

Opinion No. 51-5464

December 14, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: F. A. Vigil, Secretary New Mexico Board of Pharmacy Bishop Building Santa Fe, New Mexico

{*174} This is in reply to your letters of October 29th and November 23, 1951. I shall answer your questions in the order in which you have given them in your letters.

You ask for an interpretation of the words "immediate supervision" as used in Sec. 51-902, New Mexico Statutes Annotated, 1941 Compilation. The word "immediate" is the controlling word in this sentence. {*175} Volume 20 of Words & Phrases, pages 82 and 83, gives the general meaning of the word "immediate" to be "directly related; nearest". Therefore, it is my opinion that the word "immediate" as used in Sec. 51-902, N.M.S.A., 1941 Comp., means directly under the supervision of a duly licensed druggist.

Your second question concerns the case against Mr. Seery of Belen, New Mexico, who is displaying his "Drugs Sundries" sign, and you inquire what the procedure should be in this instance. The District Attorney is charged with the prosecution of these cases under Section 51-1915, N.M.S.A., 1941 Compilation.

Your last question is in regard to the incorporation of Sections 71-615 to 71-622, inclusive, of N.M.S.A., 1941 Comp., in your new brochure of Pharmacy Laws. It is my opinion that these laws should be so incorporated.

Trusting this fully answers your inquiry, I am