

## Opinion No. 51-5405

August 23, 1951

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

**TO:** Hon. Peter M. Gonzales State Representative 902 National Ave. Las Vegas, New Mexico

{\*107} In reply to your letter of August 21, 1951, in which you request an opinion as to our interpretation of that portion of Senate Bill No. 145, which is to be Chap. 212, 1951 New Mexico Session Laws, which requires the payment of a \$ 10.00 fee to the Health Department to operate in the State of New Mexico.

On the first page of the Act, under sub-heading "A" of Section 1, the term "restaurant" is given the following definition:

"The term 'restaurant' shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, bakeries, meat markets (either exclusively or in conjunction with grocery stores) and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere."

You will note that meat markets are included in this definition. The object in passing this bill was for regulating food establishments and prescribing methods of sanitation providing for cleanliness of employees, prohibiting the sale of adulterated, unwholesome or misbranded food or drink providing for regulation, inspection, and enforcement, and prescribing penalties for violation.

Section 2 of the Act, under heading "Permits," makes it mandatory upon any person who operates a restaurant in the State of New Mexico, and who does not possess an unrevoked permit authorized by the Health Department, to obtain this permit, otherwise the operation of the restaurant is unlawful.

Therefore, your constituents who operate meat markets, either separately or in conjunction with grocery stores, must pay this \$ 10 fee to continue operation.