

ARTICLE 8. POISONS AND NARCOTICS

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§ 1375. [1] **Sale or Gift of Poisons.**—No person, firm or corporation shall sell, give away or otherwise dispense any of the poisons enumerated in schedules "A" and "B" of this article, unless the box, bottle, vessel or package containing the poison is distinctly labeled with a device bearing the death's head and cross bones, the name of the substance, the word "Poison," the name of one or more antidotes therefor, and the name and place of business of the seller. The seller shall also ascertain, upon due inquiry, that the purchaser is aware of the poisonous nature of the drug, and that it is to be used for legitimate and lawful purposes; and, before delivering to the purchaser any of the poisons named in schedule "A," the seller shall cause an entry to be made in a book kept for that purpose, which entry shall show the date of the sale, the name and residence of the purchaser, the name and quantity of the poison sold, the purpose for which it is to be used, as represented by the purchaser, and the name of the dispenser. Such book shall be preserved for at least five years from the date of the last entry and shall at all times be subject to inspection by the proper authorities.

§ 1376. [2] **Schedule A.**—Schedule A, as used in this article, shall include arsenic and its preparations, corrosive sublimate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, carbolic acid and essential oil of bitter almonds.

§ 1377. [3] **Schedule B.**—Schedule B, as used in this article, shall include aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their phamaceutical preparations, croton oil, chloroform, sulphate of zinc, sulphate of copper, acetate of lead, mineral acids and oxalic acid.

§ 1378. [4] **Limitation of Preceding Sections.**—The provisions of the three preceding sections shall not apply to any registered pharmacist or assistant pharmacist dispensing such poisons to, or on the written order or prescription of, a licensed physician, dentist or veterinarian, nor to any such practitioner dispensing such poisons in the regular course of his

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-] Possession of narcotic drugs; penalty; prima facie evidence; exception.
-] Contents of prescription for narcotic drugs; filing; penalty.
-] When unlawful to furnish or prescribe narcotic drugs.
- 0] Limitation of four preceding sections.
- 1] Penalties for violation of provisions of article generally; second conviction; prosecutions.

[1] **Sale or Gift of Poisons.**—No person, firm or corporation give away or otherwise dispense any of the poisons enumerated in "A" and "B" of this article, unless the box, bottle, vessel or containing the poison is distinctly labeled with a device bearing the name of the poison, the name of the substance, the word "poison" and cross bones, the name of the seller, the name and address of one or more antidotes therefor, and the name and business of the seller. The seller shall also ascertain, upon due diligence, whether the purchaser is aware of the poisonous nature of the poison, and if not, shall cause an entry to be made in a book kept for that purpose, which shall show the date of the sale, the name and residence of the purchaser, the name and quantity of the poison sold, the purpose for which used, as represented by the purchaser, and the name of the dispenser. This book shall be preserved for at least five years from the date of the sale and shall at all times be subject to inspection by the proper authorities.

[2] **Schedule A.**—Schedule A, as used in this article, shall include arsenic and its preparations, corrosive sublimate, red precipitate, mercuric iodide, cyanide of potassium, hydrocyanic acid, strychnine, and essential oil of bitter almonds.

[3] **Schedule B.**—Schedule B, as used in this article, shall include aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, opium, scopolamine, stramonium, and their pharmaceutical preparations, croton oil, chloroform, sulphate of zinc, sulphate of copper, lead, mineral acids and oxalic acid.

[4] **Limitation of Preceding Sections.**—The provisions of the preceding sections shall not apply to any registered pharmacist or pharmacist dispensing such poisons to, or on the written order or prescription of, a licensed physician, dentist or veterinarian, nor to any practitioner dispensing such poisons in the regular course of his

practice; and the record of sale and delivery therein mentioned shall not be required of manufacturers or wholesalers selling any of such poisons at wholesale, if the box, bottle, vessel or package containing such substance, when sold at wholesale, is labeled with the name of the substance, the word "poison," and the name and address of the manufacturer or wholesaler.

§ 1379. [5] **Sale of Concentrated Lye; Label; Penalty.**—It shall be unlawful to sell or expose for sale in this State concentrated lye or similar substance, unless the same be plainly labeled, in large legible [legible] letters, "caustic poison," and with skull and cross bones in red. Any person violating this section shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than fifty nor more than five hundred dollars.

§ 1380. [6] **Sale or Gift of Narcotic Drugs; Penalty; Exceptions.**—No person shall sell, give away or otherwise dispense cocaine, alpha or beta eucaine, opium, morphine, heroin, chloral hydrate, or any preparation or compound containing any of the foregoing drugs or substances, except on the original written prescription of a physician, dentist or veterinarian duly licensed under the laws of this State, in good standing in his profession, and not of intemperate habits or addicted to the use of any drug. Each prescription shall be filled only once. Any person violating the provisions of this section shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary of this State not less than one nor more than ten years for each offense, and, if a registered pharmacist or assistant pharmacist, his certificate of registration shall be revoked: Provided, that nothing herein contained shall be construed to prohibit the sale or gift of any of the foregoing drugs or substances, preparations or compounds, by any licensed manufacturing pharmacist or chemist or wholesale or retail pharmacist or druggist to another licensed manufacturing pharmacist or chemist or wholesale or retail pharmacist or druggist, or to hospitals, colleges, or scientific or public institutions, or to licensed physicians, dentists or veterinarians; nor sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations; nor the use of any of said drugs or substances, preparations or compounds, by any licensed physician, dentist or veterinarian in the regular course of his practice.

§ 1381. [7] **Possession of Narcotic Drugs; Penalty; Prima Facie Evidence; Exception.**—If any person, except a licensed physician, dentist or veterinarian, manufacturing pharmacist or chemist, or wholesale or retail pharmacist or druggist, have in his possession cocaine, alpha or beta eucaine, opium, morphine, heroin, chloral hydrate, or any preparation or compound containing any of the foregoing drugs or substances, with intent to sell, give away or otherwise dispense the same, he shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary of this State not less than one nor more than ten years; and possession of any of the foregoing drugs or substances, preparations or compounds, except by a licensed physician, dentist, veterinarian, manufacturing pharmacist or chemist, wholesale or retail pharmacist or druggist, or on the written prescription of a licensed physician, dentist or veterinarian in good standing in his profession,

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not of intemperate habits or addicted to the use of any drug, shall be prima facie evidence of an intent to sell, give away or otherwise dispense the same: Provided, that nothing herein contained shall be construed to apply to any hospital, college or scientific or public institution.

§ 1382. [8] Contents of Prescription for Narcotic Drugs; Filing; Penalty.—Every prescription for use of cocaine, alpha or beta eucaïne, opium, morphine, heroin, chloral hydrate, or any preparation or compound containing any of the foregoing drugs or substances, shall be dated, shall contain the name and address, plainly written, of the patient for whom the same has been prescribed, or, if given by a veterinarian, the kind of animal for which prescribed and the name and address of the owner thereof, shall plainly set forth the quantity of the substance prescribed, and shall be signed by the person giving the prescription. Such original prescription shall be permanently retained on file by the person, firm or corporation which compounds or dispenses the substance prescribed. No copy or duplicate of such prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber and by properly constituted officers of the law. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five nor more than two hundred dollars, and in addition to such fine any person so convicted may, in the discretion of the court, be confined in the county jail for a period not exceeding six months.

§ 1383. [9] When Unlawful to Furnish or Prescribe Narcotic Drugs.—It shall be unlawful for any physician or dentist to furnish to or prescribe for the use of any habitual user of the same any cocaine, alpha or beta eucaïne, opium, morphine, heroin, chloral hydrate, or any preparation or compound containing any of the foregoing drugs or substances. It shall also be unlawful for any physician or dentist to furnish or prescribe any of the foregoing drugs or substances for the use of any persons not under his treatment in the regular practice of his profession, or for any veterinarian to furnish or prescribe any of the foregoing drugs or substances for the use of any human being: Provided, however, that the provisions of this section shall not be construed to prevent any licensed physician from furnishing or prescribing in good faith, for the use of any habitual user of narcotic drugs who is under his professional care, such substances as he may deem necessary for his treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this article.

§ 1384. [10] Limitation of Four Preceding Sections.—The provisions of the four preceding sections shall not apply to preparations containing not more than one-half grain of opium, or not more than one-half grain of codein, or not more than one-eighth grain of morphine, or not more than one-twelfth grain of heroin, or not more than one-thirty-second grain of cocaine, or not more than one-thirty-second grain of alpha or beta eucaïne, or not more than two grains of chloral hydrate in each dose; nor to preparations containing opium and recommended and sold in good faith for diarrhoea and cholera, each bottle or package of which is accompanied by specific

rate habits or addicted to the use of any drug, shall be deemed to be in possession of an intent to sell, give away or otherwise dispense the same, provided, that nothing herein contained shall be construed to apply to a hospital, college or scientific or public institution.

8] Contents of Prescription for Narcotic Drugs; Filing; Every prescription for use of cocaine, alpha or beta eucaine, morphine, heroin, chloral hydrate, or any preparation or compound of the foregoing drugs or substances, shall be dated, shall state the name and address, plainly written, of the patient for whom the substance has been prescribed, or, if given by a veterinarian, the kind of animal for which prescribed and the name and address of the owner thereof, and shall set forth the quantity of the substance prescribed, and shall be countersigned by the person giving the prescription. Such original prescription shall be permanently retained on file by the person, firm or corporation which issues or dispenses the substance prescribed. No copy or duplicate of the prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber and by the duly authorized officers of the law. Any person, firm or corporation which violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five nor more than one hundred dollars, and in addition to such fine any person so convicted shall, in the discretion of the court, be confined in the county jail for a period not exceeding six months.

[9] When Unlawful to Furnish or Prescribe Narcotic Drugs. It shall be unlawful for any physician or dentist to furnish to or prescribe for any habitual user of the same any cocaine, alpha or beta eucaine, morphine, heroin, chloral hydrate, or any preparation or compound containing any of the foregoing drugs or substances. It shall be unlawful for any physician or dentist to furnish or prescribe any of the foregoing drugs or substances for the use of any persons not under his direct supervision in the regular practice of his profession, or for any veterinarian to furnish or prescribe any of the foregoing drugs or substances for the use of any human being: Provided, however, that the provisions of this section shall not be construed to prevent any licensed physician from furnishing or prescribing in good faith, for the use of any habitual user of his services, drugs who is under his professional care, such substances as may be deemed necessary for his treatment, when such prescriptions are not intended to be used for the purpose of evading the provisions of this section.

[10] Limitation of Four Preceding Sections.—The provisions of the four preceding sections shall not apply to preparations containing more than one-half grain of opium, or not more than one-half grain of morphine, or not more than one-eighth grain of morphine, or not more than one-twelfth grain of heroin, or not more than one-thirty-second grain of alpha or beta eucaine, or not more than one-thirty-second grain of alpha or beta eucaine, or not more than two grains of chloral hydrate in each dose; nor to preparations containing opium and recommended and sold in good faith for diarrhoea, each bottle or package of which is accompanied by specific directions for use.

directions for use and a caution against habitual use; nor to powder of ipecac and opium, commonly known as Dover's powder; nor to liniments or ointments when plainly labeled "for external use only."

§ 1385. [11] **Penalties for Violation of Provisions of Article Generally; Second Conviction; Prosecutions.**—Any person, firm or corporation violating any of the provisions of this article, where punishment is not otherwise provided, shall be guilty of a misdemeanor, and, upon conviction for the first offense, shall be fined not less than twenty-five nor more than fifty dollars; and, upon conviction for a second offense, shall be fined not less than fifty nor more than one hundred dollars; and, upon conviction for a subsequent offense, shall be fined not less than one hundred nor more than two hundred dollars, and, in addition to such fine, any persons so convicted may be imprisoned in the county jail for not more than six months.

If the convicted person be a licensed pharmacist, assistant pharmacist, physician, dentist or veterinarian, it shall be the duty of the clerk of the court in which any such conviction is had to transmit forthwith a certified copy of the record entry of such conviction to the state board of pharmacy, the state public health council, the state board of dental examiners, or the state veterinary examining board, as the case may be, which shall, upon a second conviction of such person, revoke his license and strike his name from the register, and it shall be unlawful for such person thereafter to practice the business of pharmacy, conduct a drug store, act as a registered pharmacist or assistant pharmacist, or practice the profession of medicine, dentistry or veterinary medicine, as the case may be, in this State.

It shall be the duty of the board of pharmacy to cause the prosecution of all persons violating the provisions of this article.

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