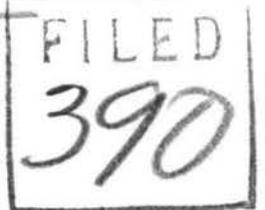


September 30, 1963

Opinion No. 390
Answered by Letter

Honorable Maurice Schechter
Senator, Thirteenth District
Senate Post Office
Capitol Building
Jefferson City, Missouri



Dear Senator:

This will acknowledge your letter of inquiry dated September 23, 1963, concerning the effect of Senate Bill 309 upon our narcotic drug laws.

You will recall the letter of February 21, 1963, from my Assistant, Mr. Albert J. Stephan, Jr., in response to your request for advice upon how to accomplish the desired change, subject of your present inquiry.

I, as well as other members of my staff, have reviewed this matter and concur in Mr. Stephan's opinion.

In other words, the sale of preparations containing codeine in quantities of more than two grains in any forty-eight hour period to any one person could only be effected through a change in Section 195.080, RSMo 1959. Senate Bill 309, as passed, does not do this.

Subsection 3 of Section 195.080, RSMo 1959, states that the section shall not be construed to limit the sale, etc., of narcotics sold in compliance with the general provisions of the narcotics law. The general provisions of the law contain no language which would increase the exception contained in Section 195.080.2(1). Senate Bill 309 refers only to the keeping of records and cannot be construed to

Honorable Maurice Schechter -2-

change the subject limitations.

Since Section 195.080 was neither repealed nor amended,
as suggested by Mr. Stephan, it still controls.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

HLM:kld