

either injury, hospitalization, or illness attended to by a physician. In cases of riot, serious conflagration, times of war, public celebrations, or other such emergency, the chief engineer of the bureau of fire, or the assistant chief deputy, or chief officer in charge at any fire shall have the power to assign all the members of the fire force to continuous duty, or to continue any member thereof on duty, if necessary. No member of any of said shifts, bodies or platoons shall be required to perform continuous day service or continuous night service for a longer consecutive period than two weeks, nor be kept on duty continuously longer than ten hours in the day shifts, bodies or platoons or fourteen hours in the night shifts, bodies or platoons, excepting as may be necessary to equalize the hours of duty and service, and also excepting in cases of emergency, as above provided.

Section 2. This act shall take effect January 1, 1958. **Effective date.**

APPROVED—The 19th day of July, A. D. 1957.

GEORGE M. LEADER

No. 449

AN ACT

Amending the act of July 11, 1917 (P. L. 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties," changing penalties for illegal sale, dispensing or giving away of drugs.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: **Drugs**

Section 1. Section 12, act of July 11, 1917 (P. L. 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for

Section 12, act of July 11, 1917, P. L. 758, amended May 29, 1956, P. L. 1809, further amended.

certain causes, and by providing for the enforcement of this act, and penalties," amended May 29, 1956 (P. L. 1809), is amended to read:

Possession of drugs in violation of act made a felony.

First offense.

Second offense.

Third or subsequent offense.

Section 12. (a) Any person who possesses any drugs in violation of the provisions of this act shall be guilty of a felony; and, upon conviction thereof, shall be sentenced as follows: for a first offense, to pay a fine not exceeding two thousand dollars (\$2000) [or] *and* to undergo imprisonment by separate or solitary confinement at labor *of not less than two (2) years and not exceeding five (5) years* [, or both]; for a second offense, or, if in case of a first conviction of violation of any provisions of this section, the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district relating to drugs, and said violation would have been a violation of the provisions of this section had it occurred in this Commonwealth, to pay a fine not exceeding five thousand dollars (\$5000) [or] *and* to undergo imprisonment by separate or solitary confinement at labor *of not less than five (5) years and not exceeding ten (10) years* [, or both]; and for a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of [this section or] the law of the United States or of any other state, territory or district relating to drugs, and said violation would have been a violation of the provisions of this section had it occurred in this Commonwealth, to pay a fine not exceeding seven thousand five hundred dollars (\$7500) [or] *and* to undergo an imprisonment by separate or solitary confinement at labor *of not less than ten (10) years and not exceeding thirty (30) years* [, or both], *except in the case of conviction for a first offense, the imposition or execution of sentence shall not be suspended and probation or parole shall not be granted by the court.*

Sale, dispensing, etc., of drugs in violation of this act made a felony.

First offense.

Second offense.

(a1) Any person who sells, dispenses or gives away any drugs in violation of the provisions of this act shall be guilty of a felony, and, upon conviction thereof, shall be sentenced as follows: for a first offense, to pay a fine not exceeding five thousand dollars (\$5000) [or] *and* to undergo imprisonment by separate or solitary confinement at labor *of not less than five (5) years and not exceeding ten (10) years* [, or both]; for a second offense, or, if in case of a first conviction of violation of any provisions of this section, the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district

relating to drugs, and said violation would have been a violation of the provisions of this section had it occurred in this Commonwealth, to pay a fine not exceeding ten thousand dollars (\$10,000) [or] *and* to undergo imprisonment by separate or solitary confinement at labor of *not less than ten (10) years and* not exceeding twenty (20) years [, or both]; and for a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of [this section or] the law of the United States or of any other state, territory or district relating to drugs, and said violation would have been a violation of the provisions of this section had it occurred in this Commonwealth, to pay a fine not exceeding fifteen thousand dollars (\$15,000) [or] *and* to undergo an imprisonment by separate or solitary confinement at labor for the term of his natural life. *For any offense the penalty for which is provided in this paragraph, the imposition or execution of sentence shall not be suspended and probation or parole shall not be granted by the court.*

Third or subsequent offense.

[(a2) The courts shall have power to suspend the imposition or execution of sentence and grant probation or parole only in the case of conviction for a first offense for violation of the provisions of this section.]

(b) Any person who shall violate, or fail to comply with, any of the other provisions of this act, except as provided in the last paragraph of section eight, shall be guilty of a felony; and, upon conviction, shall be sentenced to pay a fine not exceeding two thousand dollars, or to undergo an imprisonment not exceeding five years, or both, at the discretion of the court.

Penalty for violation of any other provisions of this act.

(c) If the violation is by a corporation, copartnership, or association, the officers and directors of such corporation, or the members of such copartnership or association, the agents and employes, with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally.

Violations by corporations, partnerships, or associations.

(d) *In any proceeding for violation of this act, the district attorney shall file an information or suggestion, setting forth the prior convictions after verdict and prior to sentencing.*

APPROVED—The 19th day of July, A. D. 1957.

GEORGE M. LEADER