

## Chapter 475

### Violations and Enforcement of Narcotic and Habit-forming Drug Laws

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#### CROSS REFERENCES

Drugs, poisons, caustics and corrosives, Ch 453  
Pharmacists and pharmacies, Ch 689  
Uniform Narcotic Drug Act, Ch 474

#### 475.050

Driving while under influence of drugs, 483 992  
Flying while drugged prohibited, 493 160

#### 475.090

Furnishing liquor to prisoners, 169 130

#### 475.130

Harrison Narcotic Act, U S C A Title 26



**475.010 Definitions.** As used in this chapter, "narcotic drugs" shall have the meaning provided for such term in ORS 474.010. [Amended by 1953 c 342 §3]

**475.020 Drugs not affected by certain provisions of this chapter.** The provisions of ORS 475.030 to 475.070 and ORS 475.120 to 475.140 do not apply to decocanized coca leaves or preparations made therefrom or to other preparations of coca leaves which do not contain cocaine or ecgonine

**475.030 Growing cannabis indica without permission.** (1) Except as provided in subsection (2) of this section, any person who grows cannabis indica, or any derivatives thereof, in any form or compound, shall be punished, upon conviction, by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not less than one month nor more than six months, or both.

(2) The growing or possession and sale of cannabis indica may be permitted by the grower alone, under rules and regulations, consistent with this chapter, formulated by the Board of Pharmacy. Its sale by the grower shall be restricted to regularly established manufacturers or wholesale druggists.

**475.040 Maintaining place where narcotics are sold or smoked.** Any person who opens or maintains, to be resorted to by other persons, any place where narcotic drugs are sold, given away or smoked, shall be punished, upon conviction, by a fine of not less than \$100 nor more than \$500, or imprisonment in the county jail for not less than six months nor more than one year, or both.

**475.050 Using or smoking narcotics at resort.** Any person who visits or resorts to any place described in ORS 475.040 and is found using or smoking narcotic drugs, shall be punished, upon conviction, by a fine of not less than \$100 nor more than \$500, or imprisonment in the county jail for not less than three months nor more than six months, or both.

**475.060 Unlawfully obtaining narcotic drugs.** (1) No person shall use any fraud, deceit, misrepresentation, subterfuge, conceal a material fact, use a false name or give a false address in obtaining treatment in the course of which narcotic drugs are prescribed or dispensed or in obtaining any supply of such drugs. No such action shall be deemed a privileged communication.

(2) No person shall wilfully make any false statement in any prescription order, report or record required under ORS 475.100, 475.110 or 475.140.

(3) No person shall, for the purpose of obtaining any narcotic drug, falsely assume the title or represent himself to be a manufacturer, wholesaler, apothecary, physician, dentist, nurse or veterinarian, or make or utter any false or forged order or prescription or label for a container of or for narcotic drugs, or affix such label, or alter, deface or remove any such label.

(4) Violation of this section shall be punished, upon conviction, by a fine of not more than \$500 or by imprisonment in the county jail not to exceed one year, or both.

**475.070 Causing narcotic drug addiction.** (1) Any person not authorized by law to manufacture, sell, prescribe or use narcotic drugs professionally, who causes or conspires to cause or knowingly contributes to the causing of narcotic drug addiction in any person, shall be punished, upon conviction, by imprisonment in the penitentiary for not more than five years for the first offense and not more than 10 years for the second and subsequent offenses

(2) If such addiction is caused in a minor the person convicted shall be punished for the first offense by imprisonment for a period of not more than 10 years; and for the second offense, by imprisonment for life, or a shorter period, in the penitentiary.

**475.080 Drug addict as vagrant.** Any person who is an habitual user of any of the drugs or substances mentioned in ORS 474.010, shall be deemed a vagrant and shall be punished upon conviction as provided in ORS 166.060

**475.090 Furnishing inmates with alcoholic beverages or drugs.** (1) Except as provided in subsection (2) of this section, any person who brings, sends or otherwise introduces into the penitentiary, any penitentiary road camp or forest camp of which the superintendent of the penitentiary has custody, or penitentiary farm or annex, or any other penal or correctional institution of this state, or any state hospital, or any county jail, county hospital, city jail or city hospital, or any prison camp, prison farm or any other place where inmates or prisoners are in the custody of officers or employes of the state or of any of the political subdivisions thereof, any drug or alcoholic beverage in any

form, for the use of any such inmate or prisoner, without being authorized so to do by the rules governing such institution or place or by specific authorization of the person in charge of such institution or place, shall be punished, upon conviction, by a fine of not more than \$500 or by imprisonment in the county jail for not more than one year, or both.

(2) Subsection (1) of this section does not apply to a physician or dentist, licensed to practice in this state, acting in good faith and in the course of his professional practice

(3) Justice courts and district courts have concurrent jurisdiction with the circuit court of violations of this section. [Amended by 1953 c.543 §3]

**475.100 Sale of certain drugs without prescription prohibited; penalty; preservation and inspection of prescriptions.** (1) Except as provided in ORS 475 110, no person, firm or corporation shall sell, give away, barter, exchange or distribute amobarbital (5-ethyl-5-isoamylbarbituric acid), phenobarbital (5,5-diethylbarbituric acid), acid diethylbarbituric, any salts, derivatives, or compounds of the foregoing substances, any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds, or any registered, trade-marked or copyrighted preparation or compound registered in the United States Patent Office containing more than four grains to the avoirdupois or fluid ounce of the foregoing substances, except:

(a) Upon a written prescription of a practitioner licensed by law to administer such drug; or

(b) Upon an oral prescription of a practitioner licensed to administer such drug which is reduced promptly to writing and filed by the pharmacist; or

(c) By refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist.

(2) Every prescription or order required by subsection (1) of this section shall be at all times open to inspection by duly authorized officers of the law and shall be preserved for at least three years from the date of filing thereof.

(3) Violation of any of the provisions of this section is punishable, upon conviction,

by a fine not exceeding \$200 or by imprisonment in the county jail not exceeding six months, or both. [Amended by 1953 c.396 §2]

**475.110 When ORS 475.100 not applicable.** ORS 475.100 does not apply:

(1) To the sale at wholesale by drug jobbers, wholesalers and manufacturers to pharmacies, or to physicians, dentists or veterinary surgeons, or to each other. For the purpose of this paragraph, a pharmacy includes every store or shop where drugs, medicine or chemicals are dispensed or sold at retail, or where prescriptions are compounded, which has upon it or as a sign, the words "pharmacist," "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drug store," "drugs," or any of these words, or the characteristic show bottles or globes, either colored or filled with colored liquids

(2) To the sale at retail in pharmacies by pharmacists to each other or to physicians and surgeons, dentists or veterinary surgeons licensed to practice in this state. [Amended by 1953 c 396 §2]

**475.120 Seizure and forfeiture of conveyances used in transporting or possessing narcotics.** (1) Any district attorney, sheriff, deputy sheriff, constable or police officer charged with the enforcement of this chapter, having personal knowledge or reasonable information that narcotic drugs are being unlawfully carried or transported or possessed by any boat, vehicle or other conveyance, shall search the same without warrant and without any affidavit being filed. If he finds upon or in such conveyance, narcotic drugs unlawfully carried, transported or possessed, he shall seize them, arrest any person in charge of such conveyance and as soon as possible take the arrested person and the seized drugs before any court in the county in which the seizure is made. He shall also, without delay, make and file a complaint for such violation as the evidence justifies

(2) Any such conveyance used by or with the knowledge of the owner or the person operating or in charge thereof in the unlawful transportation, or unlawful possession or concealment, of narcotic drugs within this state shall be forfeited to the state in the same manner, by the same procedure and with like effect as provided in ORS 471.660 and 471 665 for the forfeiture

of conveyances used in unlawfully handling liquor

**475.130 Premises used to dispense or smoke narcotics as nuisance.** (1) All premises, buildings, vehicles, boats and other places where narcotic drugs are sold, dispensed, smoked or given away, or where persons are permitted to resort for the using or smoking of narcotic drugs in violation of this chapter, and all narcotic drugs, pipes and property kept in and used in maintaining such places, are common nuisances

(2) This chapter shall not be construed to interfere with the rights of seagoing vessels to keep narcotic drugs, if they comply with this chapter, or the Harrison Narcotic Act

(3) Any such common nuisance or any person who permits or maintains the same, shall be proceeded against for the abatement of such nuisance in the manner provided in ORS 471.630 to 471 650

**475.140 Disposal of seized drugs and appliances.** All narcotic drugs, opium smoking appliances or pipes which have been seized shall be retained by the sheriff and a complete record of the same shall be made. When all matters pertaining thereto are

judicially determined the same shall be destroyed by the sheriff, who shall keep a record of the things so destroyed

**475.150 Funds and officers available to enforce the narcotic laws.** All special funds provided by law for enforcement of the liquor laws of this state are available, under the direction of the Governor, for the enforcement of the laws of this state regulating or prohibiting the sale of narcotic drugs. All officers, agents and inspectors authorized by law to enforce the liquor laws of this state, shall likewise enforce the laws of this state regulating or prohibiting the sale of narcotic drugs.

**475.160 Applicability of liquor laws setting apart funds for enforcement.** Any provision by law for setting apart for law enforcement funds, fines collected for violation of the liquor laws of this state, unless otherwise provided therein, applies in like manner and in like proportions to fines collected for violation of the laws of this state regulating or prohibiting the sale of narcotic drugs. The maximum amounts of such funds shall be as fixed in the laws providing for funds to enforce liquor laws.

