



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 25, 2026

Susan McCoy
Executive Director, Mississippi Board of Pharmacy
6311 Ridgewood Road, Suite E 401
Jackson, Mississippi 39211

Re: Mississippi Board of Pharmacy

Dear Ms. McCoy:

The Office of the Attorney General has received your request for an official opinion.

Background

According to your request, the Board of Pharmacy is the only entity that has a list of every pharmacist holding a valid Mississippi license and their contact information. This information is collected during the license application process.

Questions Presented

1. Does Mississippi Code Annotated Section 73-21-75(3) allow the Board of Pharmacy to provide the Mississippi Pharmacists Association (“Association”) with the contact information of licensed Mississippi pharmacists, or would it be prohibited by Section 73-52-1, which provides that license applications are exempt from the Public Records Act?
2. Section 73-21-77(5) requires “[a] majority of the members of the board shall constitute a quorum for the conduct of the meetings and all actions shall be by a majority.” Is the total number of votes needed for the Board of Pharmacy to take action a majority of the total number of board members or a majority of the members present at a given meeting?

Brief Response

1. Given that the Association is tasked with recommending potential board members, who must meet certain licensure requirements, and with providing ballots to licensed Mississippi pharmacists if an election is required, Section 73-21-75 necessarily requires the Board of Pharmacy, the licensing entity, to provide license and contact information to the Association. Section 73-52-1(1) does not prohibit the Board of Pharmacy from providing the Association with the contact

information of licensed Mississippi pharmacists for the purpose of fulfilling its statutory duties under Section 73-21-75.

2. A majority of the quorum present at a given meeting is all that is required for the Board of Pharmacy to adopt an action.

Applicable Law and Discussion

The Board of Pharmacy is the licensing entity for pharmacists in Mississippi. Miss. Code Ann. § 73-21-83. Section 73-21-75 establishes the composition of the Board of Pharmacy and requires that each board member “[b]e a pharmacist licensed and in good standing to practice pharmacy in the State of Mississippi and have actively engaged in the practice of pharmacy in Mississippi for a period of at least five years.” The Governor appoints each member from a list of five names submitted by the Association with input from additional pharmacist associations and societies. *Id.* This section further provides that “[i]f an election is required to narrow the number of potential candidates for nominations to the board, the Mississippi Pharmacists Association shall provide a ballot to each pharmacist holding a valid Mississippi license.” *Id.* at (3).

With respect to public records, Section 73-52-1(1) provides: “Applications for licensure in the possession of a public body, as defined by paragraph (a) of Section 25-61-3, except that which may be released to the person who made the application or with the prior written consent of the person who made the application, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.” You ask whether this section prohibits the Board of Pharmacy from providing the Association with a list of licensed pharmacists and their contact information. It does not. Section 73-52-1(1) only exempts licensure applications from the provisions of the Public Records Act, which is not implicated in your factual scenario. Here, the contact information is not being provided by the Board of Pharmacy to the Association in response to a public records request. Rather, it is being provided so that the Board of Pharmacy may have properly appointed and qualified board members and so the Pharmacy Association may fulfill its statutory duties.

Given that the Association is tasked with recommending potential board members, who must meet certain licensure requirements, and with providing ballots to licensed Mississippi pharmacists if an election is required, Section 73-21-75 necessarily requires the Board of Pharmacy, the licensing entity, to provide license and contact information to the Association. Accordingly, it is the opinion of this office that Section 73-52-1(1) does not prohibit the Board of Pharmacy from providing the Association with the contact information of licensed Mississippi pharmacists for the purpose of fulfilling its statutory duties under Section 73-21-75.

Your second question asks about the number of votes required for the Board of Pharmacy to adopt an action. According to Section 73-21-77(5): “A majority of the members of the board shall constitute a quorum for the conduct of the meeting and all actions of the board shall be by a majority.” As you note, the statute does not specify whether the ‘majority’ required to adopt a measure must be a majority of the total number of appointed board members or a majority of the quorum present at a meeting. “[U]nder common law a majority of a quorum is all that is required to adopt a measure[,] and members present but not voting are deemed to have voted with the majority in absence of a different statutory or constitutional requirement.” MS AG Op., *Young* at

*1 (Oct. 14, 1980) (citing *Ezell v. City of Pascagoula*, 240 So. 2d 700 (Miss. 1970)). Accordingly, it is the opinion of this office that a majority of the quorum present at a given meeting is all that is required for the Board of Pharmacy to adopt an action. The Board of Pharmacy consists of seven appointed members. Miss. Code Ann. § 73-21-75(1). Thus, four or more members must be present for the Board of Pharmacy to hold a proper meeting. If four or five members are present, three votes are required to adopt a motion. If six or seven members are present, four votes are required to adopt a motion.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Beebe Garrard*

Beebe Garrard
Special Assistant Attorney General

OFFICIAL OPINION