

cerning fees and licenses which shall take effect January 1, 1960.

Specific repeal.

Section 5. The act of May 29, 1917 (P. L. 322), entitled, as amended, "An act to give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any turtles, frogs, and tadpoles; and providing penalties and punishments for violation of any of the provisions of this act, and the manner or proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," is repealed.

APPROVED—The 22nd day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 672

### 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.

Drugs.

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

Subsection (a1), section 12, act of July 11, 1917, P. L. 758, amended July 19, 1957, P. L. 1013, further amended.

Section 1. Subsection (a1) of 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 certain causes, and by providing for the enforcement of this act, and penalties," amended July 19, 1957 (P. L. 1013), is amended to read:

Section 12. \* \* \*

Possession of drugs in violation of act made a felony.

First 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) and to undergo imprisonment by separate or solitary confinement at labor [of not less than five (5) years and not exceeding ten (10)] *for an indeterminate term having a minimum of five (5) years and a maximum of twenty (20) years*; 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)] *fifteen thousand dollars (\$15,000)* and to undergo imprisonment by separate or solitary confinement at labor [of not less than ten (10) years and not exceeding twenty (20)] *for an indeterminate term having a minimum of ten (10) years and a maximum of thirty (30) years*; 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 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)] *thirty thousand dollars (\$30,000)* 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.

Second offense.

Third offense.

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APPROVED—The 22nd day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 673

## 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," giving trials for violation of the act precedence over other criminal trials and regulating postponements.