

By Mr. Flaherty of Boston, petition of Michael F. Flaherty and Robert H. Quinn (Attorney General) relative to the penalties for the illegal possession of harmful and narcotic drugs and further defining the exemptions thereunder. Social Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT EQUATING THE PENALTIES FOR THE ILLEGAL POSSESSION OF HARMFUL AND NARCOTIC DRUGS AND FURTHER DEFINING THE EXEMPTIONS UNDER THE ACT.

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
2 striking out section 187B, as most recently amended by section
3 4 of the acts of 1965, and inserting in place thereof the
4 following section: —

5 *Section 187B.* Whoever, not being a manufacturer, licensed
6 wholesaler, jobber or dealer in drugs, registered pharmacist,
7 registered physician, registered dentist, registered chiropodist
8 (podiatrist), registered veterinarian, nurse acting under direction
9 of a physician, or employee of an incorporated hospital acting
10 under the direction of its superintendent or official in immedi-
11 ate charge of a college or scientific institution, agent of the
12 commissioner of public health, agent of the board of phar-
13 macy, police officer, or a common carrier or messenger when
14 transporting any compound or derivative of barbituric acid,
15 amphetamines, ergot or any hypnotic or somnifacient drug
16 between persons mentioned in this section in the same package
17 in which the drug was delivered to him for transportation, is
18 found in possession thereof, except by reason of a physician's
19 prescription lawfully and properly issued, shall be punished by
20 a fine of not more than one thousand dollars or by imprison-
21 ment in the state prison for not more than three and one half

22 years, or in jail or house of correction for not more than two
 23 and one half years. Nothing in the previous sentence shall be
 24 construed as permitting the possession of harmful drugs by any
 25 salesman, detail man or other field representative of a manu-
 26 facturer, wholesaler, jobber or dealer in drugs for the purpose
 27 of demonstrating, displaying, selling, distributing as samples or
 28 otherwise distributing said drugs to any of the parties listed in
 29 the first sentence.