



**THE ATTORNEY GENERAL
OF TEXAS**

**GERALD C. MANN
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ATTORNEY GENERAL**

AUSTIN 11, TEXAS

Texas State Board of Pharmacy
Insurance Building
Dallas, Texas

Dear Sirs:

Opinion No. 0-3818

Re: Whether a manufacturer having
in his employ a physician is
entitled to a license although
a registered pharmacist is not
employed.

We are pleased to comply with your letter of July 25,
1941, which reads as follows:

"The Texas Board of Pharmacy has in the
past received many applications and requests
for permits from persons and firms desiring
to manufacture different kinds of drugs and
medicines but who do not have in their employ
a registered pharmacist, and instead have em-
ployed physicians, dentists, veterinarians,
and chiropradists.

"This letter is to ask your opinion on
whether or not, under the Texas Pharmacy Law,
a manufacturer, who does not have a registered
pharmacist in his employ, is entitled to a
license permitting him to mix or manufacture
drugs or medicines, although he may have in
his employ a physician, dentist, veterinarian,
or a chiropradist.

"Since we have refused to issue several
permits, awaiting your opinion, an early reply
will certainly be appreciated."

Section 8 of Article 4542a, Vernon's Annotated Civil
Statutes, after declaring certain acts unlawful pertaining to
the requirements for the registration of pharmacists, contains
the following language:

"* * * and provided further that nothing
contained in this Act shall be construed to pre-
vent the administration or compounding of drugs

and medicines carried or kept by licensed physicians, dentists, veterinarians and chiroprodists in order to supply the needs of their patients; * * * not to prevent licensed physicians, dentists, veterinarians and chiroprodists from compounding, manufacturing and selling any medicines of their own formula."

Section 17 of this Act then provides, as pertinent, as follows:

"**** and every manufacturer of drugs and medicines as defined herein, after the passage of this Act shall procure from the Board a permit for each store or factory to be operated by making within six (6) months application to the Board upon a form to be furnished by said Board, setting forth under oath ownership and location, and the name, with the certificate number, of the pharmacist registered in this State, or physician, dentist, veterinarian or chiroprodist who is to be continuously employed by the pharmacy or drug store or factory, * * *. The permit provided for herein shall be issued annually by the Board upon a receipt of proper application accompanied by a fee of Two Dollars (\$2); this permit to be displayed conspicuously at all times in the store or factory of original issue. * * * ." (Emphasis ours)

Under these provisions of the Pharmacy Law, the Board is required to issue a license to any person manufacturing drugs and medicines if a physician, dentist, veterinarian or chiroprodist is shown to be continuously employed by the manufacturer.

It is not required that a registered pharmacist be employed, the disjunctive "or physician, dentist, veterinarian or chiroprodist," demonstrating the legislative intent in this respect.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/Zollie C. Steakley
Zollie C. Steakley
Assistant

ZCS:RS:wc

APPROVED AUG 7, 1941
s/Grover Sellers
FIRST ASSISTANT
ATTORNEY GENERAL

Approved Opinion Committee By REK Chairman