

SEC. 17. This act is necessary for the immediate preservation of the public health and shall take effect immediately. Emergency.

Passed the Senate February 10, 1923.

Passed the House February 21, 1923.

Approved by the Governor, with the exception of Section 16, which is vetoed March 2, 1923.

Veto sustained by the Senate March 3, 1923.

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## CHAPTER 47.

[H. B. 3.]

### NARCOTICS.

AN ACT providing for the regulation, sale, disposal, possession and use of narcotic drugs; providing penalties for violation thereof; providing for the quarantine and treatment of narcotic drug addicts and the promulgation of rules and regulations governing the same; and repealing Sections 2509, 2510 and 2511 of Remington's Compiled Statutes (Sections 8850 and 8851, 8852 Pierce's Code), and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the habitual use of opium, morphine, cocaine, alkaloid cocaine, cocoa leaves or alpha or beta eucaine, their derivatives and other habit-forming drugs hereinafter named is detrimental and dangerous to the individual and to public safety, health and morals. Habitual use.

SEC. 2. The term narcotic drugs wherever used in this act shall be deemed and construed to mean and include opium, morphine, cocaine, alkaloid cocaine, cocoa leaves, or alpha or beta eucaine, heroin, codeine, dionin, cannabis americana, cannabis indica and other salts, derivatives, mixtures or preparations of any of them. Definition.

The term narcotic addict whenever used in this act shall be deemed and construed to mean and in-

clude any person who habitually uses a narcotic drug or drugs.

The masculine term shall be deemed and construed to mean and include the feminine gender and the singular terms shall be deemed and construed to include the plural.

Sale or  
Disposal.

SEC. 3. It shall be unlawful for any person to sell, furnish, or dispose of, or have in his possession with intent to sell, furnish, or dispose of any narcotic drug or drugs, except upon the written and signed prescription of a physician regularly licensed to practice medicine and surgery who has complied with the regulations of, and is duly registered under the laws of the State of Washington, and the laws of the Congress of the United States. All such prescriptions shall be written with ink or indelible pencil, must be signed by the physician issuing the same, and must contain the name and address of the person for whom prescribed and the nature of the ailment, the date written, the office address and federal registry number of the physician, all of which data must be placed on such prescriptions by the physician writing the same, or caused to be placed thereon before his or her signature is affixed thereto.

Physician's  
prescription.

Druggists.

All such prescriptions shall be filled but once, and the dispenser of such drugs in pursuance of such prescriptions shall cause the person procuring the drug or drugs to be prescribed to place his or her signature and address upon the back of such prescriptions, and shall keep all such prescriptions on a separate file and preserve them for not less than two years from and after the date of the last prescription placed on such file, shall make duplicate copy of such prescription and preserve same, and such prescriptions shall at all times during business hours be available for inspection, and such duplicate copy shall be removed by any prosecuting attorney or peace officer, any representative of the Department

of Licenses, or any deputy or inspector of the State Department of Agriculture.

It shall be unlawful for any person to supply such narcotic drugs, or preparations containing such drugs upon telephone orders, or for any person to order such narcotic drugs, or preparation containing such narcotics by telephone. *Provided*, That nothing in this section shall be construed as prohibiting any wholesale dealer in drugs from selling or furnishing in compliance with the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs, to any other wholesale or retail dealer, nor prevent such wholesale dealer from selling, in compliance with the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs, to any physician, dentists, surgeon or veterinarian, duly registered under the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs; nor prevent any retail druggist from selling, in compliance with the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs to any physician, dentist, surgeon or veterinary duly registered under said Acts of Congress and the rules and regulations now in force or hereafter promulgated as aforesaid; nor prevent any physician, dentist, surgeon, or veterinarian, so registered, from administering, for legitimate medical purposes, in the course of his professional practice only, to his patient, any of the articles enumerated in this section in quantities pro-

Telephone orders.

Wholesale dealer.

Retail dealer.

Manufacture,  
sale, etc.

portioned to the needs of such patient; nor prevent the manufacture, sale, and dispensing of preparations and remedies containing not more than two grains of opium, nor more than one-fourth grain of morphine, nor more than one grain of codeine, nor more than one-eighth grain of heroin, or any derivative or preparation of them, in one fluid ounce, or if a solid or semi-solid in one avoirdupois ounce; or liniments, ointments, or other preparations incapable of being used as a beverage intended for external use only, except liniments and ointments or other preparations which contain cocaine or any of its salts or derivatives, or alpha or beta eucaine or their salts or derivatives; *Provided further* That such remedies and preparations are such as are exempt by federal law, rules and regulations and are sold, distributed and dispensed in good faith as medicines and not for the purpose of evading the intentions and provisions of this act and that all sales of such drugs, medicines or preparations which contain such exempt quantities of narcotic drugs, whether sold and dispensed upon prescriptions or otherwise, shall be duly registered and recorded in a suitable register showing in parallel columns the signature of the person procuring the same, the date of sale, address of purchaser, name of drug or preparation, quantity sold or dispensed, and if pursuant to a prescription the serial number of such prescription, and such record shall be preserved for a period of not less than two years from and after the date of the last entry made therein, and at all times during business hours be available for inspection by any prosecuting attorney or peace officer, any representative of the Department of Licenses, or any deputy or inspector of the State Department of Agriculture. Nothing in this act contained shall make unlawful or prevent the purchase by the State University and the State College of Washington or the proper departments of

Preparations  
containing.

University,  
State College.

each said state institutions, of any narcotic drugs and the use of the same for experimental purposes only in such institutions, the same to be purchased, owned, held, possessed and used in compliance with and in conformity to the Acts of Congress of the United States and the rules and regulations now in force or hereafter to be promulgated thereunder.

It shall be deemed a violation of this Act for any person to have in his or her possession any narcotic drug, or any preparation or compound containing same in unexempt quantities, unless the same shall have been obtained pursuant to this Act and to the laws of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder, and proof of the possession of any such narcotic drug, except by a licensed physician, licensed manufacturer or licensed druggist, shall be *prima facie* evidence of an intent to unlawfully sell, furnish or dispose of the same.

Possession.

*Prima facie*  
evidence.

Any person violating any of the provisions of this section and any person who shall falsely make, forge or alter or knowing the same to have been falsely made, forged or altered shall present to any druggist a physician's prescription with intent by means thereof to procure from such druggist any narcotic drug as defined in this act shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for not less than one year nor more than ten years. Upon a conviction of any registered pharmacist, dentist, physician or veterinarian for violating any of the provisions of this section, the certificate of registration or license of such offender shall also be revoked or cancelled, and such offender shall not be eligible for re-registration for a period of ten years from and after the date of the revocation of his or her certificate or license.

Forgery or  
alteration of  
prescription.

Habitual  
use,  
penalty.

SEC. 4. Every person who habitually uses any narcotic drug as defined in this act shall be deemed guilty of a gross misdemeanor.

Prosecutions.

SEC. 5. In any prosecution for the violation of the provisions of this act, it shall not be necessary for the indictment, complaint or information to set forth any negative allegation, nor for the plaintiff to prove that the defendant does not come within any of the exceptions herein contained; but such exceptions shall be considered as a matter of defense, and the burden shall be upon the defendant to show that he comes within such exceptions.

Health  
officers.

SEC. 6. State, county and municipal health officers, or their authorized deputies, who are licensed physicians, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public safety, health and morals, to make examinations of persons

Treatment of  
habitual  
users.

reasonably suspected of being habitual users of any narcotic drug and to require persons whom they have reason to suspect to be habitual users of any narcotic drug to report for treatment to an approved physician, and continue treatment at his own expense until cured, or to submit to treatment, provided at public expense, until cured, and also to isolate or quarantine habitual users of such narcotic drugs or their derivatives. Such officer, deputy or physician shall make a written finding that such person is an habitual user of a narcotic drug, which finding shall be filed in his office: *Provided*, That such habitual users shall not be isolated or quarantined until the State Board of Health shall first, by general regulation, determine that the quarantine or isolation of all habitual users is necessary: *Provided, further*, That any person suspected as herein set forth may have present at the time of his examination, a physician of his or her own choosing: *And Provided further*,

State Board  
of Health.

That the suspected person shall be informed by the health officer of his or her rights under this act.

SEC. 7. Any person convicted under the provisions of Section 4 of this act or any person who shall be confined or imprisoned in any state, county, or city prison in the state and who may be reasonably suspected by the health officer of being a narcotic addict shall be examined for and if found to be an habitual user of said drugs, or any of them, shall be treated therefor at public expense by the health officers or their deputies who are licensed physicians. The prison authorities of any state, county, or city prison are directed to make available to the health authorities, such portion of any state, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison, and who are habitual users of said drugs or their derivatives, may be isolated and treated at public expense until cured, or, in lieu of such isolation any such persons may, in the discretion of the board of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense, as provided in Section 6 of this act. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime: *Provided*, That licensed physicians treating any narcotic addict shall, upon beginning said treatment, immediately report the same to the health officer in charge in that jurisdiction, such report to be on forms prescribed by the State Board of Health, and such report shall give the name of the person receiving such treatment and such other information as shall be deemed necessary by the State Board of Health.

Imprisoned  
user.

Clinics,  
hospitals,  
in prisons.

Physicians'  
report.

SEC. 8. The State Board of Health is hereby empowered and directed by resolution duly entered on the minutes of its proceedings to make such rules

State Board  
of Health.

Rules and regulations.

and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of Section 6 of this act, and such other rules and regulations, not in conflict with the provisions of this act, concerning the control, care, treatment and quarantine of persons addicted to the habitual use of narcotic drugs, as it may from time to time deem advisable. All such rules and regulations so made shall be in force and binding on all county and municipal health officers and other persons affected by this act: *Provided*, That such regulations shall prescribe reasonable safeguards against the disclosure, except to officers and physicians charged with the enforcement of this act, of the names of any narcotic addicts who faithfully comply with the provisions of this act and the lawful regulations of the state board of health, and whoever shall violate any of such safeguarding regulations shall be guilty of a gross misdemeanor.

Disclosure of name of users.

Violation, penalty.

SEC. 9. Any person who shall violate lawful rules or regulations made by the state board of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any state, county or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a gross misdemeanor.

Habitual user's appeal.

SEC. 10. Any person committed to quarantine under the provisions of Sections 6 or 7 of this act, feeling aggrieved at the finding of the health officer that he or she is an habitual user of such drugs, or at the finding that he or she be committed to quarantine, shall have the right of appeal from such finding to the superior court of the State of Washington for the county in which said person is quarantined. Said appeal shall be taken within ten (10) days after said health officer shall have made his finding and



shall be taken by serving written notice of appeal upon said health officer, and by filing the same in the office of the clerk of the superior court, and the procedure governing appeals from judgments of justices of the peace to the superior court shall govern all such appeals: *Provided*, That the person appealing shall be held in quarantine during the pendency of such appeal. Within five (5) days after such appeal shall have been filed, the superior court shall, without a jury, examine or cause to be examined the person taking the appeal, and take such evidence as it may deem necessary for the determination of the truth of the charges against the appellant or of the findings of such health officer. The prosecuting attorney of the county shall represent the health or quarantine officer in all such appeals and the appellant shall have the right to be represented by counsel.

Superior  
court,  
jurisdiction.

The findings and judgment of said superior court upon said appeal shall be conclusive. Any person committed to quarantine under the provisions of this act may be paroled, or discharged from quarantine at any time by the committing health officer or his successor in charge, whenever said person is cured of such narcotic habit, or whenever said officer shall deem it no longer necessary for the public health, safety and morals, to continue the quarantine of said individual. Any person held in quarantine deeming himself cured may make application for discharge to the health officer ordering commitment, or his successor, upon which application findings in writing shall be made within five days therefrom. In the event that the application is denied the applicant may appeal to the superior court in the manner herein provided from the findings of the quarantine officer in charge that he or she is not cured of such habit: *Provided, however*, That said appeal shall not lie until after said person shall have been in quarantine for a period of at least six months. If upon

Habitual  
user,  
paroled,  
discharged.

such hearing the appeal shall be disallowed by the court, the appellant shall be returned to quarantine. If such appeal be allowed, the appellant shall be discharged therefrom. Nothing in Sections 6, 7, 8, 9 and 10 of this act shall affect, prevent, or interfere with prosecutions instituted under Sections 3 or 4 of this act.

Quarantine  
districts.

Clinics.

SEC. 11. For the purpose of carrying out the provisions of this act the state board of health shall have the power and authority from time to time to divide the state into such number of quarantine districts consisting of one or more counties, or municipalities, or parts of counties or municipalities, as it shall deem expedient, and to establish at such place, or places, as it shall deem necessary, quarantine stations and clinics for the detention and treatment of persons found to be habitual users of narcotic drugs, and to establish any such quarantine station and clinic in connection with any county or city jail, or in any hospital or other public or private institution having or which may be provided with, such necessary detention, segregation, isolation, clinic and hospital facilities as may be required and prescribed by the board, and to enter into arrangements for the conduct of such quarantine stations and clinics with the public officers or persons, associations, or corporations in charge of or maintaining and operating such institutions.

Repeals Rem.  
Comp. Stat.  
 §§ 2509-2511;  
Pierce's Code  
 §§ 8850-8852.

SEC. 12. Sections 2509, 2510 and 2511 of Remington's Compiled Statutes (Sections 8850, 8851 and 8852 Pierce's Code) are hereby repealed.

Act  
cumulative.

SEC. 13. The provisions of this act shall be cumulative with and additional to the existing laws and regulations and nothing herein contained shall abridge or limit the powers of health authorities as construed by the supreme court of the State of Washington, except as herein otherwise provided.

SEC. 14. Nothing contained in any of the provisions of this act shall apply to any offense committed or act done at any time before the date when this act shall take effect. Such an offense shall be punished according to, and such act shall be governed by, the provisions of law existing when it is done or committed, in the same manner as if this act had not been passed. Act not retroactive.

SEC. 15. If any part of this act shall be adjudged to be invalid or unconstitutional, such adjudication of invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole, or of any part thereof not adjudged invalid or unconstitutional. Unconstitutionality of any part.

SEC. 16. This act is necessary for the preservation of the public peace, health and safety and shall take effect immediately. Emergency.

Passed the House January 23, 1923.

Passed the Senate February 20, 1923.

Approved by the Governor March 3, 1923.

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## CHAPTER 48.

[H. B. 111.]

### GRAIN AND HAY INSPECTION.

AN ACT relating to state grades for hay, and amending Section 6989 of Remington's Compiled Statutes.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 6989 of Remington's Compiled Statutes be amended to read as follows: Amends Rem. Comp. Stat. § 6989; Pierce's Code § 2653.

Section 6989. The director of the department of agriculture shall fix and establish standard grades to apply to all grain and hay, bought or handled by the public or terminal warehouses, or bought according to state grades in this state. The director shall Standard grades.