



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Dr. Geo. W. Cox,  
State Health Director  
Austin, Texas

Dear Sir:

Opinion No. O-1117  
Re: Stamps for bedding labels un-  
der Senate Bill No. 200

This department has received your request for an opinion on the following questions:

"1. Whether or not the attached stamp complies with the provisions of the Act, or whether any additional wording should be placed thereon, such as the word 'stamp' and also the value thereof.

"2. Is it required that the registration number be placed thereon by the printer or for the sake of economy, would it be permissible to use a numbering machine in the department, and add the registration number as the request for these stamps developed? Is it necessary for the numbers to be printed, or may they be written thereon?

"3. Again, is it required that the number be placed on the stamp by the State Health Department or may the stamps be sold and the number placed thereon by the bedding man?"

Your first question is whether the attached stamp complies with the provisions of the Act, or whether any additional wording should be placed thereon, such as the word "stamp".

Section 7(b) of Senate Bill No. 200, the last sentence of which reads as follows:

Dr. Geo. W. Cox, Page 2

"The State Health Officer is hereby authorized to prepare and cause to be printed, adhesive stamps which shall contain a replica of the seal of the State of Texas, the registering number of the person applying therefor, and such other matters as the State Health Officer shall direct."

The above sentence is the only mention made in the Act of the appearance of the required stamp. The sample stamp enclosed in your letter bears a seal of the State of Texas, together with the words "bedding revenue", and in the lower portion "The State Department of Health". The above quoted sentence required that the registry number of the person applying therefor shall appear on the stamp. In our opinion, that registry number must appear on the stamp before it is issued by your department. With that addition, we believe that the stamp suggested by you complies with the law. The law permits the State Health Officer to put other information on the stamp but it does not require him to do so.

Your second question relates to the numbering on stamps. You ask if it is necessary that the number appear on the stamp before its issuance by your department, must it be printed on the stamp or may it be placed thereon by a numbering machine or in handwriting.

Quoting again the last sentence of Section 7(b) the Legislature said the "State Health Officer is hereby authorized to prepare and cause to be printed, adhesive stamps which shall contain a replica of the seal of the State of Texas, the registering number of the person applying therefor\* \* \*"

We think it clearly the intention of the Legislature that numbers shall be on the stamps prior to the time they are issued by your office. Further, Section 7(a) of the Act says that no person shall sell, manufacture, renovate or have in his possession to sell bedding unless there be affixed an adhesive stamp prepared and issued by this department. This department refers to the State Health Department. It is understandable that failure to have the numbers on the stamps before they are issued by your office might lead to a gross abuse of the privilege of letting the purchaser number the stamp. We see no particular objection, if

Dr. Geo. W. Cox, Page 3

it be more economical for the administration of the Act to permit your department to place the numbers on the stamps by means of handwriting or by a numbering machine. And we believe it permissible for you to use that means of placing the numbers thereon.

Your third question is answered by reason of our answer to question number 2, in which we advise you that the register number must appear on the stamp prior to the time it is issued by your office.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*Morris Hodges*  
Morris Hodges  
Assistant

MH:ob



APPROVED JUL 31, 1939

*N. F. Moore*  
FIRST ASSISTANT  
ATTORNEY GENERAL