

**Opinion No. 46-4954**

September 23, 1946

**BY:** C. C. McCULLOH, By ROBERT V. WOLLARD,

**TO:** Mr. Troy Caviness, Secy-Treas. N. M. Board of Pharmacy Loving, New Mexico

{\*275} We wish to acknowledge receipt of your letter bearing date of September 20, 1946, wherein inquiry is made as to whether or not it is possible for the Board of Pharmacy to prorate the license fee for a permit to operate a drugstore.

Sections 2 and 3 of Chapter 84, 1945 Laws of New Mexico, provide that:

"Every application for a permit shall be accompanied by a fee to be fixed by the board of pharmacy of the State of New Mexico. \* \* \*"

"Permits or licenses issued under this section shall not be transferable and shall expire on December 31 of each calendar year. \* \* \*"

Although the Legislature sometimes provides for the proration of license fees, no such provision was provided in the aforementioned statute.

{\*276} It is therefore my opinion that a party desiring to operate a drugstore, pharmacy, etc., and who commences business anytime during the year, must pay the full fee in view of the fact no provision was made for the proration of same.

Trusting this satisfies your inquiry, I am

Asst. Atty. General