

No. 95, A.]

[Published June 20, 1951.

CHAPTER 379.

AN ACT to amend 161.20; to repeal and recreate 161.02 and to repeal 348.345 of the statutes relating to narcotics and providing a penalty.

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

SECTION 1. 161.02 of the statutes is repealed and recreated to read:

161.02 (1) It shall be unlawful for any person to manufacture, possess, have control of, buy, sell, give away, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this chapter. Any person violating this section shall upon conviction be imprisoned in the state prison not more than 5 years nor less than one year or in the county jail not more than one year.

(2) Any person who shall sell, give, prescribe, administer or dispense any narcotic drug, except as authorized in this chapter, to any person under the age of 21 years, shall, upon conviction, be imprisoned in the state prison not less than 3 years nor more than 10 years.

(3) No person shall take or use narcotic drugs habitually or excessively or except in pursuance to a prescription for permitted use as prescribed in this chapter. The unlawful possession of narcotic drugs by a person or of a hypodermic syringe or needle shall be prima facie evidence of the unlawful use of such drugs. Any person violating this paragraph shall upon conviction be imprisoned in the county jail not more than one year or shall be fined not to exceed \$500. Provided, that the judge of the court wherein said person was convicted, may, in his discretion, if said person requires treatment, commit him to some appropriate institution under the control of the state department of public welfare for treatment not exceeding one year.

SECTION 2. 161.20 of the statutes is amended to read:

161.20 Any person violating any provision of this chapter, *except sections 161.02 and 161.275*, shall upon conviction be punished, * * * by a fine not exceeding * * * \$1000, or by imprisonment * * * for not exceeding 3 years or by both such fine and imprisonment * * *.

SECTION 3. 348.345 of the statutes is repealed.

Approved June 12, 1951.
