

CHAPTER 114

NARCOTIC DRUG ACT

S. F. 154

AN ACT to repeal sections thirty-one hundred fifty-one (3151) to thirty-one hundred sixty-nine (3169), inclusive, of the Iowa code, 1935, relating to narcotic drugs and the possession, sale and distribution thereof, and to enact a substitute therefor to prohibit manufacture, possession, sale, and dispensing of narcotic drugs, with certain exceptions, and to provide for licensing and revocation of licenses in connection therewith; prescribing conditions under which purchases and sales may be made; and to provide for the return of unused portions of the same; also providing for the keeping of records in connection therewith and providing exemptions under this act to persons and corporations; declaring what is a nuisance under this act and providing for forfeiture and destruction in certain cases; providing records to be confidential and prescribing upon whom the burden of proof rests and providing for penalties for violation of the act.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Definitions. The following words and phrases, as used
 2 in this act, shall have the following meanings, unless the context other-
 3 wise requires:
- 4 (1) "Person" includes any corporation, association, co-partnership,
 5 or one or more individuals.
- 6 (2) "Physician" means a person authorized by law to practice
 7 medicine in this state and any other person authorized by law to treat
 8 sick and injured human beings in this state and to use narcotic drugs
 9 in connection with such treatment.
- 10 (3) "Dentist" means a person authorized by law to practice den-
 11 tistry in this state.
- 12 (4) "Veterinarian" means a person authorized by law to practice
 13 veterinary medicine in this state.
- 14 (5) "Manufacturer" means a person who by compounding, mixing,
 15 cultivating, growing, or other process, produces or prepares narcotic
 16 drugs, but does not include a pharmacist who compounds narcotic
 17 drugs to be sold or dispensed on prescriptions.
- 18 (6) "Wholesaler" means a person who supplies narcotic drugs that
 19 he himself has not produced nor prepared, on official written orders,
 20 but not on prescriptions.
- 21 (7) "Pharmacist" means a registered pharmacist of this state.
- 22 (8) "Pharmacy Owner" means the owner of a store or other place
 23 of business where narcotic drugs are compounded or dispensed by a
 24 registered pharmacist; but nothing in this act contained shall be con-
 25 strued as conferring on a person who is not registered or licensed as
 26 a pharmacist any authority, right or privilege that is not granted to
 27 him by the pharmacy laws of this state.
- 28 (9) "Hospital" means an institution for the care and treatment of
 29 sick and injured, approved by the Iowa pharmacy examiners as proper
 30 to be entrusted with the custody of narcotic drugs and the professional
 31 use of narcotic drugs under the direction of a physician, dentist, or
 32 veterinarian.
- 33 (10) "Laboratory" means a laboratory approved by the Iowa
 34 pharmacy examiners, as proper to be entrusted with the custody of
 35 narcotic drugs and the use of narcotic drugs for scientific and medical
 36 purposes and for purposes of instruction.

37 (11) "*Sale*" includes barter, exchange, gift, or offer therefor, and
 38 each such transaction made by any person, whether as principal, pro-
 39 prietor, agent, servant, or employee.

40 (12) "*Coca leaves*" includes cocaine and any compound, manufac-
 41 ture, salt, derivative, mixture, or preparation of coca leaves, except
 42 derivatives of coca leaves which do not contain cocaine, ecgonine, or
 43 substances from which cocaine or ecgonine may be synthesized or
 44 made.

45 (13) "*Opium*" includes morphine, codeine and heroin, and any com-
 46 pound, manufacture, salt, derivative, mixture, or preparation of opium.

47 (14) "*Cannabis*" includes the following substances, (Indian Hemp,
 48 American Hemp, Marihuana) under whatever names they may be
 49 designated: (a) The dried flowering or fruiting tops of the plant
 50 Cannabis Sativa L., from which the resin has not been extracted, (b)
 51 the resin extracted from such tops, and (c) every compound, manu-
 52 facture, salt, derivative, mixture, or preparation of such resin, or of
 53 such tops from which the resin has not been extracted.

54 (15) "*Narcotic Drugs*" means coca leaves, opium, and cannabis.

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

57 (17) "*Official written order*" means an order written on a form
 58 provided for that purpose by the United States commissioner of nar-
 59 cotics, under any laws of the United States making provision therefor,
 60 if such order forms are authorized and required by federal law.

61 (18) "*Dispense*" includes "distribute", "leave with", "give away",
 62 "dispose of", or "deliver".

63 (19) "*Registry number*" means the number assigned to each per-
 64 son registered under the federal narcotic laws.

1 SEC. 2. **Acts prohibited.** It shall be unlawful for any person to
 2 manufacture, possess, have under his control, sell, prescribe, admin-
 3 ister, dispense, or compound any narcotic drug, except as authorized
 4 in this act.

1 SEC. 3. **Manufacturers and wholesalers.** No person shall manufac-
 2 ture, compound, mix, cultivate, grow, or by any other process produce
 3 or prepare narcotic drugs, and no person as a wholesaler shall supply
 4 the same, without having first obtained a license to do so from the Iowa
 5 pharmacy examiners. The fee for such license shall be five (5) dollars.
 6 Every license shall expire on the thirtieth day of June following the
 7 date of issuance of such license and shall be renewed annually. The
 8 renewal fee shall be two (2) dollars. Provided, however, that this
 9 section shall not apply to pharmacists, physicians, dentists, and vet-
 10 erinarians in the regular course of their legitimate professional ac-
 11 tivities.

1 SEC. 4. **Qualification for licenses.** No license shall be issued under
 2 the foregoing section unless and until the applicant therefor has fur-
 3 nished proof satisfactory to the Iowa pharmacy examiners:

4 (a) that the applicant is of good moral character or, if the appli-
 5 cant be an association or corporation, that the managing officers are
 6 of good moral character;

7 (b) that the applicant is equipped as to land, buildings, and par-
 8 aphernalia properly to carry on the business described in his applica-
 9 tion.

10 No license shall be granted to any person who has within five (5)
11 years been convicted of a willful violation of any law of the United
12 States, or of any state, relating to opium, coca leaves, or other nar-
13 cotic drugs, or to any person who is a narcotic drug addict.

14 The Iowa pharmacy examiners may suspend or revoke any license
15 for cause.

1 SEC. 5. Sale on written orders. (1) A duly licensed manufacturer
2 or wholesaler may sell and dispense narcotic drugs to any of the fol-
3 lowing persons, but only on official written order:

4 (a) to a manufacturer, wholesaler, pharmacist, or pharmacy owner:

5 (b) to a physician, dentist, or veterinarian;

6 (c) to a person in charge of a hospital, but only for use by or in
7 that hospital;

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

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

12 (a) on a special written order accompanied by a certificate of ex-
13 emption, as required by the federal narcotic laws, to a person in the
14 employ of the United States government or of any state, territorial,
15 district, county, municipal, or insular government, purchasing, re-
16 ceiving, possessing, or dispensing narcotic drugs by reason of his
17 official duties;

18 (b) to a master of a ship or a person in charge of any aircraft upon
19 which no physician is regularly employed, for the actual medical needs
20 of persons on board such ship or aircraft, when not in port, or to a
21 physician or surgeon duly licensed in some state, territory, or the
22 District of Columbia to practice his profession, or to a retired com-
23 missioned medical officer of the United States army, navy, or public
24 health service employed upon such ship or aircraft; provided, such
25 narcotic drugs shall be sold to the master of such ship or person in
26 charge of such aircraft or to the physician, surgeon, or retired com-
27 missioned medical officer of the United States army, navy, or public
28 health service employed upon such ship or aircraft only in pursuance
29 of a special order form approved by a commissioned medical officer
30 or acting assistant surgeon of the United States public health service;

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

33 (3) An official written order for any narcotic drug shall be signed in
34 duplicate by the person giving said order or by his duly authorized
35 agent. The original shall be presented to the person who sells or dis-
36 penses the narcotic drug or drugs named therein. In event of the
37 acceptance of such order by said person, each party to the transaction
38 shall preserve his copy of such order for a period of two (2) years in
39 such a way as to be readily accessible for inspection by any public
40 officer or employee engaged in the enforcement of this act. It shall
41 be deemed a compliance with this subsection if the parties to the trans-
42 action have complied with the federal narcotic laws respecting the
43 requirements governing the use of order forms.

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

47 (5) A person in charge of a hospital or of a laboratory, or in the em-

48 ploy of this state or of any other state, or of any political subdivision
49 thereof, or a master of a ship or a person in charge of any aircraft
50 upon which no physician is regularly employed, or a physician or
51 surgeon duly licensed in some state, territory, or the District of
52 Columbia to practice his profession, or a retired commissioned medical
53 officer of the United States army, navy, or public health service em-
54 ployed upon such ship or aircraft who obtains narcotic drugs under
55 the provisions of this section or otherwise, shall not administer nor
56 dispense nor otherwise use such drugs, within this state, except within
57 the scope of his employment or official duty and then only for scientific
58 or medicinal purposes and subject to the provisions of this act.

1 **SEC. 6. Sales by pharmacists.** A pharmacist, in good faith, may sell
2 and dispense narcotic drugs to any person upon a written prescription
3 of a physician, dentist, or veterinarian, provided it is properly exe-
4 cuted, dated and signed in indelible pencil or ink by the person pre-
5 scribing, on the day when issued or the following day, and bearing the
6 full name and address of the patient for whom, or of the owner of the
7 animal for which, the drug is dispensed, and the full name, address,
8 and registry number under the federal narcotic laws of the person
9 prescribing, if he is required by those laws to be so registered. If the
10 prescription be for an animal, it shall state the species of animal for
11 which the drug is prescribed. The person filling the prescription shall
12 write the date of filling and his own signature on the face of the pre-
13 scription. The prescription shall be retained on file by the proprietor
14 of the pharmacy in which it is filled for a period of two years, so as
15 to be readily accessible for inspection by any public officer or employee
16 engaged in the enforcement of this act. The prescription shall not be
17 refilled.

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

22 (3) A pharmacist, only upon an official written order, may sell to
23 a physician, dentist, or veterinarian, in quantities not exceeding one
24 (1) ounce at any one time, aqueous or oleaginous solutions of which
25 the content of narcotic drugs does not exceed a proportion greater than
26 twenty (20) per cent. of the complete solution, to be used for medical
27 purposes.

1 **SEC. 7. Professional use of narcotic drugs.** (1) A physician or a
2 dentist, in good faith and in the course of his professional practice
3 only, may prescribe on a written prescription, administer or dispense
4 narcotic drugs or may cause the same to be administered by a nurse or
5 interne under his direction and supervision. Such a prescription shall
6 be dated and signed by the person prescribing on the day when issued
7 and shall bear the full name and address of the patient for whom the
8 narcotic drug is prescribed, and the full name, address and registry
9 number under the federal narcotic laws of the person prescribing,
10 provided he is required by those laws to be so registered.

11 (2) A veterinarian, in good faith and in the course of his profes-
12 sional practice only, and not for use by a human being, may prescribe
13 on a written prescription, administer or dispense narcotic drugs, and
14 he may cause them to be administered by an assistant or orderly under

15 his direction and supervision. Such a prescription shall be dated and
 16 signed by the person prescribing on the day when issued and shall
 17 bear the full name and address of the owner of the animal, the species
 18 of the animal for which the narcotic drug is prescribed and the full
 19 name, address and registry number under the federal narcotic laws of
 20 the person prescribing, provided he is required by those laws to be so
 21 registered.

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

1 SEC. 8. Preparations exempted. Except as otherwise in this act
 2 specifically provided, this act shall not apply to the following cases:

3 (1) Prescribing, administering, compounding, dispensing, or sell-
 4 ing at retail of any medicinal preparation that contains in one (1)
 5 fluid ounce, or, if a solid or semi-solid preparation, in one (1) avoird-
 6upois ounce, (a) not more than two (2) grains of opium, (b) not
 7 more than one-quarter ($\frac{1}{4}$) of a grain of morphine or of any of its
 8 salts, (c) not more than one (1) grain of codeine or of any of its salts,
 9 (d) not more than one-eighth ($\frac{1}{8}$) of a grain of heroin or of any of
 10 its salts, (e) not more than one (1) grain of extract of cannabis nor
 11 more than one (1) grain of any more potent derivative or preparation
 12 of cannabis.

13 (2) Prescribing, administering, compounding, dispensing, or sell-
 14 ing at retail of liniments, ointments and other preparations that are
 15 susceptible of external use only and that contain narcotic drugs in
 16 such combinations as prevent their being readily extracted from such
 17 liniments, ointments, or preparations, except that this act shall apply
 18 to all liniments, ointments and other preparations that contain coca
 19 leaves in any quantity or combination.

20 The exemptions authorized by this section shall be subject to the
 21 following conditions:

22 (a) The medicinal preparation, or the liniment, ointment or other
 23 preparation susceptible of external use only, prescribed, administered,
 24 dispensed, or sold, shall contain, in addition to the narcotic drug in
 25 it, some drug or drugs conferring upon it medicinal qualities other
 26 than those possessed by the narcotic drug alone. Such preparation
 27 shall be prescribed, administered, compounded, dispensed, and sold
 28 in good faith as a medicine, and not for the purpose of evading the
 29 provisions of this act.

30 (b) Nothing in this section shall be construed to limit the kind and
 31 quantity of any narcotic drug that may be prescribed, administered,
 32 compounded, dispensed, or sold, to any person or for the use of any
 33 person or animal, when it is prescribed, administered, compounded,
 34 dispensed, or sold in compliance with the general provisions of this
 35 act.

36 (c) Nothing in this section shall be construed to permit any person
 37 to prescribe, administer, compound, dispense, or sell any of the prepa-
 38 rations included herein, except those persons duly qualified under this
 39 act to engage in the distribution of narcotics.

1 **SEC. 9. Record to be kept.** (1) Every physician, dentist, veterina-
2 rian, or other person who is authorized to administer or professionally
3 use narcotic drugs, shall keep a record of such drugs received by him
4 and a record of all such drugs administered, dispensed, or profession-
5 ally used by him otherwise than by prescription. It shall, however, be
6 deemed a sufficient compliance with this subsection if any such person
7 using small quantities of solutions or other preparations of such drugs
8 for local application shall keep a record of the quantity, character and
9 potency of such solutions or other preparations purchased or made
10 up by him, and of the dates when purchased or made up, without keep-
11 ing a record of the amount of such solution or other preparation ap-
12 plied by him to individual patients.

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

18 (3) Pharmacists and pharmacy owners shall keep records of all
19 narcotic drugs received and disposed of by them, in accordance with
20 the provisions of subsection (5) of this section.

21 (4) Every person who purchases for resale, or who sells narcotic
22 drug preparations exempted by section eight (8) of this act, shall
23 keep a record showing the quantities and kinds thereof received and
24 sold, or disposed of otherwise, in accordance with the provisions of
25 subsection (5) of this section.

26 (5) The record of narcotic drugs received shall in every case show
27 the name and address of the person from whom received, and the kind
28 and quantity of drugs received; the kind and quantity of narcotic drugs
29 produced or removed from process of manufacture, and the date of
30 such production or removal from process of manufacture; and the
31 record shall in every case show the proportion of morphine, cocaine, or
32 ecgonine contained in or producible from crude opium or coca leaves
33 received or produced, and the proportion of resin contained in or pro-
34 ducible from the dried flowering or fruiting tops of the plant *Canna-*
35 *bis Sativa L.*, from which the resin has not been extracted, received
36 or produced. The record of all narcotic drugs sold, administered, dis-
37 pensed, or otherwise disposed of, shall show the date of selling, ad-
38 ministering, or dispensing, the name and address of the person to
39 whom, or for whose use, or the owner and species of animal for which
40 the drugs were sold, administered, or dispensed, and the kind and
41 quantity of drugs. Every record shall be kept for a period of two
42 years from the date of the transaction recorded. The keeping of a
43 record required by or under the federal narcotic laws, containing sub-
44 stantially the same information as is specified above, shall constitute
45 compliance with this section, except that every such record shall con-
46 tain a detailed list of narcotic drugs lost, destroyed or stolen, if any;
47 the kind and quantity of such drugs and the date of the discovery of
48 such loss, destruction or theft.

49 (6) Written orders shall not be required for the sale at wholesale
50 of cannabis or any of the medicinal preparations exempted by section
51 eight (8) of this act, but manufacturers and wholesalers of cannabis
52 or said medicinal preparations shall be required to render, with every
53 sale thereof, an invoice, whether such sale be for cash or on credit;

54 and such invoice shall contain the date of such sale, the name and
55 address of the purchaser, and the amount of cannabis or said medicinal
56 preparation so sold. Every purchaser of cannabis or said medicinal
57 preparation from a manufacturer or wholesaler shall be required to
58 keep the invoice rendered with such purchase for a period of two
59 years.

1 **SEC. 10. Labels.** (1) Whenever a manufacturer sells or dispenses
2 a narcotic drug, and whenever a wholesaler sells or dispenses a nar-
3 cotic drug in a package prepared by him, he shall securely affix to
4 each package in which that drug is contained a label showing in legi-
5 ble English the name and address of the vendor and the quantity, kind
6 and form of narcotic drug contained therein. No person, except a
7 pharmacist for the purpose of filling a prescription under this act,
8 shall alter, deface, or remove any label so affixed.

9 (2) Whenever a pharmacist or pharmacy owner sells or dispenses
10 any narcotic drug on a prescription issued by a physician, dentist or
11 veterinarian, he shall affix to the container in which such drug is sold
12 or dispensed, a label showing his own name, address and registry num-
13 ber, or the name, address and registry number of the pharmacist for
14 whom he is lawfully acting; the name and address of the patient or,
15 if the patient is an animal, the name and address of the owner of the
16 animal and the species of the animal; the name, address, and registry
17 number of the physician, dentist, or veterinarian, by whom the pre-
18 scription was written; and such directions as may be stated on the
19 prescription. No person shall alter, deface or remove any label so
20 affixed as long as any of the original contents remain.

1 **SEC. 11. Authorized possession of narcotic drugs by individuals.** A
2 person to whom or for whose use any narcotic drug has been pre-
3 scribed, sold or dispensed, by a physician, dentist or pharmacist or
4 other person authorized under the provisions of section five (5) of
5 this act, and the owner of any animal for which any such drug has
6 been prescribed, sold, or dispensed by a veterinarian, may lawfully
7 possess it only in the container in which it was delivered to him by
8 the person selling or dispensing the same.

1 **SEC. 12. Persons and corporations exempted.** The provisions of this
2 act restricting the possession and control of narcotic drugs shall not
3 apply to common carriers or to warehousemen, while engaged in law-
4 fully transporting or storing such drugs, or to any employee of the
5 same acting within the scope of his employment; or to public officers
6 or employees in the performance of their official duties requiring
7 possession or control of narcotic drugs; or to temporary incidental
8 possession by employees or agents of persons lawfully entitled to
9 possession, or by persons whose possession is for the purpose of aiding
10 public officers in performing their official duties.

1 **SEC. 13. Common nuisances.** Any store, shop, warehouse, dwelling
2 house, building, vehicle, boat, aircraft, or any place whatever, which
3 is resorted to by narcotic drug addicts for the purpose of using nar-
4 cotic drugs or which is used for the illegal keeping or selling of the
5 same, shall be deemed a common nuisance. No person shall keep or
6 maintain such common nuisance.

1 **SEC. 14. Narcotic drugs to be delivered to state officials, etc.** All
2 narcotic drugs, the lawful possession of which is not established or
3 the title to which cannot be ascertained, which have come into the
4 custody of a peace officer, shall be forfeited and disposed of as follows:

5 (1) Except as in this section otherwise provided, the court or
6 magistrate having jurisdiction shall order such narcotic drugs for-
7 feited and destroyed. A record of the place where said drugs were
8 seized, of the kinds and quantities of drugs so destroyed, and of the
9 time, place, and manner of destruction, shall be kept and a return
10 under oath, reporting said destruction, shall be made to the court or
11 magistrate and to the United States commissioner of narcotics, by
12 the officer who destroyed them.

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

18 (3) Upon application by any hospital within this state, not oper-
19 ated for private gain, the state commissioner of health may in his
20 discretion deliver any narcotic drugs that have come into his custody
21 by authority of this section to the applicant for medicinal use. The
22 state commissioner of health may from time to time deliver excess
23 stocks of such narcotic drugs to the United States commissioner of
24 narcotics, or may destroy the same.

25 (4) The state commissioner of health shall keep a full and com-
26 plete record of all drugs received and of all drugs disposed of, showing
27 the exact kinds, quantities, and forms of such drugs; the persons from
28 whom received and to whom delivered; by whose authority received,
29 delivered, and destroyed; and the dates of the receipt, disposal or
30 destruction; which record shall be open to inspection by all federal or
31 state officers charged with the enforcement of federal and state nar-
32 cotic laws.

1 **SEC. 15. Notice of conviction to be sent to licensing board.** On the
2 conviction of any person of the violation of any provision of this act, a
3 copy of the judgment and sentence, and of the opinion of the court
4 or magistrate, if any opinion be filed, shall be sent by the clerk of the
5 court, or by the magistrate, to the board or officer, if any, by whom
6 the convicted defendant has been licensed or registered to practice
7 his profession or to carry on his business. On the conviction of any
8 such person, the court may, in its discretion, suspend or revoke the
9 license or registration of the convicted defendant to practice his pro-
10 fession or to carry on his business. On the application of any person
11 whose license or registration has been suspended or revoked, and upon
12 proper showing and for good cause, said board or officer may rein-
13 state such license or registration.

1 **SEC. 16. Records, confidential.** Prescriptions, orders, and records,
2 required by this act, and stocks of narcotic drugs, shall be open for
3 inspection only to federal, state, county and municipal officers whose
4 duty it is to enforce the laws of this state or of the United States re-
5 lating to narcotic drugs. No officer having knowledge by virtue of
6 his office of any such prescription, order or record shall divulge such
7 knowledge, except in connection with a prosecution or proceeding in

8 court or before a licensing board or officer, to which prosecution or
9 proceeding the person to whom such prescriptions, orders or records
10 relate is a party.

1 **SEC. 17. Fraud or deceit.** (1) No person shall obtain or attempt to
2 obtain a narcotic drug, or procure or attempt to procure the admin-
3 istration of a narcotic drug, (a) by fraud, deceit, misrepresentation
4 or subterfuge; or (b) by the forgery or alteration of a prescription
5 or of any written order; or (c) by the concealment of a material fact;
6 or (d) by the use of a false name or the giving of a false address.

7 (2) Information communicated to a physician in an effort unlaw-
8 fully to procure a narcotic drug, or unlawfully to procure the admin-
9 istration of any such drug, shall not be deemed a privileged communica-
10 tion.

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

13 (4) No person shall, for the purpose of obtaining a narcotic drug,
14 falsely assume the title of, or represent himself to be, a manufacturer,
15 wholesaler, pharmacist, pharmacy owner, physician, dentist, veterina-
16 rian, or other authorized person.

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

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

21 (7) The provisions of this section shall apply to all transactions
22 relating to narcotic drugs under the provisions of section eight (8)
23 of this act, in the same way as they apply to transactions under all
24 other sections.

1 **SEC. 18. Burden of proof.** In any complaint, information, or indict-
2 ment, and in any action or proceeding brought for the enforcement
3 of any provisions of this act, it shall not be necessary to negative any
4 exception, excuse, proviso, or exemption contained in this act, and the
5 burden of proof of any such exception, excuse, proviso, or exemption
6 shall be upon the defendant.

1 **SEC. 19. Enforcement and cooperation.** It is hereby made the duty
2 of the Iowa pharmacy examiners, its officers, agents, inspectors and
3 representatives, and of all peace officers within the state, and of all
4 county attorneys, to enforce all provisions of this act, except those
5 specifically delegated, and to cooperate with all agencies charged with
6 the enforcement of the laws of the United States, of this state, and of
7 all other states, relating to narcotic drugs.

1 **SEC. 20. Search warrant.** Any narcotic drugs kept, manufactured
2 or dispensed in violation of the laws of the United States or of this
3 chapter, or any instrument, container, or other equipment used or
4 intended to be used in manufacturing, keeping or dispensing such drug,
5 may be seized, confiscated and disposed of under a search warrant
6 proceeding and the procedure shall be the same as provided under
7 chapter six hundred seventeen (617), code 1935.

1 **SEC. 21. Penalties.** Any person violating any provision of this act
2 shall upon conviction be punished, for the first offense, by a fine not
3 exceeding one thousand dollars (\$1,000.00), or by imprisonment in

4 jail for not exceeding two (2) years, or by both such fine and imprison-
5 ment; and for any subsequent offense, by a fine not exceeding two
6 thousand dollars (\$2,000.00), or by imprisonment for not exceeding
7 ten (10) years, or by both such fine and imprisonment.

1 **SEC. 22. Effect of acquittal or conviction under federal narcotic laws.**
2 No person shall be prosecuted for a violation of any provision of this
3 act if such person has been acquitted or convicted under the federal
4 narcotic laws of the same act or omission which, it is alleged, consti-
5 tutes a violation of this act.

1 **SEC. 23. Constitutionality.** If any provision of this act or the ap-
2 plication thereof to any person or circumstances is held invalid, such
3 invalidity shall not affect other provisions or applications of the act
4 which can be given effect without the invalid provision or application,
5 and to this end the provisions of this act are declared to be severable.

1 **SEC. 24. Interpretation.** This act shall be so interpreted and con-
2 strued as to effectuate its general purpose, to make uniform the laws
3 of those states which enact it.

1 **SEC. 25. Name of act.** This act may be cited as the uniform nar-
2 cotic drug act.

1 **SEC. 26.** Sections thirty-one hundred fifty-one (3151) to thirty-one
2 hundred sixty-nine (3169) inclusive, of the Iowa code, 1935, are hereby
3 repealed.

Senate File 154. Approved May 1, 1937.

CHAPTER 115

SALE AND DISTRIBUTION OF POISONS

S. F. 164

AN ACT to repeal sections thirty-one seventy-four (3174) to thirty-one seventy-seven-b one (3177-b1), inclusive, of the Iowa code, 1935, relating to the sale of poisons and the distribution thereof, and enacting a substitute for sections thirty-one seventy-four (3174) to thirty-one seventy-seven-b one (3177-b1), inclusive, relating to the sale of certain poisons; the conditions under which they may be sold; to provide for the labeling of same; and to provide certain exemptions.

Be It Enacted by the General Assembly of the State of Iowa:

1 **SECTION 1.** Sections thirty-one seventy-four (3174), thirty-one
2 seventy-five (3175), thirty-one seventy-six (3176), thirty-one seventy-
3 seven (3177), and thirty-one seventy-seven-b one (3177-b1), code,
4 1935, are hereby repealed.

1 **SEC. 2.** Section thirty-one seventy-four (3174). Regulations as to
2 sale of certain poisons. It shall be unlawful for any person except a
3 licensed pharmacist to sell at retail any of the poisons enumerated in
4 this section: ammoniated mercury, mercury bichloride, red mercuric
5 iodide, and other poisonous salts and compounds of mercury; salts and
6 compounds of arsenic; salts of antimony; salts of barium except the
7 sulphate; salts of thallium; hydrocyanic acid and its salts; chromic,
8 glacial acetic, and picric acids; chloral hydrate, croton oil, cresol,