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No. , 1915.

A BILL

For regulating and prohibiting the production, possession, and disposal of opium and other narcotics.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

- 1. This may be cited as the "Opium Act, 1915." Short title.
- 2. This Act shall commence on a day to be fixed by proclamation. Commence-
ment.
- 3.

3. In this Act, unless the contrary intention appears— Definitions.

“Opium” includes the heads of the opium poppy, raw opium, prepared opium, and medicinal opium.

“Opium poppy” means *papaver somniferum*.

“Raw opium” means the spontaneously coagulated juice obtained from the capsules of the opium poppy, which has only been submitted to the necessary manipulations for packing and transport.

“Prepared opium” means the product of raw opium, obtained by a series of special operations, especially by dissolving, boiling, roasting, and fermentation, designed to transform it into an extract suitable for consumption, and includes dross and all other residues remaining when opium has been smoked.

“Medicinal opium” means raw opium which has been heated to sixty degrees centigrade, and contains not less than ten per centum of morphine whether or not it be powdered or granulated or mixed with indifferent materials.

“Morphine” means the principal alkaloid of opium, having the chemical formula, $C_{17}H_{19}NO_3$.

“Cocaine” means the principal alkaloid of the leaves of *erythroxylon coca*, having the chemical formula $C_{17}H_{21}NO_4$.

“Heroin” means diacetyl-morphine, having the chemical formula $C_{21}H_{23}NO_5$.

4. Without restricting the meaning of the word Meaning of possession. “possession,” opium, morphine, cocaine, or heroine shall be deemed to be in the possession of any person so long as it remains or is upon any land or premises occupied by him or is enjoyed or controlled by him in any place whatever unless it is shown that he had no knowledge thereof.

5. The penalty, pecuniary or other, set out in this Penalties at foot of sections or subsections. Act—

- (a) at the foot of any section ; or
- (b) at the foot of any subsection of any section, but not at the foot of the section,

shall

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shall indicate that any contravention of the section or of the subsection as the case may be, whether by act or omission, shall be an offence against this Act, punishable on conviction by a penalty not exceeding the penalty mentioned.

Grant of licenses.

6. Licenses under this Act may be granted and renewed by the persons for the periods and in the manner prescribed by the regulations :

Grant and renewal of licenses.

Provided that such a license shall not be granted to any person other than a legally qualified medical practitioner or a person lawfully carrying on business as a wholesale or manufacturing chemist or druggist or pharmaceutical chemist.

Regulating the production, possession, and sale of opium.

7. No person shall grow the opium poppy.

No person to grow opium poppy.

Penalty : *One hundred* pounds.

8. (1) No person other than a person duly licensed under this Act shall sell or in any manner dispose of, deliver, or supply to any other person, or deal or traffic in, or have in his possession order or disposition, any opium or any morphine, cocaine, or heroine, or their respective salts.

Dealing in medicinal opium, &c., by non-licensed persons.

Penalty : *One hundred* pounds.

(2) Nothing in the above provisions of this section shall apply to—

- (a) opium when made up or compounded as a medicine by a medical practitioner or according to the prescription of a medical practitioner ;
- (b) opium in the form of homœopathic medicine, unless in the crude state, mother tincture, or of a greater strength than the third potency ;
- (c) patent or proprietary medicines as prescribed ;
- (d) medicines dispensed by veterinary surgeons for animals under their treatment ; or
- (e) fly poison papers and packets of poisonous mixtures for the destruction of vermin, when marked as such.

But

But the possession, sale, or disposal of any such articles when consisting of or containing opium may be regulated by the regulations.

(3) In any proceedings for an offence against subsection one of this section the burden of proof that the defendant is a person duly licensed under this Act shall rest on the defendant.

9. A person licensed under this Act shall not sell or dispose of opium, or any morphine, cocaine, or heroine or their respective salts otherwise than in accordance with the conditions of his licence or as prescribed by the regulations.

Dealing in medicinal opium, &c., by licensed persons.

Penalty : *One hundred pounds.*

Supplemental.

10. (1) If any member of the police force has reasonable cause to suspect that there is in any house, building, vessel, or place any opium, morphine, cocaine, or heroine in contravention of this Act, he may, with the authority in writing of a magistrate or a superintendent of police, enter and search any such house, building, vessel, or place, and may break open the same and seize and carry away any such opium, morphine, cocaine, or heroine, and arrest any person present who he has reasonable grounds to suspect is committing or has committed an offence against this Act in connection therewith.

Search for opium.

(2) If any member of the police force has reasonable cause to suspect that any person has possession of any opium, morphine, cocaine, or heroine in contravention of this Act, he may detain and search the suspected person: Provided that before the suspected person is searched he may require to be taken before a justice of peace; in which case the justice of the peace may order the suspected person to be searched or may discharge him without search.

11. Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be deemed to have committed the offence, and shall be punishable accordingly.

Aiding and abetting offences.

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12. All opium, morphine, cocaine, or heroine seized under this Act shall, on conviction of the person in whose possession it was found, be forfeited to the King, and may be destroyed or otherwise dealt with as the convicting magistrate or justices think fit.

Forfeiture of opium upon conviction of person.

13. (1) The Governor may make regulations for carrying out the provisions of this Act and may in such regulations impose any penalty not exceeding pounds for any breach thereof.

Regulations.

(2) Such regulations shall—

- (i) be published in the Gazette ;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations ; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

14. Any penalties imposed by this Act or the regulations may be recovered before a stipendiary or police magistrate or any two justices in petty sessions.

Recovery of penalties.

Extension to preparations of morphine, &c.

15. The provisions of this Act relating to morphine, cocaine, and heroine shall be construed as extending to—

Extension of provisions of Act to preparations of morphine, &c.

- (a) all preparations (officinal and non-officinal, including remedies which are advertised as anti-opium remedies) which contain more than 0·2 per centum of morphine, or more than 0·1 per centum of cocaine ;
- (b) the salts of morphine ;
- (c) the salts of cocaine ;

(d)

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Opium.

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- (d) the salts and preparations of heroine which contain more than 0·1 per centum of heroine; and
 - (e) all new derivatives of morphine or of cocaine or their respective salts, and every other alkaloid of opium which may be shown by scientific research, generally recognised, to be liable to similiar abuse and productive of like ill-effects.

Savings.

16. Nothing in this Act shall affect the provisions of Part VI of the Police Offences (Amendment) Act, 1908, or of the Poisons Act, 1902.

Saving of Part VI
of Police Offences
(Amendment)
Act, 1908, and
Poisons Act,
1902.
