PURDUE UNIVERSITY: Power of State Chemist to prescribe regulation regarding tags on commercial feeding stuff.

January 5, 1938.

Mr. H. H. Kraybill,
State Chemist and Seed Commissioner,
Purdue University Agricultural Experiment Station,
Lafayette, Indiana.

Dear Sir:

I have your letter of January 4, 1938, requesting an opinion as to whether or not the State Chemist at the Indiana Agricultural Experiment Station, Purdue University, has lawful authority to make and put into effect the following rule and regulation:

"Effective January 1, 1939 during the month of January only of each year, the State Chemist will exchange, for new tags, all unused feeding stuffs tags issued during the preceding calendar year; provided, the registrant pays for the cost of printing and handling charges of the tags returned to the State Chemist."

An official opinion from this office on January 26, 1937, advised that the State Chemist had no such authority as of that date. However, since that date, to wit, on March 9, 1937, the Indiana General Assembly, by chapter 144 of the Acts of 1937, approved an amendment to existing Acts by adding the following:

"Provided, further, that the State Chemist may, at his discretion, exchange, under reasonable conditions and circumstances, unused tags for new tags."

Section 9 of the Acts of 1907 provides as follows:

"The State Chemist is hereby empowered to prescribe and enforce such rules and regulations relating to concentrated commercial feeding stuff as he may deem necessary to carry into effect the full intent and meaning of this Act, * * *"

It is my opinion that lawful authority now is given to make and put into effect the proposed rule and regulation.