

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 134

House of Representatives, Feb. 4, 1913.

*Tabled pending reference to a committee, by Mr. Clark of
Portland, and ordered printed.*

W. R. ROIX, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

AN ACT to regulate the sale of Morphine and other Hypnotic
or Narcotic Drugs.

Be it enacted by the People of the State of Maine, as follows:

Section 1. No person, firm or corporation shall manufac-
2 ture any so-called catarrh powder or catarrh cure, or any
3 patent or proprietary preparation containing cocaine, or any
4 of its salts, or alpha or beta eucaine, or any of their salts,
5 or any synthetic substitute for them.

Sect. 2. No person, firm or corporation shall sell, or expose
2 or offer for sale, or give, deliver or exchange cocaine, or al-
3 pha or beta eucaine, or any synthetic substitute for them or
4 any preparation containing the same, or any salts or com-

5 pounds thereof, except upon the written prescription of a
6 physician, dentist, or veterinary surgeon, registered under the
7 laws of the state in which he resides, which prescription shall
8 be dated and bear the name of the person giving it and of the
9 person prescribed for, and the original prescription shall be
10 retained by the druggist filling the same for at least two
11 years and shall not again be filled, except upon the written
12 order of the original prescriber, and shall at all times be
13 open to inspection by members of the state board of health,
14 members of the state board of pharmacy, and their author-
15 ized agents, by state officials and their authorized agents,
16 and by the police authorities and officers of cities and towns.
17 But no practitioner of veterinary medicine shall prescribe
18 any of the above mentioned substances for the use of a
19 human being.

Sect. 3. No person shall sell, furnish, give away or deliver
2 opium, morphine, heroin, codeine, cannabis indica or canna-
3 bis sativa, or any salt, compound or preparation of said
4 substances except upon the written prescription or order of
5 a lawfully authorized practitioner of medicine, dentistry or
6 veterinary medicine, which prescription shall be dated and
7 shall bear the name of the person giving it, and the name
8 of the person prescribed for; which original prescription
9 shall be retained by the druggist filling the same for at least
10 two years, and shall not again be filled except upon the
11 written order of the original prescriber. Such prescriptions
12 shall at all times be open to inspection by members of the

13 state board of health, the state board of pharmacy, state
14 officials and their duly authorized agents, and by the police
15 authorities and officers of the cities and towns. But no
16 practitioner or veterinary medicine shall prescribe any of
17 the above substances for the use of a human being. The
18 provisions of this section shall not apply to sales made by
19 a manufacturer or wholesale or retail druggist to another
20 manufacturer, wholesale or retail druggist; nor to sales
21 made to hospitals, colleges, scientific or public institutions,
22 or to physicians, dentists or veterinary surgeons; nor to the
23 sale of cough remedies and other domestic and proprietary
24 preparations, provided that such remedies and preparations
25 are sold in good faith as medicines, and not for the purpose
26 of evading the provisions of this act, and provided further
27 that such remedies and preparations do not contain more
28 than two grains of opium, or one-fourth of a grain of mor-
29 phine, or one-fourth of a grain of heroin, or one grain of
30 codeine or their salts, in one fluid ounce, or, if a solid prep-
31 aration, in one avoirdupois ounce; but such provisos shall
32 not apply to liniments and ointments which are prepared
33 for external use only. Nor shall the provisions of this sec-
34 tion apply to preparations containing opium or any of its
35 salts, which are sold in good faith as remedies for diarrhœa,
36 cholera or neuralgia, nor to powder of ipecac and opium,
37 commonly known as Dover's powders, provided, that any
38 such preparation is sold in good faith as medicine and not
39 for the purpose of evading the provisions of this act.

Sect. 4. No practitioner of medicine, dentistry, or veterinary medicine shall prescribe, for the use of an habitual user of the same, opium, morphine, heroin, codeine, or any salt or compound of the said substances, or any preparation containing any of the said substances or their salts or compounds, or cocaine or its salts, or alpha or beta eucaine or their salts, or any synthetic substitute for them, or any preparation containing the same or any salt or compound thereof; nor shall any practitioner of dentistry prescribe any of the said substances for any person not under his treatment in the regular practice of his profession; nor shall any practitioner of veterinary medicine prescribe any of the substances for the use of a human being; provided, however, that the provisions of this section shall not be construed to prevent a lawfully authorized practitioner of medicine from prescribing for the use of any habitual user of hypnotic or narcotic drugs, who is under the professional care of such practitioner such substances as he may deem necessary for treatment, if such prescriptions are given in good faith and not for the purpose of evading the provisions of this act.

Sect. 5. A manufacturer or jobber of any or all of the drugs enumerated in sections 2 and 3 of this act, a wholesale druggist, or a registered pharmacist may sell any drug mentioned in said sections 2 and 3 to a manufacturer, jobber, wholesale druggist, or to a pharmacist, physician, veterinarian or dentist, qualified to practice under the laws of

7 this state, or to an incorporated hospital, but only upon a
8 written order duly signed by such manufacturer, jobber,
9 wholesale druggist, registered pharmacist, registered physi-
10 cian, registered veterinarian, registered dentist, or the
11 superintendent of such incorporated hospital, which order
12 shall show the article or articles ordered and the date of
13 delivery. The said order shall be kept on file in the labora-
14 tory, warehouse, pharmacy or store from which it was filled
15 by the proprietor thereof, or his successor, for a period of
16 not less than two years from the date of delivery, and shall
17 at all times be open to inspection by officers of the state
18 board of health, members of the state board of pharmacy,
19 or their authorized agents, state officials and their author-
20 ized agents, and the police authorities and officers of cities
21 and towns; and such order shall not contain items of any
22 drug not mentioned in sections 2 and 3 of this act.

Sect. 6. A person not being a physician, dentist or veter-
2 inary surgeon, qualified to practice in this state, or not being
3 a manufacturer or wholesale or retail dealer in drugs, who
4 has in his possession opium, morphine, heroin, codeine,
5 cannabis indica, cannabis sativa or any other hypnotic or
6 narcotic drug or salt, compound or preparation of said sub-
7 stances, cocaine, alpha or beta eucaine or any synthetic sub-
8 stitute for them, or any preparation containing the same, or
9 any salts or compounds thereof, except by reason of a pre-
10 scription of a physician, dentist or veterinary surgeon qual-
11 ified to practice in this state, shall be punished as provided

12 in section 8 of this act. The provisions of this section shall
13 not apply to a person, firm or corporation while transport-
14 ing any of the above mentioned drugs from or to a manu-
15 facturer or jobber, wholesale druggist, registered pharma-
16 cist, registered physician, registered veterinarian, registered
17 dentist, or incorporated hospital, nor to persons who may
18 have the above mentioned articles in their possession in
19 connection with the enforcement of the provisions of this
20 act or with the trial of cases arising thereunder. Possession
21 of any of the drugs mentioned in this section shall be prima
22 facie evidence that such possession is unlawful.

Sect. 7. No practitioner of medicine, surgery, dentistry
2 or veterinary medicine shall dispense, furnish or give away
3 opium, morphine, heroin, codeine, cannabis indica, cannabis
4 sativa, or any salt or compound of said substances or any
5 preparation containing any of the said substances or their
6 salts or compounds, or cocaine or its salts or alpha or beta
7 eucaine or their salts or any synthetic substitute for them,
8 or any preparation containing the same or any salt or com-
9 pound thereof except in good faith as medicines for dis-
10 eases indicated, and the aforesaid practitioners shall keep
11 a record in a book kept solely for that purpose of the name
12 and address of the patient treated and the name of the dis-
13 ease indicated and the quantity of the drug dispensed, fur-
14 nished or given away on each separate occasion, which
15 record shall be made within 48 hours of the dispensing or
16 furnishing or giving away and shall be preserved for at

17 least two years, and shall at all times be open to inspection
18 by members of the state board of health, members of the
19 state board of pharmacy or their authorized agents, by state
20 officials or their authorized agents or by the police authori-
21 ties or officers of cities and towns. But no practitioner of
22 medicine, surgery or dentistry shall dispense or prescribe,
23 except for his own professional use, more than four grains
24 of morphine, cocaine, heroin, opium, or any other hypnotic
25 or narcotic drug, their salts, compounds, or any preparation
26 of the same.

Sect. 8. A person who violates a provision of the fore-
2 sections, or aids or abets another in the violation thereof,
3 shall be fined not more than one thousand dollars nor less
4 than fifty dollars, or be imprisoned not more than one year,
5 or both. Judges of the municipal and police courts and
6 trial justices shall have original and concurrent jurisdiction
7 with the superior and supreme courts of offences under this
8 act.

Sect. 9. The state board of health shall make a chemical
2 analysis to determine the composition and quality of any
3 substance mentioned in this act on application of the county
4 attorney of any county of Maine, and shall furnish a cer-
5 tificate certifying to the composition or quality thereof.
6 The certificate under seal of the state board of health which
7 shall be affixed by the chemist thereof making the analysis
8 shall be prima facie evidence of the composition and quality
9 of the substance analyzed.