

**Opinion No. 21-3194**

November 22, 1921

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Silver City Beer and Ice Company, Silver City, New Mexico.

**Beer May Not Be Imported for Medicinal Purposes.**

**OPINION**

{\*99} In reply to your letter of the 18th instant, asking if it would be legal for you to carry in stock beer for medicinal purposes, I wish to advise you as follows:

Under the prohibition amendment in the constitution of this state and the laws supplemental thereto, neither beer, whisky nor {\*100} wine may be imported into the state for any beverage purpose whatsoever, and it is my opinion that the regulations of the Internal Revenue department permitting the use of beer for medicinal purposes, cannot supersede the fundamental law and statutes of this state.

Therefore, I would say that beer can neither be imported nor sold in New Mexico for medicinal or any other purpose.

Newspaper reports indicate that the permissive use of beer for medicinal purposes will be prohibited without limitation within the next ten days. A law has been passed and is awaiting the signature of the President which will accomplish that purpose.