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ARIZONA ATTORNEY GENERAL

March 5, 1952
No. 52-58

Arizona State Board of Optometry
144 East Glendale Avenue
Glendale, Arizona

Attention: John E. Fahrendorf, O.D.
Secretary-Treasurer

Gentlemen:

This is a belated reply to your letter of January 18, 1952, wherein you ask the following question:

"Is it legal for a man in the Armed Forces, stationed on a military base, to examine and prescribe for the correction of vision of a civilian employee working on the base but living off of the base and the civilian employee taking the prescription to an Optical Company off of the base for filling and delivery of the glasses. Also, can the Optical Company legally fill the prescription?"

The First Regular Session of the Twentieth Legislature in 1951, by Chapter 96, Session Laws of 1951, ceded to the Federal Government all military reservations and gave to the Federal Government exclusive jurisdiction over any and all such military bases. It appears to us that this individual who is in the armed forces could examine people and prescribe for their eye troubles without the State of Arizona being able to punish him for such actions so long as he works on the military reservation; but if his office was off the military zone or land that had actually been purchased, leased or otherwise come under the control of the Federal government, then he would be in violation of the state law even though he was a member of the armed forces.

We fail to find any law prohibiting an optical company from filling a prescription regardless of the source of the prescription.

Very truly yours,

FRED O. WILSON
Attorney General

CHAS. ROGERS
Assistant Attorney General

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