

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 264

(By Mr. Bias & Mr. O'Connor)



PASSED March 9 1963

In Effect ninety days from Passage



Filed in Office of the Secretary of State
of West Virginia 3-15-63

JOE F. BURDETT
SECRETARY OF STATE

#264

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House Bill No. 264

(By MR. BIAS and MR. D'AURORA)

[Passed March 9, 1963; in effect ninety days from passage.]

AN ACT to amend and reenact sections seventeen and twenty-three, article eight-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to certain offenses under the uniform narcotic drug act and prescribing penalties for violation of such act.

Be it enacted by the Legislature of West Virginia:

That sections seventeen and twenty-three, article eight-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and re-enacted to read as follows:

Section 17. Obtaining Narcotic Drugs by Fraud, etc.—

2 (1) No person shall obtain or attempt to obtain a nar-

3 cotic drug, or procure or attempt to procure the adminis-
4 tration of a narcotic drug, (a) by fraud, deceit, mis-
5 representation, or subterfuge; or (b) by forgery or alter-
6 ation of a prescription or of any written order; or (c)
7 by the concealment of a material fact; or (d) by the use
8 of a false name or the giving of a false address.

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

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

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

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

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

25 (7) The provisions of this section shall apply to all
26 transactions relating to narcotic drugs under the provi-
27 sions of section eight of this article, and in the same way
28 as they apply to transactions under all other sections.

29 (8) Whoever violates any provision of this section
30 shall be guilty of a misdemeanor, and, upon conviction
31 for the first offense shall be fined not less than fifty nor
32 more than one hundred dollars; and, upon conviction for
33 a subsequent offense shall be fined not less than one hun-
34 dred nor more than two hundred dollars and, in addition
35 to such fine, any person so convicted may be imprisoned
36 in the county jail for not more than six months.

Sec. 23. Penalties for Violation.—Whoever violates any
2 provision of this article, where punishment is not other-
3 wise provided, shall be guilty of a felony, and, upon con-
4 viction, shall be fined not more than one thousand dol-
5 lars and be imprisoned in the penitentiary for not less
6 than two nor more than five years. For a second offense,
7 or if, in case of a first conviction of violation of any pro-
8 vision of this article, the offender shall previously have
9 been convicted of any violation of the laws of the United

10 States or of any other state, territory or district relating
11 to narcotic drugs or marihuana, the offender shall be
12 fined not more than five thousand dollars and be im-
13 prisoned in the penitentiary for not less than five nor
14 more than ten years. For a third or subsequent offense, or
15 if the offender shall previously have been convicted two
16 or more times in the aggregate of any violation of the
17 law of the United States or of any other state, territory
18 or district relating to narcotic drugs or marihuana, the
19 offender shall be fined not more than ten thousand dol-
20 lars and be imprisoned in the penitentiary not less than
21 ten nor more than twenty years.

22 Except in the case of conviction for a first offense in
23 violation of the provisions of this article, and except
24 where punishment is otherwise provided, the imposition
25 or execution of sentence shall not be suspended and pro-
26 bation or parole shall not be granted until the minimum
27 imprisonment herein provided for the offense shall have
28 been served. The court shall in each case fix and deter-
29 mine the exact length of sentence to be served for each
30 conviction.

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

O'Ray Parker

Chairman Senate Committee

Edith L. Crandall

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Thayer

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Howard Wolcott

President of the Senate

Julius W. Singleton Jr.

Speaker House of Delegates

The within approve this the 14th
day of March, 1963.

W. M. Baum

Governor

