

(3) of section 85.53 and all necessary mileage of such vehicle incidental to such transportation.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 23, 1941.

No. 437, S.]

[Published June 25, 1941.

### CHAPTER 271.

AN ACT to repeal and recreate 161.01 (13) and 161.08 and to amend 161.05 (2) (b) and (5) and 161.09 (1) and (5) of the statutes, relating to the uniform narcotic drug act.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subsection (13) of section 161.01 of the statutes is repealed and recreated to read:

(161.01) (13) "Cannabis" includes all parts of the plant *Cannabis Sativa L.*, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

SECTION 2. Paragraph (b) of subsection (2) and subsection (5) of section 161.05 of the statutes are amended to read:

(161.05) (2) (b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or to a physician or surgeon duly licensed in some state, territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft, for the actual medical needs of persons on board such ship or aircraft, when not in port, provided, such narcotic drugs shall be sold to the master of such ship or person in charge

of such aircraft or to a *physician, surgeon, or retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service.*

(5) A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, \* \* \*, or a *master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some state, territory, or the District of Columbia, to practice his profession or a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft,* who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this chapter.

SECTION 3. Section 161.08 of the statutes is repealed and recreated to read:

161.08 PREPARATIONS EXEMPTED. Except as otherwise in this chapter specifically provided, this chapter shall not apply to the following cases:

(1) Administering, dispensing, or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts.

(2) The exemption authorized by this section shall be subject to the following conditions:

(a) That the medicinal preparation administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and

(b) That such preparation shall be administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this chapter.

(3) Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts that may be prescribed,

administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this chapter.

SECTION 4. Subsections (1) and (5) of section 161.09 of the statutes are amended to read:

(161.09) (1) Every physician, dentist, veterinarian or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local applications, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients, and no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any 48 consecutive hours, (a) 4 grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) 2 grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) \* \* \* a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(5) The form of records shall be prescribed by the state board of health. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion morphine, cocaine, or ecgonine contained in or producible from crude opium or cocoa leaves received or produced, and the proportion of resin contained in or producible from the \* \* \* plant Cannabis Sativa

L., \* \* \* received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered, or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of 2 years from the date of the transaction recorded. The keeping of a record required by or under the Federal Narcotic Laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

Approved June 23, 1941.

No. 57, A.]

[Published June 25, 1941.

#### CHAPTER 272.

AN ACT to repeal 62.215; and to create 66.295 and 66.52 of the statutes, relating to payments by cities for benefits from special improvements made under unlawful contracts, to special assessments levied for such improvements, and to the power of cities to return the amount of assessment paid whenever a contract for street improvement is declared void.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 62.215 of the statutes is repealed.

SECTION 2. Section 66.295 of the statutes is created to read:

66.295 AUTHORITY TO PAY FOR PUBLIC WORKS DONE IN GOOD FAITH. (1) Whenever any city of whatever class, however incorporated, shall have received and shall have enjoyed or shall be enjoying any benefits or improvements furnished under any contract which shall have been heretofore declared as imposing no legal obligation on any such city and which contract was entered into in good faith and has been fully performed and the work has been accepted by the proper city officials, so as to impose a moral obligation upon such city to pay