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CHAPTER 349

AN ACT to amend 161.02 (1) and (3) of the statutes, relating to prohibited uses of narcotics and providing a penalty.

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

161.02 (1) and (3) of the statutes are amended to read:

161.02 (1) It \* \* \* is 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 \* \* \* 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, *except when possessed by a diabetic*, shall be prima facie evidence of the unlawful use of such drugs.

Any person violating this subsection shall be imprisoned not more than \* \* \* 5 years \* \* \*. \* \* \* The judge of the court wherein said person was convicted, may, \* \* \* 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 \* \* \* 5 years.

Approved August 28, 1959.

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