

BILL NO. 776ORDINANCE NO. 762

SAME BEING AN ORDINANCE OF THE CITY OF NEOSHO DEFINING NARCOTIC DRUGS, HALLUCINOGENIC, HYPNOTIC, SOMNIFACIENT AND STIMULATING DRUGS, PROHIBITING THE POSSESSION THEREOF UNDER CERTAIN CIRCUMSTANCES AND PROVIDING PENALTY THEREFOR

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEOSHO, MISSOURI, AS FOLLOWS:

SECTION ONE: That the following words and phrases as used in this ordinance have the following meanings, unless the context otherwise requires:

- "(1) 'Addict' means a person who habitually uses one or more narcotic drugs to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs;
- (2) 'Amidone' means the substance identified chemically as 4,4-Diphenyl-6-Dimethylamino-Heptanone-3, or any salt or form thereof, by whatever trade name designated;
- (3) 'Apothecary' means a licensed pharmacist as defined by the laws of this state, and, where the context so requires the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this law shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state;
- (4) 'Bemidone' means the substance identified chemically as 1-methyl-4-metahydroxyphenyl-piperidine-4-carboxylic acid methyl ester, or any salt or form thereof, by whatever trade name designated;
- (5) 'Cannabis' includes all part 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;
- (6) 'CB-11' means the substance identified chemically as 6-morpholino-4, 4-diphenyl-3-heptanone (also known as Heptazone or Heptalgin), or any salt or form thereof, by whatever trade name designated;
- (7) 'Coca leaves' includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be sythetized or made;
- (8) 'Dentist' means a person authorized by law to practice dentistry in this state;
- (9) 'Dispense' includes distribute, leave with, give away, dispose of, or deliver;
- (10) 'Federal narcotic laws' means the laws of the United States relating to opium, coca leaves, and other narcotic drugs;

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- (11) 'Hospital' means a place or institution devoted primarily to the purpose of providing facilities for the diagnosis, care or treatment of sick, injured, or handicapped individuals and licensed by the division of health of Missouri in keeping with the requirements of the "Hospital Licensing Law";
- (12) 'Isoamidone' means the substance identified chemically as 4, 4-diphenyl-5-methyl-6-dimethylaminoheptanone-3, or any salt or form thereof, by whatever trade name designated;
- (13) 'Isonipeccaine' means the substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt or form thereof, by whatever trade name designated;
- (14) 'Keto-bemidone' means the substance identified chemically as 4-(3-hydroxy-phenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride, or any salt or form thereof, by whatever trade name designated;
- (15) 'Laboratory' means a laboratory approved by the division of health as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction;
- (16) 'Manufacturer' means a person who by compounding mixing, cultivating, growing, planting, protecting, harvesting, curing or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions;
- (17) 'Narcotic drugs' means amidone, bemidone, cannabis, CB-11 (also known as heptazone or heptalgin), coca leaves, isoamidone, isonipeccaine, keto-bemidone, N.I.H.-2933, N.I.H.-2953, NU-1196 (also known as Nisentil), NU-1779, NU-1932, NU-2206 and opium and every substance neither chemically or physically distinguishable from them and any other drugs to which the federal laws relating to narcotic drugs may now apply.
- (18) 'N.I.H.-2933' means the substance identified chemically as 6-dimethylamino-4, 4-diphenyl-3-heptanol, or any salt or form thereof, by whatever trade name designated;
- (19) 'N.I.H.-2953' means the substance identified chemically as 6-dimethylamino-4, 4-diphenyl-3-acetoxyheptane, or any salt or form thereof, by whatever trade name designated;
- (20) 'NU-1196' means the substance identified chemically as alpha-1, 3-dimethyl-4-phenyl-4-propionoxy piperidine (also known as Nisentil), or any salt or form thereof, by whatever trade name designated;
- (21) 'NU-1779' means the substance identified chemically as beta-1, 3-dimethyl-4-phenyl-4-propionoxy piperidine, or any salt or form thereof, by whatever trade name designated;
- (22) 'NU-1932' means the substance identified chemically as beta-1-methyl-3-ethyl-4-phenyl-4-propionoxy piperidine, or any salt or form thereof, by whatever trade name designated;
- (23) 'NU-2206' means the substance identified chemically as 3-hydroxyl-N-methyl-morphinian, or any salt or form thereof, by whatever trade name designated;
- (24) 'Official written order' means an order written on a form provided for that purpose by the United States Commissioner

of narcotics, under any laws of the United States making provisions therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the division of health;

(25) 'Opium' includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts;

(26) 'Person' includes any corporation, association, co-partnership, or one or more individuals;

(27) 'Physician' means a person licensed by the state of Missouri to practice medicine or osteopathy;

(28) 'Registry number' means the number assigned to each person registered under the federal narcotic laws;

(29) 'Sale' includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

(30) 'Veterinarian' means a person authorized by law to practice veterinary medicine in this state;

(31) 'Wholesaler' means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(32) 'Barbiturate', the salts and derivatives of barbituric acid or compounds, preparations or mixtures thereof which have a hypnotic or somnifacient effect on the central nervous system of a human or animal;

(33) 'Hallucinogenic drugs' shall mean and include mescaline or peyote, lysergic acid diethylamid and psilocybin, and any salts, isomers or combinations of salts and isomers thereof which have a depressant, stimulating effect on the central nervous system, or an hallucinogenic effect;

(34) 'Stimulant', Amphetamine or any of its derivatives which have an exciting effect on the central nervous system of a human or animal."

SECTION TWO. Unlawful manufacture, sale, possession, prescription--possession of apparatus for use of drugs. It is unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense or compound any narcotic drug hallucinogenic, hypnotic, somnifacient and stimulating drug as defined under the provisions of this ordinance or to possess any apparatus, device or instrument for the unauthorized use of any narcotic drug.

SECTION THREE. Exemptions--conditions of exemption. The provisions of this ordinance shall not apply to the following cases:

(1) The manufacture, sale, possession, possession of apparatus for use of drugs, or prescription for drugs by any physician, dentist or veterinarian duly authorized to manufacture, sell, possess, prescribe or possess apparatus for use of drugs by federal or state law.

(2) Any person in charge of a hospital or to any nurse or employee of a hospital or physician, dentist or veterinarian who has in his possession any narcotic drugs, hallucinogenic, hypnotic,

somnifacient and stimulating drug for administering upon the order or prescription of any physician, dentist, or veterinarian.

(3) Any apothecary (druggist) who has in his possession for sale, or who manufactures, compounds, mixes, or by any other process produces or prepares narcotic drugs, hallucinogenic, hypnotic, somnifacient and stimulating drugs, for dispensing upon the prescription of any physician, dentist, or veterinarian licensed and authorized to prescribe the use of such drugs by federal or state law.

SECTION FOUR. Any persons violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than \$50.00, not more than \$100.00, or by confinement in the city jail for a period of not to exceed three months, or by both such fine and confinement in the city jail.

SECTION FIVE. This ordinance shall be in full force and effect immediately upon its passage and approval.

SECTION SIX. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

R. A. Haas
Mayor

ATTEST:

Adelle M. Martin
City Clerk

Approved after final passage this

5th

day of

January

1970.

R. A. Haas
Mayor

ATTEST:

Adelle M. Martin
CITY CLERK