

Gopher Poison—Formaldehyde—Sale Of—County Agent.

In accordance with Chapter 96, Session Laws of 1917, the Board of County Commissioners may authorize a County Agent to dispose of gopher poison, and such may be done without infringing upon rights of registered pharmacists.

March 28th, 1919.

Mr. Fred C. Gabriel,
County Attorney
Malta, Montana.

Dear Sir:

I am in receipt of your letter of recent date in which you request my opinion as to whether or not a County Agent may sell formaldehyde and gopher poison without being a registered pharmacist.

Section 5 of Chapter 96 of the Session Laws of Montana of 1917 reads as follows:

“The Board of County Commissioners of any county may, from time to time, purchase such quantities and amounts of poison as the board may deem proper, and may furnish such

poison to any person or persons appointed in accordance with the provisions of Section 1 of this Act to exterminate gophers, and may furnish such poison to other persons desiring to use the same for the extermination of gophers at the actual cost thereof. * * *

Section 12, Chapter 134, Session Laws of 1915, provides:

“* * * Provided that nothing in this Act shall interfere with the keeping, distributing or handling of drugs, acids or poisons by merchants or corporations, for use in their business when kept in original and plainly labeled packages. * * *

Section 1633 of the Revised Codes of 1907 provides:

“* * * Provided, that nothing in this Act shall interfere with the business of those merchants who keep on sale such poisons, acids, and chemicals as are regularly used in agriculture, mining and the arts, when kept and sold for such purposes only, in sealed and plainly labeled packages; * * *

You are advised that if the Board of County Commissioners designate or appoints the County Agent or other person or persons to distribute or dispose of poisons to other persons desiring to use the same, for the purpose of exterminating gophers, in accordance with Chapter 96, Session Laws of 1917, such distribution or disposal may be done thru the Board of County Commissioners without infringing upon the rights of registered pharmacists.

Respectfully,

S. C. FORD,

Attorney General.