

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 48

(By Mr. TRAUBERT)

PASSED March 4 1959

In Effect final Passage



Filed in Office of the Secretary of State
of West Virginia **MAR 10 1959**
JOE F. BURDETT
SECRETARY OF STATE

48

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Senate Bill No. 48

(By MR. TRAUBERT)

[Passed March 4, 1959; in effect from passage.]

AN ACT to amend and reenact section one, article eight-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to definitions of certain words and phrases dealing with narcotic drugs.

Be it enacted by the Legislature of West Virginia:

That section one, article eight-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. *Definitions.*—The following words and
2 phrases, as used in this article, shall have the following
3 meanings, unless the context otherwise requires:

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

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

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

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

15 (5) "Manufacturer" means a person who, by compound-
16 ing, mixing, cultivating, growing, or other process, pro-
17 duces or prepares narcotic drugs, but does not include a
18 pharmacist who compounds narcotic drugs to be sold or
19 dispensed on prescriptions.

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

23 (7) "Pharmacist" means a licensed pharmacist as de-
24 fined by the laws of this state.

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

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

38 (10) "Laboratory" means a laboratory approved by the
39 state board of pharmacy as proper to be entrusted with the
40 custody of narcotic drugs and the use of narcotic drugs for
41 scientific and medical purposes and for purposes of in-
42 struction.

43 (11) "Sale" includes barter, exchange, or offer there-
44 for, and each such transaction made by any person,

45 whether as principal, proprietor, agent, servant or em-
46 ployee.

47 (12) "Coca leaves" includes cocaine and any compound,
48 manufacture, salt, derivative, mixture, or preparation of
49 coca leaves, except derivatives of coca leaves which do not
50 contain cocaine, ecognine, or substances from which co-
51 caine or ecognine may be synthesized or made.

52 (13) "Opium" includes morphine, codeine, and heroin,
53 and any compound, manufacture, salt, derivative, mixture
54 or preparation of opium.

55 (14) "Cannabis" includes all parts of the plant cannabis
56 sativa L., whether growing or not; the seeds thereof; the
57 resin extracted from any part of the plant; and every
58 compound, manufacture, salt, derivative, mixture, or prep-
59 aration of such plant, its seeds, or resin; but shall not in-
60 clude the mature stalks of such plant, fiber produced from
61 such stalks, oil or cake made from the seeds of such plant,
62 or any other compound, manufacture, salt, derivative,
63 mixture, or preparation of such mature stalks (except the
64 resin extracted therefrom), fiber, oil, or cake, of the ster-

65 ilized seed of such plant which is incapable of germina-
66 tion.

67 (15) "Narcotic drugs" means coca leaves, opium, isoni-
68 pecaine, cannabis, and every other substance neither
69 chemically nor physically distinguishable from them, and
70 any other drugs to which the federal laws relating to nar-
71 cotic drugs may now apply, and any drug hereafter found
72 by the state board of pharmacy to have an addiction-
73 forming or addiction-sustaining liability similar to mor-
74 phine or cocaine.

75 (16) "Federal narcotic laws" means the laws of the
76 United States relating to opium, coca leaves, cannabis, and
77 other narcotic drugs.

78 (17) "Official written order" means an order written
79 on a form provided for that purpose by the United States
80 commissioner of narcotics, under any laws of the United
81 States making provision therefor, if such order forms are
82 authorized and required by federal law, and if no such or-
83 der form is provided, then on an official form provided for
84 that purpose by the state board of pharmacy.

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

87 (19) "Registry number" means the number assigned to
88 each person registered under the federal narcotic laws.

89 (20) "Isonipecaine" means the substance identified
90 chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic
91 acid ethyl ester, or any salt thereof, by whatever trade
92 name identified.

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

W. Jasper
Chairman Senate Committee

J. F. Deen
Chairman House Committee

Originated in the Senate.

Takes effect *from* passage.

Herbert Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

H. R. Parley
Speaker House of Delegates

The within *approved* this the *9th* day of *March*, 1959.

W. H. Underwood
Governor

