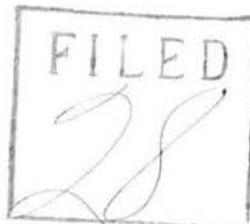


PHYSICIANS - May also be druggists and fill own prescriptions.

5-26
May 23d, 1934.



Honorable James J. Ferns
Medical Licensure
State Board of Health
Jefferson City, Mo.

Dear Sir:

We have your request of April 17, 1934 for an opinion, which request is as follows:

"We have received a letter from a druggist asking for information as to whether or not an M. D. who owns a drug store can write prescriptions and fill them himself."

We find no statutory provision prohibiting a licensed M. D. from operating a drug store and filling his own prescriptions. In fact, we find ample authority approving such practice. Section 13140, Revised Statutes of Missouri, 1929, relating to druggists and pharmacists, in part provides:

"Provided, however, that nothing in this section shall be construed to interfere with any legally registered practitioner of medicine or dentistry in the compounding or dispensing of his own prescriptions, **"

Again, in Section 13161, Revised Statutes of Missouri, 1929, the Legislature clearly recognized the right of a practitioner of medicine to own and operate a drug store, when it used this language:

#2 - Honorable James J. Ferns

"Any physician doing business as a pharmacist or druggist, and owning or operating a drug store or pharmacy,** "

The right of a physician to also be a druggist is recognized in State v. Willis (1907), 128 Mo. App, 214 by the following language, l.c. 216:

"A regular, registered and practicing physician may at the same time be the proprietor of a drugstore and a registered pharmacist, and may fill, from his stock of drugs, a prescription calling for intoxicating liquors and such poisonous drugs, including cocaine, as can only be sold on prescription. (State v. Carnahan, 63 Mo. App. 244; State v. Pollard, 72 Mo. App. 230.) He cannot sell these articles and afterwards fill out a prescription to cover the sale. (State v. Hensley, 94 Mo. App. 156, 67 S. W. 964.)"

It is, therefore, the opinion of this office that an M. D. may also own and operate a drug store and fill his own prescriptions.

Yours very truly,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

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