

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

SENATE BILL No. 230

(By Mr. Spillers & Young for Upshur)



PASSED March 8th 1935

In Effect 90 Days from Passage

250

ENROLLED

Senate Bill No. 230

(BY MESSRS. SPILLERS and YOUNG, of Upshur)

[Passed March 8, 1935; in effect ninety days from passage.]

AN ACT to regulate and control the production, preparation, manufacture, possession, transportation, sale, disposition and use of coca leaves, cocaine, opium, morphine, codeine, heroin, and any compound, manufacture, salt, derivative, mixture and preparation thereof or of either of them, to provide for the control and sale of cannabis, chloral and barbital, to provide for the issuance, suspension and revocation of licenses to produce, prepare, manufacture, sell, dispense and otherwise handle such drugs, to prescribe penalties for violations of

this act, and to provide that this act may be designated and cited as the "Uniform Narcotic Drug Act."

Be it enacted by the Legislature of West Virginia:

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

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

(2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in the state and to use narcotic drugs in connection with such treatment.

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

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

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

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

22 (7) "Pharmacist" means a licensed pharmacist as defined
23 by the laws of this state.

24 (8) "Pharmacy Owner" means the owner of a store or
25 other place of business where narcotic drugs are compounded
26 or dispensed by a registered pharmacist; but nothing in this
27 act contained shall be construed as conferring on a person
28 who is not registered or licensed as a pharmacist any author-
29 ity, right or privilege that is not granted to him by the
30 pharmacy laws of this state.

31 (9) "Hospital" means an institution for the care and
32 treatment of the sick and injured, approved by the state board
33 of pharmacy as proper to be entrusted with the custody of
34 narcotic drugs and the professional use of narcotic drugs
35 under the direction of a physician, dentist, or veterinarian.

36 (10) "Laboratory" means a laboratory approved by the
37 state board of pharmacy as proper to be entrusted with the
38 custody of narcotic drugs and the use of narcotic drugs for

39 scientific and medical purposes and for purposes of instruc-
40 tion.

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

44 (12) "Coca Leaves" includes cocaine and any compound,
45 manufacture, salt, derivatives, mixture, or preparation of coca
46 leaves, except derivatives of coca leaves which do not con-
47 tain cocaine, ecognine, or substances from which cocaine or
48 ecognine may be synthesized or made.

49 (13) "Opium" includes morphine, codeine, and heroin,
50 and any compound, manufacture, salt, derivative, mixture, or
51 preparation of opium.

52 (14) "Narcotic drugs" means coca leaves and opium.

53 (15) "Federal Narcotic Laws" means the laws of the
54 United States relating to opium, coca leaves, and other
55 narcotic drugs.

56 (16) "Official Written Order" means an order written on
57 a form provided for that purpose by the United States com-
58 missioner of narcotics, under any laws of the United States
59 making provision therefor, if such order forms are authorized

60 and required by federal law, and if no such order form is
61 provided then on an official form provided for that purpose
62 by the state board of pharmacy.

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

65 (18) "Registry Number" means the number assigned to
66 each person registered under the federal narcotic laws.

Sec. 2. No person shall manufacture, possess, have under
2 his control, sell, prescribe, administer, dispense, or compound
3 any narcotic drug, except as authorized in this act.

Sec. 3. No person shall manufacture, compound, mix, cult-
2 ivate, grow, or by any other process produce or prepare nar-
3 cotic drugs, and no person as a wholesaler shall supply the
4 same, without having first obtained a license so to do from the
5 state board of pharmacy.

6 A fee of ten dollars shall be charged and collected by the
7 state board of pharmacy for each manufacturer's and each
8 wholesaler's license issued under the provision of this section.
9 The license shall be for the calendar year, and shall be re-
10 newable on the first day of January of each year.

Sec. 4. No license shall be issued under the foregoing section unless and until the applicant therefor has furnished proof satisfactory to the state 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, paraphernalia properly to carry on the business described in his application; and that his trade connections are such that there is reasonable probability that he will apply all narcotic drugs manufactured or sold by him to medicinal and scientific purposes;

(c) 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;

(d) The state board of pharmacy may suspend or revoke any license for cause.

Sec. 5. (1) A duly licensed manufacturer or wholesaler may

2 sell and dispense narcotic drugs to any of the following persons,

3 but only on official written orders:

4 (a) To a manufacturer, wholesaler or pharmacist;

5 (b) To a physician, dentist or veterinarian;

6 (c) To a person in charge of a hospital, but only for use by

7 or in that hospital: *Provided*, That the official written order is

8 signed by a physician, dentist, veterinarian or pharmacist con-

9 nected with such hospital;

10 (d) To a person in charge of a laboratory, but only for use

11 in that laboratory for scientific and medical purposes.

12 (2) A duly licensed manufacturer or wholesaler may sell

13 narcotic drugs to any of the following persons:

14 (a) On a special written order accompanied by a certificate

15 of exemption as required by the federal narcotic laws, to a

16 person in the employ of the United States government or of any

17 state, territorial, district, county, municipal or insular govern-

18 ment, purchasing, receiving, possessing or dispensing narcotic

19 drugs by reason of his official duties;

20 (b) To a master of a ship or a person in charge of any

21 aircraft upon which no physician is regularly employed, for the

22 actual medical needs of persons on board such ship or aircraft,

23 when not in port: *Provided*, That such narcotic drugs shall be
24 sold to the master of such ship or person in charge of such air-
25 craft only in pursuance of a special order form approved by a
26 commissioned medical officer or acting assistant surgeon of the
27 United States public health service;

28 (c) To a person in a foreign country if the provisions of the
29 federal narcotic laws are complied with.

30 (3) An official written order for any narcotic drug shall be
31 signed in duplicate by the person giving said order or by his
32 duly authorized agent. The original shall be presented to the
33 person who sells or dispenses the narcotic drug named therein.
34 In event of the acceptance of such order by said person, each
35 party to the transaction shall preserve his copy of such order for
36 a period of two years in such a way as to be readily accessible
37 for inspection by any public officer or employee engaged in the
38 enforcement of this act. Compliance with the federal narcotic
39 laws, by the parties to the transaction, shall be deemed com-
40 pliance with this subsection, respecting the requirements govern-
41 ing the use of order forms.

42 (4) Possession of or control of narcotic drugs obtained as
43 authorized by this section shall be lawful if in the regular

44 course of business, occupation, profession, employment or duty
45 of the possessor.

46 (5) A person in charge of a hospital or of a laboratory, or
47 in the employ of this state or of any other state, or of any
48 political subdivision thereof, and a master or other proper
49 officer of a ship or aircraft, who obtains narcotic drugs under
50 the provisions of this section or otherwise, shall not administer,
51 nor dispense, nor otherwise use such drugs, within this state,
52 except within the scope of his employment or official duty, and
53 then only for scientific or medicinal purposes and subject to the
54 provisions of this act.

Sec. 6. (1) A pharmacist, in good faith, may sell and dis-
2 pense narcotic drugs to any person upon a written prescription
3 of a physician, dentist, or veterinarian: *Provided*, That such
4 prescription is properly executed, dated and signed by the
5 person prescribing on the day when issued, and bearing the full
6 name and address of the patient for whom, or of the owner of
7 the animal for which, the drug is dispensed, and the full name,
8 address, and registry number under the federal narcotic laws,
9 of the person prescribing, if he is required by those laws to
10 be so registered. If the prescription be for an animal, it shall

11 state the species of animal for which the drug is prescribed. The
12 person filling the prescription shall write the date of filling and
13 his own signature on the face of the prescription. The pre-
14 scription shall be retained on file by the proprietor of the
15 pharmacy in which it is filled for a period of two years, so as to
16 be readily accessible for inspection by any public officer or em-
17 ployee engaged in the enforcement of this act. The prescrip-
18 tion shall not be refilled.

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

23 (3) A pharmacist, only upon an official written order, may
24 sell to a physician, dentist, or veterinarian, in quantities not ex-
25 ceeding one ounce at any one time, aqueous or oleaginous
26 solutions of which the content of narcotic drug does not exceed
27 a proportion greater than twenty per cent of the complete
28 solution, to be used for medical purposes. The original order
29 form must be filed by the pharmacist with his narcotic pre-
30 scriptions. Each package containing an aqueous or oleaginous
31 solution so furnished must bear a label showing the date and

32 number of the order form, the name and proportion of narcotic
33 drug contained in the solution, the name, address, and registry
34 number of the person furnishing the order, and the name,
35 address and registry number of the pharmacist or pharmacy
36 owner filling the order.

Sec. 7. (1) A physician or a dentist, in good faith and in
2 the course of his professional practice only, may prescribe on
3 written prescription, administer, and dispense narcotic drugs,
4 or he may cause the same to be administered by a nurse or
5 interne under his direction and supervision. Such a prescrip-
6 tion shall be dated and signed by the person prescribing on
7 the day when issued, and shall bear the full name and address
8 of the patient for whom the narcotic drug is prescribed, and
9 the full name, address and registry number under the federal
10 narcotic laws of the person prescribing: *Provided*, That he is
11 required by those federal laws to be so registered.

12 (2) A veterinarian, in good faith and in the course of his
13 professional practice only, and not for use by a human being,
14 may prescribe on written prescription, administer, and dis-
15 pense narcotic drugs, and he may cause them to be administered
16 by an assistant or orderly under his direction and supervision.

17 Such a prescription shall be dated and signed by the person
18 prescribing on the day when issued and shall bear the full
19 name and address of the owner of the animal, and the species
20 of the animal, for which the narcotic drug is prescribed, and
21 the full name, address, and registry number under the federal
22 narcotic laws of the person prescribing provided he is required
23 by those laws to be so registered.

Sec. 8. Except as otherwise in this act specifically provided,
2 this act shall not apply to the following cases:

3 (1) Prescribing, administering, dispensing, or selling at re-
4 tail of any medicinal preparation that contains not more than
5 two grains of opium, or more than one-fourth of a grain of
6 morphine, or more than one-eighth of a grain of heroin, or more
7 than one grain of codeine, or any salt or derivative of any of
8 them in one fluid ounce, or if a solid or semi-solid preparation,
9 in one avoirdupois ounce.

10 (2) Prescribing, administering, dispensing, or selling at re-
11 tail of liniments, ointments, and other preparations that are
12 susceptible of external use only and that contain narcotic drugs
13 in such combinations as prevent their being readily extracted
14 from such liniments, ointments, or preparations, except that

15 this act shall apply to all liniments, ointments, and other prep-
16 arations, that contain coca leaves in any quantity or combina-
17 tion.

18 (3) The exceptions authorized by this section shall be sub-
19 ject to the following conditions:

20 (a) The medicinal preparation, or the liniment, ointment,
21 or other preparations susceptible of external use only, pre-
22 scribed, administered, dispensed, or sold, shall contain, in ad-
23 dition to the narcotic drug in it, some drug or drugs conferring
24 upon it medicinal qualities other than those possessed by the
25 narcotic drug alone;

26 (b) Such preparation shall be prescribed, administered, com-
27 pounded, dispensed, and sold in good faith as a medicine, and
28 not for the purpose of evading the provisions of this act;

29 (c) Nothing in this section shall be construed to limit the
30 kind and quantity of any narcotic drug that may be prescribed,
31 administered, compounded, dispensed, or sold, to any person
32 or for the use of any person or animal, when it is prescribed,
33 administered, compounded, dispensed, or sold, in compliance
34 with the general provisions of this act.

Sec. 9. (1) Every physician, dentist, veterinarian, or other

2 person who is authorized to administer or professionally use
3 narcotic drugs, shall keep a record of such drugs received by
4 him, and a record of all such drugs administered, dispensed, or
5 professionally used by him otherwise than by prescription.
6 The keeping of a record by any such person using small quan-
7 tities of solutions or other preparations of such drugs for local
8 application, of the quantity, character, and potency of such
9 solutions or other preparations purchased or made up by him,
10 and of the dates when purchased or made up, without keeping
11 a record of the amount of such solution or other preparation
12 applied by him to individual patients, shall constitute a suffi-
13 cient compliance with this subsection.

14 (2) Manufacturers and wholesalers shall keep records of all
15 narcotic drugs compounded, mixed, cultivated, grown, or by any
16-17 other process produced or prepared, and of all narcotic
18 drugs received and disposed of by them, in accordance with the
19 provisions of subsection five of this section.

20 (3) Pharmacists and pharmacy owners shall keep records of
21 all narcotic drugs received and disposed of by them, in accord-
22 ance with the provisions of subsection five of this section.

23 (4) Every person who purchases for resale, or who sells

24 narcotic drug preparations exempted by section eight of this act,
25 shall keep a record showing the quantities and kinds thereof
26 received and sold, or disposed of otherwise, in accordance with
27 the provisions of subsection five of this section.

28 (5) The form of records shall be prescribed by the state
29 board of pharmacy. The record of narcotic drugs received shall
30 in every case show the date of receipt, the name and address of
31 the person from whom received, and the kind and quantity of
32 drugs received, the kind and quantity of narcotic drugs pro-
33 duced or removed from process of manufacture, and the date of
34 such production or removal from process of manufacture; and
35 the record shall in every case show the proportion of morphine,
36 cocaine, or ecgonine contained in or producible from crude
37 opium or coca leaves received or produced.

38 The record of all narcotic drugs sold, administered, com-
39 pounded, dispensed, or otherwise disposed of, shall show the
40 date of selling, administering, compounding, or dispensing, the
41 name and address of the person to whom or for whose use, or
42 the owner and species of animal for which the drugs were sold,
43 administered, compounded, or dispensed, and the kind and
44 quantity of drugs. Every such record shall be kept for a period

45 of two years from the date of the transaction recorded. The
46 keeping of a record required by or under the federal narcotic
47 laws, containing substantially the same information as is speci-
48 fied above, shall constitute compliance with this section, except
49 that every record shall contain a detailed list of narcotic drugs
50 lost, destroyed, or stolen, if any, the kind and quantity of such
51 drugs, and the date of the discovery of such loss, destruction, or
52 theft.

Sec. 10. (1) Whenever a manufacturer sells or dispenses a
2 narcotic drug, and whenever a wholesaler sells or dispenses a
3 narcotic drug in a package prepared by him, he shall securely
4 affix to each package in which that drug is contained a label
5 showing in legible english the name and address of the vendor
6 and the quantity, kind, and form of narcotic drug contained
7 therein. No person, except a pharmacist for the purpose of
8 filling a prescription under this act shall alter, deface, or re-
9 move any label so affixed.

10 (2) Whenever a pharmacist sells or dispenses any narcotic
11 drug on a prescription issued by a physician, dentist or veteri-
12 narian, he shall affix to the container in which said drug is
13 sold or dispensed, a label showing his name or the name of

14 the store, address, and registry number, or the name, address,
15 and registry number of the pharmacist for which he is law-
16 fully acting; the serial number of the prescription; the name
17 and address of the patient, or, if the patient is an animal, the
18 name and address of the owner of the animal and the species
19 of the animal; the name, address and registry number of the
20 physician, dentist, or veterinarian, by whom the prescription
21 was written; and such directions as may be stated on the pre-
22 scription. No person shall alter, deface, or remove any label
23 so affixed, so long as any of the original contents remain.

Sec. 11. A person to whom or for whose use any narcotic
2 drug has been prescribed, sold, or dispensed, by a physician,
3 dentist, pharmacist, or other person authorized under the
4 provisions of section five of this act, and the owner of any
5 animal for which any such drug has been prescribed, sold,
6 or dispensed, by a veterinarian, may lawfully possess it only
7 in the container in which it was delivered to him by the person
8 selling or dispensing the same.

Sec. 12. The provisions of this act restricting the possess-
2 ing and having control of narcotic drugs shall not apply to
3 common carriers or to warehousemen, while engaged in law-

4 fully transporting or storing such drugs, or to any employee of
5 the same acting within the scope of his employment; or to
6 public officers or their employees in the performance of their
7 official duties requiring possession or control of narcotic drugs;
8 or to temporary incidental possession by employees or agents
9 of persons lawfully entitled to possession, or by persons whose
10 possession is for the purpose of aiding public officers in per-
11 forming their official duties.

Sec. 13. Any store, shop, warehouse, dwelling house, build-
2 ing, vehicle, boat, aircraft, or any place whatever, which is
3 resorted to by narcotic drug addicts for the purpose of using
4 narcotic drugs or which is used for the illegal keeping or sell-
5 ing of the same, shall be deemed a common nuisance. No person
6 shall keep or maintain such a common nuisance.

Sec. 14. All narcotic drugs, the lawful possession of which
2 is not established or the title to which cannot be ascertained,
3 which have come into the custody of a peace officer, shall be
4 forfeited, and disposed of as follows:

5 (a) The court or magistrate having jurisdiction shall im-
6 mediately notify the state board of pharmacy and unless other-
7 wise requested within fifteen days by the state board of

8 pharmacy, in accordance with subsection (b) of this section
9 shall order such narcotic drugs forfeited and destroyed. A
10 record of the place where said drugs were seized, of the kinds
11 and quantities of drugs so destroyed, and of the time, place,
12 and manner of destruction, shall be kept, and a return under
13 oath, reporting said destruction, shall be made to the court
14 or magistrate and to the United States commissioner of
15 narcotics, by the officer who destroys them;

16 (b) Upon written application by the state board of pharmacy
17 the court or magistrate by whom the forfeiture of narcotic
18 drugs has been decreed may order the delivery of any of them,
19 except heroin and its salts and derivatives, to said state board
20 of pharmacy, for distribution or destruction, as hereinafter
21 provided;

22 (c) Upon application by any hospital or institution within
23 this state, not operated for private gain, the state board of
24 pharmacy may in its discretion deliver any narcotic drugs that
25 have come into its custody by authority of this section to the
26 applicant for medicinal or scientific use. The state board of
27 pharmacy may from time to time deliver excess stocks of such
28 narcotic drugs to the United States commissioner of narcotics,

29 or may destroy same;

30 (d) The state board of pharmacy shall keep a full and
31 complete record of all drugs received and of all drugs disposed
32 of, showing the exact kinds, quantities, and forms of such drugs;
33 the persons from whom received and to whom delivered; by
34 whose authority received, delivered, and destroyed; and the
35 dates of the receipt, disposal, or destruction, which record shall
36 be open to inspection by all federal or state officers charged
37 with the enforcement of federal and state narcotic laws.

Sec. 15. On the conviction of any person of the violation
2 of any provision of this act, a copy of the judgment and sen-
3 tence, and of the opinion of the court or magistrate, if any
4 opinion be filed, shall be sent by the clerk of the court, or by
5 the magistrate, to the board or officer, if any, by whom the
6 convicted defendant has been licensed or registered to prac-
7 tice his profession or to carry on his business. A duplicate
8 copy of the judgment and sentence and opinion, if any opinion
9 be filed, shall be sent to the state board of pharmacy.

10 On the conviction of any such person the court may, in its
11 discretion, suspend or revoke the license or registration of the
12 convicted defendant to practice his profession or to carry on

13 his business. On the application of any person whose license
14 or registration has been suspended or revoked, and upon
15 proper showing and for good cause, said board or officer may
16 reinstate such license or registration.

Sec. 16. Prescriptions, orders, and records, required by
2 this act, and stocks of narcotic drugs, shall be open for inspec-
3 tion only to federal, state, county and municipal officers, whose
4 duty it is to enforce the laws of this state or of the United
5 States relating to narcotic drugs. No officer having knowledge
6 by virtue of his office of any such prescription, order or rec-
7 ords shall divulge such knowledge, except in connection with
8 a prosecution or proceedings in court or before a licensing or
9 registration board or officer, to which prosecution or proceed-
10 ing the person to whom such prescriptions, orders, or records
11 relate, is a party.

Sec. 17. (1) No person shall obtain or attempt to obtain
2 a narcotic drug, or procure or attempt to procure the admin-
3 istration of a narcotic drug, (a) by fraud, deceit, misrepre-
4 sentation, or subterfuge; or (b) by forgery or alteration of
5 a prescription or of any written order; (c) by the conceal-

6 ment of a material fact; or (d) by the use of a false name or
7 the giving of a false address.

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

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

14 (4) No person shall, for the purpose of obtaining a narcotic
15 drug, falsely assume the title of, or represent himself to be, a
16 manufacturer, wholesaler, pharmacist, pharmacy owner,
17 physician, dentist, veterinarian, or other authorized person.

18 (5) No person shall make or utter any false or forged pre-
19 scription or false or forged written order.

20 (6) No person shall affix any false or forged label to a pack-
21 age or receptacle containing narcotic drugs.

22 (7) The provisions of this section shall apply to all transact-
23 ions relating to narcotic drugs under the provisions of section
24 eight of this act, and in the same way as they apply to transact-
25 ions under all other sections.

Sec. 18. In any complaint, information or indictment, and in

2 any action or proceeding brought for the enforcement of any
3 provision of this act, it shall not be necessary to negative any
4 exception, excuse, proviso, or exemption, contained in this act,
5 and the burden of proof of any such exception, excuse, pro-
6 viso, or exemption, shall be upon the defendant.

Sec. 19. No cannabis, including the following substances
2 under whatever names they may be designated (a) the dried
3 flowering or fruiting tops of the pistillate plant of Cannabis
4 Sativa L., from which the resin has not been extracted, or
5 (b) the resin extracted from such tops, or (c) any compound,
6 manufacture, mixture, or preparation of such resin, or of
7 such tops from which the resin has not been extracted, shall
8 be sold at retail or dispensed at retail to any person except up-
9 on the written prescription of a physician, dentist, or veter-
10 inarian, providing, however, that nothing in this section shall
11 prevent a registered pharmacist from supplying any of the
12 said drugs to a physician, dentist, veterinarian, or accredited
13 hospital for medicinal use: *Provided further*, That nothing
14 in this section shall prevent the sale or dispensing at retail of
15 preparations containing cannabis when used for external pur-
16 poses.

Sec. 20. No chloral hydrate, or any compound, manufacture, mixture, or preparation thereof containing over two grains to the ounce, shall be sold at retail or dispensed at retail to any person except upon the written prescription of a physician, dentist, or veterinarian: *Provided, however, That* nothing in this section shall prevent a registered pharmacist from supplying any of the said drugs to a physician, dentist, veterinarian, or accredited hospital for medicinal use.

Sec. 21. No malonylurea (barbituric acid), as such, or diethyl-malonylurea, as such, or any sodium or potassium salt of either of them, under whatever name they may be designated, or any sodium or potassium salt of any derivative of malonylurea, or diethyl-malonylurea, under whatever name they may be designated, that may be classed as a dangerous hypnotic or narcotic as defined by regulations of the state board of pharmacy, shall be sold at retail or dispensed at retail to a person except upon the written prescription of a physician, dentist, or veterinarian: *Provided, however, That* nothing in this section shall prevent a registered pharmacist from supplying any of the said drugs to physicians, dentists, veterinarians and/or accredited hospitals for medi-

14 cinal use: *Provided further*, That in order to carry out the
15 intent of this section to control the misuse of certain drugs
16 that no malonylurea or any of its salts, derivatives, mixtures,
17 or preparations thereof shall be sold or dispensed, at retail,
18 by any person not a pharmacist as defined.

Sec. 22. The state board of pharmacy, its officers, agents, in-
2 spectors, and representatives, and all peace officers within the
3 state, and all prosecuting attorneys of the state, shall, enforce
4 all provisions of this act, except those specifically delegated, and
5 shall cooperate with all agencies charged with the enforcement
6 of the laws of the United States, of this state, and of all other
7 states, relating to narcotic drugs.

Sec. 23. Any person violating any provision of this act shall
2 upon conviction be punished, for the first offense, by a fine not
3 exceeding one hundred dollars, or by imprisonment in jail for
4 not exceeding one year, or by both such fine and imprisonment;
5 and for any subsequent offense, by a fine not exceeding
6 one thousand dollars or by imprisonment for not exceeding five
7 years in the penitentiary or by both such fine and imprison-
8 ment.

Sec. 24. No person shall be prosecuted for a violation of any

2 provision of this act if such person has been acquitted or con-
3 victed under the federal narcotic laws of the same act or omis-
4 sion which, it is alleged, constitutes a violation of this act.

Sec. 25. If any provision of this act or the application thereof
2 to any person or circumstances is held invalid, such invalidity
3 shall not affect other provisions or applications of the act which
4 can be given effect without the invalid provisions or application,
5 and to this end the provisions of this act are declared to be
6 severable.

Sec. 26. This act shall be interpreted and construed as to
2 effectuate its general purpose, to make uniform the laws of these
3 states which enact it.

Sec. 27. All acts or parts of acts which are inconsistent with
2 the provisions of this act are hereby repealed.

Sec. 28. This act may be designated and cited as the "Uni-
2 form Narcotic Drug Act."

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 15th day of March,

1935.....


SECRETARY OF STATE

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Clinton L. Howard

Chairman Senate Committee

Arnold M. Vickers

Chairman House Committee

Originated in the *Senate*

Takes effect *90 days from* passage.

Edward M. ...

Clerk of the Senate

W. S. Hance

Clerk of the House of Delegates

Chas. P. Hodges

President of the Senate

John S. Deltor

Speaker House of Delegates

The within.....this the.....

day of....., 1935.

.....
Governor

Filed in the office of the Secretary of State
of West Virginia. **MAR 15 1935**

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