

Opinion No. 46-4967

November 27, 1946

BY: C. C. McCULLOH, Attorney General

TO: Mr. Troy Caviness Secy-Treasurer, New Mexico Board of Pharmacy Lovington, New Mexico

{*286} We wish to acknowledge receipt of your letter of November 25th wherein a request was made for an opinion on transfer of license under Section 3, of Chapter 84, Laws of New Mexico, 1945.

We are not altogether clear as to just what your inquiry embraces, but we presume you are wondering whether or not the above section of our law requires parties, under the hereinafter mentioned circumstances, to obtain a new license, to wit:

1. Where there has been a change of ownership and a change of firm name.
2. Where there has been no change of ownership but there has been a change of firm name.

Section 3, Chapter 84, Laws of N.M. 1945, provides, in part, as follows:

"Permits or licenses issued under this section shall not be transferable. Change of ownership, management or registered pharmacist in charge must be reported promptly to the board in writing. * * *"

It is my opinion that in the first instance, the party should be required to obtain a new permit or license, as there has been a change in ownership, and Section 3 of said act prohibits the transfer of said license.

In the second instance, there has been no change of ownership but {*287} merely a change in firm name, and a new license or permit should not be required.

Trusting this satisfies your inquiry, I am

By ROBERT V. WOLLARD,

Asst. Atty. General