

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 581

S. P. 330

In Senate, February 9, 1939.

Referred to Committee on Public Health. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Laughlin of Cumberland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Sale or Possession of Poisons.

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

Sec. 1. R. S., c. 23, § 22, amended. Section 22 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 22. Opium, morphine, cannabis indica or cannabis sativa, etc., to be sold only upon a written prescription; prescription to be open to inspection; exceptions. No person shall sell, furnish, give away or deliver opium, morphine, heroin, codeine, cannabis indica or cannabis sativa, or any salt, compound, or preparation of said substances, or any derivative of cannabis indica or cannabis sativa, either dried or in any cigarettes, tobacco, either smoking or chewing, or snuffing articles, or in any other form whatsoever except upon the written prescription or order of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which prescription shall be dated and shall bear the name of the person giving it, and the name of the person prescribed for; the original prescription shall be retained by the druggist filling the same for at least 2 years, and shall not again be filled except upon the written order of the original prescriber. Such prescriptions shall at all times be open to inspection by members of the state department of health and welfare, the board of commissioners of pharmacy, state officials and their duly authorized agents, and by the police

authorities and officers of the cities and towns. No practitioner of veterinary medicine shall prescribe any of the above substances for the use of a human being. The provisions of this section shall not apply to sales made by a manufacturer or wholesale or retail druggist to another manufacturer, or wholesale or retail druggist; nor to sales made to hospitals, colleges, scientific or public institutions, or to physicians, dentists, or veterinary surgeons; nor to the sale of cough remedies and other domestic and proprietary preparations, provided that such remedies and preparations are sold in good faith as medicines, and not for the purpose of evading the provisions of this chapter; and provided further that such remedies and preparations do not contain more than 2 grains of opium, or $\frac{1}{2}$ of a grain of morphine, or $\frac{1}{4}$ of a grain of heroin, or 1 grain of codeine or their salts, in 1 fluid ounce, or, if a solid preparation, in 1 avoirdupois ounce; but such provisos shall not apply to liniments and ointments which are prepared for external use only. Nor shall the provisions of this section apply to preparations containing opium or any of its salts, which are sold in good faith as remedies for diarrhoea, cholera, or neuralgia, nor to powder of ipecac and opium, commonly known as Dover's powders, provided, that any such preparation is sold in good faith as medicine and not for the purpose of evading the provisions of this chapter.'

Sec. 2. R. S., c. 23, § 25, amended. Section 25 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 25. Unauthorized persons not to have opium, etc., in possession; application of section. A person not being a physician, dentist, or veterinary surgeon, qualified to practice in this state, or not being a manufacturer or wholesale or retail dealer in drugs, who has in his possession opium, morphine, heroin, codeine, cannabis indica, cannabis sativa, **or any derivative of cannabis indica or cannabis sativa, either dried or in any cigarettes, tobacco, either smoking or chewing, or snuffing articles, or in any other form whatsoever,** or any other hypnotic or narcotic drug or salt, compound, or preparation of said substances, cocaine, alpha or beta eucaine, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, except by reason of a prescription of a physician, dentist, or veterinary surgeon qualified to practice in this state, shall be punished as provided in section 27 of this chapter. The provisions of this section shall not apply to a person, firm, or corporation while transporting any of the above mentioned drugs from or to a manufacturer or jobber, wholesale druggist, registered pharmacist, registered physician, registered veterinarian, registered dentist, or incorporated hospital, nor to persons who may have the above mentioned articles in their possession in

connection with the enforcement of the provisions of this chapter or with the trial of cases arising thereunder. Possession of any of the drugs mentioned in this section shall be prima facie evidence that such possession is unlawful.'