

Opinion No. 20-2597

May 28, 1920

BY: H. S. BOWMAN, Assistant Attorney General

TO: Mr. A. G. Whittier, State Traveling Auditor, Capitol Building.

Method of Procuring Wine for Sacramental Purposes.

OPINION

We have your letter of the 25th instant, together with one from Charles E. Thomas, county clerk of Otero County, to you, both in regard to the method to be followed in securing wine for sacramental purposes, and in reply wish to advise you as follows:

Neither the constitutional amendment providing for prohibition, nor the Enforcement Act, passed by the 1919 session of the legislature, prescribes a procedure to be followed in obtaining grain alcohol for medicinal, mechanical or scientific purposes, or wine when intended to be used for sacramental purposes.

We have heretofore advised inquirers that in placing their orders for wine to be used for sacramental purposes that they should specify that the liquor should be so labeled on the outside, and that in placing the order they should designate the purpose for which the liquor is intended to be used.

We believe that by this method transportation companies will incur no liability in accepting for shipment such liquors, nor will the purchaser be violating the law of the state, if, of course, the liquors are used for the purpose prescribed in the act.

We are returning to you herewith the letter from Mr. Thomas.