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HUGH S. CUMMING, SURGEON GENERAL

ACT ESTABLISHING NARCOTIC FARMS AND A NARCOTICS DIVISION IN THE PUBLIC HEALTH SERVICE

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ACT ESTABLISHING NARCOTIC FARMS AND A NARCOTICS DIVISION IN THE PUBLIC HEALTH SERVICE

An act of the Seventieth Congress, approved January 19, 1929, authorizes the establishment of two institutions for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have committed offenses against the United States and of addicts who voluntarily submit themselves for treatment.

The act defines the term "habit-forming narcotic drug" or "narcotic" as meaning opium and coca leaves and their derivatives, and also "Indian hemp" and "peyote." This is the first time that these two substances have been included as narcotics in Federal laws dealing with the subject.

The Public Health Service was designated by Congress as the Federal agency to administer the narcotic farms, and the act creates, for this purpose, a new administrative division in the Office of the Surgeon General to be known as the Narcotics Division. The institutions will be designed to rehabilitate, restore to health, and, when necessary, train to be self-supporting and self-reliant, persons addicted to habit-forming drugs who are confined or admitted thereto.

Following is the text of the act:

[PUBLIC—No. 672—70TH CONGRESS]

[H. R. 13645]

An Act To establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act—

(a) The term "habit-forming narcotic drug" or "narcotic" means opium and coca leaves and the innumerable alkaloids derived therefrom, the best known of these alkaloids being morphia, heroin, and codeine, obtained from opium, and cocaine derived from the coca plant; all compounds, salts, preparations, or other derivatives obtained either from the raw material or from the various alkaloids; Indian hemp and its various derivatives, compounds, and preparations, and peyote in its various forms.

(b) The term "addict" means any person who habitually uses any habit-forming narcotic drug as defined in this Act so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such habit-forming narcotic drugs as to have lost the power of self-control with reference to his addiction.

SEC. 2. That the Attorney General, the Secretary of the Treasury, and the Secretary of War be, and are hereby, authorized and directed to select sites for two institutions for the confinement and treatment of persons who have been or shall be convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts, and who are addicted to the use of habit-forming narcotic drugs, and for the confinement and treatment of addicts who voluntarily submit themselves for treatment.

SEC. 3. That upon selection of appropriate sites the Secretary of the Treasury shall submit to Congress estimates of the cost of purchasing same, together with estimates of the expense necessary to construct the proper buildings thereon. The Secretary of the Treasury at the same time, and annually thereafter, shall submit estimates in detail for all expenses of maintaining the said United States narcotic farms, including salaries of all necessary officers and employees.

SEC. 4. That the Secretary of the Treasury is hereby authorized to cause the plans, drawings, designs, specifications, and estimates for the remodeling or construction of the necessary buildings to be prepared in the office of the Supervising Architect, Treasury Department, and the work of remodeling or constructing the said buildings to be supervised by the field force of said office: *Provided*, That the proper appropriations for the support and maintenance of the office of the Supervising Architect be reimbursed for the cost of preparing such plans, drawings, designs, specifications, and estimates for the aforesaid work and the supervision of the remodeling and construction of said buildings.

SEC. 5. That the control and management of the United States narcotic farms shall be vested in the Secretary of the Treasury, who shall have power to appoint competent superintendents, assistant superintendents, physicians, pharmacists, psychologists, nurses, and all other officers and employees necessary for the safekeeping, care, protection, treatment, and discipline of the inmates. There is hereby created in the office of the Surgeon General of the Bureau of the Public Health Service, in the Department of the Treasury, a division to be known as the Narcotics Division, which shall be in charge of a physician trained in the treatment and care of narcotic addicts, and which division shall have charge of the management, discipline, and methods of treatment of said United States narcotic farms under the rules and regulations promulgated by the Secretary of the Treasury.

SEC. 6. That the care, discipline, and treatment of the persons admitted to or confined in a United States narcotic farm shall be designed to rehabilitate them, restore them to health, and where necessary train them to be self-supporting and self-reliant. For this purpose the Secretary of the Treasury shall have authority to promulgate all necessary rules and regulations for the government of the officers and inmates of said United States narcotic farms. The Surgeon General of the Bureau of the Public Health Service shall also give the authorized representatives of each State the benefit of his experience in the administration of said United States narcotic farms and the treatment of persons confined therein through the publication and dissemination of information on methods of treatment and research in this field, together with individual and group case histories, to the end that each State may be encouraged to provide similar facilities for the care and treatment of narcotic addicts within their own jurisdiction.

SEC. 7. That the authority vested with the power to designate the place of confinement of a prisoner is hereby authorized and directed to transfer to the United States narcotic farms, as accommodations become available, all addicts, as herein defined, who are now or shall hereafter be sentenced to confinement in or be confined in any penal, correctional, disciplinary, or reformatory institution of the United States, including those addicts convicted of offenses against the United States who are confined in State and Territorial prisons, penitentiaries,

and reformatories: *Provided*, That no addict shall be transferred to a United States narcotic farm who, in the opinion of the officer authorized to direct the transfer, is not a proper subject for confinement in such an institution either because of the nature of the crime he has committed, or his apparent incorrigibility. The authority vested with the power to designate the place of confinement of a prisoner is authorized to transfer from a United States narcotic farm to the institution from which he was received, or to such other institution as may be designated by the proper authority, any addict whose presence at a United States narcotic farm is detrimental to the well-being of the institution, or who does not continue to be a narcotic addict under the terms of this act. All transfers to or from a narcotic farm shall be made by the officer in charge of such farm, and the actual and necessary expenses incident to such transfers shall be paid from the appropriation for the maintenance of such farm.

SEC. 8. That it shall be the duty of each prosecuting officer, when sentence is pronounced, to report to the authority vested with the power to designate the place of confinement the name of each convicted person believed by him to be an addict, as herein defined, his reasons for such belief, and all pertinent facts bearing on such addiction, together with the nature of the offense.

SEC. 9. That the inmates of said narcotic farms shall be employed in such manner and under such conditions as the Secretary of the Treasury may direct. The Secretary of the Treasury may, in his discretion, establish industries, plants, factories, or shops for the manufacture of articles, commodities, and supplies for the United States Government; require any Government department or establishment or other institution appropriated for directly or indirectly by the Congress of the United States to purchase at current market prices as determined by the Secretary of the Treasury, or his authorized representative, such articles, commodities, or supplies as meet their specifications; and the Secretary of the Treasury shall provide for the payment to the inmates or their dependents such pecuniary earnings as he may deem proper, and establish a working-capital fund for said industries out of any funds appropriated for said narcotic farms; and said working-capital fund shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw materials and supplies, and for the employment of necessary civilian officers and employees: *Provided*, That at the opening of each regular session of Congress the Secretary of the Treasury shall make a detailed report to Congress of the receipts and expenditures made from said working-capital fund.

SEC. 10. That any inmate of said narcotic farms or any narcotic addict confined in any institution convicted of an offense against the United States shall not be eligible for parole under sections 1, 2, 3, 4, 5, 6, 7, and 8 of the Act of Congress approved June 25, 1910, being an Act to provide for the parole of United States prisoners, and for other purposes, or under the provisions of any Act or regulation relating to parole, or receive any commutation allowance for good conduct in accordance with the provisions of the Act of Congress approved June 21, 1902, and entitled "An Act to regulate commutation for good conduct for United States prisoners," and the Acts amendatory thereof and supplemental thereto, unless and until the Surgeon General of the Bureau of the Public Health Service shall have certified that said inmate is no longer a narcotic addict as defined by this Act. When such certificate shall have been made, the board of parole of the penal, correctional, disciplinary, or reformatory institution from which such former addict was transferred may authorize his release on parole without transfer back to such institution.

SEC. 11. That not later than one month prior to the expiration of the sentence of any addict confined in a United States narcotic farm, he shall be examined by the Surgeon General of the Bureau of the Public Health Service, or his author-

ized representative. If he believes the person to be discharged is still an addict within the meaning of this act and that he may by further treatment in a United States narcotic farm be cured of his addiction, the addict shall be informed, under such rules and regulations as the Secretary of the Treasury may promulgate, of the advisability of his submitting himself to further treatment. The addict may then apply in writing to the Secretary of the Treasury for further treatment in a United States narcotic farm for a period not exceeding the maximum length of time considered necessary by the Surgeon General of the Bureau of the Public Health Service. Upon approval of the application by the Secretary of the Treasury or his authorized agent, the addict may be given such further treatment as is necessary to cure him of his addiction: *Provided*, That if any addict voluntarily submits himself to treatment he may be confined in a United States narcotic farm for a period not exceeding the maximum amount of time estimated by the Surgeon General of the Bureau of the Public Health Service as necessary to effect a cure or until he ceases to be an addict within the meaning of this act.

SEC. 12. That any person, except an unconvicted alien, addicted to the use of habit-forming narcotic drugs, whether or not he shall have been convicted of an offense against the United States, may apply to the Secretary of the Treasury, or his authorized representative, for admission to a United States narcotic farm.

Any such addict shall be examined by the Surgeon General of the Bureau of the Public Health Service or his authorized agent, who shall report to the Secretary of the Treasury whether the applicant is an addict within the meaning of this act; whether he believes he may by treatment in a United States narcotic farm be cured of his addiction and the estimated length of time necessary to effect a cure, and any further pertinent information bearing on the addiction, habits, or character of the applicant. The Secretary of the Treasury may, in his discretion, admit the applicant to a United States narcotic farm. No such addict shall be admitted unless he voluntarily submits to treatment for the maximum amount of time estimated by the Surgeon General of the Bureau of the Public Health Service as necessary to effect a cure, and unless suitable accommodations are available after all eligible addicts convicted of offenses against the United States have been admitted. The Secretary of the Treasury may require any such addict voluntarily applying to pay the cost of his subsistence, care, and treatment. All such money shall be covered into the Treasury of the United States to the credit of the appropriation from which the expenditure was made: *Provided*, That if any addict voluntarily submits himself to treatment he may be confined in a United States narcotic farm for a period not exceeding the maximum amount of time estimated by the Surgeon General of the Bureau of the Public Health Service as necessary to effect a cure of the addiction or until he ceases to be an addict within the meaning of this act: *And provided further*, That any person who voluntarily submits himself for treatment at a United States narcotic farm shall not forfeit or abridge thereby any of his rights as a citizen of the United States; nor shall such submission be used against him in any proceeding in any court, and that the record of his voluntary commitment shall be confidential and not divulged.

SEC. 13. Every person convicted of an offense against the United States shall upon discharge, or upon his release on parole, from a United States narcotic farm be furnished with the gratuities and transportation authorized by law to be furnished had his discharge or release been from the penal, correctional, disciplinary, or reformatory institution to which he was sentenced or from which he was transferred.

Any court of the United States having the power to suspend the imposition or execution of sentence, and place defendants on probation under any of the existing laws, may impose as one of the conditions of such probation that the defendant, if an addict, as herein defined, shall be admitted and submit himself for treatment at a United States narcotic farm until discharged therefrom as cured. Upon the discharge of any such probationer from a United States narcotic farm, he shall be furnished with the gratuities and transportation authorized to be furnished by the act of July 3, 1926, entitled "An Act to increase the clothing and cash gratuities furnished to persons discharged from prisons." The actual and necessary expense incident to transporting such probationer to such farm and to furnishing such transportation and gratuities shall be paid from the appropriation for the maintenance of such farm: *Provided*, That where existing law vests a discretion in any officer as to the place to which transportation shall be furnished or as to the amount of clothing and gratuities to be furnished, such discretion shall be exercised by the Secretary of the Treasury with respect to addicts discharged from the United States narcotic farms.

SEC. 14. Any person not authorized by law or by the Secretary of the Treasury who introduces or attempts to introduce into a United States narcotic farm or within the grounds adjoining or adjacent thereto any habit-forming narcotic drugs as defined in this act is guilty of a felony, and is punishable by confinement in the penitentiary for a period of not more than ten years.

SEC. 15. It shall be unlawful for any person properly committed thereto to escape or attempt to escape from a narcotic farm, and any such person upon apprehension and conviction in a United States court shall be punished by imprisonment for not more than five years, such sentence to begin upon the expiration of the sentence for which said person was originally confined.

SEC. 16. It shall be unlawful for any person to procure the escape of any inmate properly committed to a narcotic farm or to advise, connive at, aid, or assist in such escape, or conceal any such inmate after such escape, and upon conviction in a United States court shall be punished by imprisonment in the penitentiary for not more than three years.

SEC. 17. Wherever an alien addict has been transferred to either of the United States narcotic farms provided for in this act who is entitled to his discharge but is subject to deportation in lieu of being returned to the penal institution from which he came, he shall be deported by the authority vested by law with power over deportation.

Approved, January 19, 1929.

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