

FOODS, DRUGS, OIL AND COMPOUNDS

CHAPTER 184

S. B. No. 64

(Morgan, Ringsak, Van Horn, Hernet, Wadeson and Witteman)

VIOLATION OF NARCOTICS LAWS

AN ACT

To amend and reenact sections 19-03-02 and 19-03-31 of the North Dakota Century Code relating to the violation of narcotics laws and to repeal section 19-03-28 of the North Dakota Century Code relating to sale and possession of marijuana and providing a penalty.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 19-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-03-02. Acts Prohibited—Penalty.) It shall be unlawful for any person to grow, manufacture, possess, have under his control, sell, prescribe, administer, dispense, furnish, give away, trade, or compound any narcotic drug, except as authorized in this chapter. Any person violating any of the provisions of this section shall be guilty of a felony and shall be punished by a fine of not more than ten thousand dollars or by imprisonment at hard labor in the penitentiary for not more than ninety-nine years, or by both such fine and imprisonment.

§ 2. **Amendment.)** Section 19-03-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-03-31. Penalties.) Any person violating any provision of this chapter, if another penalty is not specifically prescribed, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the penitentiary for not less than one year nor more than three years, or in the county jail for not more than one year, or by both such fine and imprisonment.

§ 3. **Repeal.)** Section 19-03-28 of the North Dakota Century Code is hereby repealed.

Approved February 23, 1961.

CHAPTER 185

S. B. No. 197

(Morgan, Baker, Foss, Garaas, Fiedler)

EXEMPTED MEDICINAL PREPARATIONS

AN ACT

To amend and reenact section 19-03-12 of the North Dakota Century Code, relating to exempted medicinal preparations.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 19-03-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-03-12. Preparations Exempted.) Medicinal preparations which under the regulations promulgated by the United States Commissioner under the federal narcotics law are permitted to be administered, dispensed, or sold at retail without a prescription from a licensed physician and are designated as "exempt" under such regulations, are exempt from the provisions of this Act unless otherwise specifically provided. 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; and
3. That the following medicinal preparations are not exempt under this section and shall be administered, dispensed, or sold only upon a prescription from a licensed physician:
 - a. Opium in quantities of two grains to the ounce or more; or
 - b. Morphine in quantities of one-quarter grain to the ounce or more.

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.

Approved February 28, 1961.