

LAWS

PASSED AT THE

Thirtieth Session of the General Assembly of the
State of Colorado

CONVENED AT DENVER
AT 12 O'CLOCK NOON, WEDNESDAY, JANUARY 2,
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CHAPTER 107

DRUGS

NARCOTIC DRUGS

(House Bill No. 138. By Representatives Brownlow, Keating, McAuliffe, Childress, Nolan, Hallen, Divers, Coloroso, Constantine, and Baker, and Senators Knous, Litel and Gilliam)

AN ACT

DEFINING AND RELATING TO NARCOTIC DRUGS AND
TO MAKE UNIFORM THE LAW WITH REFERENCE
THERE TO.

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

Definitions

Section 1. Definitions. The following words and phrases as used in this Act, shall have the following meanings, unless the context otherwise requires.

(1) "Person" includes any corporation, association, copartnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this Act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the State Board of Health as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the State Board of Health as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

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

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

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

(13) "Cannabis" includes the following substances under whatever names they may be designated: (a) The dried flowering or fruiting tops of the pistillate plant *Cannabis Sativa* L., from which the resin has not been extracted, (b) the resin extracted from such tops, and (c) every compound, manufacture, salt, derivative, mixture, or preparation of such resin, or of such tops from which the resin has not been extracted.

(14) "Narcotic drugs" means coca leaves, opium, cannabis, and every substance neither chemically nor physically distinguishable from them.

(15) "Federal Narcotic Laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(16) "Official written order" means an order written on a form provided for that purpose by the

United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the State Board of Health.

(17) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(18) "Registry number" means the number assigned to each person registered under the Federal Narcotic Laws.

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

Section 3. Manufacturers and Wholesalers. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the State Board of Health. Manufacturer
and Wholesaler
Obtain License

Section 4. Qualifications for Licenses. No license shall be issued under the foregoing section unless and until the applicant therefor has furnished proof satisfactory to the State Board of Health. Qualifications
for License

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

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five years been convicted of a willful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict.

The State Board of Health may suspend or revoke any license for cause.

Sale on
Written Orders

Section 5. Sale on Written Orders.

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

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

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

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

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

Who May
Purchase

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

(a) On a special written order accompanied by a certificate of exemption, as required by the Federal

Narcotic Laws, to a person in the employ of the United States Government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed for the actual medical needs of persons on board such ship or aircraft, when not in port. Provided, such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States Public Health Service.

(c) To a person in a foreign country if the provisions of the Federal Narcotic Laws are complied with.

(3) Use of Official Written Orders. An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this Act. It shall be deemed a compliance with this sub-section if the parties to the transaction have complied with the Federal Narcotic Laws, respecting the requirements governing the use of order forms.

Use of Official
Written Orders—
Signed in
Duplicate

Copies Preserved
for Two Years

(4) Possession Lawful. Possession of or control of narcotic drugs obtained as authorized by this section

Possession
Lawful—When

shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this Act.

Apothecaries
May Sell Upon
Written
Prescription

Section 6. Sales by Apothecaries.

(1) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, 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 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. The 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 inspection by any public officer or employee engaged in the enforcement of this Act. The prescription shall not be refilled.

Prescription to
Remain on File
for Two Years

(2) 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, or apothecary, but only on an official written order.

(3) An apothecary, only upon 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 percent of the complete solution, to be used for medical purposes.

Section 7. Professional Use of Narcotic Drugs.

(1) Physicians and Dentists. A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

Physicians or
Dentists May
Prescribe,
Administer
and Dispense

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

Veterinarians
May Prescribe,
Administer
and Dispense

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

Return of
Unused Drugs

Preparations
Exempted

Section 8. Preparations Exempted. Except as otherwise in this act specifically provided, this Act shall not apply to the following cases:

(1) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, (a) not more than two grains of opium, (b) not more than one-quarter of a grain of morphine or of any of its salts, (c) not more than one grain of codeine or of any of its salts, (d) not more than one-eighth of a grain of heroin or any of its salts, (e) not more than one-half of a grain of extract of cannabis nor more than one-half of a grain of any more potent derivative or preparation of cannabis, (f) and not more than one of the drugs named above in clauses (a), (b), (c), (d), and (e).

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

Exemptions
Subject to
Certain
Conditions

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

(a) No person shall prescribe, administer, dispense, or sell under the exemptions of this section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this section, when he knows, or can by reasonable

diligence, ascertain, that such prescribing, administering, dispensing, or selling will provide the person to whom, or for whose use, or the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed, or sold, within any forty-eight consecutive hours, with more than four grains of opium, or more than one-half grain of morphine or any of its salts, or more than two grains of codeine or any of its salts, or more than one-quarter of a grain of heroin or of any of its salts, or more than one grain of extract of cannabis or one grain of any more potent derivative or preparation of cannabis, or will provide such person or the owner of such animal, within forty-eight consecutive hours, with more than one preparation exempted by this section from the operation of this act.

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

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

Section 9. Record to Be Kept.

Record to
Be Kept

(1) Physicians, Dentists, Veterinarians, and Other Authorized Persons. Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this sub-section if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

No Record Need
Be Kept—When

Provided, That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours, (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) one grain of extract of cannabis or one grain of any more potent derivative or preparation of cannabis, or (f) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

Manufacturers
and Wholesalers
Keep Record

(2) Manufacturers and Wholesalers. Manufacturers and Wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or

by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of sub-section 5 of this Section.

(3) Apothecaries. Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of sub-section 5 of this Section.

Apothecaries
Keep Record

(4) Vendors of Exempted Preparations. Every person who purchases for resale, or who sells narcotic drug preparations exempted by Section 8 of this Act, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of sub-section 5 of this Section.

Vendors
Keep Record

(5) Form and Preservation of Records. The form of records shall be prescribed by the State Board of Health. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced, and the proportion of resin contained in or producible from the dried flowering or fruiting tops of the pistillate plant *Cannabis Sativa L.*, from which the resin has not been extracted, received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date

Form and
Preservation
of Records

of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the Federal Narcotic Laws, containing substantially the same information as is specified above, shall constitute compliance with this Section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

Section 10. Labels.

Labels to
Be Affixed

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

Contents

Contents

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an

animal, the name and address of the owner of the animal and the species of the animal, the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

Section 11. Authorized Possession of Narcotic Drugs by Individuals. A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of Section 5 of this Act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

Individual
May Lawfully
Possess Only in
Original
Container

Any sheriff, deputy sheriff, constable, health officer, or any municipal officer designated by ordinance, acting within his jurisdiction, having personal knowledge or reasonable information that any of the drugs mentioned in this Act are kept in violation of law or on any person or in any place, shall search such suspected person or place without a warrant and without any affidavit being filed, and if such officer find upon the person or the premises such drugs, he shall seize the same and arrest any person or persons in charge of such place or on whom such drugs are found, and shall take such person or persons with such drugs so seized forthwith, or as soon as convenient, before a justice of the peace or judge of any court in the county in which such seizure is made having jurisdiction as herein provided to try cases for a violation of this Act, and such officer shall without delay make and

Search and
Seizure Without
Warrant Lawful

file a complaint for such violation of law as the evidence justifies. It shall be lawful for officers in executing the duties imposed upon them by this section to break open doors or other enclosures for the purpose of obtaining possession of any such drugs, vessels, implements and furniture, and to use such reasonable force as may be necessary to search any such suspected person.

Search Warrant
Issued on
Affidavit

If any person make an affidavit before any justice of the peace, or judge of any county or district court, stating that he has reason to and does believe that any person has in his possession or under his control any of the drugs mentioned in this Act, within the jurisdiction of such justice or court, and describing in such affidavit the person, premises, wagon, automobile, vehicle, contrivance, thing or device to be searched, then such justice or the judge of such court, shall issue a warrant to any officer which the complainant may designate having power to serve original process, commanding such officer to search the person, premises, wagon, automobile, vehicle, contrivance, thing or device described in such affidavit. Such warrant shall be substantially as follows:

Form of
Warrant

STATE OF COLORADO }
COUNTY OF } ss.

The People of the State of Colorado to.....
....., Greeting:

Whereas there has been filed with the undersigned an affidavit of which the following is a copy (here copy the affidavit):

Therefore, you are hereby commanded, in the name of the people of the State of Colorado, forth-

with, together with the necessary and proper assistance, to search.....

(here describe the person, place or thing mentioned in the affidavit)

of the said....., situate or being in the..... of....., in the county of..... aforesaid, and there diligently search for the said drugs, and that you bring the same, or any part thereof, found in such search, together with such vessels in which such drugs are found, and the implements and furniture used in connection therewith, forthwith before me, to be disposed of and dealt with according to law.

Given under my hand and seal this..... day of..... A. D. 19.....

.....
Judge of the..... Court
or
Justice of the Peace.

The officer charged with the execution of said warrant may when necessary to obtain entrance, or when entrance has been refused, break open any premises, wagon, automobile, vehicle, contrivance, thing or device which by said warrant he is directed to search; and such officer shall have the right to use such reasonable force as may be necessary to search any person whom by said warrant he is directed to search.

Officer
Authorized
to Use Force
if Necessary

Section 12. Persons and Corporations Exempted. The provisions of this act restricting the possession and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while en-

Persons and
Corporations
Exempted
Under Act

gaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

Nuisances—
Places
Deemed as

Section 13. Common Nuisances. Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance.

Drugs
Unlawfully Held
to Be Forfeited
and Disposed of

Section 14. Narcotic Drugs to be Delivered to State Official, Etc. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

Court Order
Drugs Destroyed

(a) Except as in this Section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States Commissioner of Narcotics, by the officer who destroys them.

Record to Be
Kept as to
Quantity, Time
and Place of
Destruction

(b) Upon written application by the State Board of Health, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said State Board of Health, for distribution or destruction, as hereinafter provided.

Court May Order
Delivery to
Board of Health

(c) Upon application by any hospital within this state, not operated for private gain, the State Board of Health may in its discretion deliver any narcotic drugs that have come into their custody by authority of this Section to the applicant for medicinal use. The State Board of Health may from time to time deliver excess stocks of such narcotic drugs to the United States Commissioner of Narcotics, or may destroy the same.

Board of Health
May Deliver to
Hospital or U. S.
Commissioner

(d) The State Board of Health shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws.

Board of Health
Keep Record of
Drugs Received
and Disposed of

Section 15. Notice of Conviction to Be Sent to Licensing Board. On the conviction of any person of the violation of any provision of this Act, a copy of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted

Clerk of Court
Send Notice of
Conviction
Licensing Board

Court May
Suspend or
Revoke License.

Reinstatement

Records Open
to Inspection
by Officials

Knowledge
Gained by
Officer Not to
Be Divulged

Obtaining Drugs
by Fraud or
Deceit Unlawful

defendant has been licensed or registered to practice his profession or to carry on his business. On the conviction of any such person, the court may, in its discretion, suspend or revoke the license or registration of the convicted defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officer may reinstate such license or registration.

Section 16. Records, Confidential. Prescriptions, orders, and records, required by this Act, and stocks of narcotic drugs, shall be open for inspection only to federal, state, county, and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

Section 17. Fraud or Deceit.

(1) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

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

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

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

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

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

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of Section 8 of this Act, in the same way as they apply to transactions under all other Sections.

Section 18. Exceptions and Exemptions Not Required to be Negatived. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this Act, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this Act, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant.

Burden of
Proof Shall Be
Upon Defendant

Enforcement
of Act

Section 19. Enforcement and Cooperation. It is hereby made the duty of State Board of Health, its officers, agents, inspectors, and representatives, and of all peace officers within the state, and of all district attorneys, to enforce all provisions of this Act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state and of all other states, relating to narcotic drugs.

Violation of
Act—Penalty

Section 20. Penalties. Any person violating any provision of this Act shall upon conviction be punished, for the first offense, by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment, and for any subsequent offense, by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment in the state penitentiary for not exceeding three years, or by both such fine and imprisonment.

Effect of
Acquittal or
Conviction Under
Federal Laws

Section 21. Effect of Acquittal or Conviction under Federal Narcotic Laws. No person shall be prosecuted for a violation of any provision of this Act if such person has been acquitted or convicted under the Federal Narcotic Laws of the same Act or omission which, it is alleged, constitutes a violation of this Act.

Constitutional
Clause

Section 22. Constitutionality. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 23. Interpretation. This Act shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it. Construction of Act

Section 24. Repeals. Section 4606 to 4620, both inclusive, and Sections 4622 to 4634, both inclusive, Compiled Laws of Colorado, 1921; Chapter 95, Session Laws of Colorado, 1927; and Chapter 93, Session Laws of Colorado, 1929, and all Acts and parts of Acts in conflict herewith are hereby repealed. Repealing Clause

Section 25. The General Assembly hereby finds, determines and declares this Act necessary for the immediate preservation of the public peace, health and safety. Safety Clause

Section 26. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage. Emergency

Approved March 16, 1935.