



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

GERALD C. MANN

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ATTORNEY GENERAL

Honorable R. L. Wilson, President
Texas State Board of Pharmacy
Huntsville, Texas

Opinion No. O-4714
Re: Traveling expense to meeting
of Boards of Pharmacy of the several
States.

Dear Sir:

Your letter of recent date requests the opinion of this Department on the question whether a member of your Board may attend a meeting of the Boards of Pharmacy of the several States at Denver and have his expenses paid by the State of Texas out of the funds collected by your Board.

Vernon's Revised Civil Statutes, Article 4542a, creates and prescribes the powers, duties and privileges of the State Board of Pharmacy. Section 3 of that act provides in part as follows: ".....in addition to said per diem each member shall receive expenses incurred while actually engaged in the performance of the duties of the Board."

Neither of your letters gives us sufficient information regarding the business to be transacted at the meeting of the State Boards in Denver to enable us to determine whether, in making such trip, your Board member will be "actually engaged in the performance of the duties of the Board." The duties of your Board are defined by the statute; your Board has no other powers or duties in addition to those expressly prescribed by law; save those incidental powers necessarily implied in order that your Board may discharge its express duties. The powers and duties of your Board do not extend to the promotion and protection of the public health generally; your authority concerns the public health only in the respect that you are charged with the duty of fixing the standards for registration of pharmacists and with the duty of seeing that all laws pertaining to pharmacy are enforced.

In the absence of more detailed information, we can give you only a general answer to your question:

If the business to be transacted at the Denver meeting is such that attendance upon that meeting is reasonably necessary to enable your Board efficiently to discharge its statutory duties, the traveling expenses

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of a Board member incurred in attendance thereon may be paid under the provision of the statute above quoted; otherwise they may not be paid.

Yours very truly

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By /s/ R. W. Fairchild
Richard W. Fairchild
Assistant

RWF:nw:lm

APPROVED JUL 31, 1942

/s/ Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

APPROVED
OPINION
COMMITTEE
BY /s/ BWB
CHAIRMAN