

R.S. 24:18-7

July 29, 1966

LEGISLATIVE HISTORY OF R.S. 24:18-7  
(Prescription of heroin)

- L. 1933, Chapter 186 - S229  
Introduced February 27 by Mr. Young.  
No statement on bill.  
Committee Substitute bill passed in lieu of original.
- L. 1938, Chapter 156 - S56  
Introduced January 31 by Mr. Taggart.  
Committee Substitute bill passed in lieu of original.  
Statement on bill.  
(Copy of bill and statement enclosed)
- L. 1947, Chapter 124 - A453  
Introduced March 18 by Mr. McCay.  
Not amended during passage.  
Statement on bill.  
(Copy of bill and statement enclosed)
- L. 1952, Chapter 285 - A551  
Introduced March 10 by Messrs. Tompkins and Kurtz.  
Not amended during passage.  
Statement on bill.  
(Copy of bill and statement enclosed)
- L. 1953, Chapter 318 - A634  
Introduced March 25 by Mr. Tompkins.  
Not amended during passage.  
No statement on bill.
- L. 1957, Chapter 134 - A385  
Introduced March 18 by Assemblyman Kurtz.  
Not amended during passage.  
Statement on bill.  
(Copy of bill and statement enclosed)

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974.90  
N222  
1952

I am enclosing a copy of New Jersey Legislative Commission to  
Study Narcotics.  
Report of study and recommendations. March 10, 1952

This Commission held several public hearings. Transcripts  
of these hearings may be examined in the library.

CK/el

48 (13) "Pharmacist" means a registered pharmacist of this State.

49 (14) "Pharmacy owner" means the owner of a store or other place  
50 of business where narcotic drugs are compounded or dispensed by a regis-  
51 tered pharmacist; but nothing in this chapter contained shall be construed  
52 as conferring on a person who is not registered or licensed as a pharmacist  
53 any authority, right or privilege that is not granted to him by the phar-  
54 macy laws of this State.

55 (15) "Physician" means any person authorized by law to practice  
56 medicine in this State and any other person authorized by law to treat sick  
57 and injured human beings in this State and to use narcotic drugs in con-  
58 nection with such treatment.

58 1/4 (16) "Registry number" means the number assigned to each person reg-  
58 1/2 istered under the Federal narcotic laws.

59 (17) "Sale" includes barter, exchange or offer therefor, and each such  
60 transaction made by any person, whether as principal, proprietor, agent,  
61 servant or employee.

62 (18) "Veterinarian" means any person authorized by law to practice  
63 veterinary medicine in this State.

64 (19) "Wholesaler" means a person who supplies narcotic drugs that  
65 he himself has not produced or prepared, on official written order, but not  
66 on prescription.

1 2. This act shall take effect immediately.

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STATEMENT

The purpose of this amendment is to include the word "Marihuana" in the definition of the word "Cannabis." Marihuana in the form of cigarettes commonly known as "reefers" is being sold all over New Jersey and in many instances falls into hands of minors and has a deleterious effect on health and mental faculties. By inclusion of word Marihuana convictions for the possession, sale or transportation of cigarettes commonly known as "reefers" will be more easily obtained.

18 other preparations that contain coca leaves in any quantity or combination.

19 Nothing in this section shall be construed to limit the kind and quantity

20 of any narcotic drug that may be prescribed, administered, compounded, dis-

21 persed, or sold, to any person or for the use of any person or animal, when

22 it is prescribed, administered, compounded, dispensed, or sold, in compliance

23 with the general provisions of this chapter.

1 2. This act shall take effect immediately.

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#### STATEMENT

The object of this bill is to reinsert in R. S. 24:18-7 certain provisions which were omitted, evidently by inadvertence, when the section was amended by P. L. 1938, c. 156. The bill was drawn by the Law Revision and Bill Drafting Commission and has the approval of the Department of Health. Its sole purpose is to clarify the existing law.

18 preparations, except that this chapter shall apply to all liniments, ointments,  
19 and other preparations that contain coca leaves in any quantity or combina-  
20 tion.

21 Nothing in this section shall be construed to limit the kind and quantity  
22 of any narcotic drug that may be prescribed, administered, compounded, dis-  
23 pensed, or sold, to any person or for the use of any person or animal, when  
24 it is prescribed, administered, compounded, dispensed, sold, in compliance  
25 with the general provisions of this chapter.]

26 Administering, dispensing, or selling at retail of any medicinal prepara-  
27 tion that contains in one fluid ounce, or if a solid or semi-solid preparation,  
28 in one avoirdupois ounce, not more than one grain of codeine or one-sixth  
29 grain of dihydrocodeinone or any of their salts.

30 The exemption authorized by this section shall be subject to the following  
31 conditions: (1) that the medicinal preparation administered, dispensed, or  
32 sold, shall contain, in addition to the narcotic drug in it, some drug or drugs  
33 conferring upon it medicinal qualities other than those possessed by the nar-  
34 cotic drug alone; and (2) that such preparation shall be administered, dis-  
35 dispensed, and sold in good faith as a medicine, and not for the purpose of evad-  
36 ing the provisions of this chapter.

37 Nothing in this section shall be construed to limit the quantity of code-  
38 ine or any of its salts that may be prescribed, administered, or sold, to any  
39 person or for the use of any person or animal, when it is prescribed, admin-  
40 istered, dispensed, or sold, in compliance with the general provisions of this  
41 chapter.

1 2. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to except from the Uniform Narcotic Drug Law certain medicinal preparations which contain narcotic drugs and which at present may be sold without prescription. This bill tightens up the restrictions with

respect to the amount of drugs which may be contained in such preparations and limits the type of drugs which may be contained therein. This bill is recommended by the legislative commission to study narcotics, appointed pursuant to Joint Resolution No. 8, 1951.

17A Nothing in this section shall be construed to limit the quantity of code-  
18 ine or any of its salts, or of *dihydrocodeinone* or any of its salts, or of nos-  
19 *capine* (formerly *narcotine*) or any of its salts, or of *papaverine* or any of  
20 *its salts*, ethylmorphine hydrochloride, or compounds containing not more  
21 than 1 fluid drachm of paregoric in each fluid ounce that may be prescribed,  
22 administered, or sold, to any person or for the use of any person or animal,  
23 when it is prescribed, administered, dispensed, or sold, in compliance with  
24 the general provisions of this chapter, nor to limit or prohibit the sale of  
25 Brown's Mixture or Stokes Expectorant in quantities of not more than 4  
26 ounces.

1 2. This act shall take effect immediately.

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#### STATEMENT

The Narcotic Control Commission recommends revision of 24:18-7 to en-  
title a papaverine or noscapine (formerly narcotine) preparation, in quanti-  
ties not exceeding 2 grains per avoirdupois or fluid ounce of the preparation,  
to exempt status. The revision requires that other, nonnarcotic, medicinal in-  
gredients must be present in therapeutic quantities; all sales must be for bona  
fide medical purposes; the proper records must be kept; and the full require-  
ments of the law and regulation relating to exempt narcotic preparations must  
be observed.

It has been determined by the U. S. Food and Drug Administration that  
"clinical experiments conducted at the Federal Hospital, Lexington, Kentucky,  
showed noscapine to have no addiction liability, therefore, the label statement  
'Warning: MAY be habit forming,' " is not indicated for noscapine. Further  
research by the National Academy of Sciences, Division of Medical Sciences,  
pointed up that "noscapine and papaverine are isoquinoline alkaloids, and are  
recognized as having no addiction liability in themselves, nor are they known  
to be convertible to addicting substances."

The Narcotic Control Commission concurs with the National Academy of  
Sciences in the belief, "that uniformity between the several states' narcotic

laws and the Federal Narcotic Law WITH REFERENCE TO EXEMPT PREPARATIONS, containing the above-mentioned narcotics, would facilitate orderly national distribution, and with reference to noscapine would permit the use of this non-addicting cough suppressant in the place of addicting substances. We believe that uniformity of this type would be of particular benefit to the public, as well as to the professions and the trade."

R.S. 24:18-47

June 26, 1963

LEGISLATIVE HISTORY OF R.S. 24:18-47

COPY NO. 3

L. 1933, Chapter 186, Article IV, Section 12 - S229.

Introduced February 27

No statement on bill.

April 11 - Committee substitute passed Senate, amended.

May 8 - Passed Assembly, amended.

May 8 - Senate passed Assembly Amendments.

June 5 - Approved - Chapter 186.

974.90 See: Governor's Committee on the Sale and Use of Narcotic  
N222 Drug. Report, dated April 10, 1951, included (p.4)  
1951 a proposed amendment of R.S. 24:18-47 providing for  
more severe penalties. (copy enclosed).

Amended L. 1951, Chapter 56, Section 1 - A30.

Introduced April 23 by Cavinato, Marggraff, Dwyer, Freeman,  
M.D. Haines, Pilger, and Savage.

No statement on bill.

Not amended during passage.

974.90 See: Report of Study and Recommendations of the Legislative  
N222 Commission to Study Narcotics, dated March 22, 1952,  
1952 which included:

"Report of the Committee on the Incarceration  
and Treatment of Narcotic Violators" (appointed  
by the New Jersey Supreme Court), dated September  
10, 1951, included (pp. 69-92) an explanation of  
the proposed amendment of R.S. 24:18-47. (Copy  
of explanation is enclosed).

Amended L. 1952, Chapter 90, Section 1 - A540.

Introduced March 10 by Tompkins, Newton, and Kurtz.

Statement on bill (copy enclosed).

Not amended during passage.

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Bills introduced 1954-64 attempting unsuccessfully to amend R.S. 24:18-47:

1955 - A432  
1956 - A77  
1956 - A478  
1956 - A486  
1957 - A160  
1957 - A385  
1958 - A223  
1960 - A355  
1961 - A47  
1962 - A261  
1962 - A296  
1962 - S24  
1963 - A190  
1963 - A316  
1964 - A139  
1964 - A315  
1964 - S22  
1964 - S236

In 1956, a notable attempt to amend R.S. 24:18-47 was made with Assembly Bill 488, sponsored by the New Jersey Narcotic Control Commission. This bill passed both houses but was vetoed by Governor Meyner:

1956 A488: ( [REDACTED] )  
Introduced April 23 by Kurtz, Newton, Dwyer, Ozzard, Crabel, Cundari.  
No statement on bill. (Purpose of bill included in Third Report of Study and Recommendations, New Jersey Commission on Narcotic Control, (974.901 N17), published March 15, 1957, pp. 40-41. (copy enclosed).  
May 14 - Passed Assembly, amended.  
May 24 - Passed Senate.  
June 28 - Returned by Governor with recommended amendment (copy of veto letter enclosed).  
November 29 - Motion to override veto lost.

974.901  
N17

In 1958, the New Jersey Narcotic Control Commission reported that it had been asked to express its position on revision of R.S. 24:18-47 et.al. as proposed by the State Department of Health to the Uniform Narcotic Drug Law. (Fourth Report of Study and Recommendations, New Jersey Commission on Narcotic Control, published March 15, 1958, p.29.)

974.901  
N17



ASSEMBLY, No. 540

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1952

By Messrs. TOMPKINS, KURTZ and Mrs. NEWTON

Referred to Committee on Revision and Amendment of Laws

AN Act concerning narcotic drugs, and amending section 24:18-47 of the  
Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 24:18-47 of the Revised Statutes is amended to read as  
2 follows:

3 24:18-47. Any person as in this chapter defined [violating any of the  
4 provisions]

5 (a) Who, being of or over the age of twenty-one years, sells, gives, ad-  
6 ministers or dispenses any narcotic drug, except as authorized by this chap-  
7 ter, to any person under the age of eighteen years shall be guilty of a high  
8 misdemeanor and shall be punished by a fine of not less than two thousand  
9 dollars (\$2,000.00) or more than ten thousand dollars (\$10,000.00) and by  
10 imprisonment at hard labor for not less than two years with a maximum of  
11 imprisonment for life or

12 (b) Who violates any other provision hereof shall be guilty of a high  
13 misdemeanor and shall be punished as follows:

14 (1) for each first offense, by a fine not exceeding two thousand dol-  
15 lars (\$2,000.00) and by imprisonment, with hard labor, for a term of not  
16 less than two years nor more than [five] fifteen years;

17 (2) for each second offense, by a fine not exceeding ~~two thousand~~  
18 ~~dollars (\$2,000.00)~~ five thousand dollars (\$5,000.00) and by imprison-  
19 ment, with hard labor, for a term of not less than five years nor more  
20 than ~~ten~~ twenty-five years;

21 (3) for each third offense and for each subsequent offense, by a fine  
22 not exceeding ~~two thousand dollars (\$2,000.00)~~ five thousand dollars  
23 (\$5,000.00) and by imprisonment, with hard labor, for a term of not less  
24 than ten years ~~nor more than twenty years~~ with a maximum of im-  
25 prisonment for life.

26 In case a person charged with a violation of any of the provisions of  
27 this chapter shall have been previously convicted of a violation of the laws  
28 of the United States or of any other State, territory or district relating to  
29 narcotic drugs or marihuana, such previous conviction shall for the purpose  
30 of this section, be deemed a first or second offense as the case may be.

1 2. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to create a wider spread between the minimum and maximum terms of imprisonment and also increasing the amount that may be imposed as a fine upon violators of the Uniform Narcotic Drug Law of this State. It has been found that the maximum term now set by statute is not practical in view of the many circumstances that may surround the offenses involved. This bill will permit a higher maximum sentence to be imposed and also a higher penalty in certain instances to be imposed where circumstances dictate. This bill has the recommendation and approval of the legislative commission to study narcotics and results from the investigation and study made by this commission.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 488

STATE OF NEW JERSEY

INTRODUCED APRIL 23, 1956

By Mr. KURTZ and Mrs. NEWTON

Referred to Committee on Judiciary

AN ACT concerning narcotic drugs, and amending section 24:18-47 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 24:18-47 of the Revised Statutes is amended to read as fol-  
2 lows:

3 24:18-47. Any person as in this chapter defined

4 (a) Who, being of or over the age of 21 years, sells, gives, administers  
5 or dispenses any narcotic drug, except as authorized by this chapter, to any  
6 person under the age of 18 years shall be guilty of a high misdemeanor and  
7 shall be punished by a fine of not less than \$2,000.00 or more than \$10,000.00  
8 and by imprisonment at hard labor for not less than [2] 20 years with a  
9 maximum of imprisonment for life or

10 (b) *Who manufactures or sells any narcotic drug as defined in this*  
11 *chapter, in violation of any of the provisions of this chapter, shall be guilty*  
12 *of a high misdemeanor and shall be punished as follows:*

13 (1) *for each first offense, by a fine not exceeding \$2,000.00 and by*  
14 *imprisonment, with hard labor, for a term of not less than 10 years nor*  
15 *more than 20 years;*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

16           (2) for each second offense, by a fine not exceeding \$5,000.00 and by  
17 imprisonment, with hard labor, for a term of not less than 20 years nor  
18 more than 30 years;

19           (3) for each third offense and for each subsequent offense, by a fine  
20 not exceeding \$5,000.00 and by imprisonment, with hard labor, for a term  
21 of not less than 30 years, with a maximum of imprisonment for life or

22       **[(b)] (c)** Who violates any other provision **[hereof]** of this chapter  
23 shall be guilty of a high misdemeanor and shall be punished as follows:

24           (1) for each first offense, by a fine not exceeding \$2,000.00 and by  
25 imprisonment, with hard labor, for a term of not less than 2 years nor  
26 more than 15 years;

27           (2) for each second offense, by a fine not exceeding \$5,000.00 and by  
28 imprisonment, with hard labor, for a term of not less than 5 years nor  
29 more than 25 years;

30           (3) for each third offense and for each subsequent offense, by a fine  
31 not exceeding \$5,000.00 and by imprisonment, with hard labor, for a  
32 term of not less than 10 years with a maximum of imprisonment for  
33 life.

34       In case a person charged with a violation of any of the provisions of  
35 this chapter shall have been previously convicted of a violation of the laws  
36 of the United States or of any other State, territory or district relating to  
37 narcotic drugs or marihuana, such previous conviction shall for the purpose  
38 of this section, be deemed a first or second offense as the case may be. *The*  
39 *execution of any sentence imposed under paragraphs (a) or (b) of this sec-*  
40 *tion shall not be suspended.*

1       2. This act shall take effect immediately.

STATE OF NEW JERSEY  
Executive Department

June 28, 1956

ASSEMBLY BILL NO. 488

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 488.

Assembly Bills Nos. 488, 489 and 490 are addressed to illegal traffic in narcotics. All three are now before me, and since they are related measures, interdependent in some respects and part of a single approach, they are here considered together.

Assembly Bill No. 488 would amend R.S. 24:18-47. That section is a penalty provision of the Uniform Narcotic Drug Law, chapter 18 of Title 24. As originally enacted, R.S. 24:18-47 denounced a violation of the act as a high misdemeanor. It was subsequently amended to increase the penalties. As thus amended the section now provides:

(a) Any person over 21 years of age who sells, gives, administers or dispenses any narcotic drug, except as authorized by Chapter 18, to any person under the age of 18 shall be punished by a fine of not less than \$2,000.00 or more than \$10,000.00 and by imprisonment at hard labor for not less than 2 years with a maximum of imprisonment for life.

(b) Any person who violates any other provision of the Drug Law shall be punished, (1) for each first offense by a fine not exceeding \$2,000.00 and by imprisonment with hard labor for not less than 2 years nor more than 15 years; (2) for each second offense by a fine not exceeding \$5,000.00 and by imprisonment with hard labor for not less than 5 years nor more than 25 years; and (3) for each third and subsequent

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offense by a fine not exceeding \$5,000.00 and by imprisonment with hard labor for a term of not less than 10 years with a maximum of imprisonment for life.

Assembly Bill No. 488 would increase the minimum sentence under (a) from 2 years to 20 years. It would carve out of (b) offenses consisting of the manufacture or sale of narcotics and provide that the manufacturer or seller shall be punished (1) for each first offense by a fine not exceeding \$2,000.00 and by imprisonment with hard labor for not less than 10 years nor more than 20 years; (2) for each second offense, by a fine not exceeding \$5,000.00 and by imprisonment with hard labor for not less than 20 years nor more than 30 years; and (3) for each third and subsequent offense by a fine not exceeding \$5,000.00 and by imprisonment for not less than 30 years with a maximum of imprisonment for life.

The bill would leave unchanged the penalties for other violations of this chapter.

It should be noted that under existing law the minimum terms of imprisonment are mandatory, and this bill would increase mandatory minimums as outlined above.

Under N.J.S. 2A:168-1, the court is now empowered to suspend the imposition or execution of sentence for violation of the narcotics law only with respect to a first offender and to place such first offender on probation. Assembly Bill No. 488 would remove this power to suspend the execution of sentence with respect to a first offender under subsection (a) above (sale, gift, administering or dispensing by one over 21 years to another under 18) and under the new penalty provisions relating to manufacture or sale. In harmony with that provision,

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Assembly Bill No. 489 would amend N.J.S. 2A:163-1 to prohibit suspension of imposition or execution of sentence and probation of such first offenders.

Assembly Bill No. 490 would amend chapter 121 of the Laws of 1952. That act presently provides that a person who hires, employs or uses any child under the age of 18 to transport, carry, sell, prepare for sale or offer for sale morphine, cocaine, heroin, opium or any derivative thereof, or marijuana, for any unlawful purpose, is guilty of a high misdemeanor which under sections 2A:85-6, 2A:85-8, 2A:85-9 and 2A:85-12 of the New Jersey Statutes provides for a maximum sentence of 7 years' imprisonment for a first offense, 14 years for a second offense, 21 years for each third offense and imprisonment for life for fourth and subsequent offenses. Assembly Bill No. 490 would amend this act to provide for imprisonment with hard labor for not less than 20 years with a maximum sentence of imprisonment for life. This mandatory minimum would apply as well to the first offender.

Assembly Bill No. 489 would amend N.J.S. 2A:163-1 to bar the suspension of the imposition or execution of sentence and probation of a first offender.

Thus, these bills would not only sharply increase the mandatory minimum sentences, but would as well bar suspension of sentence and probation as to the first offenders described above.

Illegal traffic in narcotics is dirty and tragic. All responsible citizens would welcome some magnificent measure which would blot it out. I deeply appreciate the high purpose which motivated these bills, but I cannot escape the conviction that they would defeat themselves and in the course of that failure would leave a path of injustice.

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The simple truth is that narcotic violations do not follow a single, simple pattern which may thus be adjudged en masse in advance of their commission. I could not approve these measures unless I could in good conscience say that I reasonably believe that all who hereafter may fall within the sweep of these bills would merit the inexorable and inflexible punishment which the bills would require. I confess that such prescience is not mine.

Let us take a few examples culled, not from a fertile imagination, but from the hard experience of men charged with enforcement of narcotic laws.

Some university students, while at college, acquired marihuana from a peddler and distributed some of it to friends in New Jersey while home on vacation. The students were convicted but sentence was suspended and the defendants placed on probation. These young men have gone on to become useful and valuable citizens. But under Assembly Bill No. 488, they would have to be sentenced to 10 years at hard labor, and if one of the students was 21 years or over and the marihuana was given to one under 18, the mandatory minimum of 20 years would be imperatively imposed.

A druggist who answered an emergency call of a physician and delivered a narcotic without a written prescription would face a mandatory minimum of 10 years, beyond the power to suspend. An inexperienced drug clerk who sold more than 4 ounces of Brown's Mixture or Stokes Expectorant without a prescription would face a mandatory sentence of 10 years, and if the buyer was under 18 and the clerk was over 21, to a mandatory 20-year sentence. A druggist or physician who fails to maintain the detailed records required by chapter 18 or to retain them for the prescribed period would have to be incarcerated for a minimum of 2 to 10 years depending upon which of the many sections of the act he violated because these bills would forbid the suspension

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of sentence and probation. One who violates the provisions of the act relating to labeling would, without regard to varying circumstances, be subjected to the mandatory minimum of 10 years.

A drug user who, facing imminent arrest for possession, slips the narcotic to his son under 18 to conceal his offense, would fall within the mandatory minimum of 20 years provided in Assembly Bill No. 490.

A drug user, who pools his funds with other users and purchases drugs which he divides with them, may be deemed to be a seller depending upon the niceties of the transaction. One who, out of sympathy for an addict member of his family or an addict friend, obtains a narcotic and gives it to him, would face a mandatory minimum sentence of 10 or 20 years depending upon the ages of the parties.

Such are the implications of these bills. They far exceed in severity and scope the bills now under consideration by the Congress.

Because of the importance of this matter, I held a public hearing to which were invited both advocates and opponents of the bills. The conflicting views were ably and forcefully presented.

The proponents of these bills seek to reach or frustrate the non-addicted supplier of drugs. If the bills reached only him, I would unhesitatingly give my approval. But they are not so confined and although the deterrent quality of punishment may be conceded in certain areas, the question remains whether deterrence may not also be achieved by severe sentences where the facts so warrant, without the inherent self-defeating weakness of laws which are excessively severe in cases involving individuals whose offenses do not merit the punishment commanded by the bills.

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In evaluating the bills, we must look at the setting in which they are to operate. The State of New Jersey has been lauded for its effective enforcement of its narcotic laws. Testifying before the Boggs Committee of the United States House of Representatives on October 14, 1955, United States Commissioner of Narcotics, Harry J. Anslinger said:

"New Jersey has the equivalent of the Boggs Act. There are very, very strict judges who regard trafficking as one of the worst crimes known to man. There is a State police narcotics squad. All of the sheriffs are engaged in narcotics enforcement. . . . All through New Jersey where we have any problem -- sometimes in Atlantic City or Newark we might run into some trafficking -- the Federal, State police, and local police and sheriffs all work as a team.

"I must say that New Jersey is the one State which has had this terrific problem and has been able to bring it under control by good legislation and by good enforcement and, most important of all, by good judges, because there you do not see a suspended sentence. . . . In some of these districts cases are postponed and postponed and postponed, but not in New Jersey. That is one State I want you to keep in mind when we are talking about the rest of the country, where from the Governor on down they have tried to bring this problem under control and they have done so. . . ."

James C. Ryan, Supervisor of the New York District of the Bureau of Narcotics, which includes the northern counties of New Jersey, reported on October 5, 1955 to Commissioner Anslinger:

"The northern counties of New Jersey . . . do not pose any serious problem to us. Narcotic trafficking is light and the occasional major trafficker encountered in these areas is usually dealt with severely.

". . . Because of the severity of sentences imposed in State courts in New Jersey, we usually prosecute narcotic cases locally and obtain very satisfactory results."

Our records sustain the views expressed by the Federal officials. The bulk of the narcotic problem is centered in Essex County. Yet the

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Chief Probation Officer of that county advises that in the 5 years 1951 to 1955, there were only 282 drug cases in the County Court of Essex County, only 42 of which were for selling. In recent years the non-addict promoter, peddler or pusher has constituted but a minute percentage of the defendants. For instance, among the 55 persons convicted in the County Court of Essex County in 1955, only one was a non-addict peddler. There is no reliable evidence of increase in the traffic in our State. In these circumstances, we should hesitate before embarking upon a new program of mandatory minimum sentences devoid of discretion to fit the punishment to the offense and the offender.

Public officials representing a tremendous number of years of practical experience in law enforcement in general and narcotics in particular joined in opposition to these features of the bills. On the State level, the Attorney General of New Jersey, the Commissioner of Institutions and Agencies and the Principal Keeper of the New Jersey State Prison oppose the measures. The Conference of County Judges unanimously disapproves of them, and all of the county prosecutors express the same opposition. The experienced Chief Probation Officer of Essex County condemns the measures. This opposition springs not from a desire to retain the power now vested in county judges, or the opportunity which prosecutors or probation officers have to be heard in connection with sentencing -- a power and opportunity which less conscientious men would gladly forego -- but rather from a conviction born of long exposure to the problem, that the bills would neither serve the public nor do justice to its members.

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We have had some experience with mandatory legislation of such severity. Under our fourth offender statute which required a mandatory life sentence, the diminishing returns and stark inequity of its provisions led to an amendment which vested discretion at the trial level. California forbade probation in narcotic cases in 1951, but found it necessary to repeal its legislation in 1953. The reasons are readily apparent.

Further, when the punishment is shockingly beyond the offense and the offender, officials charged with the execution of the laws are driven to devices to escape the legislative mandate. Prosecutors are reluctant to prosecute; grand juries will not indict; judges join in refined constructions to avoid palpable injustice and thereby the law is weakened in later applications to real culprits; petit juries, when the stakes become known, refuse to convict. A mandatory sentence which may not be suspended means that the accused necessarily defends; he has nothing to lose. There is thus devoted to prosecutions valuable manpower which would be more productive in additional investigations. The weak link in a criminal chain, who would speak and inform in hope of leniency, is silenced.

The self-defeating infirmity inheres not only in a severe mandatory penalty which may not be suspended, but as well in an unduly severe mandatory penalty for a first offense even though it may be suspended. When the mandatory minimum is thus unrelated to a just result, the sentencing judge is driven to suspend the sentence, although he believes that the actual execution of a prison sentence less than the statutory minimum would be more fitting.

STATE OF NEW JERSEY  
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Thus, the public interest would be disserved. And perhaps of greater importance would be the abandonment of our principles of justice. We are dedicated to justice not only to the public at large but also to the individual. Justice to the individual means treatment which accords with the offense and the offender. Equality of justice necessarily means equal treatment under like circumstances and rejects identical punishment for all who trespass, without regard to the facts of the particular case. We have developed an extensive program of presentence investigation and probation to this end. We salvage when we can.

The bills seem to embrace the tenet that injustice to individual defendants is a fair price to pay for the deterrent effect upon the addict as well as the non-addict sellers. We do not sacrifice individuals for the common good; rather we find the common good in doing justice to the individual. And justice to the individual, with adequate deterrence to others, can best be achieved at the hands of an alert, conscientious and competent trial judge who has before him all of the facts relating to the offense and the offender. His is the real and intelligent opportunity to reach a sound judgment.

For these reasons, I cannot approve of bills which would impose severe mandatory penalties upon first offenders without the safety valve of the probation program. Nor can I approve of excessive mandatory minimum sentences for first offenders which may drive trial judges to suspend sentence rather than to impose a jail sentence deemed to be oppressive. I am willing to approve increases in the authorized maximums, to the end that, in appropriate cases, sentences may be imposed which will both fit the situation and serve to deter others.

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I am accordingly returning all three bills with recommended amendments. As to Assembly Bills Nos. 489 and 490, the suggested amendments are set forth in separate messages relating to each bill.

Therefore, I am returning herewith Assembly Bill No. 488 for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 8, delete the figure "20" and insert in lieu thereof the figure "2".

On page 1, section 1, line 14, delete the figure "10" and insert in lieu thereof the figure "2".

On page 2, section 1, line 17, delete the figure "20" and insert in lieu thereof the figure "5".

On page 2, section 1, line 21, delete the figure "30" and insert in lieu thereof the figure "15".

On page 2, section 1, lines 38 to 40 inclusive, delete the sentence "The execution of any sentence imposed under paragraphs (a) or (b) of this section shall not be suspended."

Respectfully,

ROBERT B. MEYNER

GOVERNOR

(Seal)

Attest:

ROBERT J. BURKHARDT

Secretary to the Governor

SENATE, No. 229

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1933

By Mr. VOLVO

(For the President)

Referred to Committee on Public Health

AN Act defining and relating to narcotic drugs, making uniform the law with relation thereto and providing penalties for violations hereof

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

3 1. The following words and phrases as used in this act shall have the  
4 following meanings unless the context otherwise requires:

5 1. "Person" includes any corporation, association, copartnership or one  
6 or more individuals.

7 2. "Physician" means any person authorized by law to practice medi-  
8 cine in this State and any other person authorized by law to treat sick and in-  
9 jured human beings in this State and to use narcotic drugs in connection  
10 with such treatment.

11 3. "Dentist" means any person authorized by law to practice dentistry  
12 in this State.

13 4. "Veterinarian" means any person authorized by law to practice vet-  
14 erinary medicine in this State.

15 5. "Manufacturer" means a person who by compounding, mixing, culti-  
16 vating, growing or other process produces or prepares narcotic drugs, but  
17 does not include an apothecary who compounds narcotic drugs to be sold or  
18 dispensed on prescription.

17 6. "Wholesaler" means a person who supplies narcotic drugs that he  
18 himself has not produced nor prepared, on official written order, but not on  
19 prescription.

20 7. "Apothecary" means a licensed pharmacist as defined by the laws of  
21 this State and, where the context so requires, the owner of a store or other  
22 place of business where narcotic drugs are compounded or dispensed by a li-  
23 censed pharmacist; but nothing in this act contained shall be construed as  
24 conferring on a person who is not registered or licensed as a pharmacist any  
25 authority, right or privilege that is not granted to him by the pharmacy laws  
26 of this State.

27 8. "Hospital" means an institution for the care and treatment of the  
28 sick and injured.

29 9. "Laboratory" means a laboratory to be entrusted with the custody of  
30 narcotic drugs and the use of narcotic drugs for scientific and medical pur-  
31 poses approved by the State Department of Health.

32 10. "Sale" includes barter, exchange or gift, or other therefor, and each  
33 such transaction made by any person, whether as principal, proprietor, agent,  
34 servant or employee.

35 11. "Cocoa leaves" includes cocaine and any compound, manufacture,  
36 salt, derivative, mixture or preparation of cocoa leaves, except derivatives of  
37 cocoa leaves which do not contain cocaine, ergonine, or substances from  
38 which cocaine or ergonine may be synthesized or made.

39 12. "Opium" includes morphine, codeine or acroin and any compound,  
40 manufacture, salt, derivative, mixture, or preparation of opium, but does  
41 not include opianopain or any of its salts.

42 13. "Narcotic Drugs" means cocoa leaves and opium and every sub-  
43 stance which is chemically not possible to distinguish from them.

44 14. "Federal Narcotic Law" means the laws of the United States relat-  
45 ing to opium, cocoa leaves and other narcotic drugs.

46 15. "Official Written Order" means an order written on a form pre-  
47 scribed for that purpose by the United States Commissioner of Narcotics, or  
48 under any laws of the United States making provision therefor, if such a

49 forms are authorized and required by Federal law, and if no such order form  
50 is provided, then on an official form provided for that purpose by the State  
51 Department of Health.

52 16. "Dispense" includes distribute, leave with, give away, dispose of, or  
53 deliver.

54 17. "Registry number" means the number assigned to each person reg-  
55 istered under the Federal narcotic laws.

56 18. "Cannabis" includes the following substances under whatever names  
57 they may be designated:

58 (a) The dried flowering or fruiting tops of the pistillate plant cannabis  
59 sativa L. from which the resin has not been extracted.

60 (b) The resin extracted from such tops, and

61 (c) Every compound, manufacture, salt, derivative, mixture or prep-  
62 aration of such resin or of such tops from which the resin has not been ex-  
63 tracted.

64 19. "Narcotic Drugs" means opium, leaves, opium, cannabis and every  
65 substance neither chemically nor physically distinguishable from them.

1 2. It shall be unlawful for any person to manufacture, possess, have  
2 under his control, sell, prescribe, administer, dispense or compound any  
3 narcotic drug, except as authorized in this act.

1 3. No person shall manufacture, compound, mix, cultivate, grow, or by  
2 any other process produce or prepare narcotic drugs, and no person as a  
3 wholesaler shall supply the same without having first obtained a license so  
4 to do from the Department of Health of the State of New Jersey. No fee  
5 shall be charged for any license so issued. The Department of Health of  
6 the State of New Jersey is authorized to make rules and regulations govern-  
7 ing the issue of any such license.

1 4. No license shall be issued unless the applicant therefor has  
2 furnished proof satisfactory to the Department of Health of the State of New  
3 Jersey:

4 (a) That the applicant is of good moral character or that the applicant  
5 be an association or corporation, that the managers or officers are of good  
6 moral character.

7 (b) That the applicant is equipped as to land, buildings and para-  
8 phernalia properly to carry on the business described in his application.

9 (c) No license shall be granted to any person who has within five years  
10 been convicted of a local violation of any law of the United States, or of any  
11 state, relating to opium, cocoa leaves or any other narcotic drug or to any  
12 person who is a narcotic drug addict.

13 The State Department of Health may for cause revoke any license so  
14 aforesaid issued. All licenses shall be issued for a period of one year and  
15 renewals may be granted for a like period.

1 A duly licensed manufacturer or wholesaler may sell and dispense  
2 narcotic drugs to any of the following persons but only on official written  
3 orders:

4 (a) To a manufacturer, wholesaler or apothecary.

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 that  
7 hospital.

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

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

12 (a) On a special written order accompanied by a certificate of exemp-  
13 tion, as required by the Federal narcotic laws, to a person in the employ of  
14 the United States Government or of any State, territory, district, county or  
15 municipality purchasing, receiving, possessing or dispensing narcotic drugs  
16 by reason of his official duties.

17 (b) To a master of a ship or a person in charge of any air craft upon  
18 which no physician is regularly employed for the actual medical needs of  
19 persons on board such ship or air craft.

1       6. An official written order for any narcotic drug shall be signed in  
 2 duplicate by the person giving said order or by his duly authorized agent.  
 3 The original shall be presented to the person who sells or dispenses the  
 4 narcotic drug or drugs named herein. In the event of the acceptance of  
 5 such order by said person, each party to the transaction shall preserve his  
 6 copy of such order for a period of two years in such a way as to be readily  
 7 accessible for inspection by any public officer or employe engaged in the  
 8 enforcement of this act.

1       7. Possession of or control of narcotic drugs obtained as authorized in  
 2 this section shall be lawful if obtained in the regular course of business,  
 3 occupation, profession, employment or duty.

1       8. A person in charge of a hospital or of a laboratory, or in the employ  
 2 of this State or of any political subdivision thereof, and the master or other  
 3 proper officer of a ship or air craft, who obtains narcotic drugs under the  
 4 provisions of this State shall not administer, nor dispense nor otherwise  
 5 use such drugs within this State except within the scope of his employment  
 6 or official duty and then only for scientific or medicinal purposes and subject  
 7 to the provisions of this act.

1       9. An apothecary in good faith may sell and dispense narcotic drugs to  
 2 any person upon the written prescription of a physician, dentist or veteri-  
 3 narian dated and signed by the person prescribing on the day when issued and  
 4 bearing the full name and address of the patient for whom or of the owner  
 5 of the animal for which the drug is dispensed, and the full name, address  
 6 and registry number under the Federal narcotic laws of the person so  
 7 prescribing if he is required by those laws to be so registered. If the pre-  
 8 scription be for an animal, it shall state the species of animal for which the  
 9 drug is prescribed. A person filling the prescription shall write the date  
 10 of filling and his own signature on the face of the prescription. The prescrip-  
 11 tion shall be retained on file by the proprietor of the pharmacy in which it  
 12 is filled for a period of two years so as to be readily accessible for the  
 13 inspection of any officers engaged in the enforcement of this act. A prescrip-  
 14 tion shall not be refilled.

15       A legal owner of any stock of narcotic drugs or medicinal compounds  
 16 constituting a dealing in and dispensing of such stock shall be deemed to be  
 17 a wholesaler, an apothecary, or a retailer, as the case may be.

18 An apothecary only upon an official written order, may sell to a physician,  
 19 dentist or veterinarian in quantities not exceeding one ounce at any one time,  
 20 aqueous or oleaginous solutions of which the content of narcotic drugs does  
 21 not exceed a proportion greater than twenty per centum (20%) of the com-  
 22 plete solution, to be used for medical purposes.

#### ARTICLE TWO

##### PROFESSIONAL USE OF NARCOTIC DRUGS

1 1. A physician or a dentist, in good faith and in the course of his  
 2 professional practice only, may prescribe, administer or dispense narcotic  
 3 drug, or may cause the same to be administered by a nurse or interne under  
 4 his direction and supervision.

1 2. A veterinarian in good faith and in the course of his professional  
 2 practice only, and not for use by a human being, may prescribe, administer  
 3 and dispense narcotic drugs and he may cause them to be administered by  
 4 an assistant or orderly under his direction and supervision.

1 3. Any person who has obtained from a physician, dentist or veteri-  
 2 narian any narcotic drug for administration to a patient during the absence  
 3 of such physician, dentist or veterinarian shall return to such physician,  
 4 dentist or veterinarian any unused portion of such drug when it is no longer  
 5 required by the patient.

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

3 (1) Prescribing, administering, dispensing, or selling at retail of any  
 4 medicinal preparation that contains in one fluid ounce, or if a solid or semi-  
 5 solid preparation, in one centigrade ounce, (a) not more than two grains  
 6 of opium, (b) not more than one quarter of a grain of morphine or of any  
 7 of its salts, (c) not more than one grain of codeine or of any of its salts,  
 8 (d) not more than one eighth of a grain of heroin or of any of its salts,  
 9 (e) and not more than one of the drugs named above in clauses (a), (b),  
 10 (c), and (d).

11 (2) Prescribing, administering, dispensing, or selling at retail of (a)  
 12 needles, syringes, or other medical instruments, that are susceptible of exten-  
 13 sive use, and (b) any other narcotic drugs in such combinations as may be

14 their being readily extracted from such liniments, ointments, or prepara-  
 15 tions, except that this act shall apply to all liniments, ointments, and other  
 16 preparations, that contain coca leaves in any quantity or combination.

17 (3) The exemptions authorized by this section shall be subject to the  
 18 following conditions:

19 (a) No person shall prescribe, administer, dispense, or sell under the  
 20 exemptions of this section, to any one person, or for the use of any one  
 21 person or animal, any preparation or preparations included within this sec-  
 22 tion, when he knows, or can by reasonable diligence ascertain, that such pre-  
 23 scribing, administering, dispensing, or selling will provide the person to whom  
 24 or for whose use, or the owner of the animal for the use of which, such  
 25 preparation is prescribed, administered, dispensed, or sold, within any forty-  
 26 eight consecutive hours, with more than two grains of opium, or more than  
 27 one-half grain of morphine or of any of its salts, or more than two grains  
 28 of codeine or of any of its salts, or more than one-quarter of a grain of  
 29 heroin or of any of its salts, or will provide such person or the owner of  
 30 such animal, within forty-eight consecutive hours, with more than one prep-  
 31 aration exempted by this section from the operation of this act.

32 (b) The medicinal preparation, or the liniment, ointment, or other  
 33 preparation susceptible of external use only, prescribed, administered, dis-  
 34 pensed, or sold, shall contain, in addition to the coca drug, in it, some  
 35 drug or drugs conferring upon it medicinal qualities other than those pos-  
 36 sessed by the narcotic drug alone.

37 (c) Such preparation shall be prescribed, administered, dispensed, and  
 38 sold in good faith as a medicine, and not for the purpose of evading the  
 39 provisions of this act.

40 (4) Nothing in this section shall be construed to limit the total and  
 41 quantity of any narcotic drug which may be lawfully prescribed, ad-  
 42 ministered, or sold, to any person, or to any animal, or to any owner of an  
 43 animal, or to any person, or to any animal, or to any owner of an animal, or  
 44 to any person, or to any animal, or to any owner of an animal, or to any  
 45 person, or to any animal, or to any owner of an animal, or to any person,  
 46 or to any animal, or to any owner of an animal.

47 (5) This section shall not apply to any preparation, or any liniment, or  
 48 ointment, or other preparation, which is prescribed, administered, dispensed,  
 49 or sold, for the purpose of treating any disease, or any condition, or any  
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3 of such drugs received by him, and a record of all such drugs administered,  
4 dispensed, or professionally used by him otherwise than by prescription.  
5 It shall, however, be deemed a sufficient compliance with this subsection if  
6 any such person using small quantities of solutions or other preparations  
7 of such drugs for local application, shall keep a record of the quantity, char-  
8 acter, and potency of such solutions or other preparations purchased or  
9 made up by him, and of the dates when purchased or made up, without  
10 keeping a record of the amount of such solution or other preparation ap-  
11 plied by him to individual patients; *provided, however*, that no record need  
12 be kept of narcotic drugs administered, dispensed, or professionally used in  
13 the treatment of any one patient, when the amount administered, dispensed,  
14 or professionally used for that purpose does not exceed in any forty-eight  
15 consecutive hours, (a) four grains of opium, or (b) one-half of a grain of  
16 morphine or of any of its salts, or (c) two grains of codeine or of any of its  
17 salts, or (d) one fourth of a grain of heroin or of any of its salts, or (e) a  
18 quantity of any other narcotic drug or any combination of narcotic drugs that  
19 does not exceed in pharmacologic potency any one of the drugs named  
20 above in the quantity stated.

21 Manufacturers and wholesalers shall keep records of all narcotic drugs  
22 compounded, mixed, cultivated, grown, or by any other process produced or  
23 prepared, and of all narcotic drugs received and disposed of by them, in ac-  
24 cordance with the provisions of subsection five of this section.

25 Apothecaries shall keep records of all narcotic drugs received and dis-  
26 posed of by them, in accordance with the provisions of subsection five of  
27 this section.

28 Every person who purchases for resale, or who sells narcotic drugs,  
29 preparations exempted by section eight of this act, shall keep a record show-  
30 ing the quantities and kinds thereof received and sold, or disposed of other-  
31 wise, in accordance with the provisions of subsection five of this section.

32 The form of records shall be prescribed by the Department of Health  
33 of the State of New Jersey. The record of narcotic drugs received shall in  
34 every case show the date of receipt, the name and address of the person  
35 from whom received, and the kind and amounts of drugs received; the cost

36 and quantity of narcotic drugs produced or removed from process of manu-  
37 facture, and the date of such production or removal from process of manu-  
38 facture; and the record shall in every case show the proportion of morphine,  
39 cocaine, or eegouine contained in or producible from crude opium or coca  
40 leaves received or produced. The record of all narcotic drugs sold, admin-  
41 istered, dispensed, or otherwise disposed of, shall show the date of selling,  
42 administering, or dispensing, the name and address of the person to whom,  
43 or for whose use, or the owner and species of animal for which, sold, admin-  
44 istered or dispensed, and the kind and quantity of drugs. Every such record  
45 shall be kept for a period of two years from the date of the transaction  
46 recorded. The keeping of a record required by or under the Federal narcotic  
47 laws, containing substantially the same information as is specified above,  
48 shall constitute compliance with this section, except that every such record  
49 shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if  
50 any, the kind and quantity of such drugs, and the date of the discovery of  
51 such loss, destruction, or theft.

1 6. Whenever a manufacturer sells or dispenses a narcotic drug, and  
2 whenever a wholesaler sells and dispenses a narcotic drug in a package pre-  
3 pared by him, he shall securely affix to each package in which that drug is  
4 contained a label showing in legible English the name and address of the  
5 vendor and the quantity, kind, and form of narcotic drug contained therein.  
6 No person, except an apothecary for the purpose of filling a prescription  
7 under this act, shall alter, deface, or remove any label so affixed.

8 Whenever an apothecary sells or dispenses any narcotic drug on a pre-  
9 scription issued by a physician, dentist, or veterinarian, he shall affix to  
10 the container in which such drug is sold or dispensed a label showing his  
11 own name, address, and registry number, or the name, address, and regis-  
12 try number of the apothecary to whom he lawfully assigns, the name and  
13 address of the patient or, if the patient is an animal, the name and address  
14 of the owner of the animal and the species of the animal, the name, address,  
15 and registry number, of the physician, dentist, or veterinarian, by whom the  
16 prescription was written, and the date of the prescription, to be stated on the pre-  
17 scription. No person shall alter, deface, or remove any label so affixed.

1 7. A person to whom or for whose use any narcotic drug has been  
 2 prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other  
 3 person authorized under the provisions of section five of this act, and the  
 4 owner of any animal for which any such drug has been prescribed, sold, or  
 5 dispensed, by a veterinarian, may lawfully possess it only in the container  
 6 in which it was delivered to him by the person selling or dispensing the same.

### ARTICLE III.

#### MISCELLANEOUS PROVISIONS.

1 1. The provisions of this act restricting the possessing and  
 2 having control of narcotic drugs shall not apply to common car-  
 3 riers or to warehousemen, while engaged in lawfully transport-  
 4 ing or storing such drugs, or to any employee of the same acting within  
 5 the scope of his employment; or to public officers or employees in the per-  
 6 formance of their official duties requiring possession or control of narcotic  
 7 drugs; or to temporary incidental possession by employees or agents of per-  
 8 sons lawfully entitled to possession, or by persons whose possession is for the  
 9 purpose of aiding public officers in performing their official duties.

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

1 3. All narcotic drugs the lawful possession of which is not established  
 2 or the title to which cannot be ascertained, which have come into the custody  
 3 of an officer, shall be forfeited, and disposed of as follows:

4 (a) Except as in this section otherwise provided, the court or magis-  
 5 trate having jurisdiction shall order such narcotic drugs forfeited and de-  
 6 stroyed. A record of the place where said drugs were seized, of the kind,  
 7 and quantities of drugs so destroyed, and of the time, place, and manner of  
 8 destruction, shall be kept, and a return under oath, reporting said destruc-  
 9 tion, shall be made to the court or magistrate and to the United States  
 10 Commissioner of Narcotics, by the officer who destroys them.

11 (b) Upon written application by the State Department of Health or by

11 State of New Jersey, the court or magistrate by whom the forfeiture of nar-  
 12 cotic drugs has been decreed may order the delivery of them except herein  
 13 and its salts and derivatives, to said State Department of Health of the  
 14 State of New Jersey for distribution or destruction, as hereinafter provided.

15 (c) Upon application by any hospital within this State, not operated for  
 16 private gain, the State Department of Health of the State of New Jersey may  
 17 in its discretion deliver any narcotic drugs that have come into its custody by  
 18 authority of this section to the applicant for medicinal use. The State De-  
 19 partment of Health of the State of New Jersey may from time to time deliver  
 20 excess stocks of such narcotic drugs to the United States Commissioner of  
 21 Narcotics, or shall destroy the same.

22 (d) The State Department of Health of the State of New Jersey shall  
 23 keep a full and complete record of all drugs received and of all drugs dis-  
 24 posed of, showing the exact kinds, quantities, and forms of such drugs; the  
 25 persons from whom received and to whom delivered; by whose authority re-  
 26 ceived, delivered, and destroyed; and the dates of the receipt, disposal, or  
 27 destruction, which record shall be open to inspection by all Federal and State  
 28 officers charged with the enforcement of Federal and State narcotic laws.

1 4. Prescriptions, orders, and records, required by this act, and stocks of  
 2 narcotic drugs, shall be open for inspection only to Federal, State, county,  
 3 and municipal officers, whose duty it is to enforce the laws of this State or  
 4 of the United States relating to narcotic drugs. No officer having knowledge  
 5 by virtue of his office of any such prescription, order, or record shall divulge  
 6 such knowledge, except in connection with a prosecution or proceeding in  
 7 court or before a licensing board or officer, to which prosecution or proceed-  
 8 ing the person to whom such prescriptions, orders, or records relate is a party.

1 5. No person shall obtain or attempt to obtain a narcotic drug, or pre-  
 2 scribe or attempt to prescribe the administration of a narcotic drug, through  
 3 fraud, deceit, misrepresentation, or concealment, or by the forgery or  
 4 alteration of a prescription or order, or by the concealment of the name or  
 5 address of a material fact, or by any other means, or by the giving of a  
 6 false address.

1 6. Information communicated to the State Department of Health of the State of

2 procure a narcotic drug, or unlawfully to procure the administration of any  
3 such drug, shall not be deemed a privileged communication.

1 7. No person shall wilfully make a false statement in any prescription,  
2 order, report, or record, required by this act.

1 8. No person shall, for the purpose of obtaining a narcotic drug, falsely  
2 assume the title of, or represent himself to be, a manufacturer, wholesaler,  
3 apothecary, physician, dentist, veterinarian, or other authorized person.

1 9. No person shall affix any false or forged label to a package or re-  
2 ciptacle containing narcotic drugs.

1 10. The provisions of this section shall apply to all transactions relating  
2 to narcotic drugs under the provisions of section eight of this act, in the  
3 same way as they apply to transactions under all other sections.

1 11. In any complaint, information, or indictment, and in any action or  
2 proceeding brought for the enforcement of any provision of this act, it shall  
3 not be necessary to negative any exception, excuse, proviso, or exemption,  
4 contained in this act, and the burden of proof of any such exception, excuse,  
5 proviso, or exemption, shall be upon the defendant.

1 12. Any person as in this act defined violating any of the provisions here-  
2 of shall be guilty of a high misdemeanor.

1 13. No person shall be prosecuted for a violation of any provision of this  
2 act if such person has been acquitted or convicted under the Federal nar-  
3 cotic laws of the same act or omission which, it is alleged, constitutes a vio-  
4 lation of this act.

1 14. If any provision of this act or the application thereof to any person  
2 or circumstances is held invalid, such invalidity shall not affect other pro-  
3 visions or applications of the act which can be given effect without the in-  
4 valid provision or application, and to this end the provisions of this act are  
5 declared to be severable.

1 15. This act shall be so interpreted and construed as to effectuate its gen-  
2 eral purpose, to make uniform the laws of those States which enact it.

1 16. All acts or parts of acts which are inconsistent with the provisions  
2 of this act are hereby repealed.

1 17. This act may be cited as the uniform narcotic drug act.

1 18. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]  
COMMITTEE SUBSTITUTE FOR  
SENATE, No. 229

# STATE OF NEW JERSEY

ADOPTED APRIL 10, 1952

AN Act defining and relative to narcotic drugs, making uniform the law with  
relation thereto and providing penalties for violations hereof

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

## Article I

1 1. The following words and phrases as used in this act shall have the  
2 following meanings unless the context otherwise requires:

3 1. "Person" includes any corporation, association, partnership, or  
4 one or more individuals.

5 2. "Physician" means any person authorized by law to practice medi-  
6 cine in this State and any other person authorized by law to treat sick and  
7 injured human beings in this State and to use narcotic drugs in connection  
8 with such treatment.

9 3. "Dentist" means any person authorized by law to practice dentistry  
10 in this State.

11 4. "Veterinarian" means any person authorized by law to practice  
12 veterinary medicine in this State.

13 5. "Manufacturer" means a person who is compounding, mixing, emulsi-  
14 fying, growing or other process producing or prepares narcotic drugs, but  
15 does not include a pharmacist who compounds narcotic drugs to be sold or  
16 dispensed on prescription.

17 6. "Wholesaler" means a person who supplies narcotic drugs, but he  
18 himself has not produced or prepared or otherwise obtained such drugs on  
19 prescription.

20 7--"Pharmacist" means a registered pharmacist of this State.

21 7A--"Pharmacy Owner" means the owner of a store or other place  
22 of business where narcotic drugs are compounded or dispensed by a regis-  
23 tered pharmacist; but nothing in this act contained shall be construed as  
24 conferring on a person who is not registered or licensed as a pharmacist  
25 any authority, right or privilege that is not granted to him by the pharmacy  
26 laws of this State.

27 8--"Hospital" means an institution for the care and treatment of the  
28 sick and injured, approved by the Department of Institutions and Agencies  
29 of the State of New Jersey as proper to be entrusted with the custody of  
30 narcotic drugs and the professional use of narcotic drugs under the direc-  
31 tion of a physician, dentist or veterinarian.

32 9--"Laboratory" means a laboratory to be entrusted with the custody  
33 of narcotic drugs and the use of narcotic drugs for scientific, experimental  
34 and medical purposes and for purposes of instruction approved by the State  
35 Department of Health.

36 10--"Sale" includes barter, exchange or gift, or offer therefor, and  
37 each such transaction made by any person, whether as principal, proprietor,  
38 agent, servant or employee.

39 11--"Coca Leaves" includes cocaine and any compound, manufacture,  
40 salt derivative, mixture or preparation of coca leaves, except derivatives of  
41 coca leaves which do not contain cocaine, ecgonine, or substances from which  
42 cocaine or ecgonine may be synthesized or made.

43 12--"Opium" includes morphine, codeine and heroin and any compound,  
44 manufacture, salt, derivative, mixture, or preparation of opium.

45 13--"Cannabis" includes the following substances under whatever  
46 names they may be designated:

47 (a) The dried flowers or flowering tops of the pistillate plant cannabis  
48 sativa L. from which the resin has not been extracted;

49 (b) The resin extracted from such tops; and

50 (c) Every compound, manufacture, salt, derivative, mixture or prep-  
51 aration of such resin or of such tops from which the resin has not been  
52 extracted.

53 13A—"Narcotic Drugs" means coca leaves, opium, cannabis and every  
54 substance neither chemically distinguishable from them.

55 14—"Federal Narcotic Law" means the laws of the United States relat-  
56 ing to opium, coca leaves and other narcotic drugs.

57 15—"Official Written Order" means an order written on a form provided  
58 for that purpose by the United States Commissioner of Narcotics, under  
59 any laws of the United States making provision therefor, if such order  
60 forms are authorized and required by Federal law, and if no such order form  
61 is provided, then on an official form provided for that purpose by the State  
62 Department of Health.

63 16—"Dispense" includes distribute, leave with, give away, dispose of  
64 or deliver.

65 17—"Registry Number" means the number assigned to each person  
66 registered under the Federal narcotic laws.

#### Article II

1 1. It shall be unlawful for any person to manufacture, possess, have  
2 under his control, sell, prescribe, administer, dispense or compound any  
3 narcotic drug, except as authorized in this act.

4 2. No person shall manufacture, compound, mix, cultivate, grow, or be-  
5 any other process produce or prepare narcotic drugs and no person as a  
6 wholesaler shall supply the same without having first obtained a license so  
7 to do from the Department of Health of the State of New Jersey. A fee of  
8 fifty dollars (\$50.00) shall be charged for any license so issued. The Depart-  
9 ment of Health of the State of New Jersey is authorized to make rules and  
0 regulations governing the issue of any such license, *provided, however,* that  
1 this section shall not apply to pharmacists, physicians, dentists, and veter-  
2 inarians in the regular course of their legitimate professional activities.

3 3. No license shall be issued unless and until the applicant distributes  
4 furnished proof satisfactory to the Department of Health of the State of New  
5 Jersey.

4 (a) That the applicant is of good moral character and if the applicant  
5 be an association or corporation, that the managing officers are of good  
6 moral character.

7 (b) That the applicant is equipped as to land, buildings and para-  
8 phernalia properly to carry on the business described in his application; and  
9 that his trade connections are such that there is reasonable probability that  
10 he will apply all narcotic drugs manufactured or sold by him to medicinal and  
11 scientific purposes.

12 (c) That the applicant is in sufficiently good financial condition to  
13 carry out his obligation, and that it is satisfactorily shown that the granting  
14 of such license is in the public interest.

15 (d) No license shall be granted to any person who has within five years  
16 been convicted of a willful violation of any law of the United States or of any  
17 State, relating to opium, coca leaves or any other narcotic drug or to any  
18 person who is a narcotic drug addict.

1 4. The Department of Health of the State of New Jersey may for cause  
2 suspend or revoke any license so aforesaid issued. All licenses shall be  
3 issued for a period of one year and renewals may be granted for a like period  
4 upon payment of a renewal fee of five dollars (\$5.00).

5 5. A duly licensed manufacturer or wholesaler may sell and dispense  
6 narcotic drugs to any of the following persons but only on official written  
7 orders:

- 8 (a) To a manufacturer, wholesaler, pharmacist or pharmacy owner.
- 9 (b) To a physician, dentist or veterinarian.
- 10 (c) To a person in charge of a hospital, but only for use by or in that  
11 hospital.
- 12 (d) To a person in charge of a laboratory, but only for use in that  
13 laboratory for scientific and medical purposes.

14 6. A duly licensed manufacturer or wholesaler may sell narcotic  
15 drugs to any of the following persons:

- 16 (a) On a duly written order accompanied by a certificate of exemp-
- 17 tion, as required by the Federal narcotic laws, to a person in the employ of

14 the United States Government or of any State, territory, district, county,  
15 municipality, or insular government, purchasing, receiving, possessing or  
16 dispensing narcotic drugs by reason of his official duties.

17 (b) To a master of a ship or a person in charge of any air craft upon  
18 which no physician is regularly employed for the actual medical needs of  
19 persons on board such ship or air craft when not in port, provided such  
20 narcotic drug shall be sold to the master of such ship or person in charge  
21 of such air craft only as purchaser of a special order form approved by a  
22 commanding medical officer of a naval or coast and geodetic service of the United States  
23 Public Health Service.

24 (c) To a person from a foreign country in which the laws of the Federal  
25 narcotic laws are compliant with

1 6. An official written order for a narcotic drug to be supplied to a phar-  
2 macy by the person named and such order shall be in duplicate. The  
3 original shall be presented to the pharmacy and a duplicate of the order  
4 (three of which remain in the possession of the pharmacy) and one order  
5 by said person, each party to the transaction shall preserve the copy of  
6 such order for a period of two years from the date of its issue, and  
7 feasible for inspection by a public health or comparable agency in the en-  
8 forcement of this act. If such be in violation of a comparable law of the  
9 country of the parties to the transaction, such person shall be deemed to be in violation  
10 respecting the requirements of such law of the country of the parties.

1 7. Possession of or control of narcotic drugs as authorized in  
2 this act shall be lawful if obtained in the course of a business, occa-  
3 sion, profession, employment or duty of the person.

1 8. A person in charge of a hospital, or a laboratory, or an office employ-  
2 ed in this State or of any other State, or of any national, territorial, or insular  
3 government, or the master or other person in charge of any air craft, who either man-  
4 ufacture narcotic drugs under the provisions of this act, or who receives and distributes  
5 such drugs, or who dispenses or otherwise furnishes such drugs, shall not be held liable  
6 for the receipt of his employees, or other persons, or for the possession of such drugs, or  
7 for the manufacture, purchase, or distribution of such drugs, if he is not

1     9. A pharmacist in good faith, may sell and dispense narcotic drugs to  
2 any person upon the written prescription of a physician, dentist or veteri-  
3 narian, provided it is properly executed, dated and signed by the person pre-  
4 scribing on the day when issued and bearing the full name and address of  
5 the patient for whom or of the owner of the animal for which, the drug is  
6 dispensed, and the full name, address and registry number under the federal  
7 narcotic laws of the person so prescribing if he is required by those laws to  
8 be so registered. If the prescription be for an animal, it shall state the  
9 species of animal for which the drug is prescribed. A person filling the  
10 prescription shall write the date of filling and his own signature on the face  
11 of the prescription. The prescription shall be retained on file by the pro-  
12 prietor of the pharmacy in which it is filed for a period of two years so as to  
13 be readily accessible for the inspection of any officers engaged in the enforce-  
14 ment of this act. A prescription shall not be refilled.

1     10. The legal owner of any stock of narcotic drugs in a pharmacy, upon  
2 discontinuance of dealing in said drugs, may sell said stock to a manu-  
3 facturer, wholesaler, pharmacist or pharmacy owner but only upon an official  
4 written order.

1     11. A pharmacist only upon an official written order, may sell to a  
2 physician, dentist or veterinarian in quantities not exceeding one ounce at  
3 any one time, aqueous or oleaginous solutions of which the content of  
4 narcotic drugs does not exceed a proportion greater than twenty per centum  
5 (20%) of the complete solution, to be used for medical purposes.

### ARTICLE III

#### PROFESSIONAL USE OF NARCOTIC DRUGS

1     1. A physician or a dentist, in good faith and in the course of his profes-  
2 sional practice only, may prescribe on a written prescription, administer or  
3 dispense narcotic drugs or may cause the same to be administered by a nurse  
4 or interne under his direction and supervision. Such a prescription shall  
5 be dated and signed by the person prescribing on the day when issued and  
6 shall bear the full name and address of the patient for whom the narcotic

7 drug is prescribed and the full name, address and registry number under the  
8 federal narcotic laws of the person prescribing, provided he is required  
9 by those laws to be so registered.

1 2. A veterinarian in good faith and in the course of his professional  
2 practice only and not for use by a human being, may prescribe on a written  
3 prescription, administer and dispense narcotic drugs and he may cause them  
4 to be administered by an assistant or orderly under his direction and super-  
5 vision. Such a prescription shall be dated and signed by the person pre-  
6 scribing on the day when issued and shall bear the full name and address of  
7 the owner of the animal, the species of the animal for which the narcotic drug  
8 is prescribed and the full name, address, and registry number under the  
9 federal narcotic laws of the person prescribing, provided he is required by  
10 those laws to be so registered.

1 3. Any person who has obtained from a physician, dentist or veterinarian  
2 any narcotic drug for administration to a patient during the absence of such  
3 physician, dentist or veterinarian shall return to such physician, dentist or  
4 veterinarian any unused portion of such drug when it is no longer required  
5 by the patient.

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

3 (1) Prescribing, administering, compounding, dispensing or selling at  
4 retail of any medicinal preparation that contains in one fluid ounce, or if a  
5 solid or semisolid preparation, in one avoirdupois ounce (a) not more than  
6 two grains of opium (b) not more than one quarter grain of morphine or of  
7 any of its salts, (c) not more than one grain of codeine, or of any of its  
8 salts, (d) not more than one eighth of a grain of heroin or of any of its salts,  
9 (e) not more than one half of a grain of strychnine or more than  
10 one half of a grain of any more potent derivative or preparation of strychnine,  
11 (f) and not more than one of the drugs named above in clauses (a), (b), (c),  
12 (d), and (e)

12 Manufacturers and wholesalers shall keep records of all narcotic drugs  
 13 compounded, mixed, cultivated, grown, or by any other process produced or  
 14 prepared, and of all narcotic drugs received and disposed of by them, in  
 15 accordance with the provisions of this section.

16 Pharmacists and pharmacy owners shall keep records of all narcotic  
 17 drugs received and disposed of by them, in accordance with the provisions  
 18 of this section.

19 Every person who purchases for resale, or who sells narcotic drug  
 20 preparations exempted by section four articles three, of this act, shall keep a  
 21 record showing the quantities and kinds thereof received and sold, or dis-  
 22 posed of otherwise, in accordance with the provisions of this section.

23 The form of records shall be prescribed by the Department of Health of  
 24 the State of New Jersey. The record of narcotic drugs received shall in every  
 25 case show the date of receipt, the name and address of the person from  
 26 whom received, and the kind and quantity of drugs received, the kind and  
 27 quantity of narcotic drugs produced or compounded, the name of the  
 28 factory and the date on which produced or compounded from process of manu-  
 29 facture; and the record shall also show the production of morphine,  
 30 cocaine, or acetone contained in or produced from opium, or opium or opium  
 31 leaves received or produced and the amount of acetone contained in or  
 32 producible from the dried flowering or fruiting tops of the pedicellate plant  
 33 *cannabis sativa L.*, from which the resin has not been extracted, received or  
 34 produced.

35 The record of all persons, druggists and individuals, compounded, di-  
 36 posed of, withheld or disposed of, by any person, of all narcotic drugs or  
 37 drugs, compounded or disposed of, by any person, for the use of any person  
 38 or for whose use, in the receipt and disposition of such narcotic drugs or  
 39 drugs, compounded or disposed of, by any person, of such drugs. The  
 40 such record shall be kept for a period of one year from the date of the  
 41 transaction recorded. The terms of this section shall be subject to the  
 42 Federal narcotic laws, rules and regulations, and to the rules and  
 43 regulations which shall be prescribed by the Federal Bureau of Investigation.

44 every such record shall contain a detailed list of narcotic drugs, lost,  
 45 destroyed, or stolen, if any, the kind and quantity of such drugs, and the  
 46 date of the discovery of such loss, destruction or theft.

1 8. Whenever a manufacturer sells or dispenses a narcotic drug and when-  
 2 ever a wholesaler sells and dispenses a narcotic drug in a package prepared  
 3 by him, he shall securely affix to each package in which that drug is con-  
 4 tained a label showing in legible English the name and address of the vendor  
 5 and the quantity, kind and form of narcotic drug contained therein. No per-  
 6 son except a pharmacist for the purpose of filling a prescription under this  
 7 act, shall alter, deface or remove any label so affixed.

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

1 9. A person to whom or for whose use any narcotic drug has been pre-  
 2 scribed, sold or dispensed, or a physician, dentist, pharmacist or other person  
 3 authorized under the provisions of this act; the owner of any animal for  
 4 which any such drug has been prescribed, sold, or dispensed by a veteri-  
 5 narian may lawfully possess it only in the container in which it was delivered  
 6 to him by the person selling or dispensing the same.

#### Article IV

##### MISCELLANEOUS PROVISIONS

1 1. The provisions of this act respecting the possessing and having  
 2 control of narcotic drugs shall not apply to the carriers or to warehouse

3 men while engaged in lawfully transporting or storing such drugs, or to any  
4 employee of the same acting within the scope of his employment; or to public  
5 officers or employees in the performance of their official duties requiring pos-  
6 session or control of narcotic drugs; or to temporary accidental possession  
7 by employees or agents of persons lawfully entitled to possession, or by per-  
8 sons whose possession is for the purpose of aiding public officers in perform-  
9 ing their official duties.

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

1     3. All narcotic drugs the lawful possession of which is not established  
2 or the title to which cannot be ascertained, which have come into the pos-  
3 sion of a peace officer, shall be forfeited, and disposed of as follows:

4     (a) The court or magistrate having possession shall immediately notify  
5 the Department of Health of the State of New Jersey and unless otherwise  
6 requested within fifteen days by the Department of Health of the State of  
7 New Jersey in accordance with orders in effect in force of an order such  
8 narcotic drugs forfeited and destroyed. A record of the place where said  
9 drugs were seized, of the kinds and quantities of drugs so destroyed, and of  
10 the time, place and manner of destruction, shall be kept, and a return under  
11 oath, reporting said destruction, shall be made to the court or magistrate and  
12 to the United States Commissioner of Narcotics by the officer who seizes  
13 them.

14     (b) Upon written application to the Department of Health of the State  
of New Jersey, the court or magistrate having possession of such narcotic  
drugs has been decreed by the Board of Health of the State of New Jersey  
to be salts and derivatives of such drugs, the Department of Health of the State of New  
Jersey, for destruction of such drugs.

15     (c) Upon application to the Department of Health of the State of New Jersey  
by the court or magistrate, the Department of Health of the State of New Jersey

21 in its discretion deliver any narcotic drugs that have come into its custody  
 22 by authority of this section to the applicant for medicinal use. The Depart-  
 23 ment of Health of the State of New Jersey may from time to time deliver ex-  
 24 cess stocks of such narcotic drugs to the United States Commissioner of  
 25 Narcotics, or shall destroy the same.

26 (d) The Department of Health of the State of New Jersey shall keep a  
 27 full and complete record of all drugs received and of all drugs disposed of,  
 28 showing the exact kinds, quantities, and forms of such drugs; the persons  
 29 from whom received and to whom delivered; by whose authority received, de-  
 30 livered and destroyed; and the date of the receipt, disposal, or destruction,  
 31 which record shall be open to inspection by all Federal and State officers  
 32 engaged with the enforcement of Federal and State narcotic laws.

33 3A. On the conviction of any person of the violation of any provision of  
 34 this act, a copy of the judgment and sentence, and of the opinion of the  
 35 court or magistrate, if any opinion be filed, shall be sent by the clerk of the  
 36 court, or by the magistrate, to the board of officer, if any, by whom the con-  
 37 victed defendant has been licensed or registered to practice his profession  
 38 or to carry on his business. A duplicate copy of the judgment and sentence  
 39 and opinion, if any opinion be filed, shall be sent to the Department of Health  
 40 of the State of New Jersey.

41 4. Prescriptions, orders and records, required by this act, and stocks  
 42 of narcotic drugs, shall be open for inspection only to Federal, State, county  
 43 and municipal officers, whose duty it is to enforce the laws of this State, or  
 44 of the United States, relative to narcotic drugs. No officer having knowl-  
 45 edge by virtue of his office of any such prescription, order or record shall  
 46 divulge such knowledge, except in connection with a prosecution or proceed-  
 47 ings in court or before a licensing board or officer to which prosecution or  
 48 proceedings the person to whom such prescriptions, orders, or records relate  
 49 is a party.

50 5. No person shall obtain or attempt to obtain a narcotic drug, or  
 51 shall or attempt to procure the administration of a narcotic drug, to  
 52 himself, his wife, wife's sister, or to any other person, or to any other

4 alteration of a prescription or of any written order; or (c) by the conceal-  
5 ment of a material fact; or (d) by the use of a false name or the giving  
6 of a false address.

1 6. Information communicated to a physician in an effort unlawfully to  
2 procure a narcotic drug, or unlawfully to procure the administration of any  
3 such drug, shall not be deemed a privileged communication.

1 7. No person shall wilfully make a false statement in any prescription,  
2 order report, or record, required by this act.

1 8. No person shall, for the purpose of obtaining a narcotic drug, falsely  
2 assume the title of, or represent himself to be, a manufacturer, wholesaler,  
3 pharmacist, pharmacy owner, physician, dentist, veterinarian, or other  
4 authorized person.

1 8A. No person shall make or utter any false or forged prescription or  
2 written order.

1 9. No person shall affix any false or forged label to a package or re-  
2 ceptacle containing narcotic drugs.

1 10. The provisions of sections 4, 6, 7, 8, 9, and 10 of article IV  
2 of this act shall apply to all transactions relating to narcotic drugs under  
3 the provisions of section 4, article III of this act in the same way as they  
4 apply to transactions under all other sections.

1 11. In any complaint, information, or indictment, and in any action or  
2 proceeding brought for the enforcement of any provision of this act, it shall  
3 not be necessary to negative any exception, excuse, proviso, or exemption,  
4 contained in this act, and the burden of proof that any such exception, excuse,  
5 proviso, or exemption, shall be upon the accused.

1 11A. It is hereby made the duty of the Department of Health of the  
2 State of New Jersey, its officers, agents, inspectors, and representatives, and  
3 of all peace officers within the State and of all county attorneys, to enforce  
4 all provisions of this act, except those specifically delegated, and to co-  
5 operate with all agencies charged with the enforcement of the laws of the  
6 United States, of this State, or of any other State, relating to narcotic  
7 drugs.

1 12. Any person as in this act defined violating any of the provisions  
2 herof shall be guilty of a high misdemeanor.

1 13. No person shall be prosecuted for a violation of any provision of this  
2 act if such person has been acquitted or convicted under the Federal nar-  
3 cotic laws of the same act or omission which, it is alleged, constitutes a vio-  
4 lation of this act.

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

1 15. This act shall be so interpreted and construed as to effectuate its gen-  
2 eral purpose to make uniform the laws of those States which enact it.

1 15A. The sum of five thousand dollars (\$5,000.00) is hereby appro-  
2 priated to the Department of Health of the State of New Jersey for en-  
3 forcement of this act during the first complete fiscal year following the  
4 adoption of this act.

1 16. All acts or parts of acts which are inconsistent with the provisions  
2 of this act are hereby repealed.

1 17. This act may be cited as the uniform narcotic drug act.

1 18. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRIST]

COMMITTEE SUBSTITUTE FOR

SENATE, No. 229

# STATE OF NEW JERSEY

ADOPTED APRIL 30, 1933

AN Act defining and relating to narcotic drugs, making uniform the law with relation thereto and providing for the following definitions hereon:

1 BE IT ENACTED, for the Senate and General Assembly of the State of New  
2 Jersey:

## ARTICLE I

1 1. The following words and phrases as used in this act shall have the  
2 following meanings unless the context indicates otherwise:

3 1. "Person" includes any corporation, partnership or  
4 one or more individuals.

5 2. "Physician" means any person authorized by law to practice medi-  
6 cine in this State and any other person authorized by law to treat sick and  
7 injured human beings in this State and to use narcotic drugs in connection  
8 with such treatment.

9 3. "Dentist" means any person authorized by law to practice dentistry  
10 in this State.

11 4. "Veterinarian" means any person authorized by law to practice  
12 veterinary medicine in this State.

13 5. "Manufacturer" means any person who manufactures, manufactures, or  
14 having, growing or otherwise produces any narcotic drug, but  
15 does not include a pharmacist who manufactures narcotic drugs to be sold or  
16 dispensed or prescribed.

17 6. "Wholesaler" means any person who manufactures, manufactures, or  
18 himself has produced any narcotic drug, but does not include a pharmacist  
19 who manufactures or prescribes any narcotic drug.

20 7--"Pharmacist" means a registered pharmacist of this State.

21 7A "Pharmacy Owner" means the owner of a store or other place  
22 of business where narcotic drugs are compounded or dispensed by a regis-  
23 tered pharmacist; but nothing in this act contained shall be construed as  
24 conferring on a person who is not registered or licensed as a pharmacist  
25 any authority, right or privilege that is not granted to him by the pharmacy  
26 laws of this State.

27 8--"Hospital" means an institution for the care and treatment of the  
28 sick and injured, approved by the Department of Institutions and Agencies  
29 of the State of New Jersey as proper to be entrusted with the custody of  
30 narcotic drugs and the professional use of narcotic drugs under the direc-  
31 tion of a physician, dentist or veterinarian.

32 9--"Laboratory" means a laboratory to be entrusted with the custody  
33 of narcotic drugs and the use of narcotic drugs for scientific, experimental  
34 and medical purposes and for purposes of instruction approved by the State  
35 Department of Health.

36 10--"Sale" includes barter, exchange or gift, or offer thereof, and  
37 each such transaction made by any person, whether as principal, proprietor,  
38 agent, servant or employee.

39 11--"Coca Leaves" includes cocaine and any compound, manufacture,  
40 salt derivative, mixture or preparation of coca leaves, except derivatives of  
41 coca leaves which do not contain cocaine, cecgonine, or substances from which  
42 cocaine or cecgonine may be synthesized or made.

43 12--"Opium" includes morphine, codeine, and heroin, and any compound,  
44 manufacture, salt derivative, mixture, or preparation of opium.

45 13--"Canabis" includes the psychoactive substances under whatever  
46 names they may be designated.

47 (a) The dried flowering or fruiting tops of the pistillate plant commonly  
48 called L. from which the resin has not been extracted.

49 (b) The resin extracted from such tops, and

50 (c) Every compound, manufacture, salt derivative, mixture or pre-  
51 paration of such resin or of any portion thereof, if the resin has not been  
52 extracted.

53 13A—"Narcotic Drugs" means coca leaves, opium, cannabis and every  
54 substance neither chemically distinguishable from them.

55 14—"Federal Narcotic Law" means the laws of the United States relat-  
56 ing to opium, coca leaves and other narcotic drugs.

57 15—"Official Written Order" means an order written on a form provided  
58 for that purpose by the United States Commissioner of Narcotics, under  
59 any laws of the United States, including provision hereof, if such order  
60 forms are authorized and required by Federal law, and if no such order form  
61 is provided, then on an official form provided for that purpose by the State  
62 Department of Health.

63 16—"Dispense" includes distribute, give with, give away, dispose of  
64 or deliver.

65 17—"Registry Number" means the number assigned to each person  
66 registered under the Federal narcotic laws.

#### ARTICLE II

1 1. It shall be unlawful for any person to manufacture, possess, have  
2 under his control, sell, prescribe, administer, dispense, or compound any  
3 narcotic drug, except as authorized in this act.

1 2. No person shall manufacture, compound, mix, cultivate, grow, or by  
2 any other process produce or prepare narcotic drugs, and no person as a  
3 wholesaler shall supply the same without having obtained a license to  
4 do from the Department of Health of the State of New York. A fine of  
5 fifty dollars (\$50.00) shall be levied on each person. The Depart-  
6 ment of Health of the State of New York may make and enforce such  
7 regulations governing the issuance of such licenses as may be necessary. This  
8 section shall not apply to the sale of such drugs to bona fide patients  
9 patients in the treatment of disease by a duly qualified physician.

1 3. No person shall be held liable for the sale of narcotic drugs if he  
2 furnished proof satisfactory to the Department of Health of the State of New  
3 York.

4 (a) That the applicant is of good moral character and if the applicant  
5 be an association or corporation, that the managing officers are of good  
6 moral character.

7 (b) That the applicant is equipped as to land, buildings and para-  
8 phernalia properly to carry on the business described in his application; and  
9 that his trade connections are such that there is reasonable probability that  
10 he will apply all narcotic drugs manufactured or sold by him to medicinal and  
11 scientific purposes.

12 (c) That the applicant is in sufficiently good financial condition to  
13 carry out his obligation, and that it is satisfactorily shown that the granting  
14 of such license is in the public interest.

15 (d) No license shall be granted to any person who has within five years  
16 been convicted of a willful violation of any law of the United States or of any  
17 State, relating to opium, coca leaves or any other narcotic drug or to any  
18 person who is a narcotic drug addict.

19 4. The Department of Health of the State of New Jersey may for cause  
20 suspend or revoke any license so aforesaid issued. All licenses shall be  
21 issued for a period of one year and renewals may be granted for a like period  
22 upon payment of a renewal fee of five dollars (\$5.00).

23 5. A duly licensed manufacturer or wholesaler may sell and dispense  
24 narcotic drugs to any of the following persons but only on official written  
25 orders:

26 (a) To a druggist, wholesaler, pharmacist or pharmacy owner.

27 (b) To a physician, dentist or veterinarian.

28 (c) To a person in charge of a hospital, but only for use by or in that  
29 hospital.

30 (d) To a person in charge of a laboratory, but only for use in that  
31 laboratory for scientific and medicinal purposes.

32 (e) A duly licensed manufacturer or wholesaler may sell narcotic  
33 drugs to any of the following persons:

34 (a) To a person in charge of a hospital, but only for use by or in that

35 hospital, as required by the Federal laws, with the exception of the Federal

14 the United States Government or of any State, territory, district, county,  
15 municipality, or insular government, purchasing, receiving, possessing or  
16 dispensing narcotic drugs by reason of his official duties.

17 (b) To a master of a ship or a person in charge of any air craft upon  
18 which no physician is regularly employed for the actual medical needs of  
19 persons on board such ship or air craft when not in port, provided such  
20 narcotic drug shall be sold to the master of such ship or person in charge  
21 of such air craft only in pursuance of a special order form approved by a  
22 commanding medical officer or acting assistant surgeon of the United States  
23 Public Health Service.

24 (c) To a person in a foreign country if the provisions of the Federal  
25 narcotic laws are complied with.

1 6. An official written order for any narcotic drug shall be signed in dupli-  
2 cate by the person giving said order or by his duly authorized agent. The  
3 original shall be presented to the person who sells or dispenses the narcotic  
4 drug or drugs named therein. In the event of the acceptance of such order  
5 by said person, each party to the transaction shall preserve his copy of  
6 such order for a period of two years in such a way as to be readily ac-  
7 cessible for inspection by any public officer or employee engaged in the en-  
8 forcement of this act. It shall be deemed compliance with this subsection  
9 if the parties to the transaction have complied with the Federal narcotic laws  
10 respecting the requirements governing the use of order forms.

1 7. Possession of or control of narcotic drugs obtained as authorized in  
2 this act shall be lawful if obtained in the course of a business, occupa-  
3 tion, profession, employment or duty of the person.

1 8. A person in charge of a hospital or of a laboratory, or in the employ-  
2 of this State or of any other State, of any political subdivision thereof, and  
3 the master or other proper officer of a motor or aircraft, who obtains nar-  
4 cotic drugs under the provisions of this act or otherwise shall not administer,  
5 nor dispense nor otherwise use such drugs within this State except within  
6 the scope of his employment or other duty, and then only for medicinal or  
7 medicinal purposes and subject to the provisions of this act.

1 9. A pharmacist in good faith, may sell and dispense narcotic drugs to  
 2 any person upon the written prescription of a physician, dentist or veteri-  
 3 narian, provided it is properly executed, dated and signed by the person pre-  
 4 scribing on the day when issued and bearing the full name and address of  
 5 the patient for whom or of the owner of the animal for which, the drug is  
 6 dispensed, and the full name, address and registry number under the federal  
 7 narcotic laws of the person so prescribing if he is required by those laws to  
 8 be so registered. If the prescription be for an animal, it shall state the  
 9 species of animal for which the drug is prescribed. A person filling the  
 10 prescription shall write the date of filling and his own signature on the face  
 11 of the prescription. The prescription shall be retained on file by the pro-  
 12 prietor of the pharmacy in which it is filled for a period of two years so as to  
 13 be readily accessible for the inspection of any officers engaged in the enforce-  
 14 ment of this act. A prescription shall not be refilled.

1 10. The legal owner of any stock of narcotic drugs in a pharmacy, upon  
 2 discontinuance of dealing in said drugs, may sell said stock to a manu-  
 3 facturer, wholesaler, pharmacist or pharmacy owner but only upon an official  
 4 written order.

1 11. A pharmacist only upon an official written order, may sell to a  
 2 physician, dentist or veterinarian in quantities not exceeding one ounce at  
 3 any one time, aqueous or oleaginous solutions of which the content of  
 4 narcotic drugs does not exceed a proportion greater than twenty per centum  
 5 (20%) of the complete solution, to be used for medical purposes.

### ARTICLE III

#### PROFESSIONAL USE OF NARCOTIC DRUGS

1 1. A physician or a dentist, in good faith and in the course of his profes-  
 2 sional practice only, may prescribe on a written prescription, administer or  
 3 dispense narcotic drugs or may cause the same to be administered by a nurse  
 4 or interne under his direction and supervision. Such a prescription shall  
 5 be dated and signed by the person prescribing on the day when issued and  
 6 shall bear the full name and address of the patient for whom the narcotic

7 drug is prescribed and the full name, address and registry number under the  
8 federal narcotic laws of the person prescribing, providing he is required  
9 by those laws to be so registered.

1     2. A veterinarian in good faith and in the course of his professional  
2 practice only and not for use by a human being, may prescribe on a written  
3 prescription, administer and dispense narcotic drugs and he may cause them  
4 to be administered by an assistant or orderly under his direction and super-  
5 vision. Such a prescription shall be dated and signed by the person pre-  
6 scribing on the day when issued and shall bear the full name and address of  
7 the owner of the animal, the species of the animal for which the narcotic drug  
8 is prescribed and the full name, address and registry number under the  
9 federal narcotic laws of the person prescribing, provided he is required by  
10 those laws to be so registered.

1     3. Any person who has obtained from a physician, dentist or veterinarian  
2 any narcotic drug for administration to a patient during the absence of such  
3 physician, dentist or veterinarian shall return to such physician, dentist or  
4 veterinarian any unused portion of such drug when it is no longer required  
5 by the patient.

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

3     (1) Prescribing, administering, compounding, dispensing or selling at  
4 retail of any medicinal preparation that contains in one fluid ounce, or if a  
5 solid or semisolid preparation in one avoirdupois ounce (a) not more than  
6 two grains of opium (b) not more than one quarter grain of morphine or of  
7 any of its salts, (c) not more than one grain of codeine, or of any of its  
8 salts, (d) not more than one eighth of a grain of heroin or of any of its salts,  
9 (e) not more than one half of a grain of extract of cannabis nor more than  
10 one-half of a grain of any more potent derivative or preparation of cannabis,  
11 (f) and not more than one of the doses named above in clauses (a), (b), (c),  
12 (d), and (e).

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

1 5. The exemptions authorized by this section shall be subject to the  
2 following conditions:

3 (a) The medicinal preparation, or the liniment, ointment, or other prep-  
4 aration susceptible of external use only, prescribed, administered, dis-  
5 posed, or sold, shall contain, in addition to the narcotic drug in it, some  
6 drug or drugs conferring upon it medicinal qualities other than those pos-  
7 sessed by the narcotic drug alone.

8 (b) Such preparation shall be prescribed, administered, compounded,  
9 dispensed and sold in good faith as a medicine, and not for the purpose of  
10 evading the provisions of this act.

1 6. Nothing in this section shall be construed to limit the kind and quantity  
2 of any narcotic drug that may be prescribed, administered, compounded,  
3 dispensed, or sold, to any person or for the use of any person or animal, when  
4 it is prescribed, administered, compounded, dispensed, or sold, in compliance  
5 with the general provisions of this act.

1 7. Every physician, dentist, veterinarian, or other person who is author-  
2 ized to administer or professionally use narcotic drugs, shall keep a record  
3 of such drugs received by him, and a record of all such drugs administered,  
4 dispensed, or professionally used by him otherwise than by prescription.  
5 It shall, however, be deemed a sufficient compliance with this section if any  
6 such person using small quantities of solutions or other preparations of such  
7 drugs for local application, shall keep a record of the quantity, character,  
8 and potency of such solutions or other preparations purchased or made up  
9 by him, and of the dates when purchased or made up, without keeping a  
10 record of the amount of such solution or other preparation applied by him  
11 to individual patients.

12       Manufacturers and wholesalers shall keep records of all narcotic drugs  
13 compounded, mixed, cultivated, grown, or by any other process produced or  
14 prepared, and of all narcotic drugs received and disposed of by them, in  
15 accordance with the provisions of this section.

16       Pharmacists and pharmacy owners shall keep records of all narcotic  
17 drugs received and disposed of by them, in accordance with the provisions  
18 of this section.

19       Every person who purchases for resale, or who sells narcotic drug  
20 preparations exempted by section four, article three, of this act, shall keep a  
21 record showing the quantities and kind thereof received and sold, or dis-  
22 posed of otherwise, in accordance with the provisions of this section.

23       The form of records shall be prescribed by the Department of Health of  
24 the State of New Jersey. The record on narcotic drugs received shall in every  
25 case show the date of receipt, the name and address of the person from  
26 whom received, and the kind and quantity of drugs received; the kind and  
27 quantity of narcotic drugs produced or removed from process of manu-  
28 facture and the date of such production or removal from process of manu-  
29 facture; and the record shall in every case show the proportion of morphine,  
30 cocaine, or eugonine contained in or producible from crude opium or coca  
31 leaves received or produced and the proportion of resin contained in or  
32 producible from the dried flowering or fruiting tops of the pistillate plant  
33 *cannabis sativa L.* from which the resin has not been extracted, received or  
34 produced.

35       The record of all narcotic drugs sold, compounded, dis-  
36 posed or otherwise disposed of by a manufacturer, wholesaler, pharmacist,  
37 drug compounding or distributor, the owner of a retail pharmacy, or a person  
38 or for whose use, or the owner and operator of a retail pharmacy, addi-  
39 cional, compounded or disposed of by a manufacturer, wholesaler, pharmacist,  
40 such record shall be kept for a period of one year from the date of the  
41 transaction recorded. The form of such records shall conform with the  
42 Federal narcotic laws, and shall be subject to the same requirements as are  
43 specified above, shall consist of a record of the following information, except that

44 every such record shall contain a detailed list of narcotic drugs, lost,  
 45 destroyed, or stolen, if any, the kind and quantity of such drugs, and the  
 46 date of the discovery of such loss, destruction or theft.

1 8. Whenever a manufacturer sells or dispenses a narcotic drug and when-  
 2 ever a wholesaler sells and dispenses a narcotic drug in a package prepared  
 3 by him, he shall securely affix to each package in which that drug is con-  
 4 tained a label showing in legible English the name and address of the vendor  
 5 and the quantity, kind and form of narcotic drug contained therein. No per-  
 6 son except a pharmacist for the purpose of filling a prescription under this  
 7 act, shall alter, deface or remove any label so affixed.

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

1 9. A person to whom or for whose use any narcotic drug has been pre-  
 2 scribed, sold or dispensed, by a physician, dentist, pharmacist or other person  
 3 authorized under the provisions of this act; the owner of any animal for  
 4 which any such drug has been prescribed, sold, or dispensed by a veteri-  
 5 narian may lawfully possess it only in the container in which it was delivered  
 6 to him by the person selling or dispensing the same.

#### ARTICLE IV

##### MINUTE AND SPECIAL VISITORS

1 1. The provisions of this act restricting the possessing and having con-  
 2 trol of narcotic drugs shall not apply to common carriers or to warehouse

3 men while engaged in lawfully transporting or storing such drugs, or to any  
4 employee of the same acting within the scope of his employment; or to public  
5 officers or employees in the performance of their official duties requiring pos-  
6 session or control of narcotic drugs; or to temporary incidental possession  
7 by employees or agents of persons lawfully entitled to possession, or by per-  
8 sons whose possession is for the purpose of aiding public officers in perform-  
9 ing their official duties.

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

1       3. All narcotic drugs the lawful possession of which is not established  
2 or the title to which cannot be ascertained, which have come into the cus-  
3 tody of a peace officer, shall be forfeited, and disposed of as follows:

4       (a) The court or magistrate having jurisdiction shall immediately notify  
5 the Department of Health of the State of New Jersey and unless otherwise  
6 requested within fifteen days by the Department of Health of the State of  
7 New Jersey in accordance with subsection (c) of this section shall order such  
8 narcotic drugs forfeited and destroyed. A record of the place where said  
9 drugs were seized, of the kinds and quantities of drugs so destroyed, and of  
10 the time, place and manner of destruction, shall be kept, and a return under  
11 oath, reporting said destruction, shall be made to the court or magistrate and  
12 to the United States Commissioner of Narcotics, or the officer who destroys  
13 them.

14       (b) Upon writ of application by the Department of Health of the State  
15 of New Jersey, the court or magistrate by whom the forfeiture of narcotic  
16 drugs has been decreed may order the recovery of them, except heroin, and  
17 its salts and derivatives, to the Department of Health of the State of New  
18 Jersey for distribution or destruction, as hereinafter provided.

19       (c) Upon application by any person who has this State and operated  
20 for private gain, the Department of Health of the State of New Jersey may

21 in its discretion deliver any narcotic drugs that have come into its custody  
22 by authority of this section to the applicant for medicinal use. The Depart-  
23 ment of Health of the State of New Jersey may from time to time deliver ex-  
24 cess stocks of such narcotic drugs to the United States Commissioner of  
25 Narcotics, or shall destroy the same.

26 (d) The Department of Health of the State of New Jersey shall keep a  
27 full and complete record of all drugs received and of all drugs disposed of,  
28 showing the exact kinds, quantities, and forms of such drugs; the persons  
29 from whom received and to whom delivered; by whose authority received, de-  
30 livered and destroyed; and the dates of the receipt, disposal, or destruction,  
31 which record shall be open to inspection by all Federal and State officers  
32 charged with the enforcement of Federal and State narcotic laws.

33 3A. On the conviction of any person of the violation of any provision of  
34 this act, a copy of the judgment and sentence, and of the opinion of the  
35 court or magistrate, if any opinion be filed, shall be sent by the clerk of the  
36 court, or by the magistrate, to the board or officer, if any, by whom the con-  
37 victed defendant has been licensed or registered to practice his profession  
38 or to carry on his business. A duplicate copy of the judgment and sentence  
39 and opinion, if any opinion be filed, shall be sent to the Department of Health  
40 of the State of New Jersey.

41 4. Prescriptions, orders and records, required by this act, and stocks  
42 of narcotic drugs, shall be open for inspection only to Federal, State, county  
43 and municipal officers, whose duty it is to enforce the laws of this State or  
44 of the United States relating to narcotic drugs. No officer having knowl-  
45 edge by virtue of his office of any such prescription, order or record shall  
46 divulge such knowledge, except in connection with a prosecution or proceed-  
47 ings in court or before a licensing board or officer to which prosecution or  
48 proceeding the person to whom such prescriptions, orders, or records relate  
49 is a party.

50 5. No person shall obtain or attempt to obtain a narcotic drug, or pre-  
51 cure or attempt to procure the administration of a narcotic drug, (a) by  
52 fraud, deceit, misrepresentation, or subterfuge, or (b) by the forgery of

4 alteration of a prescription or of any written order; or (c) by the conceal-  
5 ment of a material fact; or (d) by the use of a false name or the giving  
6 of a false address.

1 6. Information communicated to a physician in an effort unlawfully to  
2 procure a narcotic drug, or unlawfully to procure the administration of any  
3 such drug, shall not be deemed a privileged communication.

1 7. No person shall wilfully make a false statement in any prescription,  
2 order report, or record, required by this act.

1 8. No person shall, for the purpose of obtaining a narcotic drug, falsely  
2 assume the title of, or represent himself to be, a manufacturer, wholesaler,  
3 pharmacist, pharmacy owner, physician, dentist, veterinarian, or other  
4 authorized person.

1 8A. No person shall make or utter any false or forged prescription or  
2 written order.

1 9. No person shall affix any false or forged label to a package or re-  
2 ceptacle containing narcotic drugs.

1 10. The provisions of sections (a), (b), (c), (8) and (9) of article IV  
2 of this act shall apply to all transactions relating to narcotic drugs under  
3 the provisions of section 4, article III of this act in the same way as they  
4 apply to transactions under all other sections.

1 11. In any complaint, information, or indictment, and in any action or  
2 proceeding brought for the enforcement of any provision of this act, it shall  
3 not be necessary to negate any exception, excuse, proviso, or exemption,  
4 contained in this act, and the burden of proof of any such exception, excuse,  
5 proviso, or exemption, shall be upon the defendant.

1 11A. It is hereby made the duty of the Department of Health of the  
2 State of New Jersey, its officers, agents, inspectors and representatives, and  
3 of all peace officers within the State, and of all county attorneys, to enforce  
4 all provisions of this act, except those specifically delegated, and to co-  
5 operate with all agencies charged with the enforcement of the laws of the  
6 United States, of this State, and of all other States, relating to narcotic  
7 drugs.

1 12. Any person as in this act defined violating any of the provisions  
2 hereof shall be guilty of a high misdemeanor.

1 13. No person shall be prosecuted for a violation of any provision of this  
2 act if such person has been acquitted or convicted under the Federal nar-  
3 cotic laws of the same act or omission which, it is alleged, constitutes a vio-  
4 lation of this act.

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

1 15. This act shall be so interpreted and construed as to effectuate its gen-  
2 eral purpose to make uniform the laws of those States which enact it.

1 16. All acts or parts of acts which are inconsistent with the provisions  
2 of this act are hereby repealed.

1 17. This act may be cited as the uniform narcotic drug act.

1 18. This act shall take effect immediately.

[THIRD OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

SENATE, No. 229

# STATE OF NEW JERSEY

ADOPTED APRIL 10, 1963

AN Act defining and relating to narcotic drugs, making uniform the law with relation thereto and providing penalties for violations hereof

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

## ARTICLE I

1 1. The following words and phrases as used in this act shall have the  
2 following meanings unless the context otherwise requires:

3 1. "Person" includes any corporation, association, partnership or  
4 one or more individuals.

5 2. "Physician" means any person authorized by law to practice medi-  
6 cine in this State and any other person authorized by law to treat sick and  
7 injured human beings in this State and to use narcotic drugs in connection  
8 with such treatment.

9 3. "Dentist" means any person authorized by law to practice dentistry  
10 in this State.

11 4. "Veterinarian" means any person authorized by law to practice  
12 veterinary medicine in this State.

13 5. "Manufacturer" means a person who is compounding, mixing, culti-  
14 vating, growing or other process produces or prepares narcotic drugs, but  
15 does not include a pharmacist who compounds narcotic drugs to be sold or  
16 dispensed on prescription.

17 6. "Wholesaler" means a person who distributes narcotic drugs that he  
18 himself has not produced or prepared, and who supplies orders for such on  
19 prescription.

20 7. "Pharmacist" means a person licensed to practice in this State.

21 7A. "Pharmacy Owner" means the owner of a store or other place  
22 of business where narcotic drugs are compounded or dispensed by a regis-  
23 tered pharmacist; but nothing in this act contained shall be construed as  
24 conferring on a person who is not registered or licensed as a pharmacist  
25 any authority, right or privilege that is not granted to him by the pharmac-  
26 laws of this State

27 8. "Hospital" means an institution for the care and treatment of the  
28 sick and injured, approved by the Department of Institutions and Agencies  
29 of the State of New Jersey as proper to be entrusted with the custody of  
30 narcotic drugs and the professional use of narcotic drugs under the direc-  
31 tion of a physician, dentist or veterinarian.

32 9. "Laboratory" means a laboratory to be entrusted with the custody  
33 of narcotic drugs and the use of narcotic drugs for scientific, experimental  
34 and medical purposes and for purposes of instruction approved by the State  
35 Department of Health.

36 10. "Sale" includes barter, exchange or offer therefor, and  
37 each such transaction made by any person, whether as principal, proprietor,  
38 agent, servant or employee.

39 11. "Coca Leaves" includes cocaine and any compound, manufacture,  
40 salt derivative, mixture or preparation of coca leaves, except derivatives of  
41 coca leaves which do not contain cocaine, eegonine, or substances from which  
42 cocaine or eegonine may be synthesized or made.

43 12. "Opium" includes morphine, codeine and heroin and any compound,  
44 manufacture, salt, derivative, mixture, or preparation of opium.

45 13. "Cannabis" includes the following substances under whatever  
46 names they may be designated:

47 (a) The dried flowering or fruiting tops of the pistillate plant cannabis  
48 sativa L. from which the resin has not been extracted,

49 (b) The resin extracted from such tops; and

50 (c) Every compound, manufacture, salt, derivative, mixture or prep-  
51 aration of such resin or of such tops from which the resin has not been  
52 extracted

52 13A—"Narcotic Drugs" means coca leaves, opium, *canabis* and every  
54 substance not chemically distinguishable from them.

55 14—"Federal Narcotic Law" means the laws of the United States relat-  
56 ing to opium, coca leaves and other narcotic drugs.

57 15—"Official Written Order" means an order written on a form provided  
58 for that purpose by the United States Commissioner of Narcotics, under  
59 any laws of the United States making provision therefor, if such order  
60 forms are authorized and required by Federal law, and if no such order form  
61 is provided, then on an official form provided for that purpose by the State  
62 Department of Health.

63 16—"Dispense" includes distribute, leave with, give away, dispose of  
64 or deliver.

65 17—"Registry Number" means the number assigned to each person  
66 registered under the Federal narcotic laws.

#### Article II

1 1. It shall be unlawful for any person to manufacture, possess, have  
2 under his control, sell, prescribe, administer, dispense or compound any  
3 narcotic drug, except as authorized in this act.

4 2. No person shall manufacture, compound, mix, cultivate, grow, or by  
5 any other process produce or prepare narcotic drugs and no person as a  
6 wholesaler shall supply the same without having first obtained a license so  
7 to do from the Department of Health of the State of New Jersey. A fee of  
8 fifty dollars (\$50.00) shall be charged for any license so issued. The Depart-  
9 ment of Health of the State of New Jersey is authorized to make rules and  
0 regulations governing the issue of any such license, *provided, however,* that  
1 this section shall not apply to pharmacists, pharmacians, dentists, and veter-  
2 inarians in the regular course of their legitimate professional activities.

3 3. No license shall be issued unless and until the applicant therefor has  
4 furnished proof satisfactory to the Department of Health of the State of New  
5 Jersey.

4 (a) That the applicant is of good moral character and if the applicant  
5 be an association or corporation, that the managing officers are of good  
6 moral character.

7 (b) That the applicant is equipped as to land, buildings and para-  
8 phernalia properly to carry on the business described in his application; and  
9 that his trade connections are such that there is reasonable probability that  
10 he will apply all narcotic drugs manufactured or sold by him to medicinal and  
11 scientific purposes.

12 (c) That the applicant is in sufficiently good financial condition to  
13 carry out his obligation, and that it is satisfactorily shown that the granting  
14 of such license is in the public interest.

15 (d) No license shall be granted to any person who has within five years  
16 been convicted of a wilful violation of any law of the United States or of any  
17 State, relating to opium, coca leaves or any other narcotic drug or to any  
18 person who is a narcotic drug addict.

1 4. The Department of Health of the State of New Jersey may for cause  
2 suspend or revoke any license so aforesaid issued. All licenses shall be  
3 issued for a period of one year and renewals may be granted for a like period  
4 upon payment of a renewal fee of five dollars (\$5.00).

1 5. A duly licensed manufacturer or wholesaler may sell and dispense  
2 narcotic drugs to any of the following persons but only on official written  
3 orders:

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 that  
7 hospital, provided, the official written order be signed by a physician, dentist,  
8 veterinarian or pharmacist connected with such hospital.

9 (d) To a person in charge of a laboratory but only for use in that  
10 laboratory for scientific and medicinal purposes.

11 5(1) A duly licensed manufacturer or wholesaler may sell narcotic  
12 drugs to any of the following persons:

13 (a) On a written order which is accompanied by a certificate of exam-  
14 ination, as required by the Federal narcotic laws, to a person in the employ of

14 the United States Government or of any State, territory, district, county,  
15 municipality, or insular government, purchasing, receiving, possessing or  
16 dispensing narcotic drugs by reason of his official duties.

17 (b) To a master of a ship or a person in charge of any air craft upon  
18 which no physician is regularly employed for the actual medical needs of  
19 persons on board such ship or air craft, when, not in part, provided, such  
20 narcotic drug shall be sold to the master of such ship or person in charge  
21 of such air craft only in pursuance of a special order form approved by a  
22 commanding medical officer or acting assistant surgeon of the United States  
23 Public Health Service.

24 (c) To a person in a foreign country if the provisions of the Federal  
25 narcotic laws are complied with:

1 6. An official written order for a quantity of any such narcotic shall be signed in dupli-  
2 cate by the person giving said order or by his duly authorized agent. The  
3 original shall be presented to the person who sells or dispenses the narcotic  
4 drug or drugs named therein. In the event of the acceptance of such order  
5 by said person, each party to the transaction shall preserve a copy of  
6 such order for a period of five years, and the same shall be readily ac-  
7 cessible for inspection by any duly authorized representative in the ex-  
8 ercise of this act. The provisions of this section shall not apply to a doctor  
9 if the parties to the transaction have complied with the requirements of laws  
10 respecting the requirements of such laws.

1 7. Possession of or control of narcotic drugs as authorized or  
2 this act shall be lawful if obtained by a person in the exercise of his occu-  
3 tion, profession, employment or status of being a doctor.

1 8. A person in charge of a dispensary or other establishment in the State  
2 of the State of *any* of the States shall not sell or dispense any narcotic  
3 the master or other proper officer of such ship or air craft, or sell or dis-  
4 cotic drugs under the provisions of this act, or to any other person, nor  
5 nor dispense nor otherwise furnish any such narcotic drug, except within  
6 the scope of his employment or other status authorized by law, for medical  
7 medicinal purposes and subject to the provisions of this act.

9. A pharmacist in good faith, may sell and dispense narcotic drugs to any person upon the written prescription of a physician, dentist or veterinarian, provided it is properly executed, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom or of the owner of the animal for which, the drug is dispensed, and the full name, address and registry number under the federal narcotic laws of the person so prescribing if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. A person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years so as to be readily accessible for the inspection of any officers engaged in the enforcement of the act. The prescription shall not be refilled.

10. The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, pharmacist or pharmacy owner but only upon an official written order.

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

### Article III

#### PROFESSIONAL USE OF NARCOTIC DRUGS

1. A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe on a written prescription, administer or dispense narcotic drugs or may cause the same to be administered by a nurse or intern under his direction and supervision. Such a prescription shall

5 be dated and signed by the person prescribing on the day when issued and  
6 shall bear the full name and address of the patient for whom the narcotic  
7 drug is prescribed and the full name, address and registry number under the  
8 federal narcotic laws of the person prescribing, provided he is required  
9 by those laws to be so registered.

1     2. A veterinarian in good faith and in the course of his professional  
2 practice only and not for use by a human being, may prescribe on a written  
3 prescription, administer and dispense narcotic drugs and he may cause them  
4 to be administered by an assistant in any manner his direction and super-  
5 vision. Such a prescription shall be dated and signed by the person pre-  
6 scribing on the day when issued and shall bear the full name and address of  
7 the owner of the animal, the species of the animal for which the narcotic drug  
8 is prescribed and the full name, address and registry number under the  
9 federal narcotic laws of the person prescribing, provided he is required by  
10 those laws to be so registered.

1     3. Any person who has obtained a narcotic drug from a physician, dentist or veterinarian  
2 any narcotic drug for administrative or dispensing, the absence of such  
3 a prescription, or the return of such a narcotic drug to such physician, dentist or  
4 veterinarian any unused portion of such a narcotic drug is no longer required  
5 by the patient.

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

3     (1) Prescribing, administering, dispensing, or selling at  
4 retail of any medicinal preparation to a patient, (a) not more than  
5 solid or semi-solid preparation in total quantity of not more than  
6 two grains of opium (b) not more than one grain of morphine or of  
7 any of its salts, (c) not more than one grain of codeine or of any of its  
8 salts, (d) not more than one centigram of heroin or of any of its salts,  
9 (e) not more than one half of a grain of any other narcotic drug, not more than  
10 one half of a grain of acamprosate.

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

1 5. The exemptions authorized by this section shall be subject to the  
2 following conditions:

3 (a) The medicinal preparation, or the liniment, ointment, or other prep-  
4 aration susceptible of external use only, prescribed, administered, dis-  
5 pensed, or sold, shall contain, in addition to the narcotic drug in it, some  
6 drug or drugs conferring upon it medicinal qualities other than those pos-  
7 sessed by the narcotic drug alone.

8 (b) Such preparation shall be prescribed, administered, compounded,  
9 dispensed and sold in good faith as a medicine, and not for the purpose of  
10 evading the provisions of this act.

1 6. Nothing in this section shall be construed to limit the kind and quantity  
2 of any narcotic drug that may be prescribed, administered, compounded,  
3 dispensed, or sold, to any person or for the use of any person or animal, when  
4 it is prescribed, administered, compounded, dispensed, or sold, in compliance  
5 with the general provisions of this act.

1 7. Every physician, dentist, veterinarian, or other person who is author-  
2 ized to administer or professionally use narcotic drugs, shall keep a record  
3 of such drugs received by him, and a record of all such drugs administered  
4 dispensed, or professionally used by him otherwise than by prescription.  
5 It shall, however, be deemed a sufficient compliance with this section if any  
6 such person using small quantities of solutions or other preparations of such  
7 drugs for local application, shall keep a record of the quantity, character,  
8 and potency of such solutions or other preparations purchased or made up  
9 by him, and of the dates when purchased or made up, without keeping a  
10 record of the amount of such solution or other preparation applied by him  
11 to individual patients.

12       Manufacturers and wholesalers shall keep records of all narcotic drugs  
13       compounded, mixed, cultivated, grown, or by any other process produced or  
14       prepared, and of all narcotic drugs received and disposed of by them, in  
15       accordance with the provisions of this section.

16       Pharmacists and pharmacy owners shall keep records of all narcotic  
17       drugs received and disposed of by them, in accordance with the provisions  
18       of this section.

19       Every person who purchases for resale or who sells narcotic drug  
20       preparations exempted by section 10 of this act, shall keep a  
21       record showing the quantities and kinds of such received and sold, or dis-  
22       posed of otherwise, in accordance with the provisions of this section.

23       The form of records shall be prescribed by the Department of Health of  
24       the State of New Jersey. The record of all narcotic drugs received shall in every  
25       case show the date of receipt, the name and address of the person from  
26       whom received, and the kind and quantity of drugs received, the kind and  
27       quantity of narcotic drugs produced or removed from process of manu-  
28       facture and the date of such production or removal from process at manu-  
29       facture; and the record shall in every case show the proportion of morphine,  
30       cocaine, or ecgonine contained in or producible from crude opium or opium  
31       leaves received or produced and the proportion of resin contained in or  
32       producible from the dried flowering or fruiting stems of the psyllate plant  
33       cannabis sativa L., from which the resin has been extracted, received or  
34       produced.

35       The record of all narcotic drugs sold, compounded, dis-  
36       pensated or otherwise disposed of shall in every case show the date of selling, adminis-  
37       tering, compounding or dispensing, the name and address of the person to whom,  
38       or for whose use, or the owner and special brand for which such drugs are  
39       sold, compounded or dispensed, and the kind and quantity of drugs. Every  
40       such record shall be kept for a period of five years from the date of the  
41       transaction recorded. The keeping of records required by or under the  
42       Federal narcotic laws, containing substantially the same information as is  
43       specified above, shall constitute compliance with this section, except that

44 every such record shall contain a detailed list of narcotic drugs, lost,  
45 destroyed, or stolen, if any, the kind and quantity of such drugs, and the  
46 date of the discovery of such loss, destruction or theft.

1 8. Whenever a manufacturer sells or dispenses a narcotic drug and when  
2 ever a wholesaler sells and dispenses a narcotic drug in a package prepared  
3 by him, he shall securely affix to each package in which that drug is con-  
4 tained a label showing in legible English the name and address of the vendor  
5 and the quantity, kind and form of narcotic drug contained therein. No per-  
6 son except a pharmacist for the purpose of filling a prescription under the  
7 act, shall alter, deface or remove any label so affixed.

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

19 9. A person to whom or for whose use any narcotic drug has been pre-  
20 scribed, sold or dispensed, by a physician, dentist, pharmacist or other person  
21 authorized under the provisions of this act, the owner of any animal to  
22 which any such drug has been prescribed, sold, or dispensed by a veteri-  
23 narian may lawfully possess it only in the container in which it was delivered  
24 to him by the person selling or dispensing the same.

ARTICLE IV

MISCELLANEOUS PROVISIONS

1 1. The provisions of this act restricting the possessing and having  
2 of narcotic drugs shall not apply to any person who is engaged in the

3 men while engaged in lawfully transporting or selling such drugs, or to any  
 4 employee of the same acting within the scope of his employment; or to public  
 5 officers or employees in the performance of their official duties requiring pos-  
 6 session or control of narcotic drugs, or to bona fide accidental possession  
 7 by employees or agents of persons lawfully entitled to possession, or by per-  
 8 sons whose possession is for the purpose of aiding public officers in perform-  
 9 ing their official duties.

1     2. Any store, shop, warehouse, dwelling house, building, vehicle, motor  
 2 craft, or any place whatever, which is used or to be used for the purpose of  
 3 the purpose of using narcotic drugs or of selling the same, or for the illegal buying or  
 4 selling of the same, shall be deemed a common nuisance. No person shall  
 5 keep or maintain such common nuisance.

1     3. All narcotic drugs the lawful possession of which is not established,  
 2 or the title to which cannot be ascertained, which have come into the pos-  
 3 session of a peace officer, shall be forfeited, and disposed of as follows:

4     (a) The court or magistrate having jurisdiction shall immediately notify  
 5 the Department of Health of the State of New Jersey and unless otherwise  
 6 requested within fifteen days by the Department of Health of the State of  
 7 New Jersey in accordance with subsection (b) of this section shall order such  
 8 narcotic drugs forfeited and destroyed. A record of the place where said  
 9 drugs were seized, of the kinds and quantities of drugs so destroyed, and at  
 10 the time, place and manner of destruction, shall be kept, and a return under  
 11 oath, reporting said destruction, shall be made to the court or magistrate and  
 12 to the United States Commissioner of Narcotics, by the officer who destroys  
 13 them.

14     (b) Upon written application to the Department of Health of the State  
 15 of New Jersey, the court or magistrate by whom the forfeiture of a certain  
 16 drugs has been decreed may order the delivery of the narcotic drugs, or  
 17 its salts and derivates, to the Department of Health of the State of New  
 18 Jersey for distribution or disposal in accordance with the laws of the  
 19 State of New Jersey.  
 20     (c) Any person who fails to comply with the provisions of this section shall be

21 in its discretion deliver any narcotic drugs that have come into its custody  
22 by authority of this section to the applicant for medicinal use. The Depart-  
23 ment of Health of the State of New Jersey may from time to time deliver ex-  
24 cess stocks of such narcotic drugs to the United States Commissioner of  
25 Narcotics, or shall destroy the same.

26 (d) The Department of Health of the State of New Jersey shall keep a  
27 full and complete record of all drugs received and of all drugs disposed of,  
28 showing the exact kinds, quantities, and forms of such drugs; the persons  
29 from whom received and to whom delivered; by whose authority received, de-  
30 livered and destroyed; and the dates of the receipt, disposal, or destruction,  
31 which record shall be open to inspection by all Federal and State officers  
32 charged with the enforcement of Federal and State narcotic laws.

1 3A. On the conviction of any person of the violation of any provision of  
2 this act, a copy of the judgment and sentence, and of the opinion of the  
3 court or magistrate, if any opinion be filed, shall be sent by the clerk of the  
4 court, or by the magistrate, to the board or officer, if any, by whom the con-  
5 victed defendant has been licensed or registered to practice his profession  
6 or to carry on his business. A duplicate copy of the judgment and sentence  
7 and opinion, if any opinion be filed, shall be sent to the Department of Health  
8 of the State of New Jersey.

1 4. Prescriptions, orders and records, required by this act, and stocks  
2 of narcotic drugs, shall be open for inspection only to Federal, State, county  
3 and municipal officers, whose duty it is to enforce the laws of this State or  
4 of the United States relating to narcotic drugs. No officer having knowl-  
5 edge by virtue of his office of any such prescription, order or record shall  
6 divulge such knowledge, except in connection with a prosecution or proceed-  
7 ing in court or before a licensing board or officer to which prosecution or  
8 proceeding the person to whom such prescriptions, orders, or records relate  
9 is a party.

1 5. No person shall obtain or attempt to obtain a narcotic drug, or pro-  
2 cure or attempt to procure the administration of a narcotic drug, (a) by  
3 fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or

4 alteration of a prescription or of any written order; or (e) by the conceal  
5 ment of a material fact; or (d) by the use of a false name or the giving  
6 of a false address.

1 6. Information communicated to a physician in an effort unlawfully to  
2 procure a narcotic drug, or unlawfully to procure the administration of any  
3 such drug, shall not be deemed a privileged communication.

1 7. No person shall wilfully make a false statement in any prescription,  
2 order report, or record, required by this act.

1 8. No person shall, for the purpose of obtaining a narcotic drug, falsely  
2 assume the title of, or represent himself to be, a manufacturer, wholesaler,  
3 pharmacist, pharmacy owner, physician, dentist, veterinarian, or other  
4 authorized person.

1 8A. No person shall make or utter any false or forged prescription or  
2 written order.

1 9. No person shall affix any false or forged label to a package or re-  
2 ceptacle containing narcotic drugs.

1 10. The provisions of sections (5), (6), (7), (8) and (9) of article IV  
2 of this act shall apply to all transactions relating to narcotic drugs under  
3 the provisions of section 4, article III of this act in the same way as they  
4 apply to transactions under all other sections.

1 11. In any complaint, information, or indictment, and in any action or  
2 proceeding brought for the enforcement of any provision of this act, it shall  
3 not be necessary to negate any exception, proviso, or assumption,  
4 contained in this act, and the burden of proof of any such exception, ex-  
5 ception, or exemption, shall be upon the defendant.

1 11A. It is hereby made the duty of the Department of Health of the  
2 State of New Jersey, its officers, agents, inspectors, and representatives, and  
3 of all peace officers within the State, to enforce and to cause the enforcement of  
4 all provisions of this act, except those specifically indicated, and to co-  
5 operate with all agencies, departments, and commissions of the Government of  
6 United States, of this State, and of any State, in the apprehension and  
7 drugs.

1 12. Any person as in this act defined violating any of the provisions  
2 hereof shall be guilty of a high misdemeanor.

1 13. No person shall be prosecuted for a violation of any provision of this  
2 act if such person has been acquitted or convicted under the Federal nar  
3 cotic laws of the same act or omission which, it is alleged, constitutes a vio  
4 lation of this act.

1 14. If any provision of this act or the application thereof to any per  
2 son or circumstances is held invalid, such invalidity shall not affect other  
3 provisions or applications of the act which can be given effect without the  
4 invalid provision or application, and to this end the provisions of this act  
5 are declared to be severable.

1 15. This act shall be so interpreted and construed as to effectuate its gen-  
2 eral purpose to make uniform the laws of those States which enact it.

1 16. All acts or parts of acts which are inconsistent with the provisions  
2 of this act are hereby repealed

1 17. This act may be cited as the uniform narcotic drug act.

1 18. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]  
ASSEMBLY AMENDMENTS TO  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE NO 229

# STATE OF NEW JERSEY

ADOPTED MAY 2, 1993

Amend Article I, Section 10, line 26, by striking out the words "or gift"  
after the word "exchange".

Amend Article I, Section 11, line 10, by striking the word "obscures"  
after the word "except", to read "obscures".

Amend Article I, Section 13A, line 1, by striking out the word "nor"  
after the word "substance" and substituting therefor the word "not".

Amend Article II, Section 10, line 5, by striking the period at the end of the  
sentence and adding the words "precluded the other a written order as ordered by a  
physician, dentist, veterinarian or pharmacist as provided by such hospital."

Amend Article II, Section 11, line 14, by striking the period after the  
word "persons" to a colon.

Amend Article II, Section 8, line 2, by striking the period at the end of the  
sentence following the word "State" and before the word "and" to a comma.

Amend Article II, Section 11, line 14, by striking the word "and" to a  
colon.

Amend Article III, Section 3, line 3, by striking the word "dentist"  
in the line to read "dentist".

Amend Article III, Section 4, line 1, by striking the word "and" after the word  
"cannabis" to a period and striking out lines 1 and 4.

Amend Article IV, Section 1, line 1, by striking the word "and" after the  
word "ing" to read "ing".

Amend Article IV, Section 11A, line 1, by striking the word "and" after the  
word "made" to read "made".

Amend Article IV, Section 11, line 1, by striking the word "and" after the  
word "toys" and substituting therefor the word "and".