

## Opinion No. 16-1805

May 19, 1916

**BY:** H. S. CLANCY, Assistant Attorney General

**TO:** Dr. M. M. Thompson, Logan, New Mexico.

**As to the sale of medicines by persons other than registered druggists or practicing physicians.**

### OPINION

{\*369} I am in receipt of your letter of the 17th instant in which you ask for the opinion of this office as to whether it is a violation of law for a department store not having a registered pharmacist, to sell all kinds of patent medicines, liniments, epsom salts, castor oil, headache tablets, etc. You further inquire whether Sec. 3726 of the Compiled Laws of 1897 is still in force. This section was amended by the legislatures of 1907 and 1909, and now appears as Sec. 4061 of the Codification of 1915, which is the last legislative utterance upon the subject. You can consult this book at the office of your justice of the peace. However, so far as the selling of medicines by persons other than registered pharmacists is concerned, Sec. 3729 of the Compiled Laws of 1897 made it the duty of the Pharmacy Board "to grant to persons or merchants in towns or camps having no drug store, minor certificates without charge, as they may deem proper, to vend such medicines, compounds or chemicals as are required by the general public." This provision of law, however, was repealed in 1907, and I am unable to find anything in the law, as it exists today, which would permit the sale of medicines by any person other than a registered pharmacist or a practicing physician. I call your special attention to Sec. 4052 of the Codification in connection with this subject.