

[Act No. 1761, October 10, 1907]

AN ACT GRADUALLY TO RESTRICT AND REGULATE THE SALE AND USE OF OPIUM PENDING THE ULTIMATE PROHIBITION OF THE IMPORTATION OF OPIUM INTO THE PHILIPPINE ISLANDS IN WHATEVER FORM EXCEPT FOR MEDICINAL PURPOSES AS PROVIDED BY THE ACT OF CONGRESS APPROVED MARCH THIRD, NINETEEN HUNDRED AND FIVE, AND PROHIBITING ANY PERSON FROM HAVING THE POSSESSION OF OPIUM, COCAINE, OR ALPHA OR BETA CUCAINE IN ANY OF THEIR SEVERAL FORMS, OR ANY DERIVATIVE OR PREPARATION OF ANY OF SUCH DRUGS OR SUBSTANCES, EXCEPT FOR MEDICINAL PURPOSES, AND TO REPEAL ACT NUMBERED FOURTEEN HUNDRED AND SIXTY-ONE, AND FOR OTHER PURPOSES.

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. Opium within the meaning of this Act shall embrace every kind, class, and character of opium, whether crude, prepared, or refuse, and all narcotic preparations thereof or therefrom, and all morphine or alkaloids of opium and all preparations in which, opium, morphine, or any alkaloid of opium enters as an ingredient, together with all opium leaves and wrappings of opium leaves, whether such leaves or wrappings are prepared for use or not.

SEC. 2. Upon the presentation by any Chinese person of a written application, duly verified by his oath before an officer entitled to administer oaths, and reciting that he habitually smokes, chews, swallows, or injects opium, or is otherwise addicted to the use of opium, stating the quantity of opium consumed daily, it shall be the duty of the treasurer of the municipality or the treasurer of the township or settlement in which said application is presented, or if presented in the city of Manila then of the Collector of Internal Revenue, upon the payment to such official by the applicant of the fee herein prescribed, to register such Chinese person as a confirmed user of opium and to issue to him a certificate stating that he is addicted to the use of opium, the manner and form of its use, and the quantity of the drug which he shall be permitted to consume per day. The certificates so issued shall be printed in quadruplicate and shall be consecutively numbered. One of the quadruplicates shall be retained by the officer issuing the same, one shall be forwarded forthwith to the treasurer of the province in which said municipality, township, or settlement is located, one shall be forwarded to the Collector of Internal Revenue, and one shall be delivered to the person registered. Beginning with the certificates for the month of November, nineteen hundred and seven, the Collector of Internal Revenue shall reduce each month the quantity which shall be permitted to be consumed by each registered eon-finned user of opium by an amount equal to fifteen per centum of the quantity allowed on the original certificate issued under this law. The fee to be charged for confirmed users' certificates provided for in this section shall he as follows: Certificates for the period from the date of taking effect of this Act until the end of October, nineteen hundred and seven, one peso: for the month of November, nineteen hundred and seven, two pesos and fifty centavos; for the month of December, nineteen hundred and seven, five pesos; for the month of January, nineteen hundred and eight, seven pesos and fifty centavos: for the month of February, nineteen hundred and eight, ten pesos. No certificates shall be honored by

a dispensator of opium hereinafter mentioned except when presented by the owner during the month for which issued. All such certificates shall be accounted for as cash at the face value thereof. Spoiled or mutilated certificates not issued shall be retained and turned in with the accounts of the responsible officer at the proper time.

SEC. 3. Any person who makes or uses a false or counterfeit certificate or other official document used in the enforcement of this Act, or who with intent to defraud has in his possession any false, counterfeit, restored, or altered certificate or other official document used in the enforcement of this Act, or who alters the written or printed figures or letters upon such certificate or other official document used in the enforcement of this Act, or who procures the commission of any such offense by another, or who cooperates or assists in the commission of any such offense, or who lends or delivers his certificate to another, shall be punished by a fine not exceeding five thousand pesos, or by imprisonment for a period not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. (a) Except when prescribed as a medicine by a duly licensed and practicing physician, it shall be unlawful for any person to smoke, chew, swallow, inject, or otherwise consume or use opium unless such person has been duly registered as provided in petition two hereof and has secured the certificate therein provided. Except when prescribed as a medicine by a duly licensed and practicing physician, no registered confirmed user of opium shall smoke, chew, swallow, inject, or otherwise use or consume opium except in a duly licensed opium dispensary hereinafter provided for.

(b) Any person violating the provisions of this section shall be punished by a fine not exceeding two hundred pesos, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That in case of the commission of a second offense under the provisions of this section the person so convicted, if other than a citizen of the United States or a citizen of the Philippine Islands, may by order of the court be deposed.

SEC. 5. (a) it shall be unlawful to sell, transfer, give, or deliver opium to any person except to a duly licensed and practicing physician, pharmacist, or second-class pharmacist, or a duly licensed dispensation of opium, or duly registered confirmed user of opium in a licensed opium dispensary for consumption therein only, and in accordance with the provisions of this Act: *Provided, however*, That the transfer of ownership of opium, but not delivery thereof, may be made to licensed wholesale dealers in opium: *And provided further*, That opium may be sold, transferred, or delivered to Government Bureaus or officers duly authorized by the Governor-General to receive it, and to hospitals on permit from the Collector of Internal Revenue. Duly licensed physicians may prescribe and administer opium as a medicine, and pharmacists and second-class pharmacists may sell, transfer, give, or deliver opium as a medicinal preparation on the prescription of a duly licensed and practicing physician, under such regulations as may be prescribed by the collector of Internal Revenue and approved by the Secretary of finance and Justice.

(b) Any person violating the provisions of the preceding subsection shall be punished by a fine not exceeding one thousand pesos, or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That in case of the commission of a second

offense under the provisions of this section, the person so convicted, if other than a citizen of the United States or a citizen of the Philippine Islands, may by order of the court be deported.

(c) Any physician who prescribes opium for his patients when the physical condition of said patients does not require the use of opium shall have his license to practice medicine revoked by the Board of Medical Examiners for the Philippine Islands after due notice and hearing by said board, and shall be punished by a fine of not less than two hundred and fifty pesos nor more than one thousand pesos, or by imprisonment for a period of not less than six months nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 6. (a) Every person other than a licensed pharmacist or second-class pharmacist who imports, cooks, or prepares opium, or prepares any narcotic extract from opium, or who modifies or changes the form of any opium, or who sells or offers to sell opium in quantities of one kilo or more, or who for himself or on commission sells or offers to sell opium to another for resale, shall be deemed to be a wholesale dealer for the purposes of this Act.

(b) The keeping of licensed opium dispensaries, not to exceed such number in any one city, municipality, township, or settlement, as may be prescribed by the Collector of Internal Revenue with the approval of the Secretary of Finance and Justice, is hereby authorized.

(c) Opium dispensaries for the purposes of this Act shall be divided into three classes, as follows :

First class. To be kept open twenty-four hours per day or so long as the proprietor may desire.

Second class. To be kept open not over sixteen hours per day.

Third class. To be kept, open not over eight hours per day.

The hours during which an opium dispensary may be kept open shall be continuous.

(d) Every opium dispensary shall be in the joint custody of an internal-revenue officer and the proprietor thereof. It shall be kept securely locked when not open to users and shall at no time be unlocked, opened, or remain opened unless in the presence of an internal-revenue officer.

SEC. 7. (a) Except upon the prescription of a duly licensed and practicing physician or upon lawful permit of the Collector of Internal Revenue it shall be unlawful for any person not a duly licensed and practicing physician, pharmacist, second-class pharmacist, licensed dispensator of opium, or a duly registered user of opium, when using or lying same in a licensed opium dispensary only and in such quantities as may be, stated in his certificate, to have in his possession opium, or any pipes, hypodermic syringes, or other apparatus or paraphernalia to be used for smoking, injecting, or using opium in any manner.

(b) Any person violating the provisions of this section shall be punished by a fine not exceeding five hundred pesos or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court:

Provided, That all opium, pipes, and other opium apparatus and paraphernalia found in the possession of any person not authorized to have same shall be seized and forfeited to the Government.

SEC. 8. Every dispensator of opium shall keep and maintain on the outside of his place of business, so that, the same may be seen and easily read by the public, a sign setting forth in plain, large letters the name or firm designation and the words "Licensed opium dispensary of the 'first,' 'second,' or 'third' class" as the case may be. For a failure to keep and maintain such sign conspicuously displayed as herein provided, or for a violation of any of the provisions of this Act, the Collector of Internal Revenue, or his duly authorized representative, may cancel the license issued to such of opium, and such dispensator of opium shall not be initiated to the return of any money paid by him for such license.

SEC. 9. (a) Within ten days after this Act shall go into effect every person having opium in his possession, except a duly licensed practicing physician, licensed pharmacist or second-class pharmacist or officers of the Government authorized by law or Governor-General to have possession of the same, shall deliver treasurer of the province in which the opium is located, or in the city of Manila then to the Collector of Internal, all opium in his possession or under his control, and the officials to whom the opium is so delivered shall issue receipt for in a safe place, and report to the Collector of Internal Revenue immediately the name of the person making delivery, the quantity and kind delivered, and such further information as may by regulation of the Collector of Internal Revenue be required. Opium so delivered shall not be released except on permit of the Collector of Internal Revenue.

(b) Reasonable charges to cover actual expense of storage and rare of opium may be imposed by the Collector of Internal Revenue.

(c) Any person failing to deliver the opium in his possession or under his control as prescribed in this section shall be punished by a line net exceeding five thousand pesos, or by imprisonment for a period not exceeding five years, or by both such fine and imprisonment, in the discretion of the court; and all opium not so delivered m shall be seized, forfeited, and sold as prescribed by this Act.

SEC. 10. All imported opium shall be delivered by the customs after payment of all proper duties, taxes, and charges the Collector of Internal Revenue or to his duly authorized representative only for storage in a place to be approved by director of Internal Revenue, and neither the whole nor any of the opium so stored shall be removed from such building or except to an opium dispensary, or for export, in accordance emulations prescribed by the Collector of Internal Revenue improved by the Secretary of Finance and Justice, or on a from the Collector of Internal Revenue. Opium stored or withdrawn in any manner other than that prescribed by this Act, in by regulations of the Collector of Internal Revenue made hereunder and approved by the Secretary of Finance and Justice, shall be seized and confiscated.

SEC. 11. (a) Every dispensator of opium, pharmacist, and second-class pharmacist shall keep a book in which he shall enter, in Spanish and English, the full quantity of opium received by him every source, the date on which the same was received, the from whom received, and the authorization for its receipt, received, the price thereof, the date and hour of each and or delivery made by him, the quantity and

kind of opium sold or delivery made by him, the quantity and kind of opium sold or delivered by him, the name and authorization of the person purchasing or receiving the same, the quantity and kind of opium transferred on permit, the date of such transfer, the name and address of the person to whom transferred, together with the number of the permit for withdrawal or removal, and such other information as may be prescribed by the Collector of Internal Revenue.

Every pharmacist and second-class pharmacist shall likewise make and keep a similar record in regard to all cocaine, alpha or beta cuaine, or any derivative or preparation of such drugs or substances received, sold, delivered, or transferred by him. Pharmacists and second-class pharmacists may, on proper permit to be obtained from the Collector of Internal Revenue, or his duly authorized agent, transfer opium, cocaine, alpha or beta cuaine, or any derivative or preparation of such drugs or substances, to other pharmacists and second-class pharmacists.

(b) Any dispensator of opium or licensed pharmacist or second-class pharmacist who shall fail to keep the book and make true entries therein, as prescribed by this section, shall be punished by a fine not exceeding five thousand pesos, or by imprisonment for a period not exceeding five years, or by both such fine and imprisonment, in the discretion of the court, and the license of such pharmacist or second-class pharmacist shall be revoked by the Board of Pharmaceutical Examiners for the Philippine Islands after due notice and hearing.

SEC. 12. Should any dispensator of opium, pharmacist, or second-class pharmacist fail to make and keep the record book prescribed in the next preceding section of this Act, or should an inspection of the opium, cocaine, alpha or beta cocaine, or any derivative or preparation of such drugs or substances on hand, or should an examination of the books of any dispensator of opium, pharmacist, or second-class pharmacist, disclose a greater or less quantity of such articles than the difference between the receipts of such articles and the sales, transfers, or withdrawals thereof, respectively, should justify, then said dispensator, pharmacist, or second-class pharmacist, as the case may be, shall pay the Government of the Philippine Islands, as a penalty, double the value of any deficiency or excess that may exist, and all opium and opium pipes, hypodermic syringes, and apparatus or paraphernalia for smoking or using opium which are found on the premises on which the opium business is carried on and conducted shall be seized and forfeited: *Provided*, That the dispensator may be relieved in whole or in part from the penalties, seizure, and forfeiture provided in this section whenever in the opinion of the Collector of Internal Revenue, with the approval of the Secretary of Finance and Justice, such relief is just and equitable.

SEC. 13. It shall be unlawful for any dispensator of opium to sell or give opium to anv person except to a duly registered user or on permit from the Collector of Internal Revenue.

Each sale, gift, or delivery of opium to a duly registered user shall be entered on the back of his certificate or on an official slip for that purpose attached to the certificate by an internal-revenue officer showing the date and hour of sale, gift, or delivery and the amount sold, given, or delivered, and it shall be unlawful for a dispensator to sell, give, or deliver to a registered user of opium in a greater quantity than that stated on his certificate as one day's allowance or the difference between that slated as one day's allowance and the amount noted on the back of the certificate as