

OFFICIAL OPINION NO. 100

September 12, 1945.

Hon. Carl A. Frech, D. D. S.,
Secretary, Indiana State Board of Dental Examiners,
Gary National Bank Building,
Gary, Indiana.

Dear Sir:

Your letter of September 5, 1945, received in which you request an opinion as to whether or not an out of State dentist who has recently been released from active duty with the United States Public Health Service, and who has recently been appointed in charge of the dental education and service program for Indiana of the United States Public Health Service, is within the exemption contained in the Indiana Dental Law as to licensure in Indiana, when such services to be performed by him are solely of an administrative nature.

Section 63-521 Burns' 1943 Supplement, same being Section 19, Chapter 138, Acts 1913 as last amended by Section 10, Chapter 190, Acts 1935, provides in part as follows:

"This act shall not apply to any commissioned officer of the regular United States army, navy, marine, public health or veteran's bureau service in the discharge of his official duties; * * *"

In an official opinion of this office found in 1943 Indiana O. A. G., at page 192 it was held officers of the United States Public Health Service who were attached to and assisting the Indiana State Board of Health were exempt from the provisions of the Indiana Medical Practice Act, under a provision similar to the exemption clause of the Indiana Dental Act. On page 194 of the opinion is found the following statement:

"It is my opinion, therefore, that the exemption provision of the Indiana Statute applies to the members of the United States Public Health Service, and they are not required to comply with the licensing features of the Statute."

I am therefore of the opinion such director of such dental education and service program for the United States Public

Health Service is within the exemption and is not amenable to the licensing requirements of the Indiana Dental Act, so long as his acts are limited to the discharge of his official duties.

OFFICIAL OPINION NO. 101

September 12, 1945.

Hon. Lawrence C. Heustis, Secretary,
Indiana Board of Pharmacy,
307 State House,
Indianapolis 4, Indiana.

Dear Sir:

Your letter of September 6, 1945, has been received in which you request an official opinion as to whether or not the Indiana Board of Pharmacy can confine the sale of liquid or powder preparations which contain D. D. T. to licensed drug outlets under the supervision of a registered pharmacist.

Section 63-1114 Burns' 1933, same being Section 8, Chapter 108, Acts 1899, as amended by Section 6, Chapter 188, Acts of 1907, provides as follows:

"On and after July 1, 1899, it shall be unlawful for any person to conduct a store or pharmacy in which is sold at retail, or to sell at retail, any chemical, drug or medicine which is poisonous, or which contains a poison, or to compound for sale at retail any physician's prescription, unless there be in charge a registered pharmacist under the provisions of this act: Provided, however, That a registered assistant pharmacist may be left in charge during the temporary absence of the registered pharmacist, which temporary absence shall be construed in conformity with the ruling of the board of pharmacy: And provided, That nothing in this act shall apply to, nor in any manner interfere with, the business of a regularly licensed physician in compounding for and supplying his patients with such medicines as may seem to him proper in his professional capacity as a physician: *And provided, That nothing in this act shall apply to,*