

**Opinion No. 50-5320**

September 13, 1950

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Dr. James R. Scott, Director State Department of Public Health Santa Fe, New Mexico

{\*181} You have requested an opinion regarding what authority you have to make rules and regulations for the handling and using of parathion, an insecticide which is poisonous if not properly handled or used.

Under § 71-103 of the 1941 Compilation your department has the power to adopt rules and regulations and, under § 71-104, your department is responsible for the administration of the public health activities of the state, and subsection 2 of § 71-104 reads as follows:

"(2) Investigate, control and abate the causes of diseases, especially epidemics, sources of mortality and effects of localities, employment and other conditions of public health."

Sub-section 7 of § 71-104 reads as follows:

"(7) Abate nuisances endangering the public health."

Sub-section 14 of § 71-104 reads as follows:

"(14) Disseminate information on public health matters."

Under the three above quoted sub-sections of § 71-104 you have the power to investigate, control and abate the causes of diseases, abate nuisances endangering the public health, and disseminate information on public health matters.

Since parathion is a poisonous insecticide the public should be fully informed and take the proper precautions for handling and using same.

I also believe that the manual which you enclosed should be distributed among the users and handlers of parathion.

In view of the hereinabove quoted statutes it is my opinion that your department has the authority to pass rules and regulations as to the proper use and handling of parathion.