and complete view from the outside of any retail establishment licensed to sell intoxicating liquors is required at all times, regardless of whether the store is opened or closed.

Several statutes are of importance in prohibiting the sale of liquor to certain persons. Briefly they are:

176.26. Liquor; sale forbidden; to whom. (1) When any person because of excess drinking becomes dangerous to a community or exposes his family to want, the wife of such person, the mayor, chief of police, and others may in writing forbid all persons to sell or give away any intoxicating liquors to such a person by any person in any town, city, or village to which such person may resort for the same. A copy of said writing so signed shall be personally served upon the person so intended to be prohibited from obtaining any such liquor.

176.28. Sale to forbidden person; evidence; pleading.

(1) A person found guilty of selling or giving away intoxicating liquor to a prohibited person shall be punished by a fine not exceeding two hundred fifty dollars and costs; and in default of imprisoned not less than sixty days.

(2) The person to whom the selling to has been prohibited may be arrested on complaint of the wife of such person, mayor, and others and brought before the justice of the peace to testify where he obtained intoxicating liquor. If he refuses to testify he may be committed to the county jail or house of correction until he shall so testify or be discharged by order of the court.

176.30. Minors; intoxicated persons; hospitals. (1) Any person selling intoxicating liquor to a minor or an intoxicated person shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, by imprisonment in the county jail or house of correction not to exceed sixty days, or by both fine and imprisonment.

(2) When the offense is selling intoxicating liquor to a minor under seventeen years of age the guilty person shall be punished by a fine of not less than two hundred normore than five hundred dollars, or by imprisonment not less than thierty days nor more than eight months, and in all cases of subsequent offense by imprisonment only. (Madison - not less than two hundred dollars).

(3) No person shall sell intoxicating liquor within one mile of any hospital for the insane except the central state hospital for insane at Waupun.

176.31. Minor's misrepresentation to procure intoxicating liquor; penalty, Any minor misrepresentating his age for the purpose of obtaining intoxicating liquor shall be fined not less than ten dollars nor more than fifty dollars, or by imprisonment not to exceed ten days, or by both such fine and imprisonment.

176.34. Sale on election day. Any person selling intoxicating liquor on any election day until after the polls are closed shall be fined not less than one hundred and not more than two hundred dollars, or by imprisonment not to exceed sixty days or by both fine and imprisonment.

176.341. Sale from original container. Any person adding to or diluting any intoxicating liquor for the purpose of offering the same for sale from or in an original container shall be fined not less than two hundred fifty dollars nor more than five hundred dollars or by imprisonment not less than sixty days nor more than six months or by both such fine and imprisonment.

Alcohol may be used in other ways than as a beverage. Here the pharmacist is involved whether he is manufacturing his own creams and lotions or whether he is merely selling patent proprietaries and toilet preparations. The statutes which apply are as follows.

176.401 Exemptions. (1) The tax imposed by chapter 139 shall not apply to alcohol intended for use and used in the manufacture and sale of any of the following when unfit for beverage purposes, namely:

(a) Denatured alcohol produced and used pursuant to acts of congress and regulations promulgated thereunder;

(b) Patent, proprietary, medicinal, pharmaceutical, antiseptic, and toilet preparations;

(c) Flavoring extracts, syrups, and food products;

(d) Scientific, chemical, mechanical, and industrial products.

(2) Any person who shall knowingly sell any of the products enumerated in paragraphs (a), (b), (c), or (d) for intoxicating beverage purposes, or who shall sell any of the same under circumstances from which he might reasonably deduce the intentions of the purchaser to use them for such purposes, shall be subject to the penalties provided for in section 176.41 of this chapter. (Fine of not more than five hundred dollars, or by imprisonment for not more than ninety days, or by both fine and imprisonment).

176.403 Industrial alcohol permit. (1) Any person who proves to the state treasurer that he uses alcohol for industrial purposes may be issued an "industrial alcohol permit" which shall allow such person to purchase and use alcohol for such purposes only.

(2) Shipments made of such alcohol shall be conspicuously labeled "for industrial purposes" and shall meet such other requirements as the state treasurer may prescribe by regulation.

(3) Such permit shall be issued by the state treasurer for the fee of ten dollars.

176.404 Medicinal permit. (1) Any person who proves to the state treasurer that he uses alcohol for medicinal purposes may be issued a "medicinal alcohol permit" which shall allow such person to pruchase and use alcohol for such purpose only.

(2) Shipments made of such alcohol shall be conspicuously labeled "for medicinal purposes" and shall meet such other requirements as the state treasurer may prescribe by regulation.

(3) Such permit shall be issued by the state treasurer without fee.

The City of Madison has adopted the Wisconsin Beer and Liquor Laws almost verbatum in its City Ordinances. Herewith are listed only the changes or limitations as specified by these ordinances as amended May 25, 1936.

9.095. Licensing and Regulating the Sale of Intoxicating Liquor.

(4) Application for License. (a) No license shall be granted until the fees required are paid to the city treasurer and a written application filed with the city clerk of the City of Madison.

(b) No license to sell intoxicating liquor shall be granted until after the expiration of fifteen days from the filing of the application therefore and before any such license may be granted there shall be published in the official paper at least three times successively a notice of such application, containing the name and address of the applicant, the kind of license applied for, and the location of the premises to be licensed. The applicant for license shall deposit the fees required for such publication with the city clerk at the time of filing the application, and the city clerk shall thereupon cause such publication to be made.

(d) Bond. A one thousand dollar bond must be filed with the city clerk to the State of Wisconsin and to the City of Madison before the license may be granted.

No bond is required for a pharmacist's liquor license.

(9) Limitations Upon Issuance of Licenses.

(i) No more than 25 Retail Class A Licenses shsll be granted by the City of Madison to be effective in said city at any one time.

(k) No Retail Class A or Class B Liquor License shall be issued to any person under the age of 25 years.

(l) No Retail Class A or Class B Liquor License shall be issued to the University area as specifically defined in this subsection.

(6) It shall be unlawful to use the word "saloon" upon any sign or advertising or as a designation of any premises in or upon which intoxicating liquor is sold or kept for sale.

(b) Restrictions Applicable to Both Class A and Class B Liquor Licenses.

(3) No checks other than the customer's personal check shall be cashed or accepted in payment for liquor.

(e) Restrictions Applicable to Pharmacist's Liquor License. It shall be unlawful for any intoxicating liquor to be sold or kept for sale under any Pharmacist's Liquor License except in quantities less than one wine gallon, for medicinal, mechanical, or scientific purposes only, and not to be consumed on the premises. The provisions of section 176.18 of the Wisconsin Statutes are hereby adopted by reference, and any violation of such provisions shall be deemed a violation of this section.

APPLICANT WILL MAKE OUT IN DUPLICATE. CLERK IS TO FORWARD DUPLICATE TO BEVERAGE TAX DIVISION

Form ABT 2015
State Treasury Department
Beverage Tax Division

INDIVIDUAL FORM

License Fee 10.00
Publication Fee .50
Total Fee 10.50

APPLICATION FOR: (Check license(s) applied for)

Retail Fermented Malt Beverage License—Class "A"_____ Class "B"_____

Retail Intoxicating Liquor License—Class "A" _____ Class "B" _____

Pharmacist's Permit ✓ Wisconsin Pharmacist's Certificate No. 1234

Wholesaler's Fermented Malt Beverage License_____ Registration No. WB_____

_____, Wisconsin

_____, 19____.

To the (City Council) (Town Board) (Village Board) of the (City) (Town) (Village) of_____
(Cross out two) (Cross out two)

_____ County of _____ Wisconsin

The undersigned hereby applies for a (retail) (~~wholesale~~) license to sell (~~fermented malt~~ beverages)
(Cross out one) (Cross out one

(and intoxicating liquor) at the premises described below from the _____ day of
if not combination)

_____, 19____, to the _____ day of _____, 19____.

ANSWER THE FOLLOWING QUESTIONS FULLY AND COMPLETELY

1. APPLICANT: (Print name and address plainly)

(a) Full Name of Applicant _____
Last Name First Name Middle Name

(b) Home Address _____

2. **LOCATION AND DESCRIPTION OF PREMISES FOR WHICH APPLICATION IS MADE: (The entire premises occupied by applicant and used in conjunction with the conduct of the business for which application is made are to be included in the description and the license issued pursuant thereto, and shall be specifically described below.)**

(a) Street number _____

(b) Trade name of establishment _____

(c) Physical description of building, buildings or premises _____

_____

(d) Legal description _____

(e) Is any other business operated on same premises?_____ If so, what?_____

_____

3. Are you a full citizen of the United States?_____ Of Wisconsin?_____

4. For how long immediately prior to making this application have you resided continuously in the State of Wisconsin?_____ Place of residence last year?_____

5. In making this application are you acting (a) as agent for another?_____ Who?_____

_____ (b) in the employ of another?_____ Who? _____

6. Have you made, or are you making, (during current license period) application for more than one other intoxicating liquor and/or beer license in the State of Wisconsin?_____ If so, give date and place and kinds of licenses for which applications are made_____

7. Have you ever been convicted for violating Federal or State laws?_____ Specify offenses, giving dates and places of conviction_____

_____

8. Give name and address of all parties who occupied the proposed licensed premises for the past year

Name	Address	Date

ALL APPLICANTS FOR CLASS "B" LICENSES MUST ANSWER THE FOLLOWING

9. If granted, state any interest, directly or indirectly, that any brewer, bottler, wholesaler, manufacturer, or rectifier will hold in the license for which you are applying _____

_____

10. Have any fixtures been installed in or attached to the premises since May 24, 1941?_____
Who owns these fixtures?_____

11. If you do not own the fixtures, state the manner, terms and conditions under which said fixtures are held _____

_____

_____
(Signature of Applicant)

State of Wisconsin }
County of _____ } ss.

_____ being first duly sworn
Name of Applicant

on oath deposes and says that he is the applicant named in the foregoing application, and that he has read (or had read) each of the questions in said application to which he has made answer, and that his said answers in each instance are true and correct.

_____
(Signature of Applicant)

Subscribed and sworn to before me

this _____ day of _____, 19____

_____

Notary Public, _____ County, Wis.

My Commission Expires _____

CLASS OF BUSINESS | License No. | Filed with Clerk | Reported to | Reported to | Reported to | Reported to | Action of Board or Council | Approved Date | Denied Date | Clerk

CITY OF MADISON NON-INTOXICATING LIQUOR LAWS

General Ordinances of the City of Madison

909. (1) No non-intoxicating liquor shall be manufactured, sold at wholesale or retail or sold for consumption on the premises, or kept for sale at wholesale or retail, or for consumption on the premises where sold in the City of Madison without a license having been obtained therefore as hereinafter provided.

(2) Licenses for the manufacturer or sale of non-intoxicating liquor in the City of Madison shall be issued by the city clerk. Every such license shall designate the specific premises for which granted, and shall expire on the thirtieth day of June after its issuance.

(3) No such license shall be delivered until the applicant for same shall file with the city clerk a receipt showing the payment of a license fee of five dollars to the city treasurer. The full license fee shall be charged for the year or any fraction of the year.

(4) The phrase "non-intoxicating liquor" as used in this section shall be deemed to include all liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, fit for use for beverage purposes, containing alcohol in any degree but less than one-half of one per cent by volume.

(5) Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be subject to a fine of not less than five nor more than one hundred dollars for each offense; and each day or part of day when any non-intoxicating liquor shall be manufactured, sold, or kept for sale without a license having been issued therefor shall constitute a separate offense.

This license must be obtained by the retail drug store in connection with operating a fountain, and pertains to the sale of soft drinks. A separate license must be obtained for the sale of milk and milk products in the City of Madison.

There is nothing puzzling or outstanding about this ordinance. Still it must not be forgotten before starting business. This, of course, is an ordinance of the City of Madison, yet undoubtedly every city or town has a similar regulation.

Form G-31-44

Application for a Permit to Deal in Beverages Containing NO ALCOHOL

No. _____

TO THE CITY CLERK, MADISON, WIS.

The undersigned, a resident of the City of Madison, Wisconsin, respectfully requests that a permit be issued to him for the sale of beverages containing no alcohol, at his place of business, No. _____ _____ Street, in the City of Madison, aforesaid.

I hereby represent that I have not been convicted of a violation of either the State or Federal Prohibition Acts. Expires June 30th, 19____.

_____
Applicant

$5.00 to accompany application.

Dated _____

CITY OF MADISON MILK SALE LAWS

General Ordinances of the City of Madison

7.08. License for the Sale of Milk and Cream. It shall be unlawful for any person, association, or corporation to sell, offer for sale, or have in his or its possession with intent to sell or deliver in the City of Madison any milk, cream, or milk products without having first obtained a license therefore from the clerk of said city as hereinafter provided.

7.09. Application for License - Inspection. (1) An application shall be made in writing to the clerk of said city setting forth: (See attached application).

xxx

(c) If the applicant does not keep cows, the source or sources from which he obtains milk or cream for sale or delivery.

(d) Said applicant shall also present written consent from each person from whom he obtains milk and cream, granting to the health department or its authorized representative free and open access to his premises for the purpose of making an inspection of the sanitary conditions of same.

(e) The application shall state whether pasteurized or unpasteurized products are to be sold.

(2) Upon receipt of such application, the health department shall cause to be made an inspection of the sanitary conditions of the place of business for which such application is made for license, and upon recommendation of the health department that the applicant has complied with all the provisions of sections 7.08 to 7.16 inclusive, and that it has made a through examination of the purposed dairy or place of business, and that in its judgment the proposed location and surroundings are in good sanitary condition, sufficient and proper in every way for conducting the proposed business in accordance with the terms of this chapter, and that all said animals are free from disease, and that in its judgment the applicant is a proper person to conduct a dairy, or to engage in the sale of milk and cream and milk products, and has complied with the terms of this chapter; and on the payment of one dollar, said clerk shall issue a license showing that the person, association, or corporation to whom the same is issued has complied with this chapter and the rules and regulations adopted by and in connection or in pursuance of it, in the name of the applicant or dairy, or place of business.

(3) Each license shall expire on the thirtieth day of June following the day of issue unless sooner revoked as hereinafter provided.

There are many other regulations dealing with milk and milk products, which concern chiefly the dairy bottling the milk.

Phamacists, as businessmen, are concerned with the fountain; and should be familiar with these ordinances relating to the use and sale of milk. One other ordinance should be presented:

7.17 General Provisions Pertaining to Milk Regulations, and the Enforcement Thereof.

xxx

(3) All milk, cream, or milk products sold or offered for sale for consumption upon the premises as a beverage shall be delivered to the patron or customer in the original bottle bearing a cap labeled according to the provision of this chapter and it shall be unlawful to offer for sale for beverage purposes so-called bulk milk or tank milk, or milk transferred from the original container in any manner.

Do not fill this side

LICENSE NUMBER

.....

APPLICATION

of

.....

.....

for

License as Dealer in Milk and Cream

GROCERY STORE OR MEAT MARKET

CITY OF MADISON

WISCONSIN

Filed .....

License issued.....

.....

City Clerk.

CITY OF MADISON RESTAURANT LAWS

General Ordinances of the City of Madison

7.07. Regulations Regarding Foods Handled by Restaurants and Other Public Places.

(1) No meats, fish, fruit, vegetables, or other articles of food shall be sold or offered or held for sale as food unless the same is fresh or properly preserved, sound, wholesome, and safe for use as food, nor shall any flesh of any animal which died by disease be sold or offered for sale in the City of Madison.

(2) xxx

(3) All restaurants and other places where food products are manufactured or sold to the public shall be maintained in a clean and sanitary condition and no food shall be prepared, handled, or cared for in any unclean manner or near any filth object nor by any person wearing filth clothing nor by any person afflicted with a loathsome or veneral disease; and all sweeping, dusting, and cleaning in any such place shall be done with a moist cloth, or combined with sprinkling of other methods so as to allay the dust. All food stuffs shall be suitably covered or otherwise protected from contamination. No sleeping room, urinal, watercloset, ash pit, or coal bin shall connect directly with any room used for cooking, preparation, or storage of food.

(4) All restaurants shall be equipped with covered metallic cans for retaining and keeping all garbage or waste ina sanitary manner, which cans shall be disinfected when necessary. All garbage or waste shall be so kept that it will not create a nuisance or contaminate the kitchen or other rooms by odors.

(5) The doors, windows, aperatures, or other openings to all restaurants or other places where food is prepared for, disposed of, or sold to the public shall from May 1 to October 1 in each year be screened with a five mesh wire.

(6) Ice cream and butter sold or offered for sale in the City of Madison shall in every particular be standard and as fixed by the laws of the State of Wisconsin at the time the same is sold or offered for sale.

(7) The board of health of the City of Madison is hereby authorized and directed to seize and destroy any articles of food or drink which are offered or held for sale as food or drink which have become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk.

(8) The term food as used herein includes all articles used for food or drink by man, whether simple, mixed, or combined.

(9) Any person violating the provisions of this section shall be punished by a fine of not less than five dollars nor more than one hundred dollars.

The ordinance is simple and straight forward. It is quoted only as a reminder that sanitary conditions must prevail around the fountain and to give a sort of check list to follow: screens, clean employees, garbage disposal, and the like.

On May 17, 1945 Subsection (3) of section 7.075 of the General Ordinaces of the City of Madison entitled "License for Restaurants" was amended to read as follows:

(3) Fee. The annual fee for permits shall be $15.00. The fee shall accompany the application.

A-4

APPLICATION FOR RESTAURANT LICENSE

_____ _____

Name Address

hereby makes application for a restaurant license for the year January 1, 19___, to December 31, 19___, under the provisions of Section 7.075 of the General Ordinances of the City of Madison.

No. of persons handling, preparing, dispensing, or serving food? _____

In consideration of the granting of a permit herein applied for, we hereby authorize officers and authorized inspectors of the Board of Health of the City of Madison to enter the premises conducted as a restaurant at the address herein indicated for the purpose of making inspections and enforcing the provisions of Section 7.075 of the General Ordinances of the City of Madison.

FEE ~~$5.00~~ $15.00 Dated this _____ day of _____ 19___.

_____

By _____

25,000–11–8–45

Wisconsin Rules and Regulations Governing the Sanitar

The following regulations were adopted by the State Board of Health, pursuant to Chapter 160 of the Statute 1934; Section 2 Rule (e) Changed April 14, 1944 and published in the official State Paper April 22, 1944, and have

STATUTORY REQUIREMENTS. ABSTRACTS FROM CHAPTER 160 WISCONSIN STATUTES

160.01 DEFINITIONS.

"Restaurant" means and includes any building, room or place wherein meals or lunches are prepared or served or sold to transients or the general public, and all places used in connection therewith. The term "meals or lunches" as used herein shall not include soft drinks, ice cream, milk, milk drinks, ices and confections. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter shall not constitute such taverns to be restaurants.

"Public health and safety" means the highest degree of protection against infection, contagion and disease that a * * * restaurant will reasonably permit.

160.02 PERMIT.

Everyone conducting a * * * restaurant shall procure an annual permit from the state board of health for each place, except that one permit * * * shall be sufficient for a combined hotel and restaurant where both are conducted in the same building and under the same management. The permit shall expire on December thirty-first, and shall not be transferable. No * * * restaurant shall be conducted, advertised or held out to the public as such without permit.

160.03 FEE.

"The annual fee for permit shall be three dollars * * *. The fee shall accompany the application."

160.05 RULE OF HEALTH AND SAFETY.

"Everyone, owning, managing, controlling or maintaining any * * * restaurant shall conduct and maintain the same with a strict regard to the public health and safety and in conformity with this chapter and the rules, regulations and orders of the state board of health."

RULES AND REGULATIONS

SEC. 1.—PERMIT.

Before opening for business, every restaurant owner or manager shall obtain a permit from the State Board of Health, made upon an application blank furnished by the Board. The restaurant permit must be conspicuously displayed. A copy of the restaurant rules and regulations must be posted in a convenient place for employees.

SEC. 2.—KITCHEN.

(a) Every such kitchen connected with a restaurant shall be properly lighted and ventilated. Ventilation must be sufficient to remove the gases and fumes caused by the preparation of foods.

(b) The doors, windows and any other openings shall be properly screened against flies and other insects.

(c) Walls, ceilings and floors in every kitchen, pantry and food store room must be kept clean and in good condition at all times. The ceilings and walls must be plastered or covered with metal or other acceptable non-absorbent material, and painted as often as necessary. The use of paper or calcimine on walls and ceilings in kitchens, pantries and food store rooms is prohibited.

(d) Surfaces on which food is prepared or served, or dishes washed, must be of hardwood construction, with tight joints, or covered with metal or other non-absorbent material.

(e) All dishes, glasses, cutlery, and cooking utensils shall be washed with hot water and soap and rinsed with boiling hot water or rinsed in a chlorine solution of 200 ppm or an equivalent acceptable to the State Board of Health after each usage. All places serving beers, liquors, or other liquids where a quick rinse is customary for sterilizing glasses, mugs, etc., shall be equipped with three rinse tanks, one for a refuse rinse, the second for a clear water rinse, the third for a chemical rinse containing 200 ppm of chlorine or an equivalent acceptable to the State Board of Health, and when not in use, properly stored and protected from dust, insects and rodents.

(f) All stoves, sinks, dishwashing apparatus, wash racks, shelves, tables, counters, meat blocks and meat racks must be kept clean.

(g) All garbage, while in the kitchen, shall be kept in water-tight containers, and removed after each meal.

(h) All foods shall be handled, prepared and served under clean and sanitary conditions. Milk and cream shall be kept in covered containers under refrigerated condition until served or used.

(i) All foods when displayed must be protected from flies, insects, dust and from handling by the public.

(j) All perishable food products, cooked and uncooked, shall be kept under refrigerated condition until used. The use of tainted or spoiled foods is prohibited. All foods, including vegetables, served raw shall be thoroughly washed in clean, safe water.

(k) Meats and foods must not be placed in direct contact with ice. Decayed, contaminated or unwholesome food shall not be stored or served. Contents of cans must be removed when cans are opened.

(l) Drains from ice boxes and refrigerators must be connected with the building drain and properly trapped. Where building drain is not available, a drain pipe must be provided and wastes disposed of in such a manner as to avoid a nuisance.

(m) Basement store rooms must be painted or whitewashed when required.

(n) No person, when ill, or afflicted with a communicable disease shall be employed in any capacity in a restaurant except as permitted by the local health officer.

Persons who have had typhoid fever shall not be employed in a restaurant, kitchen or as a handler of foods or food materials until it has been definitely determined by appropriate tests that such persons are not typhoid carriers.

(o) Cooks and helpers in restaurant kitchens and all waitresses must wear caps, bands or hair nets, and must refrain from using tobacco while on duty.

(p) Every restaurant shall be provided w suitable dressing rooms for employees wh are to be separate from the kitchen. Emplo or other persons must not use the kitchen places where foods are kept as a dressing ro cloak room, loafing or sleeping room. Ev restaurant must be supplied with soap and dividual towels for employees, and all ployees shall, before beginning work, a using toilets, and at all times when necess wash their hands with clean water and soa

(q) All toilet rooms within the kitchen accessible by a door opening into the kitc shall be so constructed as to meet all the quirements prescribed in the State Building Plumbing Code.

(r) Kitchens or store rooms must not used for harboring cats, dogs, or other anim

(s) Foods shall not be stored in any ba ment or room or receptacle that is subject sewage or waste water back flow, nor in place having defective drain pipes or ap ances making it possible for rodents or ver to gain access to sewage or waste waters to food.

(t) No food can be served in any restau unless it is prepared on the premises or i public commissary or other places approved the State Board of Health.

SEC. 3.—GARBAGE, LIQUID WASTES AND RUBBISH.

All garbage and kitchen refuse must be k in separate water-tight metal cans provi with close-fitting metal covers, unless otherw protected from flies and insects, and the c tents must be removed as often as necessary prevent decomposition and overflow. The of wooden containers for garbage is prohibi either in the kitchen or on the premises. waste water, including dish water, shall be charged on or near the premises so as to cre a nuisance. Separate containers must be p vided for cans, bottles and similar rubbish

SEC. 4.—DINING ROOM.

(a) Dining rooms and all places wh meals or lunches are served shall be kept cl well ventilated, heated and lighted, and openings properly screened against flies other insects. This requirement shall incl the proper cleaning and painting of ceiling walls, proper cleaning of floors, tables, shel counters, chairs, trays and other dining ro equipment.

(b) The dining room shall be equipped w (serviceable) furniture.

(c) Tablecloths and underpads when p vided must be kept clean.

(d) Cloth napkins, when provided, must washed and ironed after being used by guest.

(e) The use in restaurants of dirty or crac dishes, badly tarnished or dirty silverware prohibited.

(f) All dishes, silverware, glasses, and other dining room utensils must be thoroug washed and rinsed with boiling water or ste and properly dried after being used by individual. All drying towels or cloths sh be kept in a clean condition at all times.

POST IN A CONSPICUOUS P

verning the Sanitary and Safety Conditions of Restaurants

suant to Chapter 160 of the Statutes, on January 31, 1934, were published in the official State Paper on February 3, State Paper April 22, 1944, and have the full force of law in the form of minimum requirements state wide in application.

(p) Every restaurant shall be provided with suitable dressing rooms for employees which are to be separate from the kitchen. Employes or other persons must not use the kitchen or places where foods are kept as a dressing room, cloak room, loafing or sleeping room. Every restaurant must be supplied with soap and individual towels for employees, and all employees shall, before beginning work, after using toilets, and at all times when necessary, wash their hands with clean water and soap.

(q) All toilet rooms within the kitchen or accessible by a door opening into the kitchen shall be so constructed as to meet all the requirements prescribed in the State Building or Plumbing Code.

(r) Kitchens or store rooms must not be used for harboring cats, dogs, or other animals.

(s) Foods shall not be stored in any basement or room or receptacle that is subject to sewage or waste water back flow, nor in any place having defective drain pipes or appliances making it possible for rodents or vermin to gain access to sewage or waste waters and to food.

(t) No food can be served in any restaurant unless it is prepared on the premises or in a public commissary or other places approved by the State Board of Health.

SEC. 3.—GARBAGE, LIQUID WASTES AND RUBBISH.

All garbage and kitchen refuse must be kept in separate water-tight metal cans provided with close-fitting metal covers, unless otherwise protected from flies and insects, and the contents must be removed as often as necessary to prevent decomposition and overflow. The use of wooden containers for garbage is prohibited either in the kitchen or on the premises. No waste water, including dish water, shall be discharged on or near the premises so as to create a nuisance. Separate containers must be provided for cans, bottles and similar rubbish.

SEC. 4.—DINING ROOM.

(a) Dining rooms and all places where meals or lunches are served shall be kept clean, well ventilated, heated and lighted, and all openings properly screened against flies and other insects. This requirement shall include the proper cleaning and painting of ceiling and walls, proper cleaning of floors, tables, shelves, counters, chairs, trays and other dining room equipment.

(b) The dining room shall be equipped with (serviceable) furniture.

(c) Tablecloths and underpads when provided must be kept clean.

(d) Cloth napkins, when provided, must be washed and ironed after being used by any guest.

(e) The use in restaurants of dirty or cracked dishes, badly tarnished or dirty silverware is prohibited.

(f) All dishes, silverware, glasses, and all other dining room utensils must be thoroughly washed and rinsed with boiling water or steam and properly dried after being used by any individual. All drying towels or cloths shall be kept in a clean condition at all times.

(g) Finger bowls, when used, must be kept clean and provided with fresh, pure water for each patron.

SEC. 5.—SLEEPING ACCOMMODATIONS.

All sleeping quarters where provided for employees must comply with requirements of the State Building Code.

Note: All repairs, remodeling, additions or new buildings must conform with the State Building Code and Plumbing Law and Code.

SEC. 6.—SANITARY EQUIPMENT.

All restaurants located adjacent to a public sewer and water system shall be provided with sewerage and water connections and a suitable sink properly located, connected to the drain pipe and equipped with hot and cold running water. At least one toilet and one lavatory for the use of patrons shall be provided and properly maintained. Grease catch basins of adequate capacity shall be installed and properly maintained wherever greasy wastes in considerable volume are discharged into the sewer. (For details of construction, size and location, see State Plumbing Code.)

SEC. 7.—TOILETS.

(a) The number of toilets required in the State Building Code shall be provided. Every toilet room and toilet compartment shall have adequate artificial illumination the entire period that the building is occupied wherever and whenever adequate natural light is not available, so that all parts of the rooms are visible. The approaches and entrances to such toilet rooms shall be separate from the kitchen and store rooms.

(b) Wash rooms or lavatories must be supplied with clean individual towels as provided by law. The use of the common roller towel is prohibited.

ALL PLUMBING SHALL BE INSTALLED, REPAIRED AND MAINTAINED IN ACCORDANCE WITH THE STATE PLUMBING LAW AND CODE.

SEC. 8.—OUTSIDE TOILETS.

In localities where public water and sewage systems are not available, every restaurant shall provide and maintain on the premises suitable, adequate, and properly located outdoor toilets, with vaults properly constructed, fly and vermin proof to receive night soil. Such toilets must be kept clean and well screened at all times. Separate buildings or compartments properly designated shall be provided for each sex. Other approved, properly installed and maintained sanitary facilities may be used in lieu of such toilets.

Note: For location and construction of outside toilets, see State Plumbing Code issued by the State Board of Health.

SEC. 9.—WATER AND ICE.

(a) The water supply for drinking and culinary purposes shall be adequate and safe. All private supplies shall be tested at least once each year by an accredited laboratory. Any such supply that is in apparent danger of pollution shall be tested at regular intervals. When water from a public supply is carried in, clean containers shall be used. The use of contaminated ice in drinks or for cooling of foods by direct contact is prohibited.

The use of the common drinking cup is prohibited. The use of any fountain or cooler for filling glasses or other drinking receptacle where the top rim of receptacle comes in contact with any part of the appliance is prohibited.

(b) All wells whether dug, driven point or drilled and cased, shall be so located, constructed and topped and the pump so attached as to guard against the pollution of the well water.

(c) No surface spring water shall be used for drinking or for preparing foods unless amply protected against pollution and not before it has been tested and pronounced safe.

(d) Newly constructed or reconstructed wells, whether drilled and iron pipe cased or driven point, and pumps, water pressure systems, and new piping shall be sterilized with chloride of lime and duly tested by an accredited laboratory before use.

(e) Private water supply systems and all water supply piping and appliances shall conform with the requirements prescribed under Section 56 of the State Plumbing Code. No plumbing fixture, device or construction shall be installed nor maintained which will provide a cross connection between a distributing supply for drinking and domestic purposes, and a polluted supply, a drainage system, a soil or waste pipe so as to permit or make possible the back flow of sewage, polluted water or waste into the water supply piping or system.

SEC. 10.—INSPECTION REQUIREMENTS.

Whenever, upon inspection of a restaurant by the State Board of Health, or one of its representatives it shall be found that such restaurant or the property so inspected is not conducted nor equipped as required in the above rules, the State Board of Health shall notify the owner, in writing and shall specify the requirements prescribed by law or rule to make such place of business conform with the standards set forth in the rules and the time limit within which compliance must be made. If the order is not fulfilled at the expiration of the time stipulated in said order or extension of the time given, then the restaurant may be closed until the order is complied with.

PENALTY.

Section 160.08 of the Statutes. Anyone violating this chapter or rule or regulation of the State Board of Health hereunder shall be fined not less than twenty-five nor more than two hundred dollars; and anyone failing to comply with an order of the State Board of Health hereunder shall forfeit five dollars for each day of non-compliance after the order is served upon or directed to him, and in case of action under Section 160.07, after lapse of a reasonable time after final determination.

REPEAL OF CONFLICTING RULES. ALL RULES AND REGULATIONS HERETOFORE ADOPTED AND PUBLISHED GOVERNING RESTAURANTS, ARE HEREBY REPEALED.

POST IN A CONSPICUOUS PLACE

Form 709—25,000—9-17-45

HOTEL AND RESTAURANT DIVISION
WISCONSIN STATE BOARD OF HEALTH
MADISON, WISCONSIN

APPLICATION FOR PERMIT TO CONDUCT A RESTAURANT

FOLLOWING QUESTIONS MUST BE ANSWERED IN FULL TO OBTAIN A PERMIT

(Post Office) (Street Address of Restaurant) (Date)

Located in city of_____Village of_____Township of_____ County_____

If rural route _____, Highway _____. Direction from post office E___ W___ N___ S___
(Number) (Number)

(Name of Restaurant) (Permanent) or (Summer Only) (Name of proprietor)

Name of Property Owner _____Type of Building Construction_____

If conducted in connection with another business, state kind _____

Are meals or lunches prepared on the premises_____ If not, where_____

Have you a kitchen_____Type of Ventilation—Window_____ Fan_____ Duct_____ Skylight_____

Have you running water_____ Hot_____Cold_____ Dishwashing Machine_____

Is hand dishwashing done_____Type of sink_____ Type of chemical or soap used_____

Have you a dining room_____Seating capacity: Booths _____ Tables _____ Stools _____

Type of food served: Meals_____ Short Orders_____ Light Lunches_____ Sandwiches_____

Grease catch basin _____Refrigeration: Ice_____ Mechanical _____

Is your water supply public_____Private_____. If private, Well_____ Lake_____ Spring_____

If well, is it drilled_____driven_____dug_____. Give depth in feet_____

Date private water supply was last analyzed_____Was yours safe_____or unsafe_____

Have you a sewerage system_____ Public_____ Private_____

Method of disposal of waste water_____ garbage_____ rubbish_____

Number of water flush toilets____ Men____ Urinal___ Women____. Washbowl: Men____ Women____

Number of chemical toilets_____ Men_____ Women_____.

Number of privies_____. Men_____ Women_____. Are vaults Wood_____ or Concrete_____

Was building used for restaurant last year_____. In whose name_____

If and when a restaurant permit is granted to me, I hereby agree to conduct my place in a clean and sanitary manner and in accordance with all rules and regulations adopted by the State Board of Health. I further agree to keep said premises equipped in all ways as may be required by law and comply with all requirements pertaining to my restaurant as prescribed in the State Building and Plumbing codes.

SEE STATUTORY DEFINITION ON REVERSE SIDE.

THE FEE OF $3.00 MUST ACCOMPANY THIS APPLICATION.

ISSUE PERMIT TO_____

Make draft, postal money order or express money order payable to the State Board of Health. We will not be responsible for currency unless sent by registered letter.

CHAPTER 112 LAWS OF 1939.

SECTION 2. A new subsection is added to section 160.01 of the Statutes to be numbered and to read: (160.01) (2) "Restaurant" means and includes any building, room or place wherein meals or lunches are prepared or served or sold to transients or the general public, and all places used in connection therewith. The term "meals or lunches" as used herein shall not include soft drinks, ice cream, milk, milk drinks, ices and confections. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter shall not constitute such taverns to be restaurants.

SECTION 3. The introductory paragraph of section 160.01 of the statutes is amended to read: (160.01) (Introductory paragraph) As used in this * * * chapter:

CHAPTER 440 LAWS OF 1935.

SECTION 1. Section 160.02 of the statutes is amended to read: 160.02 (1) Everyone conducting a * * * restaurant shall procure an annual permit from the state board of health for each place. The permit shall expire on December thirty-first, and shall not be transferable. No * * * restaurant shall be conducted, advertised or held out to the public as such without permit.

Space below reserved for remarks and additional information, if any.

CITY OF MADISON AMUSEMENT DEVICE LICENSE

General Ordinances of the City of Madison

The original General Ordinance of the City of Madison 26.12 entitled Gambling Devices definitely prohibits the use of any instrument or machine in the city which may be used for gambling purposes and states heavy fines for anyone convicted of possessing or permitting any such device to be used.

On May 17, 1945 the latest amendment to this section was in effect. 26.12 (3)(a) provides for the registration of amusement devices, and states the fees and penalties involved.

This ordinance will not be studied in its entirety as at the present time few such amusement devices are to be found in our retail drug stores, and any which exist are usually not the property of the store, but merely placed there on a commission bases. The license will already have been procured and as far as the store owner is concerned there is nothing to be done except check the machine to make sure the transfer symbol is attached.

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APPLICATION FOR AMUSEMENT DEVICE LICENSE

Reg. Tag No. _____
Fee ~~$25.00~~ 35.00

Name of Owner _____

Address of Owner _____

Description of machine(give trade name, serial number, etc. for purpose of identification) _____

Address where machine will be operated _____

Will machine operate by coins of a denomination of 5¢ or less _____

Does machine involve an element of skill in its operation _____

Is applicant a citizen of the United States? _____

Is applicant a resident of the City of Madison? _____

Dane County? _____ Where did you last vote? _____ Date? _____

Are you acting as agent for or in the employ of another person, firm or corporation not qualified to obtain a license under this ordinance? _____

Do you accept this registration subject to the conditions and penalties of Section 28.12 of the General Ordinances of the City of Madison? _____

Dated this _____ day of _____ 19____

_____
Applicant

By _____

TRANSFER

DATE	LOCATION
_____	_____
_____	_____
_____	_____
_____	_____

APPLICATION FOR MUSIC DEVICE LICENSE

Reg. Tag No. _____

Fee ~~$5.00~~ 10.00

NAME OF OWNER _____

Address of Owner _____

Business Address _____ When Established _____

Description of Machine (Give trade name, serial number, etc. for purpose of identification) _____

Address where machine will be operated _____

Is applicant a resident of the City of Madison? _____

How long has applicant resided in City? _____

Dane County? _____

Where did applicant last vote? _____ Date? _____

Are you acting as agent or in the employ of another person, firm or corporation not qualified to obtain a license under this ordinance? _____

_____

Dated this _____ day of _____ 19____

_____
Applicant

By _____

TRANSFER

DATE	NEW LOCATION
_____	_____
_____	_____
_____	_____
_____	_____

WISCONSIN LABOR LAWS
State Statutes

Since frequently the retail drug store is dependent upon high school boys and girls to work at the fountain, as cashiers, etc., these laws and regulations may be quite important.

The following are taken from the Wisconsin Statutes.

Section 103. 64 Definitions.
(2) "Commission' shall mean the "industrial commission of Wisconsin."
(3) "Permit officer" shall mean any person designated by the commission to issue child labor permits.

Section 103.67 Minimum Ages in Various Employments.
(1) No minor under sixteen years of age shall be employed or permitted to work in any gainful occupation during school hours while the public schools in the school district or city of his residence are in session unless he has completed the most advanced course of study available to him in the public schools as provided in section 103.71; except that minors under sixteen may be employed in agricultural pursuits as provided in section 103.77 and in public exhibitions as provided in section 103.78.
(2) No minor under fourteen years of age shall be employed, or permitted to work in any gainful occupation at any time; except that minors under fourteen years may be employed in agricultural pursuits as provided in section 103.77, and minors from twelve to fourteen may be employed during school vacations as provided in subsection (3) of this section and in public exhibitions, as provided in section 103.78, and that boys of thirteen may be employed in street trades, and boys of twelve may be employed in house to house street trades. as provided in sections 103.21 to 103.31.
(3) Minors from twelve to fourteen years of age may be employed during the vacations of the public or equivalent school in the school district or city of their residence in and around a home in work usual to the home of the employer, provided such work is not in connection with or a part of the business, trade or profession of the employer and provided further that such employment shall not be specifically prohibitied by any provisions of sections 103.64 to 103.82 or by any order of the commission.

Section 103.68 Hours of Labor. Except as the commission may from time to time issue orders as provided under subsection (2) of section 103.66 regulating the hours of employment of minors, the following schedule of hours shall be deemed to be necessary to protect minors from employment dangerous or prejudicial to their life, health, safety, or welfare and shall apply to minors of the ages specified therein:

(1) No minor under eighteen shall be employed or permitted to work at any gainful occupation other than domestic service or farm labor for more than eight hours in any one day nor more than forty hours nor more than six days in any one week, nor during such hours as he is required udner subsection (2) of section 40.70 to attend school.

(2) No minor under sixteen shall be employed or permitted to work in any gainful occupation other than domestic service or farm labormore than twenty-four hours in any one week, nor, except in domestic service, farm labor, or in public exhibitions as defined in section 103.78, or in street trades as defined in section 103.21, before seven A.M. nor after six P.M.

(3) In occupations in which the hours of women are regulated under the provisions of the statutes, the lunch or other meal period for girls under eighteen shall not be shorter than that provided for adult women. In occupations in which the hours of labor of women are not regulated under the provisions of the statutes, the lunch or other meal period for girls under eighteen shall not be less than one hour. The lunch or other meal period for boys under eighteen shall not be less than thirty minutes. During such lunch or other meal period, the power shall be disengaged from machinery operated by minors under eighteen and no work shall be permitted.

Section 103.69 Minimum Ages for Hazardous Employments (Does not include the retail drug store).

Section 103.70 Permits Necessary for Minors; Exceptions.

(1) Except as otherwise provided in subsection (2) of this section and in sections 103.77 and 103.21 to 103.36, and as may be provided under section 103.79, no minor under eighteen years of age, unless indentured as an apprentice in accordance with section 106.01, shall be employed or permitted to work at any gainful occupation or employment unless there is first obtained from the commission, or by some person designated by the commission, a written permit authorizing the employment of such minor within such periods of time as may be stated therein, which shall not exceed the maximum hours prescribed by law.

Section 103.71 Conditions for Issuance of Permits.

(1) Except as provided in section 103.78; no permit shall be issued authorizing any minor under sixteen years to be

employed during school hours while the public schools in the school district or city of his residence are in session, unless such minor shall have completed the most advanced course of study offered in the public schools of the school district or city of his residence or of the school district or city in which he is to be employed, whiever offers the more advanced course, or unless such minor shall have completed the equivalent of such course in some other school. The commission and its designated permit officers shall accept as evidence of the minor's completion of such course, or its equivalent as the case may be, either:

(a) A diploma or certificate to this effect issued by the superintendent of public schools xxx ; or

(b) A diploma or certificate to this effect issued by the superintendent of the parochial school system xxx.

(2) No permit shall be issued authorizing the employment of any minor under fourteen years at any time; except for minors twelve years and over to appear in public exhibitions as provided in section 103178 and for boys thirteen years of age in street trades, and for boys twelve years of age in house to house street trades, as provided in sections 103.21 to 103.31.

Section 103.72 Refusal and Renovation of Permits. (1) The commission or permit officer may refuse to grant permits in the case of minors who seem physically unable to perform the labor at which they are to be employed. They may also refuse to grant a permit if in their judgment the best interests of the minor would be served by such refusal.

(2) Whenever it shall appear to the commission that any permit has been improperly or illegally issued, or that the physical or moral welfare of the minor would be best served by the revocation of the permit, the commission may forthwith, without notice, revoke the same, and shall by registered mail notify the person employing such minor and the minor holding such permit of such revocation. Upon receipt of such notice, the employer employing such minor shall forthwith return the revoked permit to the commission and discontinue the employment of the minor.

Section 103.73 Form and Requisites of Permit; as Evidence. (1) The permit provided for in section 103.70 shall state the name, the date and place of birth of the minor, the color of hair and eyes, the height and weight and any distinguishing facial marks of such minor, and that the following evidence, records, and papers have been duly examined, approved and filed:

(a) Such evidence as is required by the commission showing the age of the minor. The commission shall formulate and publish rules and regulations governing the proof of age of minors who apply for labor permits, and such rules and regulations shall bind all persons authorized by law to issue such permits.

(b) A letter written on the regular letterhead or other business paper used by the person who desires to employ the minor, stating the intention of such person to employ such minor and signed by such person or someone duly authorized by him.

(2) The permits provided for in section 103.70 shall be issued upon blanks furnished by the commission and shall be made out in duplicate. One copy shall be forthwith sent to the commission togehter with a detailed statement of the character and substance of the evidence offered prior to the issuance of such permit. Such statement shall be made by the permit officer upon blanks furnished by the commission. The other copy of the permit shall be sent by the permit officer to the prospective employer of the minor for whom the permit was issued.

(3) A child labor permit duly issued shall be conclusive evidence of the age of the minor for whom it was issued in any proceeding under any of the labor laws and under the workmen's compensation act of this state, as to any act or thing occuring subsequent to the date such permit was issued.

Section 103.74 Duties of Employers or Minors. Every employer employing a minor under eighteen for whom a permit is required, except in street trades, shall:

(1) Receive and file a child labor permit authorizing employment of such minor by such employer before the minor is permitted to do any work, and shall keep the same on file during the entire period of the employment of the minor and subject at all times to the inspection of the commission or any truant officer. A permit shall be valid only for the employer for whom issued.

(2) Post in a conspicuous place in each of the several departments in or for which minors under eighteen years of age are employed a summary of the provisions of the child labor law, which shall be furnished by the commission.

(3) Keep a record for each minor employed of his name, address, date of birth, the time of beginning and ending work and the time for meals each day and the total hours worked each day and each week.

(4) Upon the termination of employment of any minor, return within twenty-four hours thepermit for employment of such minor to the commission, or the person or place designated by the commission. Any employer who fails to return the permit of any minor as provided in this subsection, shall be liable in a civil action to such minor for two dollars for each day during which such failure continues.

Section 103.81 Advertising; Penalty. (1) No person, firm, or corporation, during the term that the public schools are in session, shall advertise or cause or permit any advertisement to be published in any newspaper for the labor or services of any minor during school hours in any employment for which a child labor permit is required under the provisions of sec-

tion 103.70 which does not specifically state the minimum age of the minor whose services are desired, which age must be sixteen years or over.

(2) No person, firm or corporation, or paid agent thereof, shall solicit in the schools or homes of this state, minors of permit age to leave school and enter their employment, if a child labor permit is required for such employment by section 103.70.

(3) Any person, firm or corporation who shall violate any of the provisions of this section, shall forfeit and pay into the state treasury a sum not less than ten dollars nor more than one hundred dollars for each such offense. Every day during which any person, firm or corporation violates any of the provisions of this section, shall constitute a separate and distinct offense.

Due to the induction of many young men into military service there is a definite and serious shortage of help.

THEREFORE, under the authority conferred upon it by Section 103.66, Statutes, which was clearly intended to meet unforseen conditions, the commission makes the following

SPECIAL ORDER

(a) That minors seventeen years of age may be employed not more than eight hours a day nor more than forty-eight hours a week nor more than six days a week.

(b) That, during regular school vacations, minors between sixteen and seventeen years of age may be employed not more than eight hours a day nor more than forty-eight hours a week nor more than six days a week.

(c) That, during regular school vacations, minors between fourteen and sixteen years of age may be employed not more than eight hours per day nor more than forty hours per week nor more than six days per week nor before the hours of seven in the morning nor after the hour of six in the evening.

This order will be operative during the emergency caused by the war unless sooner revoked by the commission.

Given under our hands at the City of Madison, Wisconsin, this 3rd day of June, A.D., 1942.

INDUSTRIAL COMMISSION OF WISCONSIN

By Voyta Wrabitz

Harry J. Burczyk

C. F. Miler

Commissioners

FORM C-5
Industrial Commission of Wisconsin

WAGE REGULATIONS FOR MINORS AND ADULT WOMEN

ADULT WOMEN

Under Section 3 of Chapter 333, Laws of 1937, the rates shown below on this poster for minors apply to both women and minors until changed by the Industrial Commission.

MINORS

Orders of the Industrial Commission adoped pursuant to Section 104.01 to 104.07.

DEFINITIONS

1. An "experienced" employe is one who has worked six months or more in a non-seasonal trade or industry, or any part of a season in a seasonal industry, whether for the same employer or different employers. Other employes are classified as "inexperienced."

A "seasonal" industry is one which regularly operates less than six months during the year.

The clause "cities with population of 5,000 or more" includes communities and isolated establishments which are within the industrial and commercial areas of such cities, although outside of their territorial limits.

In determining the population of cities, the census of 1930 is controlling.

BOYS AND GIRLS 17-21

2. No employer shall employ any minor between 17 and 21 years of age in any occupation, trade, or industry, not a seasonal industry, at a lesser hourly rate than is indicated below:

Experienced minor employes in cities with a population of 5,000 or more----------22½¢
Experienced minor employes elsewhere----------20¢
Inexperienced minor employes during the first 3 months in the industry----------16¢
Inexperienced minor employes during the second 3 months in the industry----------18¢

For part time and intermittent workers, 200 hours of work are regarded as equivalent to one month of continuous employment in computing the experience of employes.

BOYS AND GIRLS 14-17

3. Minors between 14 and 16 years of age shall be paid a wage of not less than 16¢ per hour during the first year of their employment in a non-seasonal occupation, trade, or industry, or during their first season in a seasonal industry, and 18¢ per hour thereafter.

Minors between 16 and 17 years of age shall be paid a wage of not less than 18¢ per hour if they have been employed in a non-seasonal industry for six months or more, or in a seasonal industry during any part of a season; otherwise they shall be paid not less than 16¢ per hour.

LIMITATIONS UPON NUMBER OF LEARNERS

4. The total number of minor employes in any establishment who receive wages below those prescribed for experienced employed in subdivision 2 of this order, but not including indentured apprentices shall not exceed 25 per cent of the total number of female and minor employes normally employed; provided, that if the female and minor employes in any establishment who receive wages below those prescribed for experienced employes in subdivision 2 of this order, but not including indentured apprentices, shall not exceed 25 per cent of the total number of women and minor employes normally employed, such establishment shall be deemed to be in compliance with this subdividion.

RECORDS TO BE KEPT BY THE EMPLOYER

8. Each employer shall keep for the inspection of the commission and its deputies records showing the following facts concerning each female and minor employe:

1. Name and address.
2. Age.
3. Date of birth of all minors.
4. Dates of entering and leaving employ and cause of leaving.
5. Experience at date of entering.
6. Time of beginning and ending each day and total number of hours worked per day.
7. Wages paid per pay roll period.
8. Output of employe, if production records are kept.

POSTING OF ORDER

9. Every employer employing females or minors shall keep posted a copy of this order, on a form prescribed by the commission, in a conspicuous place in the general workroom and in the women's dressing rooms.

Reprinted June, 1946.

STREET TRADES LAW

Chapter 401, Laws of 1937

Section 103.21-DEFINITIONS. As used in sections 103.21 to 103.31: (1) "Street trade" means the selling, offering for sale, soliciting for, collecting for, displaying, or distributing any articles, goods, merchandise, commercial service, posters, circulars, newspapers, or magazines, or the blacking of boots, on any street or other public place or from house to house.

(2) "EMPLOYMENT", "EMPLOYE" AND "EMPLOYER". Every minor selling or distributing newspapers or magazines on the streets or other public place, or from house to house, shall be deemed in an "employment" and an "employe", and each independent news agency or (in the absence of all such agencies) each publisher, whose newspapers or magazines he sells or distributes, shall be deemed an "employer" of such minor. Every minor engaged in any other street trade as defined in subsection (1) of this section shall be deemed in an "employment" and an "employe", and each person, partnership or corporation furnishing him articles for sale or distribution or regularly furnishing him material for blacking boots shall be deemed his "employer".

(3) "Commission" means the industrial commission.

(4) "Permit officer" means any person designated by the commission to issue street trade permits.

103.22 GENERAL STANDARDS AND POWERS OF THE COMMISSION. The general standards for the employment of minors set forth in section 103.65 shall apply to the employment of minors in street trades, and in relation to such employment the commission shall have the powers and duties specified in section 103.66. Except as the commission may from time to time exercise such powers, the employment of minors in street trades shall be in accordance with sections 103.23 to 103.31.

103.23 AGE MINIMUM. (1) No girl under eighteen years of age shall be employed or permitted to work at any time in any street trade.

(2) No boy under thirteen years of age shall be employed or permitted to work at any time in any street trade; except that boys under thirteen years of age who have street trade permits and badges issued prior to the enactment of this section may continue their employment in street trades.

103.24 HOURS OF WORK. (1) No boy under sixteen years of age shall be employed or permitted to work at any street trade more than twenty-four hours per week or after the hour of 7:30 p.m. or before the hour of 5:00 a.m.; or, unless he has completed the highest grade of school available to him in accordance with section 103.71, during school hours while the public schools of the city or school district are in session.

(2) No boy under eighteen years of age shall be employed or permitted to work at any street trade more than eight hours per day

or forty hours per week, or during such hours as he is required under subsection (2) of section 40.70 to attend school.

(3) Attendance at meetings held by a newspaper or news agency which newsboys are required to attend, collection of subscriptions, and solicitation of customers shall count as work.

103.25 PERMITS AND BADGES. (1) In cities and villages of one thousand population or over no boy under eighteen years of age shall be employed or permitted to work at any street trade unless his employer first obtains from the commission or a designated permit officer a street trade permit and the boy first obtains a badge, both issued in accordance with the provisions of this section.

(2) If upon investigation, the industrial commission shall ascertain and determine that there are practical difficulties or unnecessary hardships in carrying out the provisions of subsection (1) of this section, the commission may by general or special order make reasonable exceptions therefrom, or modifications thereof, having due regard for the life, health, safety and welfare of boys employed in street trades. Such investigation and orders and any action or proceeding to set aside, vacate or amend any such order, or enjoin the enforcement thereof, shall be made pursuant to sections 101.01 to 101.28, and any such order so made shall have the same force and effect as orders issued pursuant to said sections.

(3) The form and requisites of street trade permits shall be the same as those specified for child labor permits in section 103.73, except that they shall be issued on special street trade permit blanks on a form and character to be determined by the commission. If the boy for whom a street trade permit is to be issued is required by section 40.70 to attend school full time he shall submit as an additional requisite for such permit a written statement from the principal of the school which he is attending stating that he is a regular attendant at such school and the grade which he has attained. No permit shall be issued for such boy unless the permit officer is satisfied that he is physically and mentally able to engage in street trades employment in addition to the school work required by law. If a boy is employed in street trades simultaneously by two or more employers a permit shall be issued to each such employer. A permit shall be valid only for the employer to whom it is issued.

(4) Each boy for whom a street trade permit is issued shall be provided by the commission or the permit officer issuing such permit with a street trade badge of a form and character to be determined by the commission. He shall wear such badge conspicuously while engaged in street trades employment and shall not transfer such badge to any other person. If he ceases to be employed in street trades or reaches the age of eighteen, he shall return such badge to the permit officer. The commission shall have power to fix and to collect, directly or through its permit officers, a fee of not to exceed twenty-five cents for each street trade badge; such fee to be deposited by each boy obtaining such a badge and refunded to him on the return of such badge.

(5) In towns and in villages and cities of less than one thousand population no permits or badges shall be required for boys employed in street trades.

(6) In relation to employment in street trades a permit issued under this section shall have the same force and effect as a permit issued under sections 103.64 to 103.82; and the failure to obtain a permit when required under this section shall make the employer subject to the same penaltics and liabilities as failure to obtain a permit when required under sections 103.64 to 103.82.

103.26 REFUSAL OR REVOCATION OF PERMITS AND BADGES. (1) The commission or permit officer may refuse to grant a street trade permit and badge in the case of a boy who seems physically unable to perform the work or whose school record indicates that he should not undertake such employment in addition to school, or whenever in the judgment of the commission or permit officer the best interests of the boy would be served by such refusal.

(2) The commission may revoke a street trade permit and badge: whenever the boy for whom such permit was issued is found by the commission to have worked when prohibited under section 103.24; or whenever it shall appear to the commission that such permit was improperly or illegally issued; or whenever in their judgment the best interests of the boy would be served by such revocation. The commission shall by registered mail notify such boy and his employer of such revocation. On receipt of such notice the employer shall forthwith return the revoked permit and discontinue the employment of such boy, and the boy shall forthwith return the revoked badge to the permit officer.

103.27 DUTIES OF EMPLOYERS OF BOYS IN STREET TRADE: (1) Every employer of a boy under eighteen in a street trade shall keep a record for each such boy of his name, address, and date of birth.

(2) Every employer of a boy for whom a street trade permit is required under section 103.25 shall receive and file a street trade permit authorizing employment of each such boy by such employer before the boy is permitted to work; and shall keep such permit on file so long as such boy is employed; and shall allow inspection of such permit at any time by the commission or any police or truant officer.

103.28 ENFORCEMENT. (1) Sections 103.21 to 103.31 shall be enforced by the commission. Police and truant officers of cities, towns and villages, shall assist the commission in such enforcement by questioning minors seen on the streets engaged in street trades and reporting to the commission all cases of minors apparently engaged in street trades in violation of sections 103.21 to 103.31.

(2) The failure of an employer to produce for inspection by the commission or any truant or police officer a permit required for a boy employed in street trades shall be prima facie evidence of unlawful employment of such boy.

103.29 PENALTIES. (1) Any employer who shall employ or permit the employment of any minor in street trades in violation of any of

the provisions of sections 103.21 to 103.31 or of any order issued thereunder or shall hinder or delay the commission or any truant officer or police office in the performance of their duties under these sections shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars for each offense, or imprisoned in the county jail not longer than thirty days. Every day during which such violation continues shall constitute a separate and distince offense.

(2) The state may enforce the penalties specified in subsection (1) of this section in a criminal prosecution, or, in its discretion, it may recover a forfeiture of not less than ten dollars nor more than one hundred dollars for each offense. Such forfeiture shall be recovered in an action of debt in any court of competent jurisdiction.

103.30 PENALTY OF NEWSPAPERS FOR ALLOWING BOYS TO LOITER AROUND PREMISES. No newspaper publisher or printer or person having for sale newspapers or magazines shall permit any boy under eighteen to loiter or remain around any premises where such papers or magazines are printed, assembled, prepared for sale or sold when such boy is required under section 40.70 to attend school. Any person violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalties specified in section 103.29.

103.31 PENALTY ON PARENT OR GUARDIAN. Any parent or guardian who suffers or permits a minor to be employed in violation of any of the provisions of sections 103.21 to 103.31 or of any order of the commission issued thereunder, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars for each offense, or imprisoned in the county jail not longer than thirty days.

(102.60) (7) The provisions of subsections (1) to (6) of section 102.60 shall not apply to employes as defined in subsection (6) of section 102.07 if the agency or publisher shall establish by affirmative proof that at the time of the injury the employe was not employed with the actual or constructive knowledge of such agency or publisher.

Sec. 3. This act shall take effect October 1, 1937.

WOMEN'S HOURS LAW
Wisconsin Statutes

103.02 Hours of labor for women. (1) No female shall be employed or permitted to work in any place of employment at any employment for such period or periods of time during any day, night or week, as shall be dangerous or prejudical to the life, health, safety or welfare of such female. xxx Until such time as the industrial commission shall so investigate, ascertain, determine and fix, and shall issue general or special orders thereon, the periods of time specified in the attached schedule shall be deemed to be dangerous or prejudical to the life, health, safety or welfare of females.

Schedules

At day work, more than nine hours in any one day, or more than fifty hours in any one week. Provided, that during emergency periods of not to exceed four weeks in any one calendar year any female may be employed for not to exceed ten hours in any one day and not more than fifty-five hours in any one week, such excess time to be paid for at the rate of one and one-half times the regular rates.

At night work, more than eight hours in any one night, or more than forty-eight hours in any one week.

Day work is work done between six o'clock A.M., and eight o'clock P.M., of the same day; provided, that employment not more than one night in the week after eight o'clock P.M. shall not be considered night work.

Night work is work done between eight o'clock P.M. and six O'clock A.M. of the following day.

Less than one hour during each day or night for dinner or other meals.

Note: Women Pharmacists. The hours of labor of registered Pharmacists and registered assistant pharmacists are not limited, although a drug store is a mercantile establishment. (Industrial Commission of Wisconsin, SUMMARY OF WOMEN'S HOURS LAW).

UNEMPLOYMENT COMPENSATION
Chapter 108
Wisconsin Statutes

This chapter is very long and involved and not practical to abstract. Since unemployment is a public problem and gravely affects the welfare of the people it is advisable for workers to set aside a reserve for unemployment, out of which benefits shall be paid to its eligible unemployed workers, as a matter of right, based on their respective wages and lengths of service.

Under the Wisconsin Law employers contribute to a fund set up by the Industrial Commission. The employees, when unemployed may draw benefits from this fund; the benefits depending upon the length of time the worker has been employed and building up benefit rights.

Every employer whose payrools include at least six different persons within at least eighteen different weeks of a calendar year becomes subject to the unemployment compensation law of January 1 of the succeeding calendar year. If during a calendar year there are eighteen weeks in which an employee had eight or more employees on his payroll he becomes subject as of the preceeding January 1.

Certain occupations and types of employment are excluded, but none of these are apt to occur in a drug store. Everyone

working in a drug store therefore must be counted as an employee except newspaper boys, sole proprietors, members of a bona fide partnership, and inactive officers of a corporation who receive no pay other than fees for attendance at directors meetings. Any employer in doubt of his status should write the "Unemployment Compensation Dept., Madison, Wisconsin" or the "Wisconsin Pharmaceutical Association" since an early determination of his status will avoid the accrual of the interest and penalties provided by the law.

The employer must pay 2.7% of his payroll plus ½% Post War Reserve for the first three years. After that the rate may change depending on the amount of money in the fund.

The employer is required to report his payrool and pay his contributions quarterly. Since benefits become payable after one year of contributions it is necessary at that time for the employer to notify his employees concerning their weekly benefit rates and for the employer to file "Benefit Liability Reports," which are requested of the employer whenever an employee files a claim for benefits from his account.

WORKMEN'S COMPENSATION

Wisconsin Statutes

This act grew out of the desire to protect workmen from injury and disease resulting from performances of work, growing out of and incidental to his employment.

102.04. Definition of employer. The following shall constitute employers subject to the provisions of this chapter, with the meaning of section 102.03:
(2) Every person, firm and private corporation who usually employees 3 or more employees. xxx Members of a partnership shall not be coutned as employees under this subsection.

102.03. Conditions of liability. (1) Liability under this chapter shall exist against an employer only where the following conditions concur.
(a) Where the employe sustains an injury.
(b) Where, at the time of the injury, the employer and employe are subject to the provisions of this chapter.
(c) Where, at the time of the injury, the employe is performing service growing out of and incidental to his employment. Every employe going to and from his employment in the ordinary and usual way, while on the premises of his employer, shall be deemed to be performing service growing out of and incidental to his employment; xxx The premisis of his employer shall be deemed to include also the premisis of any other person on whose premises service is being performed.
(d) Where the injury is not intentionally self-inflicted.
(e) Where the accident or disease causing injury arises out of his employment.
(2) Where such conditions exist the right to the recovery of compensation pursuant to theprovisions of this chapter shall be the exclusive remedy against the employer.
(3) In the case of disease intermittent periods of temporary disability shall create separate claims, and permanent partial disability shall create a claim separate from a claim for any subsequent disability which latter disability is the result of an intervening cause.

102.05. Election by employer, withdrawal. (1) Such election to become subject to the act on the part of the

employer shall be made by filing with the commission a written statement that he accepts the provisions of this chapter. The filing of such statement shall operate to subject such employer to its provisions, unless he shall file in the office of said commission a notice that he desires to withdraw his election, which withdrawal shall take affect 30 days after the date of such filing or at such later date as may be specified in the notice. xxx

102.11. Earnings, method of computation. (1) The average weekly earnings for temporary disability shall be taken at not less than $12.50 nor more than $37, and for permanent disability or death shall be taken at not less than $20 nor more than $37. Between said limits the average weekly earnings shall be determined as follows: xxx

102.28. Preference of claims; employers liability insurance. xxx

(b) Every employer shall upon request of the industrial commission report to it the number of his employees and the nature of their work and also the name of the insurance company with whom he has insured his liability under the workmen's compensation act and the number and date of expiration of such policy. Failure to furnish such report within ten days from the making of a request by registered mail shall constitute presumptive evidence that the delinquent employer is violating the provisions of subsection (2) of this section.

This chapter has been read and studied and should be noted that the employer may or may not accept the provisions og workmen's compensation. However, to protect himself from suit it is very advisable to do so and the provisions may be fulfilled by taking out a Workmen's Compensation Liability Insurance Policy.

FAIR TRADE ACT

Wisconsin Statutes

133.25 Certain contracts not in restrain of trade; exceptions. (1) This section may be cited as the "Fair Trade Act."

(2) As used in this section, "producer" means grower, baker, manufacturer, and "commodity" means any subject of commerce.

(3) Except as provided in subsections (4) and (6), no contract relating to the sale of a commodity which bears, or the label or content of which bears, the trademark, brand or name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others, shall be deemed a contract or combination in the nature of a trust or conspiracy in restraint of trade or commerce by reason of any of the following provisions contained in such contract:

(a) That the buyers will not resell such commodity except at the price stipulated by the vendor.

(b) That the vendee or producer shall require that any person to whom delivery of a commodity is made for the purpose of resale shall agree that the latter will not, in turn, resell except at the price stipulated by the vendor or vendee.

(4) Every contract containing the provisions referred to in subsection (3) shall include the provisions that such commodity may be resold without reference to such contract in the following cases:

(a) In closing out in good faith the owner's stock or any part thereof for the purpose of discontinuing delivering any such commodity.

(b) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof.

(5) Wilfully and knowingly advertising, offering for sale or selling any commodity at less than the price stipulated in any contract referred to in subsections (3), whether or not the person so advertising, offering for sale or selling is a party to such contract, is unfair competition and actionable at the suit of any person damaged thereby.

(6) This section does not apply to any contract between producers or between wholesalers or between retailers as to sale or resale prices.

(7) (a) Upon complaint of any person that any contract containing the provisions referred to in subsection (3) is unfair and unreasonable as to the minimum resale price therein stipulated, the state department of agriculture may in its discretion serve by registered mail upon the parties to said contract notice for the time and place of a hearing on said complaint, at which hearing said parties shall show cause why the said contract should not be set aside. If upon such hearing the department shall find that such contract is unfair and unreasonable as to its minimum reseale price provisions, said department may by special order declare such contract to be in restraint of trade.

(b) That state department of agriculture shall assess the costs of such proceeding against such contracting parties in case it finds such contract unfair and unreasonable and against the complainant if it finds such contract fair and reasonable, provided, however, that the costs against any one complainant in any one complaint shall not exceed five dollars.

Even though you, as a retail druggist, have not signed a contract with a manufacturer covering the sale of any product, you are still bound by the law and cannot sell below the manufacturer's minimum prices. If another retailer cuts his price you cannot do so to meet competition; you must adhere to the contract prices. However suit may be brought against any violator by any person damaged thereby--the manufacturer or owner of the trade mark, or the retailer damaged by violations.

UNFAIR SALES ACT

Wisconsin Statutes

100.30 Unfair sales act. (1) Policy. The practice of selling certain items of merchandise below cost in order to attract patronage is generally a form of deceptive advertising and an unfair method of competition in commerce. Such practice causes commercial dislocations, misleads the consumer, works back against the farmer, directly burdens and obstructs commerce, and diverts business from dealers who maintain a fair price policy. Bankruptcies among merchants who fail because of the competition of those who use such methods result in unemployment, disruption of leases, and nonpayment of taxes and loans, and contribute to an inevitable train of undesirable consequences, including economic depression.

(2) Definitions. (See abstract after quotation of law).

(3) Illegality of Loss Leaders. Any advertising, offer to sell, or sale of any merchandise either by retailers or wholesalers, at less than cost as defined in this section, with the intent, or effect of inducing the purchase of other merchandise or of unfairly diverting trade from a competitor, impairs and prevents fair competition, injures public welfare, and is unfair competition and contrary to public policy and the policy of this section.

(4) Penalties. Any retailer who, with the intent of inducing the purchase of other merchandise or of unfairly diverting trade from a competitor or otherwise injuring a competitor, shall advertise, offer to sell, or sell at retail any item of merchandise at less than cost to the retailer as defined in this section; or any wholesaler who, with the intent of inducing the purchase of other merchandise or of unfairly diverting trade from a competitor or otherwise injuring a competitor, shall advertise, offer to sell at wholesale any item of merchandise at less than cost to the wholesaler as defined in this section, shall be guilty of a misdemeanor punishable upon conviction by a fine of not less than $10, nor more than $500. Evidence of any advertisement, offer to sell, or sale of any item of merchandise by any retailer or wholesaler at least than cost as defined in this section shall be prima facie evidence of intent to induce the purchase of other merchandise, or to unfairly divert trade from a competitor, or to otherwise injure a competitor.

(1) cost - Pharmacist

$27.50 - 1.21 gallons net

$20.69 - ~~proof gallon~~
2.3 proof gallon

9.00 a proof gallon

Cost of 1.21 gallons - $27.50
This is equal to 2.3 proof gallons
Tax is based on $9.00 a proof gallon

a proof gallon is a gallon of
100 proof spirit.

$20.69 is the tax -

(5) Special Remedy. In addition to the penalties provided, the courts of this state are invested with jurisdiction to prevent and restrain violations of this section, and it shall be the duty of the several district attorneys to institute proceedings in equity to prevent and restrain violations. Any person damaged, or who is threarened with loss or injury, by reason of a violation of this section shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against any damage or threatened loss or injury by reason of a violation hereof.

(6) Exceptions. The provisions of this section shall not apply to sales at retail or sales at wholesale where:

(a) Merchandise is sold in bona fide clearance sales, if advertised, marked, and sold as such;

(b) Perishable merchandise must be sold promptly in order to forestall loss;

(c) Merchandise is imperfect or damaged or is being discontinued and is advertised, marked, and sold as such;

(d) Merchandise is sold upon the final liquidation of any business and is advertised, marked, and sold as such;

(e) Merchandise is sold for charitable purposes or to relief agencies;

(f) Merchandise is sold on contract to departments of the government or governmental institutions;

(g) The price of merchandise is made in good faith to meet competition;

(h) Merchandise is sold by any officer acting under the order or direction of any court.

(7) Unconstitutionality. If any subsection, sentence, clause or provision of this section shall for any reason be held invalid or unconstitutional, the validity of the remaining parts hereof shall not be affected hereby.

Under definitions is the phrase "cost to the retailer" which means:

1. Invoide cost of merchandise, less all trade discounts except cash discount.
2. Add freight charges if paid by the retailer.
3. Add cartage charges which may be estimated at 3/4 of 1 per cent.
4. Add mark-up of 6 per cent to cover part of the cost of doing business.
5. Add wholesale mark-up of 2 per cent if you buy direct from the manufacturer.

This law does not bar the so-called 2 for one cent sales provided there is sufficient profit in the sale to cover "cost", the articld is cheap enough to sell two for the regular price plus one cent, or the manufacturer gives you the extra merchandise without cost.

Since small stores cannot buy at as low a price as larger stores their "cost" is higher than larger stores and consequently their competition must be met, often by the small store selling below "cost". However, the smaller store cannot sell below "cost" until his larger competitor lowers the price first following the provisions of this act.

When a manufacturer changes his wholesale or direct price, the new price becomes the invoice price for the retailer to which must be added the factors mentioned before.

Fair Trade minimum prices as listed in Fair Trade price lists must be adherred to and the loss leader bill should not be considered on Fair Trade products.

REFERENCES

The information and material contained in this thesis was obtained from blanks, forms, pamphlets and bulletins of various sorts obtained from the various governmental agencies involved as well as:

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August 1, 1943

APPROVED BY Louis W. Busse

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