

MAINE STATE LEGISLATURE

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CHAPTER 557

NARCOTICS

Sec.

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§ 2361. Definitions

The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:

1. Apothecary or pharmacist. "Apothecary" or "pharmacist" means a licensed pharmacist, as defined by the laws of this State, who prepares, dispenses or sells drugs or medicines and authorized by the board to conduct the business of apothecary 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 chapter shall be construed as conferring on a person, who is not registered nor licensed as a pharmacist, any authority, right or privilege that is not granted to him by the pharmacy laws of this State.

2. Apothecary store. "Apothecary store" means a place registered by the board where drugs, chemicals, medicines, prescriptions or poisons are compounded, dispensed or sold.

3. Board. "Board" means Maine Board of Commissioners of the Profession of Pharmacy.

4. Cannabis. "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, fibre 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, fibre, oil or cake, or the sterilized seed of such plant which is incapable of germination.

5. Coca leaves. "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.

6. Commission. "Commission" means Maine Board of Commissioners of the Profession of Pharmacy.

1957, c. 429, § 67.

7. Dentist. "Dentist" means a person authorized by law to practice dentistry in this State.

8. Dispense. "Dispense" includes distribute, leave with, give away, dispose of or deliver.

9. Federal narcotic laws. "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves and other narcotic drugs.

10. Hospital. "Hospital" means an institution for the care and treatment of the sick and injured, approved by the Bureau of Health 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.

11. Isonipecaïne. "Isonipecaïne" means the substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name identified.

1957, c. 191, § 1.

12. Laboratory. "Laboratory" means a laboratory approved by the Bureau of Health 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.

13. Manufacturer. "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.

14. Medicine. "Medicine" means a drug or preparation of drugs for use as a curative or remedial substance.

15. Narcotic drugs. "Narcotic drugs" means coca leaves, opium, isonipecaine, cannabis and every other substance neither chemically nor physically distinguishable from them and any other drugs to which the federal laws relating to narcotic drugs may now apply; and any drug found by the board after reasonable notice and opportunity for hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine from the date of publication of such finding by said board.

1957, c. 191, § 2; c. 304, § 15; 1963, c. 332, § 12.

16. Official written order. "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 State Bureau of Health.

17. Opium. "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.

18. Person. "Person" includes any corporation, association, copartnership or one or more individuals.

19. Pharmacy. "Pharmacy" means the place registered by the board in which drugs, chemicals, medicines, prescriptions or poisons are compounded, dispensed or sold.

20. Physician. "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 this State and to use narcotic drugs in connection with such treatment.

21. Poison. "Poison" means any drug, chemical or preparation liable to be destructive to human life in quantities of 60 grains or less.

22. Proprietary medicine. "Proprietary medicine" means remedies that certain individuals, firms, associations or corporations have the exclusive right to manufacture or sell.

23. Registry number. "Registry number" means the number assigned to each person registered under the federal narcotic laws.

24. Sale. "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.

25. Secretary. "Secretary" means the secretary of the Maine Board of Commissioners of the Profession of Pharmacy.

1957, c. 429, § 69.

26. Supervision. "Supervision" means under the direct charge or direction and does not contemplate any continued absence of such supervision.

27. Veterinarian. "Veterinarian" means a person authorized by law to practice veterinary medicine in this State.

28. Wholesaler. "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

R.S.1954, c. 68, § 33; 1957, c. 191, §§ 1, 2; c. 304, § 15; c. 429, §§ 66-69; 1963, c. 332, § 12.

§ 2362. Uses of narcotic drugs

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 chapter.

R.S.1954, c. 68, § 34.

§ 2363. Professional use

1. Physicians, dentists and podiatrists. A physician, dentist or a podiatrist, 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.

1957, c. 111, § 4.

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.

3. Return of unused drugs. Any person, who has obtained from a physician, dentist, podiatrist or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, podiatrist or veterinarian, shall return to such physician, dentist, podiatrist or veterinarian any unused portion of such drug when it is no longer required by the patient. (1957, c. 111, § 4.)

R.S.1954, c. 68, § 39; 1957, c. 111, § 4.

§ 2364. Preparations exempted

Except as otherwise in this chapter specifically provided, this chapter shall not apply to the following cases:

1. Medical preparations containing certain drugs. Prescribing, administering, dispensing or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce:

A. Not more than 2 grains of opium,

B. Not more than $\frac{1}{4}$ of a grain of morphine or of any of its salts,

C. Not more than one grain of codeine or of any of its salts,

D. Not more than $\frac{1}{2}$ grain of dihydrocodeine or any of its salts, and

E. Not more than one of the drugs named above in paragraphs A, B, C and D.

1957, c. 191, § 3; c. 304, § 16; c. 429, § 70; 1963, c. 332, § 14.

2. Liniments, etc. Prescribing, administering, dispensing or selling at retail of liniments, ointments and other preparations that are susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted from such liniments, ointments or preparations, except that this chapter shall apply to all liniments, ointments and other preparations that contain coca leaves in any quantity or combination. The exemptions authorized by this section shall be subject to the following conditions:

A. Limitation. No person shall prescribe, administer, dispense or sell under the exemptions of this section to any one person, or for the use of any one person or animal, any preparation or preparations included within this section, when he knows or can by reasonable diligence ascertain that such prescribing, administering, dispensing or selling will provide the person to whom or for whose use, or the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed or sold, within any 48 consecutive hours, with more than 4 grains of opium, or more than $\frac{1}{2}$ grain of morphine or of any of its salts, or more than 4 grains of codeine or of any of its salts, or will provide such person or the owner of such animal, within 48 consecutive hours, with more than one preparation exempted from this chapter.

B. Liniments containing drugs. The medicinal preparation or the liniment, ointment or other preparation susceptible of external use only, prescribed, 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. Such preparation shall be prescribed, administered, dispensed and sold in good faith as a medicine and not for the purpose of evading this chapter.

Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug 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 chapter.

1957, c. 304, § 17; 1963, c. 332, § 15.

3. Exempt preparations. The board may by regulation exempt from the application of this chapter, to such extent as it determines to be consistent with the public welfare, pharmaceutical preparations found by the board after due notice and opportunity for hearing:

A. Either to possess no addiction-forming or addiction-sustaining liability sufficient to warrant imposition of all of the requirements of this chapter; and

B. Does not permit recovery of a narcotic drug having such an addiction-forming or addiction-sustaining liability, with

such relative technical simplicity and degree of yield as to create a risk of improper use.

In exercising the authority granted in paragraph A, the board by regulation and without special findings may grant exempt status to such pharmaceutical preparations as determined to be exempt under the federal narcotic law and regulations.

If the board shall subsequently determine that any exempt pharmaceutical preparation does possess a degree of addiction liability that, in its opinion, results in abusive use, it shall by regulation publish the determination in the state papers. The determination shall be final and the exempt status shall cease to apply to the particular pharmaceutical preparation. (1963, c. 332, § 16.)

R.S.1954, c. 68, § 40; 1957, c. 191, § 3; c. 304, §§ 16, 17; c. 429, § 70; 1963, c. 332, §§ 14-16.

§ 2365. Authorized possession by individuals

A person to whom or for whose use any narcotic drug has been prescribed, sold or dispensed by a physician, dentist, podiatrist, apothecary or other person authorized under section 2370, and the owner or the person having the custody or control of any animal for which any such drug has been prescribed, sold or dispensed by a veterinarian, may lawfully possess it, except when in use, only in the container in which it was delivered to him by the person selling or dispensing the same.

R.S.1954, c. 68, § 43; 1957, c. 111, § 7.

§ 2366. Persons and corporations exempted

The provisions of this chapter, restricting the possession 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.

R.S.1954, c. 68, § 44.

§ 2367. Narcotic drugs; contraband; search warrants; procedure

Narcotic drugs unlawfully in the possession or under the control of any person and which are kept and deposited in the State intended for unlawful sale in the State, and the vessels in which they are contained, are contraband and forfeited to the county in which they are so kept at the time when they are seized under this chapter. In all cases where an officer may seize narcotic drugs or the vessels containing them upon a warrant, he may seize the same without a warrant and keep them in some safe place for a reasonable time until he can procure such warrant.

If any person makes sworn complaint to a District Court that he believes that narcotic drugs are unlawfully kept or deposited in any place in the State by any person, or that the same are intended for sale within the State in violation of law, such officer shall issue his warrant directed to any officer having power to serve criminal process, commanding him to search the premises described and specially designated in such complaint and warrant, and if said narcotic drugs are found there, to seize the same with the vessels in which they are contained, and safely keep them until final action thereon, and make immediate return of said warrant. The name of the person so keeping said drugs, if known to the complainant, shall be stated in such complaint, and the officer shall be commanded by said warrant, if he finds said drugs, to arrest said person and hold him to answer as having in possession said drugs. Any person who may be suspected of unlawfully having in his possession, or selling from, or keeping for illegal sale in his pockets, narcotic drugs, may be searched in the same manner and by the same process as is provided for the search of places and, if drugs are found upon his person, may be held to answer as though such drugs were kept and deposited by him in any place. If narcotic drugs are in any manner destroyed by the tenant, assistant or other person, when premises are about to be searched, manifestly for the purpose of preventing their seizure by officers authorized to make such search and seizure, such drugs may be held to have been unlawfully in possession and the penalties shall be the same as if said drugs had been seized. If the name of the person keeping such drugs is unknown to the complainant, he shall so allege in his complaint, and the officer shall thereupon issue his warrant as provided in the first sentence of this paragraph.

R.S.1954, c. 68, § 29; 1963, c. 327, § 1; c. 402, § 104.

§ 2368. Licenses for 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 to do so from the Bureau of Health.

R.S.1954, c. 68, § 35.

§ 2369. Qualifications for license

No license shall be issued under section 2368, unless and until the applicant therefor has furnished proof satisfactory to the Bureau of Health:

1. Character. 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;

2. Equipment. 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 5 years been convicted of a willful 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.

The Bureau of Health may suspend or revoke any license for cause.

R.S.1954, c. 68, § 36.

§ 2370. Sale on written orders; orders; possession

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

A. To a manufacturer, wholesaler or apothecary;

B. To a physician, dentist, podiatrist 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.

1957, c. 111, § 1.

2. Persons to whom sold. 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 federal narcotic laws are complied with.

3. Procedure. 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 2 years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. 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. 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.

5. Use. A person in charge of a hospital or of a laboratory, or in the employ of this State 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 this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs within this State, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to this chapter.

R.S.1954, c. 68, § 37; 1957, c. 111, § 1.

§ 2371. Sales by apothecaries

1. Prescription. An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription, or an oral prescription in pursuance to regulations promulgated by the United States Commissioner of Narcotics under federal narcotic laws in effect on August 20, 1955, provided said oral prescription is promptly reduced to writing by the pharmacist, of a physician, dentist, podiatrist 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 is 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 prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of 2 years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. The prescription shall not be re-filled.

1955, c. 292; 1957, c. 111, § 2; 1963, c. 332, § 13.

2. Discontinuance of dealing in drugs. 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. Sale for medical purposes. An apothecary, only upon an official written order, may sell to a physician, dentist, podiatrist 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 20% of the complete solution, to be used for medical purposes. (1957, c. 111, § 3.)

R.S.1954, c. 68, § 38; 1955, c. 292; 1957, c. 111, §§ 2, 3; 1963, c. 332, § 13.

§ 2372. Records kept

1. Physicians, dentists, podiatrists, veterinarians and other authorized persons. Every physician, dentist, podiatrist, 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 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.

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 48 consecutive hours:

- A. 4 grains of opium, or
- B. $\frac{1}{2}$ of a grain of morphine or of any of its salts, or
- C. 2 grains of codeine or of any of its salts, or
- D. 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.

1957, c. 111, § 5; c. 304, § 18.

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 subsection 5.

3. Apothecaries. Apothecaries shall keep records of all narcotic drugs received and disposed of by them in accordance with subsection 5.

4. Vendors of exempted preparations. Every person who purchases for resale, or who sells narcotic drug preparations exempted by section 2364, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise in accordance with subsection 5.

5. Form and preservation of records. The form of records shall be prescribed by the Bureau of Health. 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. 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 2 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.

R.S.1954, c. 68, § 41; 1957, c. 111, § 5; c. 304, § 18.

§ 2373. Labels

1. Manufacturer and wholesaler. 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 chapter, shall alter, deface or remove any label so affixed.

2. Apothecary. Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, podiatrist 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, podiatrist 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. (1957, c. 111, § 6.)

R.S.1954, c. 68, § 42; 1957, c. 111, § 6.

§ 2374. Records confidential

Prescriptions, orders and records required by this chapter and stocks of narcotic drugs shall be open for inspection only to federal, state, county and municipal officers whose duty it is to enforce the laws of this State 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.

R.S.1954, c. 68, § 48.

§ 2375. Fraud or deceit

1. Fraud, deceit and forgery. 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 to physician. 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. False statement. No person shall willfully make a false statement in any prescription, order, report or record required by this chapter.

4. Falsely assuming to be an authorized person. 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, podiatrist, veterinarian or other authorized person.

1957, c. 111, § 8.

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

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

7. Application of section. This section shall apply to all transactions relating to narcotic drugs under section 2364, in the same way as they apply to transactions under all other sections of this chapter.

R.S.1954, c. 68, § 49; 1957, c. 111, § 8.

§ 2376. Forfeiture

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 a peace officer, shall be forfeited and disposed of as follows:

1. Court or judge; record. Except as in this section otherwise provided, the court or judge having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed and of the time, place and manner of destruction shall be kept, and a return under oath, reporting said destruction, shall be made to the court or judge and to the United States Commissioner of Narcotics by the officer who destroys them.

2. Bureau of Health. Upon written application by the Bureau of Health, the court or judge by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said Bureau of Health for distribution or destruction.

3. Hospitals; excess stock. Upon application by any hospital within this State, not operated for private gain, the Bureau of Health may in its discretion deliver any narcotic drugs that have come into its custody by authority of this section to the applicant for medicinal use. The Bureau of Health may from time to time deliver excess stocks of such narcotic drugs to the United States Commissioner of Narcotics or may destroy the same.

4. Records by Bureau of Health. The Bureau of Health shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered and destroyed; and the dates of the receipt, disposal or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws.

R.S.1954, c. 68, § 46.

§ 2377. Notice of conviction sent to licensing board

On the conviction of any person of the violation of any provision of this chapter, a copy of the judgment and sentence and of the opinion of the court or judge, if any opinion be filed, shall be sent by the clerk of court or by the judge 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 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.

R.S.1954, c. 68, § 47.

§ 2378. Applicability of forms used in liquor cases

The forms set forth in Title 17, section 2004, when changed by substituting the words "narcotic drugs" for the words "intoxicating liquors," wherever found in the same, together with such other changes therein as further adapt them for use under this chapter, and with such additional changes as adapt them for use in municipalities, are sufficient in law for all cases to which they purport to be adapted.

R.S.1954, c. 68, § 31; 1963, c. 327, § 3.

§ 2379. Enforcement and cooperation

The Bureau of Health, the Board of Commissioners of the Profession of Pharmacy, their officers, agents, inspectors and representatives, and all peace officers within the State and all county attorneys shall enforce all provisions of this chapter, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this State and of all other states relating to narcotic drugs.

R.S.1954, c. 68, § 50; 1957, c. 304, § 19; c. 429, § 71.

§ 2380. Violation of provisions

Whoever violates any provision of this chapter shall upon conviction be punished by a fine of not more than \$1,000 and by imprisonment for not less than 2 nor more than 8 years. For a 2nd offense, or if, in case of a first conviction of violation of any provision of this chapter, the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be punished by a fine of not more than \$2,000 and by imprisonment for not less than 5 nor more than 15 years. For a 3rd or subsequent offense, or if the offender shall previously have been convicted 2 or more times in the aggregate of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be punished by a fine of not more than \$5,000 and by imprisonment for not less than 10 nor more than 20 years.

Except in the case of conviction for a first offense for violation of this chapter, the imposition or execution of sentence shall not be suspended. Parole shall not be granted until the minimum imprisonment herein provided for the offense shall have been served.

R.S.1954, c. 68, § 51; 1963, c. 327, § 6.