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**Legal regulation of medicines circulation of the Soviet state**

**from 1917 till 1920**

*The pharmacological support of the country is one of the most important social problems in the state. The revolution and civil war are led to changes in the political, economic, social and other situations in the country, changing the trend of development of legal system, including in the scope of circulation of medicament. The* positivist paradigm *of Russia's development in this period was the rigid centralization of the state agency and the nationalization of production. The author analyzed the legal regulation of medicines circulation of the Soviet state from 1917 till 1920. On the basis of archival material certain aspects of the formation and evolution of legal regulation medication during are identified and disclosed. A tendency of borrowing of legal system to the regulation of certain legal relations in the Soviet state is described. The researcher emphasizes the class character of the passed law. Separates from the previous right. Research of the evolution of public authorities. The article also reflects the questions of nationalization of pharmacies and pharmaceutical companies, sale pharmaceutical products, regulation of market prices of medicines; health insurance.*

**Правовое регулирование обращения лекарственных средств в период становления Советского государства с 1917 по 1920 гг.**

*Лекарственное обеспечение населения является одной из важнейших общественных задач государства. Революционные перемены и Гражданская война привели к изменению политической, экономической, социальной и иных ситуаций в стране, изменив направление развития законодательства, в том числе в сфере оборота медикаментов. Единственной позитивной парадигмой развития России в этот период стала жёсткая централизация государственного аппарата и национализация производства. Автором проведён анализ положений действующего в 1917 – 1920 гг. законодательства, регулирующего сферу обращения лекарственных средств. Статья посвящена детальному анализу отдельных аспектов становления и эволюции правого регулирования указанной области. В статье затронута проблема заимствования действовавших до революции 1917 г. правовых норм для регулирования правоотношений в Советском государстве. Исследователь обращает особое внимание на классовый характер принятых законов, отделяет их от ранее действовавших в аналогичной сфере, отмечает их самостоятельную функциональную нагрузку, характерную для анализируемого периода времени. Проанализирована деятельность государственных органов управления. Особо отмечается деятельность Народного комиссариата здравоохранения РСФСР как органа, действовавшего после его образования не одно десятилетие. В ходе исследования были рассмотрены вопросы национализации аптек и аптечных предприятий, продажи и отпуска аптекарских товаров, регулирования рыночных цен на лекарственные средства, медико-социального страхования.*

***Keywords:*** *laws, lawmaking, the Soviet state, medicament, protection of health, system of health care.*

***Ключевые слова:*** *законодательство, Советское государство, лекарственные средства, охрана здоровья, система здравоохранения.*

Formation of the Soviet state is inseparably conflict resolution. The reflection of the events of 1917 – 1920 years is the tragic period of national history.

Revolution and the political and economic reforms affected all departments of the country including health care. The reorganization of the public relations passed in conditions of the begun civil war, economic ruin, and population was suffered from hunger and epidemics.

In the first years of the Soviet power raged epidemics of a typhus, cholera and other diseases. There were not enough qualified medical personnel, medical institutions, medicines. Civil war strengthened ruin in the industry.

Before revolution functioned ten various departments in control of medicine. The Pharmaceutical charter adopted on December 23, 1836 [1] and the Medical charter existing since 1857 was the basic law in this sphere till 1917. The Pharmaceutical charter included 47 paragraphs, regulated activity of drugstores: included requirements to the internal device of drugstores, to rules of preparation and a holiday of medicines, established the bans and measures of responsibility, etc. The Medical charter reflected changes in the sphere of the organization of the medical and sanitary case [2].

It was necessary to stop growth of epidemic diseases and mortality, to raise a level of living of citizens, to improve sanitary and epidemic supervision. Separate medical divisions couldn’t eliminate the negative phenomena of public life. The organizational unity of a health care system was required. However in 1917 the centralized public authority of management of health care did not appear.

Government agency will be force to start creation of management of health care on the basis of state machinery which available already.

As a result, in October, 1917, Management of the chief medical inspector was at the head of a civil medical part. Military medicine the Head military and sanitary department, Management of the Supreme chief of a sanitary and evacuation part, the Main medical and sanitary council of fronts, etc. managed.

Need to construct a new legal health care system encountered impossibility of implementation of it in short terms. The existing laws either were repealed, or borrowed.

The Council of People's Commissars (CPC) in November 24, 1917 adopted the Decree "About court" [3], in point the fifth whom it is noted that local courts solve affairs by a name of the Russian Republic and are directed in the decisions and sentences laws of the overthrown governments if they are not cancelled and do not contradict revolutionary conscience and revolutionary sense of justice. In the note to this point was established that all laws contradicting decrees Central Executive Committee of Councils of Working, Soldier's and Country Deputies and Working and Country Government and also to programs – minima of the Russian social democratic Labour Party and party of revolutionary Socialists admit cancelled. Thus, the possibility of application of the legislations existing before revolution of 1917 gracefully was fixed, including also the charters stated above.

Of course, similar situation was a consequence of transitional character of this period. Earlier existing legislative provisions changed gradually within several years.

To establishment of the Soviet power there was a radical reforming of system of obligatory state medico-social insurance. On October 30, 1917 the Declaration of the National commissariat of the work "About Introduction of Full Social Insurance" was adopted. On November 14, 1917 CPC decided to transfer to businessmen free of charge contributory sickness fund all medical enterprises [4]. Contributory sickness funds at that time represented special facilities for social insurance of workers. These provisions marked introduction of the state obligatory medical insurance which part provision of free medicines entered.

After war in the conditions of economic disorder there was a burning issue of high incidence and mortality of the population. In this regard the act "About fight against incidence, mortality and insanitary living conditions of broad masses of the population" was issued on December 02, 1917 [5]. Pharmaceutical business was withdrawn from individuals and transferred to public self-managements: to provincial and district medical and sanitary councils, and also central medical and sanitary offices.

The price policy for medicines was established. So, the resolution of the National Commissariat on internal affairs "About the official reference book of market prices of medicines and other pharmaceutical goods and about an additional dachshund to the official reference book" was approved on January 30, 1918 [6]. The management of a medical part of the National Commissariat on internal affairs began to publish the official reference book of market prices of medicines. Percentage the extra charge - an additional dachshund, was established by Local Councils of Working, Soldier's and Country Deputies, proceeding from local conditions: delivery terms of goods, expenses on the maintenance of drugstores, compensation and another. All drugstores are obliged to be guided by this reference book under the threat of repressive measures up to requisition of drugstores.

The first step on strengthening of positions in health sector including drug circulation, there was an adoption of the Decree of CPC "About the National Commissariat of Health care" of July 18, 1918. The National Commissariat of Health became the central medical body leading all medical and sanitary business of the Russian Soviet Federative Socialist Republic. With its emergence legal regulation of the sphere of drug circulation passed to a new round of development.

Before establishment of the National Commissariat of Health care there were attempts of creation of a uniform state health care system in the form of Medical and sanitary department at Revolutionary-military committee of the Petrograd Council of working and soldier's deputies from October 26, 1917. The department was entrusted to organize medical care by the worker and to soldiers, to reconstruct medical and sanitary matter in the country and to employ all doctors sympathizing the new power. On January 24, 1918 Council of medical boards was formed by the decree of Council of People's Commissars. However their activity was temporary.

Emergence of the central governing board did not solve many problems, including problems of supply of medicines. It was connected with the fact that chemical and pharmaceutical industry developed extremely slowly. Medicines and raw materials for their production it was completely imported even before First World War as Germany was the main supplier, it aggravated deficiency so of medicines necessary for the people, both in time, and after war. The chemical industry consisted only of a small amount of the half-ruined handicraft enterprises which could hardly give 10 15% of production of their initial power. It led to emergence of the forged medicines. Situation was worsened by unwillingness of the organizations of the foreign states to sell medicines of the Soviet Russia.

The country faced impossibility of import of medicines and raw materials, lack of own pharmaceutical-processing industry and qualified personnel. It is possible to characterize a situation in pharmaceutical matter in Russia after 1918 opinion of professor of the Novorossiysk university M. B. Blauberg: "Pharmaceutical matter in Russia will not be coordinated neither with the requirement of science, nor with the requirement of life at all, and represents continuous misunderstanding" [7].

For improvement of the situation on providing the population with medicines on July 27, 1918 National the Commissariat of Health care issued the resolution "On Regulation of Sale and a Holiday of Pharmaceutical Goods" [8]. It cancelled the existing circulars and articles of the Medical charter concerning opening and functioning of pharmaceutical shops, storage and sale in them of medicines and other remedies. In pharmaceutical shops production of drugs and impurity including according to recipes of doctors, treatment of patients, a holiday patent, the galenical and chemical medicines, except applied to economic and technical needs was forbidden. I.e. drugstores began to be engaged only in sale of cosmetics, perfumery, economic accessories and etc.

The institutions which are engaged in storage, sale and a holiday pharmaceutical the galenical and chemical medicines only for drugstores and medical institutions, have to get for further continuation of the activity permission from local provincial medical and sanitary departments at provincial Council of Workers and Country Deputies.

The medicines which are in drugstores by the time of the publication of the specified resolution were subject to a research and were divided into two categories: good-quality which transferred to institutions and substandard which were liable to destruction.

For some pharmaceutical and chemical medicines exceptions and permitted to sell them in cosmetic, perfumery and household shops. The list included what had wide circulation for economic and technical needs: ammonium carbonic, agar-agar, anisetree, gasoline, drill, vanilla, vaseline pure, vaseline technical oils, tartaric acid, wax, gutta-percha, glycerin, arabic gum, crude iron vitriol, gelatin, alum simple, starch, camphor, cardamom, rosin, cranberry extract, coriander, lanolin and different oils: wooden, coconut, etc.

In several months the list extended to such medicines as potassium dichromate, potassium manganese-sour, a stone wine, a kaolin, carbide-calcium, carbolic acid crude, the cochineal insect, acid salt crude, a stone aluminous, a catechu, magnesia carbonic, manganese peroxide; naphthalene, sandpaper, liquid ammonia, zinc oxide and etc.

Trade in strong substances was allowed only in the wholesale and retail shops having on this permission from the appropriate provincial or central authorities of the National Commissariat of Health care [9]. The restraint on alienation of medical alcohols, wines, elixirs and tinctures was forbidden.

Also the temporary assumption to retail for not strong medical medicines in "closed up, corked and sealed" a look prepared at the factories, the plants and laboratories united by "Pharmatsentr" was entered.

"Pharmatsentr" was founded by the Resolution of the Supreme Soviet of the National Economy (SSNE) of August 27, 1918 for the organization and development in Russia of chemical pharmaceutical industry and providing the population with remedies.

Tasks of "Pharmatsentr" included taking measures to increase in quantity of the chemical and pharmaceutical products manufactured in Russia; assistance to supply of chemical pharmaceutical industry with raw materials, fuel and other materials; establishment of control over high quality of the produced and imported remedies; assistance of purchase to the organization etc. Including transferred 2% from the selling list cost of all of the made the galenical and chemical and pharmaceutical medicines into the account of "Pharmatsentr".

After this nationalization of the enterprises producing medical supplies and the equipment began.

On December 28, 1918 there was a Decree of CPC "About nationalization of drugstores". The nationalized pharmaceutical enterprises came to maintaining the National commissariat of health care. Then the resolution of the National Commissariat of Health care of December 30, 1918 "About the nationalized drugstores, the pharmaceutical enterprises, about the organization of management as them and bodies, them supplying" it was approved put about the general leadership and control of activity of the nationalized drugstores and the pharmaceutical enterprises of the Republic which the Pharmaceutical department of the National Commissariat of Health care began to carry out. On places pharmaceutical sections of capital, provincial, city and district Medical and sanitary Departments were engaged.

The uniform pharmaceutical warehouses and laboratories approved for all province knew supply of drugstores and the pharmaceutical enterprises. Independent purchases of goods drugstores and medical institutions were not allowed.

The production turnout from warehouses and shops was made on permissions as follows:

1) For production consumption of the factories, plants and in general the manufacturing installations entering group associations of a separate industry of the relevant Central / Regional Production Boards on the basis of planned squads of Department of Chemical Industry of the Supreme Soviet of the National Economy to its local bodies, and before obtaining such orders on the permissions of Central / Regional Production Boards confirmed with Department of Chemical Industry of the Supreme Soviet of the National Economy.

2) For production consumption of the factories, plants, etc. which are not entering group associations — on permissions of local councils of the National Economy or Economic Departments of Provincial Councils of deputies within the norm approved by Department of Chemical Industry.

3) For the non-productive consumption by the population and a household on permissions of Head Department of Product distribution and local bodies of the National Commissariat on Food within the norm established by Department of Chemical Industry of the Supreme Soviet of the National Economy, and approved by the Commission of Use.

4) For medical consumption — on permissions of the National Commissariat of Health care and its local bodies within the norm established by Department of Chemical Industry of the Supreme Soviet of the National Economy under the agreement with the National Commissariat of Health care.

The accurate system of the accounting of medicines allowed to stabilize a situation on distribution of medicines proceeding from performance of priorities: supply of military and civil medical institutions. Other categories of citizens practically lost a possibility of acquisition of the majority of medicines.

Also problems with an unsuccessful epidemic situation were solved. The government adopted separate acts, for example, "About actions for a typhus", "About measures of fight against epidemics" and other. Since 1919 the obligatory inoculating for variola was entered. For improvement of a situation on April 10, 1919 the decree of CPC "About Supply of Bacteriological Institutes and Laboratories Necessary for Their Work as Material and Stock" bacteriological institutes and laboratories of the Republic, both the public, and private, producing safety, medical and diagnostic serums and vaccines acquired the right of primary supply with materials. June 11, 1919 the national Commissariat of Health care approved situation "About an Order of Receipt and Execution of Orders for Serums and Vaccines at Bacteriological Institutes and Laboratories, about a Holiday Order on Places of These Medicines and about Control of the Last", having regulated the turnover so valuable in the available situation of medicines.

In July, 1919 "Pharmatsentr" was reorganized, and on its base the Head Department of the state pharmaceutical plants of SSNE which continued nationalization of the enterprises of chemical pharmaceutical industry was created.

Concentration of production allowed increase the release of pharmaceutical funds from 358,3 t. in 1919 to 1341,9 t. in year 1921 there was a development of new medicines and forms [10]. By year 1920 the crop rotations providing production with raw materials of the plants supplying the medicinal industry were established.

Thus, the period of formation of the Soviet state from 1917 to 1920 was difficult in every respect, both politically, and economically. Nevertheless, it is possible to refer formation of the central governing bodies to positive sides of the carried-out changes. The Soviet medicine gained the state character that allowed to approve public financing and planning of programs of health care including providing with medicines.

The principles which are still significant in the health care - free of charge and general availability – began to be implemented, also, as well as enforcement of the acts allowing to improve and control quality of the created and imported medicines. At this time tasks of fight against social diseases, child mortality, etc. were carried out.

Besides, country couldn’t only enter on the international trade scene, but also act both as the importer, and the exporter that, undoubtedly, was a significant step forward in development of pharmaceutical activity.

However, the created new compiled laws regulating the sphere of drug circulation, having created institutions subordinated to the central bodies, actually deprived of them powers of authority on distribution of medicines. Provision of medicines of the population was strictly regulated and there was no open entry to many medicines.

Distinctive feature of health care of that time is its social-class orientation when special attention of the state power to health protection of the working large industrial enterprises was paid. New laws were adopted through a prism of class interests.

At that time the principle of rigid centralization of management worked. For what Bolsheviks created specialized body of branch competence — the National commissariat of health care of country. At domination of a state planned economy it allowed realize the social program in the sphere of regulation of medicament circulation.

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