

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,*

nor in any manner interfere with, the business of a general merchant in selling any of the following articles, to wit: Medicines of secret composition, and which are advertised to the general public, and popularly known as Patent or Proprietary Medicines, providing said medicines are not poisonous. Also concentrated lye, sodium carbonate, sodium bicarbonate, tobacco, spices, perfumes, flavoring extracts, borax and the following articles in original and unbroken packages, bearing the label of a known pharmaceutical manufacturer, wholesale druggist, or of a registered pharmacist, to wit: Paregoric, hive syrup, spirit of camphor, tincture of arnica, epsom salt, quinine sulphate, compound cathartic pills, paris green, london purple, white hellebore and such insecticides, disinfectants, dyestuffs and other chemicals as may be allowed by the board of pharmacy." (Our emphasis.)

The above statute is specific in authorizing the Indiana Board of Pharmacy to regulate the sale of poisonous insecticides, disinfectants and other chemicals by restricting the sale thereof at retail to a store or pharmacy in charge of a registered pharmacist, or a registered assistant pharmacist serving during the temporary absence of the registered pharmacist. Therefore the Board would have the authority by duly enacted rule and regulation to so restrict the sale of D. D. T. in the State of Indiana.

OFFICIAL OPINION NO. 102

September 13, 1945.

Brig.-Gen. Elmer W. Sherwood, ISG,
The Adjutant General,
State of Indiana,
State House,
Indianapolis 4, Indiana.

My dear General:

Your letter of July 20, 1945, received in which you request an official opinion as to whether or not members of the Indiana