

1953 O. A. G.

OFFICIAL OPINION NO. 98

October 29, 1953.

Mr. Wilfrid J. Ullrich, Secy.,
Indiana Board of Pharmacy,
327 State House,
Indianapolis 4, Indiana.

Dear Mr. Ullrich:

I have your letter requesting my official opinion which reads as follows:

"The Indiana Board of Pharmacy requests your official opinion on qualifications required by an applicant to be eligible for examination for Indiana registered pharmacist's license.

"Sec. 3, Acts 1899, page 159 (As amended by Acts 1907, p. 317; Acts 1913, p. 296; Acts 1923, p. 101 and Acts 1929, p. 181; Burns' 1933, Sec. 63-1103 reads:

"Upon payment of such fee or fees as are hereinafter provided, said board shall grant and issue a license as registered pharmacist to any person not less than twenty-one years of age, or as registered assistant pharmacist to any person not less than eighteen years of age, as hereinafter provided, for one year, or the unexpired portion thereof, prior to the next regular dates of re-registration, upon producing evidence satisfactory to said board of the following qualifications, to wit: To be a registered pharmacist, he shall pass a satisfactory examination before said board and shall produce and file such evidence as is satisfactory to said board of having served four years in a store or pharmacy where physicians' prescriptions are compounded: Provided, that nothing in this act shall require any pharmacist now holding a license under the laws of the State of Indiana to register under this act, except that such pharmacist, upon the expiration of his present license, shall be required to re-register as provided by law. In the case of an applicant for license as a registered pharma-

cist, who is a graduate of a school of pharmacy of such standing and requirements as are satisfactory to the board of pharmacy, the actual time spent in attendance at such school shall be accepted as an equivalent for a term of service of equal length in a store or pharmacy where physicians' prescriptions are compounded * * *.'

"Sec. 1, Acts 1919, p. 95 provides:

"That on and after the first of July, 1923, no person shall be eligible to take the examination to become a registered pharmacist until such person shall have produced and filed such evidence as is satisfactory to the Indiana Board of Pharmacy that he is a graduate of an accredited high school or has an equivalent in education and that he has graduated from a school of pharmacy in good standing, as herein provided. (As amended by Acts 1923, p. 106; Burns' 1933, Sec. 63-1105).'

"Sec. 2, Acts 1919, p. 95 provides:

"A school of pharmacy in good standing as provided for in this act is hereby defined as a school of pharmacy which meets and complies with the requirements as prescribed by the Indiana Board of Pharmacy. The board of pharmacy shall prescribe and promulgate such requirements for the recognition of schools of pharmacy as the board may deem necessary and just, and the requirements so promulgated shall be subject to changes as may be made from time to time by the board, and as the board may deem necessary and proper. The requirements as promulgated by the board shall include the provisions outlined by the National Syllabus for courses of instruction, equipment and professional staff. (As amended by Acts 1923, p. 106; Burns' 1933, Sec. 63-1106.)'

"RULES AND REGULATIONS:

"Regulation 5, Sec. 2 provides:

“On and after the beginning of the school year 1925-26 the board of pharmacy shall recognize a school or college of pharmacy to be in good standing if such school or college of pharmacy requires the completion of a three (3) year course of instruction for graduation; and on and after the beginning of the school year 1932-33 the board of pharmacy shall recognize a school or college of pharmacy to be in good standing if such school or college of pharmacy requires completion of a four (4) year course of instruction for graduation, and whose course of instruction and equipment and professional staff complies with the statutes of the state of Indiana.’

“The QUESTION:

“Would an applicant for examination for Indiana registered pharmacist's license who graduated from a 2 year course in Pharmacy on June 15, 1917 with a Ph.C. degree in Pharmacy, but had never taken the examination for Indiana registered pharmacist's license, now be eligible for examination for Indiana registered pharmacist's license without completing a 4 year course of instruction for graduation, provided he held all other qualifications required?”

Burns' 63-1105, to which you refer, provides that no person shall be eligible to take the examination to become a registered pharmacist until he has satisfied the board that he is a graduate of a school of pharmacy in good standing. The following section described a school of pharmacy in good standing as one which complies with the requirements prescribed by your board. Rule number 5 of your board, to which you refer, provides that after the school year 1932-33 the board shall recognize a school to be in good standing if the school requires the completion of a four year course of instruction for graduation. The proposed applicant to whom you refer was graduated from a two year course in pharmacy on June 15, 1917. The applicant apparently is applying to take the next examination offered by your board which is to be held on November 2, 3 and 4, 1953.

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In case of ambiguity in statutes, there are certain rules of construction to which a court resorts in arriving at the intention of the legislature, but such rules have no application to a statute that is free from ambiguity.

Tucker v. Muesing (1942), 219 Ind. 527, 39 N. E. (2d) 738;

Leach v. City of Evansville (1937), 211 Ind. 444, 7 N. E. (2d) 207.

Where the language of a statute is clear and plain, the courts have no power to resort to construction for the purpose of limiting or extending its operation.

Taelman v. Board of Finance (1937), 212 Ind. 26, 6 N. E. (2d) 557.

According to the plain words of the statutes, and the rule of your board, it is my opinion that the applicant to whom you refer would not be eligible to take the examination for a registered pharmacist license at the present time without completing a four year course of instruction.

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Mr. Wilfrid J. Ullrich, Secretary,
Indiana Board of Pharmacy,
327 State House,
Indianapolis, Indiana.

Dear Mr. Ullrich:

I have your letter requesting my opinion which reads as follows:

“The Indiana Board of Pharmacy hereby requests an official opinion on the Statutes governing reciprocity:

“Sec. 3, Acts 1899 provides:

“* * * Said board may, in its discretion, grant and issue a license as registered pharma-