

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-SIXTH LEGISLATURE

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HOUSE

NO. 449

*House of Representatives, March 7, 1913.*

*Reported by Mr. Maxwell from Committee on Public Health,  
and ordered printed under joint rules.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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

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AN ACT to regulate the sale of morphine and other hypnotic  
or narcotic drugs.

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

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

Sect. 2. No person, firm or corporation shall sell, or ex-  
2 pose or offer for sale, or give, deliver or exchange cocaine,  
3 or alpha or beta eucaine, or any synthetic substitute for  
4 them or any preparation containing the same, or any salts  
5 or compounds thereof, except upon the written prescription

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

Sect. 3. No person shall sell, furnish, give away or de-  
2 liver opium, morphine, heroin, codeine, cannabis indica or  
3 cannabis sativa, or any salt, compound or preparation of  
4 said substances except upon the written prescription or order  
5 of a lawfully authorized practitioner of medicine, dentistry  
6 or veterinary medicine, which prescription shall be dated  
7 and shall bear the name of the person giving it, and the  
8 name of the person prescribed for; which original prescrip-  
9 tion shall be retained by the druggist filling the same for  
10 at least two years, and shall not again be filled except upon  
11 the written order of the original prescriber. Such prescrip-  
12 tions shall at all times be open to inspection by members of  
13 the 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 of 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  
23 the sale of cough remedies and other domestic and propri-  
24 etary preparations, provided that such remedies and prepa-  
25 rations are sold in good faith as medicines, and not for the  
26 purpose of evading the provisions of this act, and provided  
27 further that such remedies and preparations do not contain  
28 more than two grains of opium, or one-fourth of a grain  
29 of morphine, or one-fourth of a grain of heroin, or one  
30 grain of codeine or their salts, in one fluid ounce, or, if a  
31 solid preparation, in one avoirdupois ounce; but such pro-  
32 visos shall not apply to liniments and ointments which are  
33 prepared for external use only. Nor shall the provisions  
34 of this section apply to preparations containing opium or  
35 any of its salts, which are sold in good faith as remedies  
36 for diarrhoea, cholera or neuralgia, nor to powder of ipecac  
37 and opium, commonly known as Dover's powders, provided,  
38 that any such preparation is sold in good faith as medicine  
39 and not for the purpose of evading the provisions of this  
40 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 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 super-  
11 intendent of such incorporated hospital, which order shall  
12 show the article or articles ordered and the date of delivery.  
13 The said order shall be kept on file in the laboratory, ware-  
14 house, pharmacy or store from which it was filled by the  
15 proprietor thereof, or his successor, for a period of not less  
16 than two years from the date of delivery, and shall at all  
17 times be open to inspection by officers of the state board  
18 of health, members of the state board of pharmacy, or their  
19 authorized agents, state officials and their authorized agents,  
20 and the police authorities and officers of cities and towns;  
21 and such order shall not contain items of any drug not men-  
22 tioned 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, can-  
5 nabis indica, cannabis sativa or any other hypnotic or nar-  
6 cotic 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 transporting  
14 any of the above mentioned drugs from or to a manufacturer  
15 or jobber, wholesale druggist, registered pharmacist, regis-  
16 tered physician, registered veterinarian, registered dentist,  
17 or incorporated hospital, nor to persons who may have the  
18 above mentioned articles in their possession in connection  
19 with the enforcement of the provisions of this act or with  
20 the trial of cases arising thereunder. Possession of any of  
21 the drugs mentioned in this section shall be prima facie evi-  
22 dence that such possession is unlawful.

Sect. 7. No practitioner of medicine, surgery, dentistry or  
2 veterinary medicine shall dispense, furnish or give away  
3 opium, morphine, heroin, codeine, cannabis indica, cannabis  
4 sativa, or any salt compound of said substances or any prep-  
5 aration containing any of the said substances or their salts  
6 or compounds, or cocaine or its salts or alpha or beta eu-  
7 caine or their salts or any synthetic substitute for them, or  
8 any preparation containing the same or any salt or com-  
9 pound thereof except in good faith as medicines for diseases  
10 indicated, and the aforesaid practitioners shall keep a record  
11 in a book kept solely for that purpose of the name and ad-  
12 dress of the patient treated and the name of the disease  
13 indicated and the quantity of the drug dispensed, furnished  
14 or given away on each separate occasion, which record shall  
15 be made within 48 hours of the dispensing or furnishing  
16 or giving away and shall be preserved for at least two years,  
17 and shall at all times be open to inspection by members of

18 the state board of health, members of the state board of  
19 pharmacy or their authorized agents, by state officials or  
20 their authorized agents or by the police authorities or offi-  
21 cers of cities and towns. But no practitioner of medicine,  
22 surgery or dentistry shall dispense or prescribe, except for  
23 his own professional use, more than four grains of mor-  
24 phine, cocaine, heroin, opium, or any other hypnotic or nar-  
25 cotic drug, their salts, compounds, or any prepaartion of the  
26 same.

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

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