

COCAINE, SALE AND POSSESSION REGULATED
Act of May 8, 1909, P.L. 487, No. 270
AN ACT

Cl. 35

Regulating the sale, prescription, and possession of cocaine, its salts, derivatives, or compounds; alpha or beta eucaine, their salts, derivatives, or compounds; or any substance or preparation containing cocaine, its salts, derivatives, or compounds, or alpha or beta eucaine, their salts, derivatives, or compounds; and prescribing penalties for violation thereof.

Section 1. Be it enacted, &c., That no person shall sell, furnish, or give away cocaine, or its salts, derivatives or compounds; or alpha or beta eucaine, or their salts, derivatives or compounds; or any substance or preparation containing cocaine, its salts, derivatives, or compounds, or alpha or beta eucaine, their salts, derivatives, or compounds, except upon the prescription of a duly registered, practicing physician, or of a dentist, or of a veterinarian, which prescription shall be filled but once, and of which no copy shall be taken by any one, and which shall be retained and kept on file by the dispenser thereof for a period of at least five years; nor shall any physician, dentist, or veterinarian prescribe, sell, or give away any cocaine, or its salts, derivatives, or compounds, or any alpha or beta eucaine or their salts, derivatives, or compounds, to any person known to such physician, dentist, or veterinarian to be an habitual user of those drugs.

Provided, That the provisions of this act shall not apply to persons engaged in the wholesale drug trade, regularly selling cocaine, its salts, derivatives, or compounds, or alpha or beta eucaine, their salts, derivatives, or compounds, to persons engaged in the retail drug trade, under the following conditions: That the wholesale dealer shall affix or cause to be affixed to the bottle, box, vessel, or package containing the article sold, and upon the outside wrapper of the package as originally put up, a label distinctly displaying the name and quantity of cocaine or its salts, alpha or beta eucaine, or their salts, sold, and the word "poison," with the name and place of business of the seller--all printed in red ink: And provided also, That the wholesale dealer shall, before delivering any of the articles, make or cause to be made, in a book kept for the purpose, an entry of the sale thereof, stating the date of sale, the quantity, name, and form in which sold, the name and address of the purchaser, and the name of the person by whom the entry is made,--and the said book shall be always open for inspection by the proper authorities, and shall be preserved for at least five years after the date of the last entry made therein: And provided also, That any manufacturer may sell to another manufacturer of the same article or to a wholesale dealer in drugs, or a wholesale dealer in drugs may sell to a manufacturer of the same article or to another wholesale dealer in drugs, alkaloid cocaine, or its salts,

derivatives, or compounds, or alpha or beta eucaine, or their salts, derivatives, or compounds, or any substance or preparation containing cocaine, its salts, derivatives or compounds, alpha or beta eucaine, their salts, derivatives, or compounds, in their original package. Such package shall be labeled as herein provided, and shall be securely sealed. Each manufacturer and each wholesale dealer in drugs shall, before the delivery or at the time of the receipt, as the case may be, of any such drug, enter or cause to be entered in a book to be kept by them respectively for that purpose, a record of the purchase and sale of such drug, stating the date of purchase and the name and address of the person to whom sold, the quantity, name, and form in which sold, and a description of the package or container in which sold, and how sealed, and there shall also be entered in such book, at the place of such record, a statement that such drug was sold or purchased, as the case may be, in the original package, that the seals thereon were undamaged and unbroken, and the labels were attached thereto as herein provided and were not in any manner defaced or damaged, which statement shall be signed by the person selling such drug, in the book herein required to be kept by him. Each manufacturer and each wholesale dealer shall also file, as a part of this record, all orders for cocaine, its salts, derivatives, or compounds, or alpha or beta eucaine, their salts, derivatives, or compounds; or any substance or preparation containing its salts, derivatives, or compounds; alpha or beta eucaine, their salts, derivatives, or compounds, from other dealers.

And further, it shall be the duty of all wholesale dealers to make quarterly reports of their sales to other dealers, wholesalers or retailers, of cocaine or its salts, derivatives, or compounds, or any substance or preparation containing cocaine, its salts, derivatives or compounds, alpha or beta eucaine, their salts, derivatives, or compounds, to the State Pharmaceutical Examining Board, upon blanks to be provided for this purpose by the said Board.

Section 2. Any person violating any of the provisions of this act shall be sentenced to pay a fine of not more than five hundred dollars, and undergo an imprisonment of not more than two years, or both, or either, at the discretion of the court.

Section 3. That if any person--not being a practicing physician, dentist, or veterinarian, or manufacturer, or wholesale or retail dealer in drugs--shall have in his or her possession any cocaine, alpha or beta eucaine, or their salts, or any patent or proprietary remedies containing the same, except by reason of a prescription of a practicing physician, dentist, or veterinarian, he shall be guilty of a misdemeanor, and, upon conviction thereof, be sentenced to pay a fine of not more than one hundred dollars, and undergo an imprisonment of not more than six months, or both or either, at the discretion of the court.

Section 4. That the enforcement of this act shall be entrusted to the State Pharmaceutical Examining Board, appointed under the act of May twenty-fourth, one thousand eight hundred and eighty-seven, who shall appoint to carry out the provisions of this act an executive secretary, and shall also have power to

employ such agents, chemists, and assistants as may be necessary for this purpose.

Section 5. That "An act regulating the sale or prescription of cocaine, or any patent or proprietary remedy containing cocaine, and prescribing penalties for the violation thereof," approved the twenty-second day of April, one thousand nine hundred and three (Pamphlet Laws), is hereby repealed.