

HOUSE . . . . . No. 3373

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, March 2, 1962.

The committee on Public Health, to whom was referred the petition (accompanied by bill, House, No. 2314) of Edward F. Blake and Julius Ansel that provision be made for the issuance of search warrants for narcotic or other harmful drugs, report the accompanying bill (House, No. 3373).

For the committee,

JOHN P. KENNEDY.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

### AN ACT TO PROVIDE FOR THE ISSUANCE OF SEARCH WARRANTS FOR HARMFUL DRUGS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 94 of the General Laws is hereby amended by insert-  
2 ing after section 187F the following section: —

3 *Section 187G.* If a person makes a complaint under oath to a  
4 district court, or a justice of the peace authorized to issue war-  
5 rants in criminal cases, that he has reason to believe that any  
6 compound or derivative of barbituric acid, amphetamines, ergot  
7 or any hypnotic or somnifacient drug is kept or deposited by a  
8 person named therein in a store, shop, warehouse, building,  
9 place of residence, vehicle, steamboat, vessel, airplane or any  
10 place whatever, such person not being authorized by section  
11 one hundred and eighty-seven A to possess the same, such court  
12 or justice of the peace, if it appears that there is probable cause  
13 to believe that said complaint is true, shall issue a search warrant  
14 to a sheriff, deputy sheriff, chief of police, police officer, constable  
15 or inspector of the department commanding him to search the  
16 premises wherein it is alleged that any compound or derivative  
17 of barbituric acid, amphetamines, ergot or any hypnotic or  
18 somnifacient drugs are kept or deposited, and if any compound  
19 or derivative or barbituric acid, amphetamines, ergot or any  
20 hypnotic or somnifacient drugs are found therein to seize and  
21 securely keep the same until final action, and to arrest the person  
22 in whose possession such drug is found, and to return forthwith  
23 the warrant with his doings thereon, to a district court having  
24 jurisdiction in the town where said drug is alleged to be kept or  
25 deposited.

26 All compounds or derivatives of barbituric acid, amphet-  
27 amines, ergot or any hypnotic or somnifacient drugs, the lawful  
28 possession of which is not established or the title to which cannot

29 be ascertained, which have come into the custody of the district  
30 attorneys, police officers or inspectors of the department or any  
31 public officer, shall be forfeited, and disposed of as follows: —

32 (a) The court having jurisdiction shall, upon completion of  
33 the trial, in writing, order such drugs to be delivered forthwith to  
34 the department for destruction, or disposition in any way not  
35 prohibited by law.

36 (b) The department shall keep a record of the place where such  
37 drugs were seized, of the kinds and quantities of drugs received,  
38 by whose order the drugs were received, by whom the drugs were  
39 delivered and received, the date and manner of destruction or  
40 disposition of such drugs, and a report, under oath, of such de-  
41 struction or disposition shall be made to the court.

42 (c) The department may at its discretion upon an official  
43 written order, deliver to any hospital within the state, not  
44 operated for private gain, any compound or derivative of bar-  
45 bituric acid, amphetamines, ergot or any hypnotic or somni-  
46 facient drugs for medicinal purposes.

47 (d) The department shall keep a full and complete record of  
48 all drugs received and of all drugs disposed of, showing the exact  
49 kinds, quantities and forms of such drugs; the persons from whom  
50 received and the dates of receipt, disposal or destruction, which  
51 record shall be open to inspection by all federal and state officers  
52 charged with enforcement of harmful drug laws.

