

[Act No. 1461, March 05, 1906]

AN ACT FOR THE PURPOSE OF RESTRICTING THE SALE AND SUPPRESSING THE EVIL RESULTING FROM THE SALE AND USE OF OPIUM UNTIL MARCH FIRST, NINETEEN HUNDRED AND EIGHT, WHEN ITS IMPORTATION OR USE FOR ANY BUT MEDICINAL PURPOSES IS FORBIDDEN BY ACT OF CONGRESS.

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 wrappers 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 in any of its forms, or is otherwise addicted to the use of opium or of any of its narcotic principles, 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 him of five pesos by the applicant, 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 consumed by him by the day, week, or month. 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. All such certificates shall be accounted for as cash at the rate of five pesos for each certificate. Spoiled or mutilated certificates not issued must 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, 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 in any of its forms unless such person has been duly registered as provided in section two hereof and has secured the certificate therein prescribed. 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 his own residence.

(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.

SEC. 5. (a) It shall be unlawful to sell, transfer, give, or deliver opium in any of its forms to any person unless such person is a duly licensed physician, pharmacist, or second-class pharmacist, or is a duly licensed wholesale dealer or retail dealer in opium, or is duly registered as a confirmed user of opium as prescribed in section two hereof who presents his certificate as such at the time of the sale, transfer, gift, or delivery to him of opium in any of its forms: *Provided, however,* That opium in all of its forms may be sold, transferred, or delivered to scientific bureaus of the Government 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 head of the proper Department.

(b) Any person violating the provisions of this section 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.

(c) Any physician who habitually 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 court of competent jurisdiction by a fine of not less than two hundred and fifty pesos nor more than one thousand pesos, or by imprisonment for a period 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 after its reception modifies or changes the form of any opium received by him, or who sells or offers to sell opium in any of its forms 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) Every person other than a licensed pharmacist or a second-class pharmacist, or a wholesale dealer in opium, who sells opium in any of its forms, or who deals or traffics therein, shall be deemed to be a retail dealer in opium for the purposes of this Act: *Provided,* That persons engaged in selling or offering for sale, or giving away or bartering, opium in such manner, and in such quantities, as to bring them within the definition of wholesale dealers and who also sell or offer for sale, or barter or give away, opium in such manner and in such quantities as to bring them within the definition of retail dealers shall be subject to both the wholesale and the retail dealer's license tax as prescribed by this Act.

SEC. 7. (a) It shall be unlawful for any person not a duly registered confirmed user of opium, a licensed physician, pharmacist, second-class pharmacist, wholesale dealer or retail dealer in opium, to have in his possession opium in any of its forms except on a permit from the Collector of Internal Revenue, or as a medicine prescribed by a duly licensed and practicing physician.

(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.

SEC. 8. Every wholesale dealer and every retail dealer in 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 of such wholesale dealer or retail dealer, and the words "Licensed wholesale dealer in opium," or "Licensed retail dealer in opium," 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 wholesale dealer or retail dealer, and such wholesale dealer or retail dealer shall not be entitled 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 wholesale dealer and every retail dealer in opium, and every licensed pharmacist and second-class pharmacist, shall report in writing to the treasurer of the province in which his place of business is located, or if located in the city of Manila, then to the Collector of Internal Revenue, the kind, quantity, and quality of all opium in his possession or under his control, and the then existing market value of the same and a definite description of the place in which the same is kept, held, or stored.

(b) Any person failing to make true report of the opium in his : possession or under his control as prescribed in 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 all opium not reported by such person shall be seized, forfeited, and sold as prescribed by this Act.

SEC. 10. (a) All imported opium immediately after its release from the custom-house, and all opium owned, held, controlled, possessed, prepared, or manufactured by any wholesale dealer in opium, shall be stored by the wholesale dealer in some building or place duly approved by the Collector of Internal Revenue, or his duly authorized representative, and neither the whole nor any part of

the opium so stored shall be removed from such building or place except in accordance with regulations prescribed by the Collector of Internal Revenue and approved by the head of the proper Department, or on a permit from the Collector of Internal Revenue, or his duly authorized representative. Opium stored or withdrawn in any manner other than that prescribed in this Act, or by regulations of the Collector of Internal Revenue, approved by the head of the proper Department, shall be seized and confiscated.

(b) Any person violating the provisions of 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.

SEC. 11. (a) Every wholesale dealer and every retail dealer in opium shall keep a book in which he shall enter, in Spanish or English, the full quantity of opium on hand at the time of giving the notice prescribed by section nine and of all opium thereafter received by him from every-source, the date on which the same was received, the person or firm from whom received, the kind received, the price paid or to be paid therefor, the date and hour of each and every sale made by him, the quantity and kind of opium sold, the name and address of the purchaser, 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.

(b) Any wholesale dealer or retail dealer in opium 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.

SEC. 12. Should an inspection of the opium on hand or an examination of the books of any wholesale dealer or retail dealer in opium disclose a greater or less quantity of opium than the difference between the receipts of opium and the sales, transfers, or withdrawals justifies, such wholesale dealer or retail dealer shall pay to the Government of the Philippine Islands as a penalty double the value of any deficiency or excess that may exist, and all opium and other property on the premises on which the opium business is carried on and conducted shall be subject to seizure and shall be forfeited and sold as prescribed by this Act: Provided, That the wholesale dealer or retail dealer may be relieved in whole or in part from the penalties and forfeiture provided in this section whenever in the opinion of the Collector of Internal Revenue, with the approval of the head of the proper Department, such relief is just and equitable.

SEC. 13. Every wholesale dealer and every retail dealer in opium shall give each purchaser of opium a certificate of sale, written in English or Spanish, duly prepared and signed by the dealer, reciting the sale, name and address of the purchaser, kind and quantity of opium sold, price paid, and such other information as shall be prescribed by the Collector of Internal Revenue, and for every failure, neglect, or refusal to deliver the certificate herein provided for, such wholesale dealer or retail dealer shall be punished by a fine not exceeding five 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.

SEC. 14. The books and stock of opium of wholesale dealers and retail dealers in opium, or pharmacists or second-class pharmacists, shall be subject to inspection at any time by the Collector of Internal Revenue, or his duly authorized representative, and any wholesale dealer or retail dealer in opium, or pharmacist or second-class pharmacist, failing, refusing, or neglecting to allow such inspection immediately upon demand made by the Collector of Internal Revenue, or his duly authorized representative, 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.