

**Opinion No. 44-4444**

January 25, 1944

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

**TO:** Mr. Troy Caviness, Secretary-Treasurer, New Mexico Board of Pharmacy, Loving, New Mexico

In your letter dated January 21, 1944 you inquire concerning the legality of a by-law for collecting all back fees in addition to the \$ 10.00 reinstatement fee as provided in Section 51-908 of the 1941 Compilation. The pertinent provisions of this Section are as follows:

"Said certificate must be renewed on or before the first day of May in each and every year, and the board of pharmacy is hereby authorized to demand and receive the sum of \$ 3.00 for every certificate or renewal issued under this Section. Anyone failing or refusing to pay said renewal fee within sixty days after the first day of May in each and every year shall have his certificate as a registered pharmacist revoked and shall not be reinstated except on a new application accompanied by a fee of \$ 10.00 payable to said board."

This statute contemplates the payment of a \$ 3.00 fee for the annual renewal in advance and in case the certificate is revoked for failure to pay said fee within sixty days from the first day of May a new application is required together with a fee of \$ 10.00. Under the language of this statute, I am of the opinion that the payment of \$ 10.00 is all that may legally be required for a new application subsequent to a revocation of a certificate for failure to pay the annual fee required by this statute and the board may not legally enforce a by-law requiring any additional amount besides the \$ 10.00.

In your second question you inquire whether there is any law that requires a drug store to give a copy of a prescription to a customer upon request for a copy by said customer. I know of no such legal requirement.

By C. C. McCULLOH,

First Asst. Atty. General