

CHAPTER 62.

AN ACT

[H. B. 31]

Providing for the regulation, sale, disposal, possession and use of narcotic drugs; and providing penalties for violation thereof, and repealing Chapter 17 Session Laws of 1921.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That the habitual use of opium, morphine, cocaine, alkaloid cocaine, cocoa leaves or alpha or beta eucaine, their derivatives and other habit-forming drugs hereinafter named is detrimental and dangerous to the individual and to public safety, health and morals.

Terms defined.

Section 2. The term "narcotic drugs," wherever used in this Act, shall be deemed and construed to mean and include opium, morphine, cocaine, alkaloid cocaine, cocoa leaves, alpha or beta eucaine, heroin, codeine, dionin, cannabis americana, cannabis indica and other salts, derivatives, mixtures or preparatons of any of them.

The term "narcotic addict" whenever used in this Act shall be deemed and construed to mean and include any person who habitually uses a narcotic drug or drugs.

The masculine term shall be deemed and construed to mean and include the feminine gender, and the singular terms shall be deemed and construed to mean and include the plural.

Unlawful to vend or furnish narcotic drugs except upon written prescription.

Section 3. It shall be unlawful for any person to sell, furnish or dispose of, or have in his possession with intent to sell, furnish or dispose of any narcotic drug or drugs, except upon the written and signed prescription of a physician regularly licensed to practice medicine and surgery, who has complied with the regulations of, and is duly registered under the laws of the Territory of Alaska, and the laws of the Congress of the United States. All such precriptions shall be writ-

ten with ink or indelible pencil, must be signed by the physician issuing the same, and must contain the name and the address of the person for whom prescribed and the nature of the ailment, the date written, the office address and federal registry number of the physician, all of which data must be placed on such prescription by the physician writing the same, or caused to be placed thereon before his or her signature is affixed thereto.

All such Prescriptions shall be filled but once, and the dispenser of such drugs in pursuance of such prescription shall cause the person procuring the drug or drugs to be prescribed to place his or her signature and address upon the back of such prescription, and shall keep all such prescriptions on a separate file and preserve them for not less than two years from and after the date of the last prescription placed on such file, shall make duplicate copy of such prescription and preserve same, and such prescriptions shall at all times during business hours be available for inspection by any member of the Board of Pharmacy or any other officer of the law.

Original pre-
scriptions open
to inspection
not less than 2
years.

It shall be unlawful for any person to supply such narcotic drugs, or preparations containing such drugs, upon telephone orders, or for any person to order such narcotic drugs or preparations containing such narcotics, by telephone. PROVIDED; That nothing in this section shall be construed as prohibiting any wholesale dealer in drugs from selling or furnishing in compliance with the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs, to any other wholesale or retail dealer, nor prevent such wholesale dealer from selling in compliance with the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs, to any physician, dentist,

No prescrip-
tions to be
telephoned.

Law not to be construed as prohibiting sale in cases enumerated herein.

surgeon, or veterinarian, duly registered under the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs; nor prevent any retail druggist from selling, in compliance with the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs to any physician, dentist, surgeon or veterinary duly registered under said Acts of Congress and the rules and regulations now in force or hereafter promulgated as aforesaid; nor prevent any physician, dentist, surgeon or veterinarian, so registered, from administering, for legitimate medical purposes, in the course of his professional practice only, to his patient, any of the articles enumerated in this section in quantities proportioned to the needs of such patient; nor prevent the manufacture, sale, and dispensing of preparations and remedies containing not more than two grains of opium, nor more than one-fourth grain of morphine, nor more than one grain of codeine, nor more than one-eighth grain of heroin, or any derivative or preparation of them, in one fluid ounce, or if a solid or semi-solid in one avoirdupois ounce; or liniments, ointments, or other preparations incapable of being used as a beverage intended for external use only, except liniments and ointments or other preparations which contain cocaine or any of its salts or derivatives, or alpha or beta eucaine or their salts or derivatives; PROVIDED, FURTHER, that such remedies and preparations are such as are exempt by federal law, rules and regulations and are sold, distributed and dispensed in good faith as medicines and not for the purpose of evading the intentions and provisions of this Act, and that all sales of such drugs, medicines or preparations which contain such exempt quantities of narcotic drugs, whether sold and dispensed upon prescriptions or otherwise, shall be duly registered and recorded in a suit-

able register showing in parallel columns the signature of the person procuring the same, the date of sale, address of purchaser, name of drug or preparation, quantity sold or dispensed, and if pursuant to a prescription the serial number of such prescription, and such record shall be preserved for a period of not less than two years from and after the date of the last entry made therein.

It shall be deemed a violation of this Act for any person to have in his or her possession any narcotic drug, or any preparation or compound containing the same in unexempt quantities, unless the same shall have been obtained pursuant to this Act and to the Laws of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder, and proof of the possession of any such narcotic drug, except by a licensed physician, licensed manufacturer or licensed druggist, shall be prima facie evidence of an intent to unlawfully sell, furnish or dispose of the same.

Possession a violation of act unless,—

Any person violating any of the provisions of this section or any person who shall falsely make, forge or alter or knowing the same to have been falsely made, forged or altered shall present to any druggist a physician's prescription with intent by means thereof to procure from such druggist any narcotic drug as defined in this Act shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the Penitentiary for not less than one year nor more than ten years. Upon a conviction of any registered pharmacist, dentist, physician or veterinarian for violating any of the provisions of this section, the certificate of registration or license of such offender shall also be revoked or cancelled, and such offender shall not be eligible for re-registration for a period of ten years from and after the date of the revocation of his or her certificate or license.

Violation of the act a felony.

Penalty.

Additional penalty for conviction of one holding license.

Section 4. Every person who habitually uses any narcotic drug as defined in this Act shall be deemed

Habitual users
guilty of mis-
demeanor.

guilty of a misdemeanor, and may be punished therefor by imprisonment in jail for a period not to exceed six months.

In prosecution
not necessary
for plaintiff to
show that de-
fendant does
not come with-
in exception.

Section 5. In any prosecution for the violation of the provisions of this Act, it shall not be necessary for the indictment, complaint or information to set forth any negative allegation, nor for the plaintiff to prove that the defendant does not come within any of the exceptions herein contained; but such exceptions shall be considered as a matter for defense, and the burden shall be upon the defendant to show that he comes within such exceptions.

Members of
Board of
Pharmacy to
enforce the act.

Section 6. In addition to other law enforcement officers, it shall be the duty of each member of the Board of Pharmacy of the Territory of Alaska, to see that the provisions of this Act are enforced, to investigate all reports of violations of said Act and to prosecute all violations of said Act which may come to the notice of any member of said Board. Provided, however, that any violation of Section 4 of said Act brought to the notice of any member of said Board may be prosecuted or not prosecuted by him in the discretion of the Board.

Repeal.

Section 7. All Acts or parts of Acts in conflict with this Act, more particularly Chapter seventeen (17) of the Session Laws of 1921, are hereby repealed.

Approved April 30, 1923.