



Section 4483 further provides for certain monthly reports to be made by the holders of permits.

Section 4485 R. S. Mo. 1929, provides as follows:

"It shall be unlawful for any physician, or pretended physician, in the state of Missouri, to make or issue any prescription to any person for ethyl alcohol or wine in any quantity, or for any compound of which such liquors shall form a part without a permit therefor secured as herein provided.\*\*\* Applicants shall pay the county clerk for each permit issued as above set out, the sum of two dollars (\$2.00).\*\*\*"

Section 4486 R. S. Mo. 1929, provides as follows:

"That nothing in this chapter contained shall be so construed as to prevent or prohibit any reputable licensed physician, having authority or permit to prescribe ethyl alcohol, or wine, from prescribing, in lieu thereof, any intoxicating liquor susceptible of use as a beverage, or to prevent or prohibit any druggist from possessing such intoxicating liquors and in all such cases the physician writing such prescription, the person for whom such prescription is written, and the druggist filling same, shall be subject to the same rules, and regulations, and to the same penalties and restrictions as provided in this chapter for the prescription and sale of ethyl alcohol or wine.\*\*\*\*\*"

House Bill No. 664, as passed by the 57th General Assembly, specifically repeals Section 4485 and 4486 R. S. Mo. 1929, and provides for two new sections in lieu thereof as follows:

"Section 4485. It shall be lawful for any reputable physician licensed to practice medicine and surgery in this state to prescribe any distilled, spirituous, vinous, fermented or alcoholic liquor in such quantities and with such frequency and dosage as in his judgment the needs of his patient may require.

Section 4486. It shall be lawful for any registered pharmacist engaged in the retail drug business or employed as a pharmacist in any retail drug store in this state to fill any prescription of any reputable physician licensed to practice medicine and surgery in this state, prescribing for the person named in such prescription any distilled, spirituous, vinous, fermented or other alcoholic liquor."

Therefore it is the opinion of this department that physicians are not required to obtain permits from the county court in order to prescribe any distilled, spirituous, vinous, fermented or other alcoholic liquor in such quantities and with such frequency and dosage as in his judgment the needs of his patient may require, since Section 4485 R. S. Mo. 1929, has been repealed by House Bill No. 664. A druggist under House Bill No. 664, is not required to have a permit from the county court in order to fill any prescriptions of any reputable physicians licensed to practice medicine and surgery in this State, nor are any reports required to be filed by said druggist in the county court.

However, Section 4483 R. S. Mo. 1929, was not repealed by House Bill No. 664, and it is unlawful for any person

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firm, association, or corporation to manufacture or sell ethyl alcohol or wine within the state of Missouri for non-beverage purposes without a permit therefor as provided by said section of the statute.

Yours very truly,

JOHN W. HOFFMAN, JR.,  
Assistant Attorney General.

APPROVED:

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ROY MCKITTRICK  
Attorney General.

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