

or times as the commission may fix, but not more than four months after the granting of the license, shall pay an additional sum based upon the daily average total quantity of milk received, produced or brought within the Commonwealth by such dealer during any of such months, in the proportionate amount above stated; and (2) shall pay monthly one cent per hundredweight during the part of the license year beginning the first day of May, one thousand nine hundred fifty-four, for which he is licensed, and one-half cent per hundredweight during the part of any license year thereafter for which he is first licensed, on all milk, the prices of which the commission is required to fix by the mandatory provision of section eight hundred two of this act, received, produced or *brought within the Commonwealth by the dealer during the preceding month. The foregoing provisions do not apply to sub-dealers, sub-handlers or stores.

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 19th day of June, A. D. 1953.

JOHN S. FINE

No. 58

AN ACT

To further amend section 12 of the act, approved the eleventh day of July, one thousand nine hundred seventeen (Pamphlet Laws 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," by changing the penalties for the illegal possession, sale, dispensing or giving away of drugs.

Drugs.

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

Section 12, act of July 11, 1917, P. L. 758, as last amended by act of August 10, 1951, P. L. 1198, further amended.

Section 1. Section 12 of the act, approved the eleventh day of July, one thousand nine hundred seventeen (Pamphlet Laws 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

* "bought" in original.

providing for the enforcement of this act, and penalties," as last amended by the act, approved the tenth day of August, one thousand nine hundred fifty-one (Pamphlet Laws 1198), is hereby further amended to read as follows:

Section 12. (a) Any person who *possesses*, 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 two thousand dollars (\$2000) and to undergo imprisonment of *not less than two (2) years and not exceeding five (5) years*; for a second offense, *or, if in case of a first conviction of violation of any provisions of this act, 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*, to pay a fine not exceeding [four thousand dollars (\$4000)] *five thousand dollars (\$5000)* and to undergo imprisonment of *not less than five (5) years and not exceeding ten (10) 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*, to pay a fine not exceeding [six thousand dollars (\$6000)] *seven thousand, five hundred dollars (\$7500)* and to undergo **an imprisonment of not less than ten (10) years and not exceeding thirty (30) years.

Except in the case of conviction for a first offense for violation of the provisions of this subsection, the imposition or execution of sentence shall not be suspended and probation or parole shall not be granted until the minimum imprisonment herein provided for the offense shall have been served.

(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.

(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.

APPROVED—The 19th day of June, A. D. 1953.

JOHN S. FINE

* "conviction" in original.
 ** "an" omitted in original.

Possession, sale, etc., of drugs in violation of act made a felony.

Penalties upon conviction.

For a first offense.

Second offense.

Third or subsequent offense.

Penalty for violation of any other provisions of this act.

Violations by corporations, partnerships, or associations.