

CHAPTER 27.

[H. B. 16.]

UNIFORM NARCOTIC DRUG ACT—ADDICTION.

AN ACT relating to narcotics; reenacting chapter 69.32 RCW relating to narcotic addicts; reenacting chapter 69.33 relating to The Uniform Narcotic Drug Act; providing penalties; repealing chapter 47, Laws of 1923, chapter 22, Laws of 1951 second extraordinary session, chapter 88, Laws of 1953, chapter 25, Laws of 1955, and chapter 161, Laws of 1957; and declaring an emergency.

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

Chapter 69.32

NARCOTICS—ADDICTION

SECTION 69.32.010 *Definitions.* The definitions contained in RCW 69.33.220 as now or hereafter amended shall also apply to this chapter.

The term “narcotic addict” means a person who habitually uses a narcotic drug or drugs.

SEC. 69.32.030 *State University and State College May Purchase Drugs.* Nothing herein shall make unlawful or prevent the purchase by the State University and the State College of Washington or the proper departments thereof, of narcotic drugs and the use thereof for experimental purposes only, when purchased, owned, held, possessed and used in compliance with the acts of congress and the rules and regulations thereunder.

SEC. 69.32.060 *Exceptions and Exemptions Not Required to Be Negatived.* In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this chapter, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant.

SEC. 69.32.070 *Suspected Addicts—Treatment—Isolation.* 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 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 persons 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,* That the suspected person shall be informed by the health officer of his or her rights under this chapter.

SEC. 69.32.080 *Unlawful Possession, Use—Habitual User—Penalty.* It shall be unlawful for any person to use, administer by hypodermic or otherwise any narcotic drug as defined in the uniform narcotic drug act, RCW 69.33.220 as now or hereafter amended, except as prescribed and under the direction of a physician authorized by law to practice medicine in this state, and any other person authorized by law to treat sick and injured human

beings in this state and to use narcotic drugs in connection with such treatment. The unlawful possession of narcotic drugs as defined herein shall be prima facie evidence of an intent to illegally use such drugs. An habitual user of narcotic drugs shall be any person addicted to the use of narcotics as defined in this chapter and obtaining such narcotics unlawfully. Any person convicted of being an habitual user of narcotics or of violating any provision of this chapter shall be guilty of a gross misdemeanor.

SEC. 69.32.090 *Examination and Treatment of Convicted Persons.* Any person convicted under the provisions of RCW 69.32.080 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 RCW 69.32.070. 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.

SEC. 69.32.100 *Rules and Regulations—Safeguards—Penalty.* The state board of health is hereby empowered and directed by resolution duly entered on the minutes of its proceedings to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this chapter, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of RCW 69.32.070, and such other rules and regulations, not in conflict with the provisions of this chapter, 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 chapter: *Provided*, That such regulations shall prescribe reasonable safeguards against the disclosure, except to officers and physicians charged with the enforcement of this chapter, of the names of any narcotic addicts who faithfully comply with the provisions of this chapter and the lawful regulations of the state board of health, and whoever shall violate any of such safeguarding regulation shall be guilty of a gross misdemeanor.

SEC. 69.32.110 *Appeals.* Any person committed to quarantine under the provisions of RCW 69.32.070 or 69.32.090, 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 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 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.

The findings and judgment of said superior court upon said appeal shall be conclusive. Any person committed to quarantine under the provisions of this chapter 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 man-

ner 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 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 RCW 69.32.070, 69.32.090 through 69.32.110, and 69.32.130 shall affect, prevent, or interfere with prosecutions instituted under RCW 69.32.080.

SEC. 69.32.120 *Quarantine Stations and Clinics.* For the purpose of carrying out the provisions of this chapter 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.

SEC. 69.32.130 *Penalty for Violating Rule or Regulation or Order.* 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 chapter, shall be deemed guilty of a gross misdemeanor.

SEC. 69.32.900 *Continuation of Existing Law.* The provisions of this chapter insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SEC. 69.32.910 *Chapter and Section Headings Not Part of Law.* Chapter headings, and section or subsection headings, as used in this chapter do not constitute any part of the law.

SEC. 69.32.920 *Invalidity of Part of Chapter Not to Affect Remainder.* If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

SEC. 69.32.930 *Repeals and Saving.* The following acts or parts of acts are repealed:

- (1) Chapter 47, Laws of 1923;
- (2) Sections 18, 22, and 23, chapter 22, Laws of 1951 second extraordinary session;
- (3) Section 1, chapter 88, Laws of 1953.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor any rule, regulation or order adopted pursuant thereto, nor as affecting any proceeding instituted thereunder.

SEC. 69.32.940 *Emergency.* This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

SEC. 69.32.950 *Statement of Public Policy.* The habitual use of opium, morphine, cocaine, alkaloid cocaine, coca 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.

SEC. 69.32.960 *Chapter Is Cumulative.* The provisions of this chapter 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.

Chapter 69.33

UNIFORM NARCOTIC DRUG ACT

SEC. 69.33.220 *Definitions.* The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:

(1) "Person" includes any corporation, association, copartnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies

narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, found by the state board of pharmacy to have a custodian of narcotics proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, deriva-

tive, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

(13) "Cannabis" includes all parts of the plant *Cannabis Sativa L.*, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(14) "Narcotic drugs" means coca leaves, opium, cannabis and every other substance neither chemically nor physically distinguishable from them; any other drugs to which the federal laws relating to narcotic drugs may now apply; and any drug found by the board of pharmacy, after reasonable notice and opportunity for hearing, to have addiction-forming or addiction-sustaining liability similar to morphine or cocaine, from the date of publication of such finding by the state board of pharmacy.

(15) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(16) "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the state board of pharmacy.

(17) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(18) "Registry number" means the number assigned to each person registered under the federal narcotic laws.

SEC. 69.33.230 *Compliance Required.* It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this chapter.

SEC. 69.33.240 *License Required.* No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the state board of pharmacy.

SEC. 69.33.250 *Qualifications for License—Suspension or Revocation.* No license shall be issued under RCW 69.33.240 unless and until the applicant therefor has furnished proof satisfactory to the state board of pharmacy.

(1) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(2) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict.

The state board of pharmacy may suspend or revoke any license for cause.

SEC. 69.33.260 *Sale by Manufacturer, Wholesaler—Conditions—Use of Drugs.* (1) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

(a) To a manufacturer, wholesaler, or apothecary.

(b) To a physician, dentist, or veterinarian.

(c) To a person in charge of a hospital, but only for use by or in that hospital.

(d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(2) A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

(a) On a special written order accompanied by a certificate of exemption, as required by the federal narcotic laws, to a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or to a physician or surgeon duly licensed in some state, territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft, only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service.

(c) To a person in a foreign country if the provisions of the federal narcotic laws are complied with.

(3) An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his

copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with the federal narcotic laws, respecting the requirements governing the use of order forms.

(4) Possession of or control of narcotic drugs obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some state, territory, or the District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this chapter.

SEC. 69.33.270 *Sale by Apothecary.* (1) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription or an oral prescription in pursuance to regulations promulgated by the United States commissioner of narcotics under the existing federal narcotic laws, of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the

full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. The prescription shall not be refilled.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty percent of the complete solution, to be used for medical purposes.

SEC. 69.33.280 *Dispensing by Physicians, Dentists, Veterinarians—Return of Unused Portion.* (1) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

(2) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

(3) Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to such physician, dentist, or veterinarian any unused portion of such drug, when it is no longer required by the patient.

SEC. 69.33.290 *Exempted Sales and Uses.* Except as otherwise in this chapter specifically provided, this chapter shall not apply to the following cases:

Administering, dispensing, or selling at retail any medicinal preparation, other than those hereinafter specified, that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts, or not more than one-sixth grain of dihydrocodeinone or of any of its salts, or not more than two grains of noscapine (formerly narcotine) or of any of its salts, or not more than two grains of papaverine or of any of its salts: *Provided*, That any new narcotic drug of natural or synthetic origin, that may be found by the United States commissioner of narcotics to be nonhabit forming in use, and which is so designated by them as an exempt narcotic, under federal law, may be classified as an exempt narcotic in the state of Washington, by ruling of the board of pharmacy.

The exemption authorized by this section shall be subject to the following conditions: (1) That the medicinal preparation administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and (2) that such preparation shall be administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this chapter.

Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts, or of dihydrocodeinone or of any of its salts, or of noscapine (formerly narcotine) or of any of its salts, or of papaverine or of any of its salts, that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this chapter.

Note: See also section 1, chapter 97, Laws of 1959.

SEC. 69.33.300 Records to Be Kept. (1) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients: *Provided*, That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic

potency any one of the drugs named above in the quantity stated.

(2) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

(3) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

(4) Every person who purchases for resale, or who sells narcotic drug preparations exempted by RCW 69.33.290, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection 5 of this section.

(5) The form of records shall be prescribed by the state board of pharmacy. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced and the proportion of resin contained in or producible from the plant *Cannabis Sativa L.* The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quan-

tity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

SEC. 69.33.310 *Labels Required.* (1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person except an apothecary for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was issued, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

SEC. 69.33.320 *User Must Keep Drug in Original Container.* A person to whom or for whose use any

narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of RCW 69.33.260, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

SEC. 69.33.330 *Possession, Control by Common Carriers, Warehousemen, Public Officers, and Certain Employees.* The provisions of this chapter restricting the possessing and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

SEC. 69.33.340 *Narcotics Resort a Public Nuisance.* Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a public nuisance. No person shall keep or maintain such a public nuisance.

SEC. 69.33.350 *Disposal of Seized Narcotics.* All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

- (1) Except as in this section otherwise provided,

the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States commissioner of narcotics, by the officer who destroys them.

(2) Upon written application by the state board of pharmacy, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said state board of pharmacy, for distribution or destruction, as hereinafter provided.

(3) Upon application by any hospital within this state, not operated for private gain, the state board of pharmacy may in its discretion deliver any narcotic drugs that have come into its custody by authority of this section to the applicant for medical use. The state board of pharmacy may from time to time deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics, or may destroy the same.

(4) The state board of pharmacy shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws.

SEC. 69.33.360 *Violation—Revocation of License—Reinstatement.* On the conviction of any person of the violation of any provision of this chapter, a copy

of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. Upon receipt of a certified copy of such final judgment and sentence, and opinion if any, the licensing board or officer concerned shall call and conduct a hearing, as provided by law, to determine whether the registration or the professional license of such person shall be revoked. The certified copy of judgment and sentence shall, for purposes of the hearing, constitute conclusive evidence of violation of this chapter. Conviction of violation of any provision of this chapter shall constitute grounds for revocation of the registration or the professional license of the person convicted. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officers may reinstate such license or registration.

SEC. 69.33.370 *Inspection of Records, Drug Stocks—Confidential Information.* Prescriptions, orders, and records, required by this chapter, and stocks of narcotic drugs, shall be open for inspection only to federal, state, county, and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, order, or records relate is a party.

SEC. 69.33.380 *Fraud in Obtaining or Dispensing Narcotics.* (1) No person shall obtain or attempt to

obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of RCW 69.33.290, in the same way as they apply to transactions under all other sections.

SEC. 69.33.390 *Exceptions and Exemptions Not Required to Be Negatived.* In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this chapter, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant.

SEC. 69.33.400 *Enforcement of Chapter.* It is hereby made the duty of the state board of pharmacy, its officers, agents, inspectors, and representatives, and of all peace officers within the state, and of all county prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic drugs.

SEC. 69.33.410 *Violation—Penalty.* Whoever violates any provision of this chapter shall, upon conviction, be fined not more than two thousand dollars and be imprisoned not less than two years: *Provided,* That for the first offense the court may in its discretion impose a fine of not to exceed one thousand dollars or a sentence not to exceed one year in the county jail, or both such fine and imprisonment. For a second offense, or if, in the case of a first conviction of violation of any provision of this chapter, the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be fined not more than ten thousand dollars and be imprisoned not less than five years. For a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be fined not more than twenty-five thousand dollars and be imprisoned not less than ten years. For any offense under the provisions of this chapter involving a sale to or other transaction with a minor the offender shall be fined not more than fifty thousand dollars and imprisoned not less than twenty years except

that on first offense involving a minor the court may in its discretion impose a lesser penalty.

SEC. 69.33.420 *Violation—Double Prosecution Prohibited.* No person shall be prosecuted for a violation of any provision of this chapter if such person has been acquitted or convicted under the federal narcotic laws of the same act or omission which, it is alleged, constitutes a violation of this chapter.

SEC. 69.33.430 *Search and Seizure—Warrant—Return.* If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court or justice of the peace that there is probable cause to believe that any narcotic drug is being used, manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any peace officer in the county, commanding him to search the premises designated and described in such complaint and warrant, and to seize all narcotic drugs there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such narcotic drugs, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. A copy of said warrant shall be served upon the person or persons found in possession of any such narcotic drugs, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant

shall be posted on the door of the building or room wherein the same are found, or, if there be no door, then in any conspicuous place upon the premises.

SEC. 69.33.440 *State University and State College May Purchase Drugs.* Nothing herein shall make unlawful or prevent the purchase by the State University and the State College of Washington or the proper departments thereof, of narcotic drugs and the use thereof for experimental purposes only, when purchased, owned, held, possessed and used in compliance with the acts of congress and the rules and regulations thereunder.

SEC. 69.33.900 *Severability.* If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are declared to be severable.

SEC. 69.33.910 *Construction.* This chapter shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it.

SEC. 69.33.920 *Short Title.* This chapter may be cited as the uniform narcotic drug act.

SEC. 69.33.930 *Continuation of Existing Law.* The provisions of this chapter insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SEC. 69.33.940 *Chapter and Section Headings Not Part of Law.* Chapter headings, and section or subsection headings, as used in this chapter do not constitute any part of the law.

SEC. 69.33.950 *Invalidity of Part of Chapter Not to Affect Remainder.* If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provisions to other persons or circumstances is not affected.

SEC. 69.33.960 *Repeals and Saving.* The following acts or parts of acts are repealed:

(1) Sections 1 through 17, 19, 20, 21, 24, 25, 26, and 27, chapter 22, Laws of 1951 second extraordinary session;

(2) Sections 2, 3, and 4, chapter 88, Laws of 1953;

(3) Chapter 25, Laws of 1955;

(4) Chapter 161, Laws of 1957.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor any rule, regulation or order adopted pursuant thereto, nor as affecting any proceeding instituted thereunder.

SEC. 69.33.970 *Emergency.* This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 21, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

Explanatory
note.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

I. Introductory.

At the time of the enactment of the Uniform Narcotic Drug Act, (1951 2nd ex.s. c 22) the principal statute on this subject was 1923 c 47, being:

"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 . . ."

The 1951 act amended or repealed most of the sections of the 1923 act so that all that remains thereof are the provisions relating to the quarantine and treatment of addicts. The 1951 act also enacted the Uniform Narcotic Drug Act and the combining of the uniform act in the same bill with the amendments to the 1923 act, gave rise to a number of codification and statutory construction problems. For ex-

ample, the present application of 1951 2nd ex.s. c 22 sec. 23 (RCW 69.32.030) exempting purchases by the State University and the State College, and of 1951 2nd ex.s. c 22 sec. 18 (RCW 69.32.060) "Exceptions and exemptions not required to be negatived", is not altogether clear. Explanatory note.

The publishers of the Revised Code of Washington codified the 1923 act (as amended by 1951) as chapter 69.32 RCW, and codified the uniform act as chapter 69.33. The instant bill corrects the mischief of the 1951 act by codifying the university and college exemption section and the "negating exceptions" section, as a part of each RCW chapter, and proposes the reenactment of each such chapter as a completely self-contained unit.

Each section is in the language of its latest session law parent, as published in 6/1/58 restoration supplement to RCW except for minor variances therefrom which are explained in the "section comment" below.

II. Section Comment.

Chapter 69.32 Narcotics—Addiction

- 69.32.010 Source [1951 2nd ex.s. c 22 sec. 22; 1923 c 47 sec. 2; RRS sec. 2509-2.]
 "RCW 69.33.010" changed to "RCW 69.33.220 as now or hereafter amended", to correspond with renumbering of this section as explained below, and to insure the adoption of subsequent amendments to said section "RCW 69.32.030 and 69.32.060 to 69.32.130, inclusive" changed to "this chapter".
- 69.32.030 Source [1951 2nd ex.s. c 22 sec. 23; 1923 c 47 sec. 3, part; RRS sec. 2509-3, part. Prior: 1909 c 249 sec. 257.] This section is repeated in chapter 69.33 as sec. 69.33.440.
- 69.32.060 Source [1951 2nd ex.s. c 22 sec. 18; 1923 c 47 sec. 5; RRS sec 2509-5.] The 1951 act expressly amended RCW 69.32.060 to read identically with section 18 of the uniform act. The uniform act language is retained here and the section is repeated as section 69.33.390, *infra*.
- 69.32.070 Source [1923 c 47 sec. 6; RRS sec. 2509-6.]
- 69.32.080 Source [1953 c 88 sec. 1; 1923 c 47 sec. 4; RRS sec. 2509-4. Prior: 1909 c 249 sec. 257.]
 "RCW 69.33.010" changed to "RCW 69.33.220 as now or hereafter amended", to correspond with renumbering of this section as explained below, and to insure the adoption of subsequent amendments to said section.
- 69.32.090 Source [1923 c 47 sec. 7; RRS sec. 2509-7.]
- 69.32.100 Source [1923 c 47 sec. 8; RRS sec. 2509-8.]
- 69.32.110 Source [1923 c 47 sec. 10; RRS sec. 2509-10.]
 In the last sentence of RCW 69.32.110, "Sections 3 or 4 of this act" changed to "RCW 69.32.080" which is the codification of said "section 4". All that remains of section 3 since the enactment of 1951 2nd ex.s. c 22, is the university and state college exemption. The remainder of the old section 3 dealt with distribution of certain narcotics to physicians, druggists, wholesale dealers, etc., unlawful possession (which is now section 4), and forgery of prescriptions. This material is now taken care of in the uniform act where there would be no question of the procedural provisions of chapter 69.32 applying anyway. Hence the translation of only "section 4".
- 69.32.120 Source [1923 c 47 sec. 11; RRS sec. 2509-11.]
- 69.32.130 Source [1923 c 47 sec. 9; RRS sec. 2509-9.]
- 69.32.900 through 69.32.940. Construction sections added relating to effect of repeal and reenactment.
- 69.32.940 Source [1923 c 47 sec. 1.]
- 69.32.950 Source [1923 c 47 sec. 13.]

Explanatory
note.

Chapter 69.33 Uniform Narcotic Drug Act

Introductory Note: In order to restore this act to the same order of sections as adopted by the National Conference of Commissioners on Uniform State Laws, it is herein assigned new numbers beginning with Sec. 69.33.220. The uniform act is published in Volume 9B of Uniform Acts Annotated.

- 69.33.220 Source [1953 c 88 sec. 2; 1951 2nd ex.s. c 22 sec. 1; RCW 69.33-.010; uniform act sec. 1.]
- 69.33.230 Source [1951 2nd ex.s. c 22 sec. 2; RCW 69.33.020; uniform act sec. 2.]
- 69.33.240 Source [1951 2nd ex.s. c 22 sec. 3; RCW 69.33.030; uniform act sec. 3.]
- 69.33.250 Source [1951 2nd ex.s. c 22 sec. 4; RCW 69.33.040; uniform act sec. 4.]
- 69.33.260 Source [1951 2nd ex.s. c 22 sec. 5; RCW 69.33.050; uniform act sec. 5.]
- 69.33.270 Source [1951 2nd ex.s. c 22 sec. 6; RCW 69.33.060; uniform act sec. 6.]
- 69.33.280 Source [1951 2nd ex.s. c 22 sec. 7; RCW 69.33.070; uniform act sec. 7.]
- 69.33.290 Source [1957 c 161 sec. 1; 1953 c 88 sec. 4; 1951 2nd ex.s. c 22 sec. 8; RCW 69.33.080; uniform act sec. 8.]
- 69.33.300 Source [1951 2nd ex.s. c 22 sec. 9; RCW 69.33.090; uniform act sec. 9.]
- 69.33.310 Source [1955 c 25 sec. 2; 1951 2nd ex.s. c 22 sec. 10; RCW 69.33.100; uniform act sec. 10.]
- 69.33.320 Source [1951 2nd ex.s. c 22 sec. 11; RCW 69.33.110; uniform act sec. 11.]
- 69.33.330 Source [1951 2nd ex.s. c 22 sec. 12; RCW 69.33.120; uniform act sec. 12.]
- 69.33.340 Source [1951 2nd ex.s. c 22 sec. 13; RCW 69.33.150; uniform act sec. 13.]
- 69.33.350 Source [1951 2nd ex.s. c 22 sec. 14; RCW 69.33.170; uniform act sec. 14.]
- 69.33.360 Source [1951 2nd ex.s. c 22 sec. 15; RCW 69.33.210; uniform act sec. 15.]
"this chapter" substituted for specific translations, since entire uniform act is herein contained in chapter 69.33.
- 69.33.370 Source [1951 2nd ex.s. c 22 sec. 16; RCW 69.33.130; uniform act sec. 16.]
- 69.33.380 Source [1951 2nd ex.s. c 22 sec. 17; RCW 69.33.140; uniform act sec. 17.]
- 69.33.390 Source [1951 2nd ex.s. c 22 sec. 18; uniform act sec. 18.]
See note to 69.32.060.
- 69.33.400 Source [1951 2nd ex.s. c 22 sec. 19; RCW 69.33.180; uniform act sec. 19.]
- 69.33.410 Source [1953 c 88 sec. 3; 1951 2nd ex.s. c 22 sec. 20; RCW 69.33.190; uniform act sec. 20.]
- 69.33.420 Source [1951 2nd ex.s. c 22 sec. 21; RCW 69.33.200; uniform act sec. 21.]
- 69.33.430 Source [1951 2nd ex.s. c 22 sec. 24; RCW 69.33.160.]
This section was included in the 1951 act pursuant to the comment of the Uniform Law Commissioners
". . . that each state provide its own method of search, seizure, and forfeiture of narcotic drugs." See 9B Volume A p. 317, also p. 275. Therefore it is for all purposes a part of the act and can be codified as such.
- 69.33.440 Source [1951 2nd ex.s. c 22 sec. 23; 1923 c 47 sec. 3, part; RCW 69.32.030.] Also carried herein as section 69.32.030.
- 69.33.900 Source [1951 2nd ex.s. c 22 sec. 25; uniform act sec. 22.]
- 69.33.910 Source [1951 2nd ex.s. c 22 sec. 26; uniform act sec. 23.]

- 69.33.920 Source [1951 2nd ex.s. c 22 sec. 27; uniform act sec. 25.] "Sections 1 to 21, inclusive, 25, 26, and 29" changed to "this chapter" as the entire uniform act is codified within this chapter. Explanatory note.
- 69.33.930 through 69.33.970 Construction sections added relating to effect of repeal and reenactment.

CHAPTER 28.

[H. B. 2.]

PUBLIC INSTITUTIONS—TITLE 72 RCW REENACTMENT.

AN ACT relating to state government; enacting a public institutions code to be known as Title 72 of the Revised Code of Washington; providing penalties; repealing sections 1 through 10, pages 4 through 6, Laws of 1861; sections 1 through 5, pages 356 and 357, Laws of 1869; sections 1 through 9, pages 358 through 360, Laws of 1869; sections 1 through 26, pages 83 through 89, Laws of 1875; sections 2247 through 2275, Code 1881; sections 1 through 6, pages 37 through 38, Laws of 1883; sections 1 through 23, pages 82 through 85, Laws of 1883; sections 1 through 15, pages 141 through 144, Laws of 1885-6; sections 1 through 7, pages 144 through 145, Laws of 1885-6; sections 1 through 18, pages 152 through 155, Laws of 1885-6; chapter 60, Laws of 1888; chapter 62, Laws of 1888; sections 1 through 7, pages 269 through 271, Laws of 1889-90; sections 1 through 25, pages 271 through 277, Laws of 1889-90; sections 1 through 49, pages 482 through 495, Laws of 1889-90; chapter 147, Laws of 1891; chapter 131, Laws of 1895; chapter 67, Laws of 1897; chapter 119, Laws of 1901; chapter 167, Laws of 1901; chapter 171, Laws of 1901; chapter 110, Laws of 1903; chapter 90, Laws of 1907; chapter 156, Laws of 1907; chapter 166, Laws of 1907; sections 1, 2 and 4 through 7, chapter 97, pages 256 through 258, Laws of 1909; sections 1 through 10, chapter 97, pages 258 through 260, Laws of 1909; chapter 222, Laws of 1909; section 32, chapter 249, Laws of 1909; chapter 10, Laws of 1913; sections 1 through 5 and 8 through 14, chapter 157, Laws of 1913; chapter 81, Laws of 1915; chapter 106, Laws of 1915; sections 32, 41 and 43, chapter 7, Laws of 1921; chapter 48, Laws of 1921; chapter 74, Laws of 1925, extraordinary session; chapter 212, Laws of 1927; chapter 276, Laws of 1927; chapter 305, Laws of 1927; chapter 59, Laws of 1929; chapter 77, Laws of 1931; chapter 84, Laws of 1935; section 5, chapter 114, Laws of 1935; chapter 161, Laws of 1939; chapter 175, Laws of 1943; chapter 79, Laws of 1945; chapter 188, Laws of 1947; chapter 190, Laws of 1947; chapter 211, Laws of 1947; chapter 114, Laws of 1949; sections 20 and 52, chapter 198, Laws of 1949; chapter 135, Laws of 1951; sections 6 through 16, 40 through 50 and