

1 SEC. 13. For the enforcement of this act the Secretary is authorized
 2 to prepare and issue such regulations not inconsistent with this act as
 3 may be necessary, and to cooperate with any department or agency
 4 of the government of the State of Iowa as he may elect in their enforce-
 5 ment.

1 SEC. 14. Unless otherwise provided, any person violating any pro-
 2 vision of this title, or any rule made by the department and pro-
 3 mulgated under the authority of said department, shall be punished
 4 by a fine of not less than ten dollars (\$10.00) nor more than one
 5 hundred dollars (\$100.00) or by imprisonment in the county jail not
 6 to exceed thirty (30) days.

1 SEC. 15. All fees collected under the provisions of this title shall be
 2 paid into the state treasury.

1 SEC. 16. If any clause, sentence, paragraph or part of this act shall
 2 for any reason be judged invalid by any court of competent jurisdiction,
 3 such judgment shall not affect, impair or invalidate the remainder
 4 thereof but shall be confined in its operation to the clause, sentence,
 5 paragraph or part thereof directly involved in the controversy in which
 6 such judgment shall have been rendered.

1 SEC. 17. All acts and parts of acts conflicting with this act are
 2 hereby repealed.

1 SEC. 18. This act shall take effect from and after the May first
 2 following its passage and publication.

1 SEC. 19. This act being deemed of immediate importance shall be in
 2 full force and effect from and after its passage and publication in the
 3 Muscatine Journal, a newspaper published at Muscatine, Iowa, and
 4 the West Liberty Index, a newspaper published at West Liberty, Iowa.

Approved April 16, 1941.

I hereby certify that the foregoing act was published in the Muscatine Journal,
 Muscatine, Iowa, April 19, 1941, and the West Liberty Index, West Liberty, Iowa, April
 24, 1941.

EARL G. MILLER, *Secretary of State.*

CHAPTER 132

NARCOTIC DRUGS

S. F. 292

AN ACT to amend chapter one hundred fifty-five and one tenth (155.1), Code, 1939,
 relating to narcotic drugs; providing for certain exemptions from the provisions of
 said chapter; providing for confiscation and forfeiture of vehicles unlawfully used
 in the narcotic trade; providing for issuance of order forms; and relating to
 penalties for violation of the provisions of said chapter.

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

1 SECTION 1. Chapter one hundred fifty-five and one tenth (155.1),
 2 Code, 1939, is hereby amended by adding thereto a new section which
 3 shall read as follows:

4 "Any automobile or other vehicle used, or intended to be used, to
5 conceal, convey, carry, or transport in violation of this chapter any of
6 the drugs defined in section three thousand one hundred sixty-nine
7 and one hundredth (3169.01) of the code, or any automobile or
8 vehicle in which any of the drugs defined in said section are unlawfully
9 possessed by an occupant with the knowledge of the owner thereof,
10 shall be forfeited to the state of Iowa, under the provisions of chapter
11 ninety-seven (97) of the code."

1 SEC. 2. Section three thousand one hundred sixty-nine and eight
2 hundredths (3169.08), Code, 1939, is hereby repealed and the follow-
3 ing enacted in lieu thereof:

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

6 Administering, dispensing, or selling at retail of any medicinal
7 preparation that contains in one fluid ounce, or if a solid or semi-solid
8 preparation, in one avoirdupois ounce, not more than one grain of
9 codeine or of any of its salts.

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

18 Nothing in this section shall be construed to limit the quantity of
19 codeine or of any of its salts that may be prescribed, administered,
20 dispensed, or sold, to any person or for the use of any person or animal,
21 when it is prescribed, administered, dispensed, or sold in compliance
22 with the general provisions of this chapter.

23 Nothing in this section shall be construed to permit any person to
24 prescribe, administer, compound, dispense, or sell any of the prepara-
25 tions included herein, except those persons duly qualified under this
26 chapter to engage in the distribution of narcotics.

1 SEC. 3. Section three thousand one hundred sixty-nine and nine
2 hundredths (3169.09), Code, 1939, is hereby amended by adding a
3 new paragraph at the end thereof, as follows:

4 "Any person violating any of the provisions of this section shall be
5 guilty of a misdemeanor and, upon conviction thereof, shall be punished
6 as provided in section twelve thousand eight hundred ninety-four
7 (12894) of the code."

1 SEC. 4. Section three thousand one hundred sixty-nine and ten
2 hundredths (3169.10), Code, 1939, is hereby amended by adding a new
3 paragraph at the end thereof, as follows:

4 "Any person violating any of the provisions of this section shall be
5 guilty of a misdemeanor and, upon conviction thereof, shall be punished
6 as provided in section twelve thousand eight hundred ninety-four
7 (12894) of the code."

1 SEC. 5. Chapter one hundred fifty-five and one tenth (155.1), Code,
2 1939, is further amended by adding thereto the following section:

3 "Any person who takes, steals, or carries away any narcotic drugs
4 the property of any person who is duly authorized by law to engage in
5 administering, dispensing, or selling of narcotic drugs shall be guilty
6 of a felony punishable by imprisonment in the reformatory or peni-
7 tentiary for a period not to exceed five (5) years, or by a fine of not
8 more than one thousand dollars (\$1,000.00), or both."

1 SEC. 6. Amend section thirty-one hundred sixty-nine and one hun-
2 dredth (3169.01), Code, 1939, by striking all of subsection 14 and
3 inserting in lieu thereof the following:

4 "'Cannabis' includes all parts of the plant *Cannabis sativa* L.,
5 whether growing or not; the seeds thereof; the resin extracted from
6 any part of such plant; and every compound, manufacture, salt, deri-
7 vative, mixture, or preparation of such plant, its seeds, or resin; but
8 shall not include the mature stalks of such plant, fiber produced from
9 such stalks, oil or cake made from the seeds of such plant, any other
10 compound, manufacture, salt, derivative, mixture, or preparation of
11 such mature stalks (except the resin extracted therefrom), fiber, oil,
12 or cake, or the sterilized seed of such plant which is incapable of
13 germination."

1 SEC. 7. Amend section thirty-one hundred sixty-nine and one hun-
2 dredth (3169.01), Code, 1939, by striking the period at the end of
3 subsection 17 and by adding thereto the following: "and if no such
4 order form is provided, then on an official form provided for that
5 purpose by the Iowa Pharmacy Examiners."

1 SEC. 8. Amend section thirty-one hundred sixty-nine and nine
2 hundredths (3169.09), Code, 1939, by striking from line 13 of sub-
3 section 5 the following: "dried flowering or fruiting tops of the".
4 Further amend said section by striking from lines 14 and 15 of sub-
5 section 5 the following: "from which the resin has not been extracted".

1 SEC. 9. Amend section thirty-one hundred sixty-nine and nine hun-
2 dredths (3169.09), Code, 1939, by striking therefrom all of subsection
3 6.

1 SEC. 10. Section thirty-one hundred sixty-nine and twenty-one hun-
2 dredths (3169.21), Code, 1939, is hereby repealed and the following
3 enacted in lieu thereof:

4 "Any person violating any provision of this chapter, except as other-
5 wise provided, shall, upon conviction thereof, be punished, for the
6 first offense, by a fine not exceeding one thousand dollars, or by im-
7 prisonment in the state penitentiary not exceeding two years, or by
8 both such fine and imprisonment; and for any subsequent offense, by
9 a fine not exceeding two thousand dollars, or by imprisonment in the
10 state penitentiary not exceeding ten years, or by both such fine and
11 imprisonment."

Approved March 26, 1941.