

1973 WL 26897 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 24, 1973

**\*1 re: Prescription of drugs**

Dr. M. J. Short  
Medical Director  
Marshall J. Pickens Hospital  
Post Office Box 2758  
Greenville, South Carolina 29602

Dear Dr. Short:

You have inquired as to the division and overlap of authority between physicians and pharmacists regarding the prescription of drugs.

Section 56-1334, S. C. Code of Laws (1962), provides in part:

Any person shall be regarded as practicing medicine . . . who . . . shall diagnose, cure, relieve in any degree or profess or attempt to diagnose, cure or relieve any human disease, ailment, defect, abnormality or complaint . . . by prescribing . . . any drug . . .

Consequently, under the Medical Practice Act, to prescribe drugs as aforesaid a person would ordinarily have to be a licensed physician. Nevertheless, Section 56-1355, S. C. Code of Laws, as amended, specifically exempts from the Medical Practice Act the selling, using and dispensing of drugs by licensed pharmacists while in their places of business. The dispensing of drugs by pharmacists is regulated instead by the Pharmacists Act, Sections 56-1301 to 56-1334.7, S. C. Code of Laws, as amended.

Under the Pharmacists Act, Section 56-1313 (copy enclosed) prohibits any person 'to sell, give away, barter, exchange, distribute or possess' a substantial list of drugs and compounds, except on a prescription of a duly licensed physician, medical or osteopathic, dentist or veterinarian. Consequently, a pharmacist may not lawfully prescribe those drugs and compounds listed in Section 56-1313, and can dispense them only at the direction of a licensed physician (or dentist or veterinarian when appropriate.)

I am taking the liberty to forward your letter, together with the reply, to the Board of Medical Examiners for any comments they may wish to make.

Very truly yours,

John B. Grimball  
Assistant Attorney General

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