(2) To encourage and provide an incentive for town and municipal governments of the state to plan, acquire and develop local parks, historic sites and outdoor recreation areas and facilities.

(3) To cooperate with public and quasi-public agencies including but not limited to the United States department of interior, bureau of outdoor recreation, the army corps of engineers in planning, acquiring and developing public lands for parks, outdoor recreation and historic site purposes under public laws 88–578, 89–72, 89–665 and other pertinent federal laws enacted before or after this act. The percentage named in the first sentence of this section shall not apply to the sums designated, via the interagency committee, for the board of historic sites, which shall be free of that limitation.

Sec. 2. This act shall take effect from passage.

Approved: March 23, 1968.

NO. 343. AN ACT RELATING TO THE REGULATION AND CONTROL OF DRUG ABUSE AND TO REPEAL 18 V.S.A. §§ 4101 THROUGH 4163.

(H. 483)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. Definitions

As used in this act, unless the context otherwise requires:

(1) "Professional board" means

(A) in the case of a dentist, the state board of dental examiners so designated under 26 V.S.A. chapter 13;

(B) in the case of a physician or surgeon, the state board of medical registration so designated under 26 V.S.A. chapter 21;

(C) in the case of an osteopath, the state board of osteopathic examination and registration so designated under 26 V.S.A. chapter 27;

(D) in the case of a nurse, the state board of nursing so designated under 26 V.S.A. chapter 24;

(E) in the case of a pharmacist or a pharmacy, the state board of pharmacy so designated under 26 V.S.A. chapter 29;

(F) in the case of a veterinarian, the state board of veterinary registration and examination so designated under 26 V.S.A. chapter 35;

(G) in the case of a hospital, laboratory, or nursing home, the state board of health so designated under 18 V.S.A. chapter 3.

(2) "Board of health" means the state board of health so designated under 18 V.S.A. chapter 3.

(3) "Board of pharmacy" means the state board of pharmacy so designated under 26 V.S.A. chapter 29.

(4) "Certificate" means a certificate of approval issued to a hospital, laboratory or nursing home under section 7 of this act.

(5) "Dentist" means a person authorized by law to practice dentistry in this state and who has a license issued to him under this act authorizing him to use regulated drugs in connection with his professional practice.

(6) "Depressant or stimulant drug" means:

(A) any drug which contains any quantity of barbituric acid or any of the salts of barbituric acid, or any derivative of barbituric acid, which is designated as habit forming because of its effect on the central nervous system in the regulations adopted by the board of health under section 2 of this act;

(B) any drug which contains any quantity of amphetamine or any of its optical isomers, any salt or amphetamine or any salt of an optical isomer of amphetamine, which the board of health so designates by such regulation as habit forming because of its effect on the central nervous system; and

(C) any drug which contains any quantity of a substance which the board of health so designates by such regulation as having a serious potential for abuse arising out of its effect on the central nervous system.

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

(8) "Exempt officials" includes officials of the United States, insular possessions, territories, the District of Columbia, state and political subdivisions.

(9) "Federal drug laws" means the laws of the United States relating to one or more of those drugs which are defined in this act as regulated drugs.

(10) "Hallucinogenic drugs" means stramonium, mescaline or peyote, lysergic acid diethylamide, and psilocybin, and all synthetic equivalents of chemicals contained in resinous extractives of cannabis sativa, or any salts or derivatives or compounds of any prep-

arations or mixtures thereof, and any other substance which is designated as habit-forming or as having a serious potential for abuse arising out of its effect on the central nervous system or its hallucinogenic effect in the regulations adopted by the board of health under section 2 of this act.

(11) "Hospital" means an institution for the care and treatment of the sick and injured licensed as a hospital under chapter 43 of Title 18, V.S.A. and a hospital conducted, maintained and operated by the United States or the state of Vermont, approved under this act as proper to be entrusted with the custody and use of regulated drugs under the direction of a physician or dentist, confirmed by an official written order signed by a person authorized to prescribe such drugs.

(12) "Laboratory" means a laboratory approved under this act as proper to be entrusted with the custody and use of regulated drugs for scientific and medical purposes and for purposes of instruction.

(13) "License" means a license to practice their profession issued to one of those persons listed in paragraphs (A) through (F) of subsection (1) of this section by his respective professional board under the applicable laws of this state, or a license issued by the board of health under section 6 of this act to a person not subject to the jurisdiction of any such professional board.

(14) "Manufacturer" means a person authorized by law to manufacture, bottle or pack drugs in this state and who has a license issued to him under this act to compound, mix, cultivate, produce or prepare regulated drugs but does not include a pharmacy which compounds such drugs to be sold or dispensed on prescriptions at retail.

(15) "Marijuana" means cannabis sativa, or cannabis indica, or any preparation, compound or mixture thereof.

(16) "Narcotic", "narcotics", or "narcotic drugs" means opium, coca leaves, pethidine (isonipecaine, meperidine), and opiates or their compound, manufacture, salt, alkaloid, or derivative, and every substance neither chemically nor physically distinguishable from them, and preparations containing such drugs or their derivatives, by whatever trade name identified and whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, as the same are so designated

in the regulations adopted by the board of health under section 2 of this act.

(17) "Nurse" means any person authorized by law to practice nursing in this state.

(18) "Nursing home" means a facility, other than a hospital, operated for the purpose of providing lodging, board, and nursing care to sick, invalid, infirm, disabled or convalescent persons, approved under this act as proper to be entrusted with the custody and use of regulated drugs prescribed for such individual patients under its care under the direction of a physician or dentist, confirmed by an official written order signed by a person authorized to prescribe such drugs. No nursing home shall be granted a certificate of approval for the possession and use of such drugs unless such nursing home has a registered nurse or a licensed practical nurse on duty or on call twenty-four hours daily who will have sole responsibility for those drugs. Nothing in this act shall be construed as conferring on any nursing home, convalescent home or home for the aged any authority, right or privilege beyond that granted to it by the law under which it is licensed or otherwise authorized to function.

(19) "Official written order" means an order written on a form prescribed for that purpose by the United States commissioner of narcotics and issued by the United States commissioner of internal revenue, 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 board of health.

(20) "Person" includes an individual, partnership, corporation, association, trust, or other institution or entity.

(21) "Pharmacist" means any person authorized by law to practice pharmacy in this state; but nothing in this act shall be construed as conferring on a person any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(22) "Pharmacy" means any place registered as such by the board of pharmacy in which drugs, prescriptions or poisons are possessed for the purpose of compounding, dispensing or retailing, or in which drugs, prescriptions or poisons are compounded, dispensed or retailed, or in which such drugs, prescriptions or poisons are by advertising or otherwise offered for sale at retail and which

has a license issued to it under this act authorizing the retail dealing of regulated drugs.

(23) "Physician" means a person authorized by law to practice medicine in this state and who has a license issued to him under this act authorizing him to use regulated drugs in connection with his professional practice.

(24) "Practitioner" includes a physician, dentist, veterinarian, surgeon or any other person who may be lawfully entitled under this act to distribute, dispense, prescribe, or administer regulated drugs to patients.

(25) "Prescribe" means an order for a patient made or given by a practitioner.

(26) "Prescription" means an order for a regulated drug made by a physician, dentist, or veterinarian licensed under this act to prescribe such a drug which shall be in writing except as otherwise specified herein. Prescriptions for such drugs shall be made to the order of an individual patient, dated as of the day of issue and signed by the prescriber. The prescription shall bear the full 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. Such prescription shall also bear the full name, address and registry number of the prescriber and shall be written with ink, indelible pencil or typewriter: if typewritten, it shall be signed by the physician.

(27) "Registration" means the annual registration of licenses and certificates under this act.

(28) "Registry number" means the number assigned under regulations adopted by the board of health to each person authorized under this act to use, prescribe, dispense, possess or administer a regulated drug in connection with his or its professional practice.

(29) "Regulated drug" means a narcotic drug, a depressant or stimulant drug, a hallucinogenic drug, or marijuana.

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

(31) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state and who has a license issued to him under this act authorizing him to use regulated drugs in connection with his professional practice.

(32) "Veterinary hospital" means an institution equipped with the technical facilities, professional and technical personnel necessary for diagnosis and treatment of animals suffering from sickness or injury and which hospital is further approved under this act as proper to be entrusted with the custody and use of regulated drugs which may be used only by veterinarians in their professional practice at that hospital.

(33) "Wholesaler" means a person authorized by law, when so required, to sell at wholesale drugs in this state and further has a license issued to him under this act to supply others than consumers with drugs or preparations containing a regulated drug that he himself has not produced or prepared.

Sec. 2. Powers and duties of the board of health

(a) The board of health is authorized and empowered to adopt such regulations which in its judgment may be necessary or proper to supplement the provisions of this act to effectuate the purposes and intent thereof or to clarify its provisions so as to provide the procedure or details to secure effective and proper enforcement of its provisions.

(b) These rules, regulations and determination, when adopted, shall, until modified or rescinded, have the force and effect of law.

(c) The board of health and any representative specifically authorized by it shall have the power to administer oaths, compel the attendance of witnesses and the production of books, papers and records and to take proof and testimony concerning all matters with which this act is concerned.

(d) The regulations adopted by the board of health under section 1 of this act for the purpose of determining those drugs defined under that section as adopted only after prior written notice to the board of pharmacy and the board of medical registration and after the board of pharmacy and the board of medical registration have had an opportunity to advise the board of health with respect to the form and substance of those regulations or amendments and to recommend revisions thereof.

Sec. 3. Persons exempted

The provisions of this act, restricting the possession and control of regulated drugs, shall not apply to common carriers or to warehousemen while engaged solely in lawfully transporting or storing such drugs while in their original containers, nor to any employee

of the same acting within the scope of his employment, nor to public officers or their employees in the performance of their official duties requiring possession or control of regulated drugs, nor to temporary incidental possession by employees or agents of persons lawfully entitled to possession, including a medical or dental assistant, nurse, interne, resident, and a member of a patient's family dispensing or administering regulated drugs under a licensed physician's or dentist's orders nor by authorized persons whose possession is for the purpose of aiding public officers in performing their official duties.

Sec. 4. Preparations excepted

The board of health may provide, by regulation, for the exception from all provisions of this act (except as provided in section 23 of this act) of the administration, dispensation, or sale at retail of a medicinal preparation containing such amounts of one or more regulated drugs which that board considers not subject to abuse.

The exemption authorized by this section shall be subject to the condition that the medicinal preparation administered, dispensed, or sold, shall contain, in addition to the regulated drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the regulated drug alone, and that such preparation shall be administered, dispensed and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act.

Sec. 5. Acts prohibited

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

Sec. 6. Licenses

(a) No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce, prepare, prescribe, dispense or compound any regulated drug, and no person as a wholesaler, manufacturer, pharmacist or pharmacy shall possess or supply the same, without having first obtained a license from the respective professional board having jurisdiction over that person as so designated in paragraph (1) of section 1 of this act, or, in the event no professional board has such jurisdiction over a person, from the board of health under terms adopted by that board corresponding to those respecting professional licenses.

(b) The sales of regulated drugs by manufacturers or wholesalers to persons in this state are restricted to those persons qualified by

law to possess the same in connection with a business or profession defined in this act. Such sales shall be made only to those persons presenting to the vendor or his representative proof in writing that the vendee is authorized under this act to possess, use, dispense, sell, compound or administer that regulated drug.

Sec. 7. Certificates of approval

(a) No hospital, laboratory, or nursing home, or any other person not provided for under section 7 of this act, shall possess, administer, compound, use or supply any regulated drug, without having first obtained a certificate of approval from the board of health.

(b) The certificate of approval issued by the board of health in accordance with this section shall be effective only for the person, and address, and the type of regulated drug, designated therein and shall be conspicuously displayed at the indicated place of business.

(c) The fee for a certificate of approval shall be $1.00, and for each renewal thereof, $1.00.

(d) Persons to whom certificates of approval have been issued shall thereafter apply annually to renew that certificate with the board of health. Application for renewal shall be made July 1 of each year. Failure to apply for renewal within thirty days after such date will subject the applicant to a penalty of $25.00 in addition to the renewal fee, to be collected by that board upon any subsequent application for renewal.

(e) The state and a municipal corporation therein shall be exempted from payment of the fees required by this section.

Sec. 8. Qualifications for issuance of licenses and certificates

Notwithstanding or in addition to any other provision of law, no license or certificate of approval shall be issued unless and until the applicant therefor has furnished proof satisfactory to the respective board, in the exercise of its discretion:

(1) 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, and does not or do not use a regulated drug without medical justification; and

(2) that the applicant possesses the means to carry on properly the business or profession described in his or its application; and

(3) in the case of an applicant for a certificate of approval, that the applicant is licensed under the applicable laws of this state, if

any, to carry on within this state the business or profession described in his or its application; and

(4) that the applicant or any of its managing officers has never been convicted of a violation of any of the criminal provisions of this act, or of a similar law of another state, or of the federal drug laws.

Sec. 9. Supervision, revocation and reinstatement of licenses and certificates

(a) A board may, after notice and opportunity for hearing, revoke or suspend for a period of time or amend the terms of any license or certificate issued by that board under section 7 of this act or under any provision of the laws of this state in the event that any one of the qualifications for issuance of a license or certificate listed in section 8 of this act were at the time of such issuance or are subsequently thereto not met by the holder thereof or in the event that it is shown to that board's satisfaction that the holder or his employee or agent has violated any of the provisions of this act.

(b) Notwithstanding the foregoing, a board may, upon application of such person, at any time, after notice and opportunity for hearing, and upon good cause shown satisfactory to that board in the exercise of its discretion, reinstate the license or certificate of a person previously suspended or revoked by that board under subsection (a) of this section.

Sec. 10. Authorized sales on written orders, records

(a) Every physician, dentist, veterinarian, or other person who is licensed to administer, sell, dispense or professionally use regulated 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, in accordance with subsection (d) of this section. It shall, however, be deemed a sufficient compliance with this subsection 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.

(b) Manufacturers and wholesalers shall keep records of all regulated drugs compounded, mixed, cultivated, grown, or by any

other process produced or prepared, and of all such drugs received and disposed of by them in accordance with the provisions of subsection (e) of this section.

(c) Every person who purchases for resale, or who sells preparations or regulated drugs exempted by regulation adopted under section 4 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 subsection (d) of this section.

(d) The form and content of the records to be maintained under this section shall be prescribed by regulation adopted by the board of health, after prior written notice to the board of pharmacy and after the board of pharmacy has had an opportunity to advise the board of health with respect to the form and substance of that regulation and to recommend revisions thereof. The record of regulated 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 such drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacturer, and such other facts as the board of health may require. The record of all such drugs sold, administered, dispensed or otherwise disposed of shall show the date 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 and shall be signed by the person giving such order or his duly authorized agent. Every such record shall be kept for a period of three years from the date of the transaction recorded, and shall be subject to inspection by a federal officer or an officer of this state or an agent thereof specifically authorized engaged in the enforcement of the federal drug laws or of this act. The keeping of a record required by or under the federal drug 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 such 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.

Sec. 11. Records confidential

Prescriptions, orders and records required by this act, and stocks of regulated drugs, shall be open for inspection only to federal or

state officers or their specifically authorized agent whose duty it is to enforce the federal drug laws or this act. No person 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 before the board or another licensing or registration board, to which prosecution or proceeding the person to whom such prescriptions, orders or records relate is a party.

Sec. 12. Labels

(a) Whenever a manufacturer sells or dispenses a regulated drug and whenever a wholesaler sells or dispenses a regulated 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 regulated drug contained therein. No person, except a pharmacist or dispensing physician for the purpose of filling a prescription under this subchapter, shall alter, deface or remove any label so affixed.

(b) Whenever a pharmacist or an employee of a hospital, infirmary, school, first aid station, or nursing home sells or dispenses any regulated drug, 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 pharmacist or hospital or nursing home 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, the kind and form of the drug contained therein unless the practitioner has specifically ordered in that prescription that such information not be specified on the label, such directions as may be stated on the prescription, and the date of the issuance of the prescription. No person shall alter, deface or remove any label so affixed. This subsection (b) shall not apply to regulated drugs sold or dispensed for use exclusively within a hospital.

(c) Physicians, dentists, or veterinarians dispensing regulated drugs shall affix to the container a label showing the dispensing practitioner's name, address and registry number, 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 kind and form of the drug contained therein unless the dispensing practitioner considers that such information should not be so specified for medical reasons, such directions necessary for use, and the date of the issuance of the prescription and the dispensing of the drug. This subsection (c) shall not apply to an amount of regulated drugs equivalent to three days' dosage dispensed to a patient for his immediate use without charge by a physician on house call.

Sec. 13. Authorized sales of regulated drugs

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

(1) To a manufacturer, wholesaler or pharmacy.

(2) To a physician, dentist or veterinarian.

(3) To a person in charge of a hospital having in effect a certificate of approval but only for use by or in that hospital for scientific or medical purposes.

(4) To a person in charge of a laboratory having in effect a certificate of approval but only for use in that laboratory for scientific or medical purposes.

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

(1) On an official written order, accompanied by a certificate of exemption, as and if required by the federal drug laws, and in compliance with regulations adopted by the board of health to a person in the employ of the government of the United States or of any state, territory, district, county, municipality, or insular government, purchasing, receiving, possessing, or dispensing regulated drugs by reason of his official duties.

(2) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed or to a physician or surgeon duly licensed in some state, territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft, for the actual medical needs of persons on board such ship or aircraft, when not in port. However, such regulated drugs shall be sold to the master of such ship or person in charge of such aircraft or to a physician, surgeon, or retired commissioned medical officer of the United States army,

navy, or public health service employed upon such ship or aircraft only in pursuance of an order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service.

(3) To a person in a foreign country if the provisions of the federal drug laws and the regulations adopted by the board of health are complied with.

(c) An official written order for any regulated drug shall be signed in triplicate by the person giving such order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the drug named therein. In event of the acceptance of such order, by such person, each party to the transaction shall preserve his copy of such order for a period of three years in such a way as to be readily accessible for inspection by any federal or state officer or their specifically authorized agent whose duty it is to enforce the federal drug laws or this act. Notwithstanding the other provisions of this act, a duly licensed manufacturer or wholesaler may sell and dispense depressant or stimulant drugs to a person referred to in paragraphs (1), (2), (3) and (4) of subsection (a) of this section pursuant to telephone order, provided, however, that an official written order shall be presented to the person selling or dispensing that drug within seven days of the making of that telephone order, and all the provisions of this act after the expiration of that period of time apply.

(d) Possession of or control of regulated drugs even though obtained as authorized by this section shall not be lawful if not in the regular course of business, occupation, profession, employment or duty of the possessor.

(e) 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, or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some state, territory, or the District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft, who obtains regulated drugs under the provisions of this section or otherwise, shall not possess, nor 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.

Sec. 14. Authorized professional use of regulated drugs

(a) A physician or dentist licensed under this act, in good faith and in the course of his professional practice only, may prescribe, administer and dispense regulated drugs and he may cause the same to be administered for medical purposes only by a nurse licensed under this act, or an interne, medical or dental assistant, or resident, or in his absence by a responsible member of the family of the patient, under his direction and supervision.

(b) A duly licensed 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 regulated drugs and he may cause them to be administered for medical purposes only by an assistant or orderly or by the owner of the animal, under his direction and supervision.

(c) Any person who has obtained from a physician, dentist, or veterinarian any regulated drug for administration to a patient during the absence of such physician, dentist or veterinarian under this section shall return to such physician, dentist or veterinarian any unused portion of such drug, or shall take such action as may be specified by regulation adopted by the board of health, when such drug is no longer required by the patient.

Sec. 15. Authorized sales by pharmacists

(a) A duly licensed pharmacist, in good faith and in the course of his profession only, may sell and dispense regulated drugs to any person upon a written prescription or oral prescription which is reduced promptly to writing by the pharmacist, of a licensed physician, dentist or veterinarian, dated and signed by the person prescribing or, if an oral prescription by the pharmacist of the day when written, 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 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 pharmacist filling the prescription shall write the date of filing and his own signature on the face of the prescription. The prescription shall be retained in a file separately maintained for each class of regulated drug by the proprietor of the pharmacy in which it is filled for a period of three years, so as to be readily accessible for inspection by a federal or state officer or employee engaged in the enforcement of the fed-

eral drug laws or of this act. The prescription shall not be refilled unless the refilling is authorized by the practitioner in the original prescription or by oral order which is reduced promptly to writing and filed as in the case of an oral prescription. Notwithstanding the foregoing, no prescription for any depressant or stimulant drug may be filled more than two weeks or refilled more than six months after the date on which such prescription was initially issued and no such prescription which is authorized to be refilled may be refilled more than five times. A physician who dispenses regulated drugs as part of his regular fee or for an additional fee shall be considered a pharmacist for the purposes of this section.

(b) The legal owner of any stock of regulated drugs, upon discontinuance of dealing in such drugs, shall promptly sell such drugs to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

Sec. 16. Authorized possession by individuals

A person to whom or for whose use any regulated drug has been prescribed, sold or dispensed, and the owner of any animal for which any such drug has been prescribed, sold or dispensed, may lawfully possess the same on the condition that such drug was prescribed, sold or dispensed by a physician, dentist, pharmacist or veterinarian licensed under this act or under the laws of another state or country wherein such person has his practice, and further that all amounts of the drug are retained in the lawful container in which it was delivered to him by the person selling or dispensing the same, provided however, that for the purposes of this section an amount of regulated drugs of not more than two days' individual prescribed dosage may be possessed by a patient for his personal use.

Sec. 17. Reports by physicians

It shall be the duty of every attending, consulting, or dispensing physician to report to the board of health, promptly, the name and, if possible, the address of any person if it appears that such person is a user of any regulated drug without medical justification. Such reports shall be open for inspection only to federal or state officers or their specifically authorized agents whose duty is to enforce the federal drug laws or this act, or who are concerned with the commitment, care, treatment and rehabilitation of persons addicted to the use of such drugs. No such officer having knowledge by virtue of his office of any such report shall divulge such knowledge except in connection with his duties.

Sec. 18. Enforcement

(a) It is hereby made the duty of the department of public safety, its officers, agents, inspectors and representatives, and pursuant to its specific authorization any other peace officer within the state, and of all state's attorneys, to enforce all provisions of this act and of the rules and regulations of the board of health adopted under this act, except those otherwise specifically delegated, and to cooperate with all agencies charged with the enforcement of the federal drug laws, this act, and the laws of other states relating to regulated drugs.

(b) Such authorities and their specifically authorized agents shall have, at all times, access to all orders, prescriptions and records kept or maintained under this act, as provided herein.

Sec. 19. Forfeiture; how disposed of

All reglated drugs, the lawful possession of which is not established or the title to which cannot be ascertained, shall be forfeited and disposed of as specified in regulations adopted by the board.

Sec. 20. Violations; proceedings

(a) In any complaint, information or indictment, and in any action of proceeding brought for the enforcement of any provision of this act, it shall not be necessary to negate 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.

(b) No person shall be convicted of a violation of any provision of this act if such person shall have been acquitted or convicted under the criminal provisions of the federal drug laws for the same act or omission which, it is alleged, constitutes a violation of this act.

(c) 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 commission or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business, and to the board of health, who shall immediately transmit a copy thereof to the professional board, if any, having such person within its jurisdiction.

Sec. 21. Violations; presumptions

(a) Possession of a false or forged prescription for a regulated drug by any person other than a pharmacist in the pursuance of his profession shall be presumptive evidence of his intent to use the same for the purpose of illegally obtaining a regulated drug.

(b) The presence of a regulated drug in an automobile, other than a public omnibus, is presumptive evidence of knowing possession thereof by each and every person in the automobile at the time such drug was found; except that such presumption does not apply (1) to a duly licensed operator of an automobile who is at the time operating it for hire in the lawful and proper pursuit of his trade, or (2) to any person in the automobile if one of them, having obtained the drug and not being under duress, is authorized to possess it and such drug is in the same container as when he received possession thereof, or (3) when the drug is concealed upon the person of one of the occupants.

Sec. 22. Common nuisances

Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft or any place whatever, which is resorted to by persons for the purpose of using regulated 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.

Sec. 23. Fraud or deceit

(a) No person shall obtain or attempt to obtain a regulated drug, or procure or attempt to procure the administration of a regulated drug, (1) by fraud, deceit, misrepresentation, or subterfuge; (2) by the forgery or alteration of a prescription or of any written order; (3) by the concealment of a material fact; or (4) by the use of a false name or the giving of a false address.

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

(c) No person shall wilfully make a false statement in, or fail to prepare or obtain or keep, or refuse the inspection or copying under this act of, any prescription, order, report or record required by this act.

(d) No person shall, for the purpose of obtaining a regulated drug, falsely assume the title of, or represent himself to be a manu-

facturer, wholesaler, pharmacist, physician, dentist, veterinarian or other authorized person.

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

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

(g) The provisions of this section shall apply to all transactions relating to amounts or types of drugs excepted from the provisions of this act by regulation of the board of health under section 4 of this act, in the same way as they apply to transactions relating to any other regulated drug.

(h) Any person who in the course of treatment, is supplied with regulated drugs or a prescription therefor by one physician and who, without disclosing the fact, is knowingly supplied during such treatment with regulated drugs or a prescription therefor by another physician, shall be guilty of a violation of this section.

Sec. 24. Violations; penalties

(a) A person knowingly and unlawfully possessing marihuana or a depressant or stimulant drug may be sentenced to any institution of this state, except the state prison, for not more than six months, or fined not more than $500.00, or both.

(b) A person knowingly and unlawfully possessing a narcotic drug or a hallucinogenic drug may be sentenced to any institution of this state, except the state prison, for not more than one year, or fined not more than $1,000.00, or both.

(c) A person convicted of a second or subsequent offense of either subsections (a) or (b) of this section or violating any of the provisions of section 23 of this act shall be sentenced to any institution of this state including the state prison for not more than two years or fined not more than $2,000.00, or both.

(d) A person knowingly and unlawfully possessing a regulated drug with intent to sell the same or in an amount consisting of (1) twenty-five or more cigarettes containing marihuana, or (2) one or more preparations, compounds, mixtures or substances of an aggregate weight of (A) one-eighth ounce or more, containing any of the respective alkaloids or salts of heroin, morphine or cocaine, or (B) one-half ounce or more containing any marihuana, or (C) one-half ounce or more, containing raw or prepared opium, or (3) one hundred times the manufacturer's recommended maximum indi-

vidual dose of a depressant or stimulant drug, or (4) 500 micrograms or more of lysergic acid diethylamide or 50 milligrams or more of psilocybin or 700 milligrams or more of mescaline or 6 milligrams of methyl phenylethylamine or 200 milligrams of dimethyltriptamine or such amount of one or more other hallucinogenic drugs having equivalent pharmacologic effect to the foregoing, shall be imprisoned in the state prison not more than two years, or fined not more than $2,000.00, or both.

(e) A person knowingly and unlawfully possessing a regulated drug with an intent to sell the same for a consideration or in an amount consisting of (1) one hundred or more cigarettes containing marihuana, or (2) one or more preparations, compounds, mixtures or substances of an aggregate weight of (A) one or more ounces, containing any of the respective alkaloids or salts of heroin, morphine or cocaine, or (B) two or more ounces containing any marijuana, or (C) two or more ounces, containing raw or prepared opium, or (3) three hundred times the manufacturer's recommended maximum individual dose of a depressant or stimulant drug or (4) 1,000 micrograms or more of lysergic acid diethylamide or 100 milligrams or more of psilocybin or 700 milligrams or more of mescaline or 12 milligrams of methyl phenylethylamine or 400 milligrams of dimethyltriptamine or such amount of one or more other hallucinogenic drugs having equivalent pharmacologic effect to the foregoing, shall be imprisoned in the state prison not more than five years and fined not more than $5,000.00.

(f) A person knowingly and unlawfully manufacturing, compounding, dispensing, administering, prescribing, selling for a consideration, or selling to a minor under the age of eighteen years, a regulated drug shall be imprisoned in the state prison not more than five years and fined not more than $10,000.00.

(g) A person convicted of a second or subsequent offense of subsection (f) of this section shall be imprisoned in the state prison not more than twenty-five years nor less than ten years and fined not more than $25,000.00.

Sec. 25. Drug rehabilitation commission

(a) There is hereby established the drug rehabilitation commission. That commission shall consist of five persons to be appointed by the governor, one for a term of two years, two for a term of three years and two for a term of four years, all such appointments to run from July 1, 1968, and annually thereafter he shall appoint the

successors to the member or members whose term expires, for a term of three years. The governor shall designate the chairman who shall serve as such until the expiration of his term on that commission. If a vacancy occurs in the membership of that commission, a member shall be appointed by the governor to serve for the unexpired term. Three members of that commission shall constitute a quorum for the transaction of business and it shall meet at the call of the chairman. Upon failure of a member to attend three consecutive meetings of that commission, his appointment shall be vacated unless excused by formal action of that commission.

(b) The members of the drug rehabilitation commission shall be paid $15.00 a day each for such time as they are engaged in the work of that commission and shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(c) The drug rehabilitation commission is hereby authorized and empowered:

(1) To study drug use, abuse and addiction and problems related thereto, including methods and facilities available and which should be recommended for care, custody, detention, treatment, employment and rehabilitation of persons who are drug users or addicts;

(2) To promote meetings and programs for the discussion of drug use, abuse and addiction or any of their aspects, disseminate information, in cooperation with the department of education, the department of mental health, and the department of health, on the subject of drug use, abuse and addiction for the guidance and assistance of individuals, courts and public or private agencies in the state, and for the prevention of drug abuse or addiction and, specifically, to recommend to the courts of this state procedures and terms of sentencing, for violations of this act;

(3) To conduct, promote and finance, in full or in part, studies, investigations and research, independently or in cooperation with the University of Vermont College of Medicine, scientific organizations, and state or federal agencies;

(4) To render biennially to the governor and general assembly a report of its activities including recommendations for executive or legislative action.

(d) The drug rehabilitation commission is authorized to accept, in the name of the state, special grants of money or services from the federal or state governments or any of their agencies and may accept gifts to carry on its activities.

(e) The drug rehabilitation commission may, with the consent of the governor, contract for such educational, research, casework, institutional, personnel and services of public or private agencies as are necessary or desirable to carry out the intent and purposes of this section.

Sec. 26. Appropriation

There is hereby appropriated for the use of the drug rehabilitation commission the sum of $500.00 for the fiscal year ending July 1, 1969.

Sec. 27. Repeal

Sections 4101 through 4163 of Title 18, V.S.A. are hereby repealed.

Approved: March 23, 1968.

NO. 344. AN ACT TO PROVIDE FOR A NEW INSURANCE LAW AND TO AMEND 8 V.S.A. §§ 4654, 4660 AND 4661 AND TO REPEAL 8 V.S.A. §§ 3301–3314, 3321–3322, 3331–3335, 3361–3367, 3381–3390, 3421–3433, 3471–3476, 3511–3522, 3561–3563, 3601–3602, 3641, 3644, 3701–3711, 3741–3750, 3781–3789, 3821–3838, 3863, 4142, 4261–4265 AND 15 V.S.A. §§ 141–144.

(H. 490)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. Insurance law enacted

A new insurance law is enacted as follows:

Chapter 1. Insurance Companies Generally

Subchapter 1. Formation

§ 1. Purposes

(a) Subject to the additional or varied requirements stated in this subchapter, a corporation may be formed pursuant to the general corporation law to do any and all insurance and reinsurance comprised in any one of the following numbered subsections:

(1) "Life insurance" which is insurance on human lives. The business of life insurance includes also the granting of endowment benefits, additional benefits in event of death or dismemberment by