

Opinion No. 48-5125

January 23, 1948

BY: C. C. McCULLOH, Attorney General

TO: Mr. C. R. Sebastian State Comptroller Santa Fe, New Mexico

{*127} This will acknowledge receipt of your letter of January 21, 1948 in which you request the opinion of this office as to whether it should be permissible for the State Board of Pharmacy to lease office space for a laboratory at the University of New Mexico buildings for the purpose of conducting board examinations.

Section 51-903 provides that the Board of Pharmacy shall have such powers as might be necessary to properly fulfill their duties under the act.

Section 51-908 provides that the Board shall give examinations at such time and place and in such manner as the Board may determine.

In view of the fact that a laboratory would seem reasonably necessary for the purpose of carrying out the provisions of the act, I am of the opinion that the State Board of Pharmacy does have authority to lease office space for a laboratory in the University of New Mexico for the purpose of conducting Board examinations.

{*128} I might suggest that before the Board proceed to lease the building they should by resolution determine that this is necessary for a proper enforcement of the act. Whether or not the Board may later allow the University to use the office space when the Board is not using same is a matter within the discretion of the Board.

By WM. R. FEDERICI,

Asst. Atty. General