

Opinion No. 57-159

July 9, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Fred M. Calkins, Jr.,
Assistant Attorney General

TO: Inice Hust, Clerk of Lincoln County, Carrizozo, New Mexico

QUESTIONS

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Would it be proper for a County Clerk to issue a photostatic copy of a birth or death certificate upon request?

CONCLUSION

No.

OPINION

ANALYSIS

Article 4 of Chapter 12, relating to Public Health and Safety, places the duty of recording and issuing vital statistics upon the Department of Public Health. By § 12-4-9, N.M.S.A., 1953 Compilation, the State Board of Health is authorized and directed to make any rules and regulations necessary to carry out the provisions of the act. In addition to the above, § 12-4-5, N.M.S.A., 1953 Compilation, restricts the public inspection of birth and death statistics, unless approved by the Board of Health, to prevent the wrongful or improper use of the information contained therein.

From the above, it is the opinion of this office that the recording and issuance of birth and death certificates, and copies thereof either certified or uncertified, by statute is placed under the exclusive care and custody of the Department of Public Health. To allow photostatic copies of birth or death certificates to be issued by a County Clerk could conceivably allow the wrongful and improper use of the information contained in the certificates. Accordingly, it is our opinion that it would not be proper for a County Clerk to issue a photostatic copy of a birth or death certificate.