

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 211. they shall notify the live stock sanitary commissioner of their finding, and he shall notify the party that he can resume practice for the department.'

Approved April 9, 1913.

Chapter 211.

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 :

Manufacture of preparations containing cocaine, etc., forbidden.

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

Cocaine, etc., shall be sold only upon a written prescription of a physician, etc.

Section 2. No person, firm or corporation shall sell, or expose or offer for sale, or give, deliver or exchange cocaine, or alpha or beta eucaine, or any synthetic substitute for them or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist, or veterinary surgeon, registered under the laws of the state in which he resides, which prescription shall be dated and bear the name of the person giving it and of the person prescribed for, and the original prescription shall be retained by the druggist filling the same for at least two years and shall not again be filled, except upon the written order of the original prescriber, and shall at all times be open to inspection by members of the state board of health, members of the state board of pharmacy, and their authorized agents, by state officials and their authorized agents, and by the police authorities and officers of cities and towns. But no practitioner of veterinary medicine shall prescribe any of the above mentioned substances for the use of a human being.

—original prescription shall be retained by druggist.

Opium, morphine, etc., shall be sold only upon a written prescription of a physician, etc.

Section 3. 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 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; which original prescription shall be retained by the druggist filling the same for at least two 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 board of health, the state board of pharmacy, state officials and their duly authorized agents, and by the police authorities and officers of the cities and towns. But 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, 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 act, and provided further that such remedies and preparations do not contain more than two grains of opium, or one-half of a grain of morphine, or one-fourth of a grain of heroin, or one grain of codeine or their salts, in one fluid ounce, or, if a solid preparation, in one 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 act.

Section 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

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—prescriptions shall be open to inspection.

—exceptions.

Practitioners shall not prescribe opium, etc., to habitual users.

—proviso.

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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.

Manufacturers or jobbers may sell to other manufacturers, jobbers, pharmacists, etc.

—upon a written order.

—orders shall be kept on file

Section 5. A manufacturer or jobber of any or all of the drugs enumerated in sections two and three of this act, a wholesale druggist, or a registered pharmacist may sell any drug mentioned in said sections two and three 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 written order duly signed by such manufacturer, jobber, wholesale druggist, registered pharmacist, registered physician, registered veterinarian, registered dentist, or the superintendent of such incorporated hospital, which order shall show the article or articles ordered and the date of delivery. The said order shall be kept on file in the laboratory, warehouse, pharmacy or store from which it was filled by the proprietor thereof, or his successor, for a period of not less than two years from the date of delivery, and shall at all times be open to inspection by officers of the state board of health, members of the state board of pharmacy, or their authorized agents, state officials and their authorized agents, and the police authorities and officers of cities and towns; and such order shall not contain items of any drug not mentioned in sections two and three of this act.

Unauthorized persons shall not have opium, etc., in possession.

—provisions of this section shall not apply to persons lawfully transporting above drugs.

Section 6. 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 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 eight of this act. 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 act 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.

Section 7. No practitioner of medicine, surgery, dentistry or veterinary medicine shall dispense, furnish or give away opium, morphine, heroin, codeine, cannabis indica, cannabis sativa, or any salt compound of 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 except in good faith as medicines for diseases indicated; and the aforesaid practitioners shall keep a record in a book kept solely for that purpose of the name and address of the patient treated, the name of the disease indicated and the quantity of the drug dispensed, furnished or given away on each separate occasion, which record shall be made within forty-eight hours of the dispensing, furnishing or giving away, and shall be preserved for at least two years, and shall at all times be open to inspection by members of the state board of health, members of the state board of pharmacy or their authorized agents, by state officials or their authorized agents or by the police authorities or officers of cities and towns. But no practitioner of medicine, surgery or dentistry shall dispense or prescribe, except for his own professional use, more than four grains of morphine, cocaine, heroin, opium, or any other hypnotic or narcotic drug, their salts, compounds, or any preparation of the same, unless it be for a chronic, incurable, or malignant disease.

Section 8. A person who violates a provision of the foregoing sections, or aids or abets another in the violation thereof, shall be fined not more than one thousand dollars nor less than fifty dollars, or be imprisoned not more than one year, or both. Judges of the municipal and police courts and trial justices shall have original and concurrent jurisdiction with the superior and supreme courts of offenses under this act.

Section 9. The director of the Maine Agricultural Experiment Station shall make a chemical analysis to determine the composition and quality of any substance mentioned in this act on application of the county attorney of any county of Maine, and shall furnish a certificate certifying to the composition or quality thereof. The certificate under seal of the Maine Agricultural Experiment Station which shall be affixed by the chemist thereof making the analysis, shall be prima facie evidence of the composition and quality of the substance analyzed.

No practitioner shall dispense or give away opium, etc.

—practitioners shall keep record of persons treated by opium, etc.

Penalty for violation of this act.

Analysis of substances to determine composition of substances mentioned in this act.