

section and shall sign the same with his or her signature and forward it within ten days after such birth to the United States Commissioner for the precinct in which the birth occurs; provided, that when it is impossible to secure any of the information required upon the blank, the item may be followed by the word "unknown."

When filed.

Proviso.

Section 2. An emergency is hereby declared to exist and this Act shall be in full force and effect upon its passage and approval.

Emergency.

Approved February 26, 1943.

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## CHAPTER 6.

### AN ACT

[S. B. 8]

To regular and control the manufacture, possession, sale, prescription, administering, dispensing and compounding of narcotic drugs, providing penalties for the violation of any provision thereof and repealing Sections 1270, 1271, 1273, 1274 and 1275, Compiled Laws of Alaska, 1933.

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

Section 1. DEFINITIONS. The following words and phrases, as used in this Act, shall have the following meanings, unless the context otherwise requires:

Drugs.

(1) "Person" includes any corporation, association, co-partnership, or one or more individuals.

Definitions.

(2) "Physician" means a person authorized by law to practice medicine in this territory and any other person authorized by law to treat sick and injured human beings in this territory and to use narcotic drugs

in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this territory.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this territory.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist, as defined by the laws of this territory and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this Act shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this territory.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by Board of Pharmacy as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by Board of Pharmacy as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs

for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

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

(12) "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 incapable of germination.

(14) "Narcotic drugs" means coca leaves, opium, cannabis, and every substance neither chemically nor physically distinguishable from them.

(15) "Federal Narcotic Laws" means the laws of the

United States relating to opium, coca leaves, and other narcotic drugs.

(16) "Official Written Order" means an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the Board of Pharmacy.

(17) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(18) "Registry number" means the number assigned to each person registered under the Federal Narcotic Laws.

Unlawful acts.

Section 2. ACT PROHIBITED. It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this Act.

Manufacture and sale of drugs.

Section 3. MANUFACTURERS AND WHOLESALERS. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the Board of Pharmacy.

Qualifications for license.

Section 4. QUALIFICATION FOR LICENSES. No license shall be issued under the foregoing section unless and until the applicant therefor has furnished proof satisfactory to Board of Pharmacy.

(a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict.

No license granted—when.

The Board of Pharmacy may suspend or revoke any license for cause.

License may be revoked or suspended.

#### Section 5. SALE ON WRITTEN ORDERS.

(1) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

Sales, how made, by whom, to whom, etc.

- (a) To a manufacturer, wholesaler, or apothecary.
- (b) To a physician, dentist, or veterinarian.
- (c) To a person in charge of a hospital, but only for use by or in that hospital.
- (d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(2) A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

- (a) On a special written order accompanied by a certificate of exemption, as required by the Federal Narcotic Laws, to a person in the employ of the United States Government or of any state, territorial, district, county, municipal, or insular government, purchasing,

receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or to a physician or surgeon duly licensed in some State, Territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft, for the actual medical needs of persons on board such ship or aircraft, when not in port. Provided: Such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft or to a physician, surgeon, or retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States Public Health Service.

(c) To a person in a foreign country if the provisions of the Federal Narcotic Laws are complied with.

Official written  
orders.

(3) USE OF OFFICIAL WRITTEN ORDERS. An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this Act. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with the Federal Narcotic Laws, respecting the requirements governing the use of order forms.

(4) POSSESSION LAWFUL. Possession of or control of narcotic drugs obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor. Lawful possession.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this territory or of any other state, or of any political subdivision thereof or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some State, Territory, or the District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs within this territory, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this Act.

#### Section 6. 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, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the Federal Narcotic Laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescrip- Sale by druggists.

tion shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this Act. The prescription shall not be refilled.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty percent of the complete solution, to be used for medical purposes.

Professional  
use:—

#### Section 7. PROFESSIONAL USE OF NARCOTIC DRUGS.

Physicians and  
Dentists.

(1) PHYSICIANS AND DENTISTS. A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

Veterinarians.

(2) VETERINARIANS. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

Return of  
unused drugs.

(3) RETURN OF UNUSED DRUGS. Any person who has obtained from a physician, dentist, or veteri-

arian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to physician, dentist or veterinarian any unused portion of such drug, when it is no longer required by the patient.

Section 8. PREPARATIONS EXEMPTED. Except Exception. as otherwise in this Act specifically provided, this Act shall not apply to the following cases:

Administering, dispensing, or selling at retail any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts.

The exemption authorized by this section shall be subject to the following conditions: (1) that the medicinal preparation administered, dispensed or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and (2) that such preparation shall be administered, dispensed, and sold in good faith as a medicine and not for the purpose of evading the provisions of this Act.

Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this Act.

Section 9. RECORD TO BE KEPT.

Record to be kept.

(1) PHYSICIANS, DENTISTS, VETERINARIANS, AND OTHER AUTHORIZED PERSONS. Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs,

shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

Proviso.

PROVIDED: That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours, (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(2) MANUFACTURERS AND WHOLESALERS. Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

(3) APOTHECARIES. Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

(4) VENDORS OF EXEMPTED PREPARATIONS.

Every person who purchases for resale, or who sells narcotic drug preparations exempted by Section 8 of this Act, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection 5 of this section.

(5) FORM AND PRESERVATION OF RECORDS.

The form of records shall be prescribed by the Board of Pharmacy. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced and the proportion of resin contained in or producible from the plant *Cannabis Sativa L.* The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. 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.

Section 10. LABELS.

## Labels required.

(1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this Act, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

Possession  
authorized—  
How kept.

Section 11. AUTHORIZED POSSESSION OF NARCOTIC DRUGS BY INDIVIDUALS. A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of Section 5 of this Act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

## Exemptions.

Section 12. PERSONS AND CORPORATIONS EXEMPTED. The provisions of this Act restricting the

possessing and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

Section 13. COMMON NUISANCES. Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance.

Common nuisances defined.

Section 14. NARCOTIC DRUGS TO BE DELIVERED TO TERRITORIAL OFFICIAL, ETC. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of any peace officer, shall be forfeited, and delivered to the United States Commissioner of Narcotics.

Disposition of unlawful drugs.

Section 15. NOTICE OF CONVICTION TO BE SENT TO LICENSING BOARD. On the conviction of any person of the violation of any provision of this Act, a copy of the judgment and sentence and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the Clerk of the Court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. On the conviction of any such person, the court may, in its discretion, suspend or revoke the license or registration of the convicted

Conviction Records.

License may  
be reinstated.

defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officer may reinstate such license or registration.

Records  
confidential.

Section 16. RECORDS CONFIDENTIAL. Prescriptions, orders, and records, required by this Act, and stocks of narcotic drugs, shall be open for inspection only to federal, territorial, and municipal officers, whose duty it is to enforce the laws of this territory or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before 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.

Section 17. FRAUD OR DECEIT.

Prohibited  
acts.

(1) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this Act.

(4) No person shall, for the purpose of obtaining a

narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of Section 8 of this Act, in the same way as they apply to transactions under all other sections. Application.

Section 18. EXCEPTIONS AND EXEMPTIONS NOT REQUIRED TO BE NEGATIVED. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this Act, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this Act, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant. Burden of proof.

Section 19. ENFORCEMENT AND COOPERATION. It is hereby made the duty of the United States Marshals, Deputy Marshals, any officer appointed to enforce narcotic laws in this Territory or other Territorial and municipal law enforcement officers and all United States attorneys and their assistants, to enforce all provisions of this Act and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this Territory, and of all the other states, relating to narcotic drugs. How law enforced.

Section 20. PENALTIES. Any person violating any provision of this Act shall upon first conviction be punished, for the first offense, by a fine not exceeding Five Penalties.

Thousand (\$5,000.00) Dollars, or by imprisonment in the penitentiary not exceeding five years, or by both such fine and imprisonment, and for any subsequent offense, by fine not exceeding Ten Thousand (\$10,000.00) Dollars, or by imprisonment in the penitentiary not less than two years nor more than ten years, or by both such fine and imprisonment.

Double jeopardy prohibited.

Section 21. EFFECT OF ACQUITTAL OR CONVICTION UNDER FEDERAL NARCOTIC LAWS. No person shall be prosecuted for a violation of any provision of this Act if such person has been acquitted or convicted under the Federal Narcotic Laws of the same act or omission, which, it is alleged, constitutes a violation of this Act.

Constitutionality.

Section 22. CONSTITUTIONALITY. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Uniform law.

Section 23. INTERPRETATION. This Act shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states and territories which enact it.

Inconsistent laws repealed.

Section 24. INCONSISTENT LAWS REPEALED. All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Citation.

Section 25. NAME OF ACT. This Act may be cited as the Uniform Narcotic Drug Act.

Repealed Acts.

Section 26. REPEAL. Section 1270, 1271, 1273, 1274 and 1275, Compiled Laws of Alaska, 1933, are hereby repealed.

Approved March 1, 1943.