

**Opinion No. 41-3857**

August 7, 1941

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. H. E. Henry, Secretary New Mexico State Board of Pharmacy 1629 North 4th Street Albuquerque, New Mexico

{\*86} By your letter dated July 31, 1941, you have requested this office to advise as to whether or not the State Board of Pharmacy may waive annual license fees and/or renewal of license fee in cases of pharmacists now in the United States Army or Navy.

It is my opinion that the State Board of Pharmacy may waive its right to receive the annual license fee and/or renewal license fee as to pharmacists who are not "in the business of selling at retail, compounding or dispensing drugs, medicines or chemicals for medical use, or of compounding or dispensing physician's prescriptions as pharmacists in the State of New Mexico," because those pharmacists are in the armed forces of the United States.

In this connection I would like to point out that the Board of Bar Commissioners has passed a resolution exempting from the payment of Bar license fees enlisted men or selectees but commissioned officers were not included in this exemption.

By GEO. H. HUNKER, Jr.,

Asst. Atty. General