

CHAPTER 88.

[ Sub. H. B. 135. ]

NARCOTIC DRUGS.

AN ACT relating to narcotic drugs, providing certain penalties, and amending sections 69.32.080, 69.33.010, 69.33.080, and 69.33.190, RCW.

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

SECTION 1. Section 69.32.080, RCW, as derived from section 4, chapter 47, Laws of 1923, is amended to read as follows: Amendment.

It shall be unlawful for any person to use, administer by hypodermic or otherwise any narcotic drug as defined in the Uniform Narcotics Drug Act, RCW 69.33.010, 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 act shall be guilty of a gross misdemeanor. Unlawful use or administering.  
Unlawful possession.  
Habitual user defined.  
Penalty.

SEC. 2. Section 69.33.010, RCW, as derived from section 1, chapter 22, Laws of 1951, second extraordinary session, is amended to read as follows: Amendment.

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

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

"Physician."

(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.

"Dentist."

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

"Veterinarian."

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

"Manufacturer."

(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.

"Wholesaler."

(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.

"Apothecary."

(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.

"Hospital."

(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.

"Laboratory."

(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. "Sale."

(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. "Coca leaves."

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts. "Opium."

(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. "Cannabis."

(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 mor- "Narcotic drugs."

phine or cocaine, from the date of publication of such finding by the state board of pharmacy.

"Federal narcotic laws."

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

"Official written order."

(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.

"Dispense."

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

"Registry number."

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

Amendment.

SEC. 3. Section 69.33.190, RCW, as derived from section 20, chapter 22, Laws of 1951, second extraordinary session, is amended to read as follows:

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 act, 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

First offense.

Second offense.

Third offense.

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.

Transactions with minors.

SEC. 4. Section 69.33.080, RCW, as derived from section 8, chapter 22, Laws of 1951, second extraordinary session, is amended to read as follows:

Amendment.

Except as otherwise in this chapter specifically provided, this chapter shall not apply to the following cases:

Exceptions from chapter; codeine and dihydrocodeinone.

Administering, dispensing, or selling at retail any medicinal preparation 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.

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 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.

Passed the House March 4, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

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CHAPTER 89.

[ Sub. H. B. 136. ]

WEED EXTERMINATION AREAS.

AN ACT relating to noxious weeds; amending sections 17.08.010, 17.08.110 and 17.08.120, RCW; and adding three new sections to chapter 17.08, RCW.

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

Amendment. SECTION 1. Section 17.08.010, RCW, as derived from section 1, chapter 194, Laws of 1937, is amended to read as follows:

Definitions. As used in this chapter:

"Director." "Director" means the director of agriculture;

"Weed district." "Weed district" means a weed district organized pursuant to chapter 17.04;

"Weed extermination area." "Weed extermination area" means an area set up by the board of county commissioners and the director of agriculture covering any type of land and in which they are responsible for rules, regulations, and enforcement and wherein extermination and prevention are emphasized;

"Crop land." "Crop land" means land ordinarily devoted to the usual cultivated crops in the area or livestock and including orchards, small fruits, hay meadows, and rotation pastures, and including lanes, fence rows, irrigation and drainage ditches, farmsteads, and timber lots included therein.