

Opinion No. 20-2672

August 26, 1920

BY: O. O. ASKREN, Attorney General

TO: Mr. Antonio Lucero, Federal Prohibition Director, Las Vegas, New Mexico.

Importation of Wine For Manufacture Into Medicines Prohibited.

OPINION

Owing to my absence from the office, your letter of the 14th instant requesting an opinion regarding the right to import into the State wine to be used in the manufacture of medicines upon the prescriptions of physicians has not received a more prompt reply.

In my opinion, the importation of wine or any other liquor excepting denatured, or wood alcohol, or grain alcohol, when intended and used for medicinal, mechanical, or scientific purposes, or wine when intended and used for sacramental purposes, is prohibited by Article XXIII of the State Constitution.

An oral statement has been made by a member of the office force, I am advised, to the effect that the importation of wine by a druggist to be used in the manufacture of medicines to be used only upon prescription was not in conflict with the prohibition amendment to the Constitution above mentioned.

After due consideration, I am of the opinion that the oral suggestion was incorrect, and therefore advise you that such importation for the purposes mentioned would be in violation of the Constitution and therefore is prohibited.