

NARCOTICS:
STATE BOARD OF HEALTH:

A physician administering and dispensing narcotic drugs shall keep a record as is required by the the Federal Narcotic Law, otherwise such physician violates state law.

April 20, 1938.



Mr. J. B. Greeson,
District Supervisor,
Bureau of Narcotics,
611 Mutual Building,
Kansas City, Missouri.

Dear Sir:

This is to acknowledge receipt of your request for an opinion reading in part as follows:

"* * *advise whether it is permissible for a practitioner licensed under the state laws, who is not registered under the Federal narcotic laws but who is employed by an institution such as a hospital, to dispense or administer narcotic drugs from the institution's supply of narcotics to patients of such institution, provided the institution by which he is employed is duly registered under the Federal Narcotic Laws."

At the outset may we inform you that the Missouri Narcotic Law makes no reference to the licensing of anyone other than a manufacturer or wholesaler of narcotic drugs. (Secs. 3 and 4, Laws of Missouri, 1937, p. 347.)

Therefore, a physician or practitioner, as you have suggested, cannot be licensed under this Act, as the Act only licenses a manufacturer or wholesaler of narcotic drugs. This is equally true as respects the registration or licensing of a hospital.

A detailed examination of the Act as a whole clearly indicates, with respect to records, that if the records required to be kept regarding dispensing and administering of narcotics comply with the Federal Narcotic Laws, such compliance will be deemed a sufficient compliance with the Act. (Secs. 9 and 5, Laws of Missouri, 1937, supra).

It is provided in part by Sec. 9, supra, that

"Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients. Provided, that no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours, (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

THE KEEPING OF A RECORD Required by or under the Federal Narcotic Laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft."

It is clear from the above statute that, if the record required contains substantially the same information as is required under the Federal Narcotic Laws, this section of the statute would be complied with. Where the statute is plain and unambiguous as here, . no room for interpretation exists. *Cummins v. Kansas City Public Service Company*, 66 S.W. (2d) 920.

CONCLUSION.

In view of the above, it is our opinion that if a physician is employed by an institution, such as a hospital, which is duly registered under the Federal Narcotic Laws, and such physician administers or dispenses narcotic drugs and keeps a record of such drugs in the method and in the manner as required by the Federal Narcotic Laws, such physician complies with the provisions of Sec. 9, Laws of Missouri, 1937, p. 334. 344

Respectfully submitted,

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APPROVED:

J. E. TAYLOR
(Acting) Attorney General.

RCS/LD