

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 3 repealed.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 4 1935, are hereby repealed.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,

9 chloroform, dinitrophenol, ether, oil of bitter almonds, phenol, phos-
10 phorus and sodium fluoride; aconitine, arecoline, atrophine, brucine,
11 homatropine, hyoscyamine, nicotine, strychnine, and the salts of these
12 alkaloids; aconite, belladonna, cantharides, digitalis, nux vomica, vera-
13 trum, and the preparations of these poisonous drugs.

1 SEC. 3. Section thirty-one seventy-five (3175). Poison register.
2 It shall be unlawful for any pharmacist to sell at retail any of the
3 poisons enumerated in section thirty-one seventy-four (3174) unless
4 he ascertains that the purchaser is aware of the character of the drug
5 and the purchaser represents that it is to be used for a proper purpose
6 and every sale of any poison enumerated in section thirty-one seventy-
7 four (3174) shall be entered in a book kept for that purpose, to be
8 known as a "Poison Register" and the same shall show the date of the
9 sale, the name and address of the purchaser, the name of the poison,
10 the purpose for which it was represented to be purchased, and the
11 name of the natural person making the sale, which book or books shall
12 be open for inspection by the pharmacy examiners, or any magistrate
13 or peace officer of this state, and preserved for at least five years after
14 the date of the last sale therein recorded.

1 SEC. 4. Section thirty-one seventy-six (3176). Labeling Poisons.
2 Except as otherwise provided, it shall be unlawful to vend, sell, dis-
3 pense, or give away any poison enumerated in section thirty-one
4 seventy-four (3174), or/and sodium chlorate or/and crude carbo-
5 lic acid, or any other potent poisons, without affixing to the bottle, box,
6 vessel, or package containing the same, a label containing the name
7 of the poison either printed or plainly written, and the word "Poison"
8 printed in red ink, and the name and place of business of the dis-
9 tributor, manufacturer, wholesaler or dealer; and every package or
10 container which contains ammonia water, concentrated lye, denatured
11 alcohol, formaldehyde, commercial hydrochloric, nitric, sulphuric or
12 oxalic acids, shall be labeled with the name of the poison, which label
13 shall bear the name and place of business of the distributor, manu-
14 facturer, wholesaler, or dealer, the most available antidote and the
15 word "Poison" printed in red ink in a conspicuous place thereon.

1 SEC. 5. Section thirty-one seventy-seven (3177). Certain Sales
2 Excepted. Nothing in sections thirty-one seventy-four (3174) to
3 thirty-one seventy-six (3176), inclusive, shall apply:

4 1. To proprietary medicines, provided they are not in themselves
5 poisonous and are sold in original unbroken packages;

6 2. To the filling of prescriptions from or the sale to licensed physi-
7 cians, dentists, or veterinarians or sales to another pharmacist or to
8 hospitals; or to drugs dispensed by licensed physicians, dentists, or
9 veterinarians, as an incident to the practice of their professions;

10 3. To insecticides and fungicides as defined in Chapter one fifty-
11 seven (157) and commercial feeds as defined in Chapter one fifty-two
12 (152), provided same be labeled in accordance with said Chapter and
13 sold in original unbroken packages, provided, however, that stock
14 dips and fly sprays may be sold in bulk or otherwise and the vessel
15 or container need not have printed on the label the most available
16 antidote;

17 4. To any proprietary preparation intended for use in destroying
18 mice, rats, gophers or other lower animals, provided same is sold in

19 original unbroken packages and bears the word "Poison", the most
20 available antidote, and the name of the manufacturer.

1 SEC. 6. Section thirty-one seventy-seven-b one (3177-b1). It shall
2 be unlawful for any person in this state to sell or deliver any poison to
3 any person known to be of unsound mind or under the influence of in-
4 toxicants, and it shall likewise be unlawful for any person in this state
5 to sell or deliver any poison enumerated in Section thirty-one seventy-
6 four (3174) to any minor under sixteen (16) years of age except upon
7 a written order signed by some responsible person known to the per-
8 son selling or delivering the same, which said written order shall con-
9 tain all of the information required to be entered in the Poison Register
10 under the provisions of Section thirty-one seventy-five (3175).

Senate File 164. Approved April 15, 1937.

CHAPTER 116

BOARD OF CONTROL

H. F. 88

AN ACT to amend section thirty-two hundred ninety-three (3293) of the code of Iowa, 1935, so as to prefer citizens of Iowa in the selection of subordinate officers and employees under the jurisdiction of the board of control.

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

1 SECTION 1. That section thirty-two hundred ninety-three (3293)
2 of the code of Iowa, 1935, be amended by adding thereto the following
3 sentence:

4 "That all of these employees, except physicians and surgeons, shall
5 be bona fide residents and citizens of the state of Iowa at the time
6 of employment. An exception to this provision of residence may be
7 granted by the board for the sole purpose of securing professional
8 and/or scientific services which are unavailable from among the cit-
9 izens of the state of Iowa."

House File 88. Approved April 8, 1937.

CHAPTER 117

SUPPORT OF INSANE

H. F. 39

AN ACT to amend section thirty-five hundred ninety-six (3596), code, 1935, relative to support of insane.

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

1 SECTION 1. Amend section thirty-five hundred ninety-six (3596),
2 code, 1935, by striking from lines three (3) and four (4) the words,
3 "and the notice from the state comptroller", and inserting in lieu
4 thereof the words, "to the county auditor".

House File 39. Approved April 2, 1937.