

Opinion No. 17-1966

April 5, 1917

BY: GEORGE C. TAYLOR, Assistant Attorney General

TO: Hon. Ernst Ruth, Chairman, Board of Trustees of Miners' Hospital, Raton, New Mexico.

State Institutions May Prohibit Liquor to Inmates.

OPINION

Governor Lindsey has referred to me for attention your letter of March 29, in which you state that the inmates of the Miners' Hospital are in the habit of getting intoxicated at Raton and creating a disturbance on their return to the institution, and asking what steps can be taken to prevent the selling or delivery of liquor to the inmates.

In reply, your attention is directed to Section 5110 of the New Mexico Code of 1915, reading as follows:

"5110. Boards of trustees -- Duties and powers.

"Sec. 93. The board of each of said institutions (including Miners' Hospital) shall have power, and it shall be their duty, to pass and enforce by-laws, rules and regulations for the government of such institutions, for the proper carrying out of their several objects, not in conflict with the laws of the State of New Mexico, or any act of congress, and to provide all proper and necessary books, apparatus, instruments, medicines, clothing, food and supplies, and other materials or things necessary for the proper conduct of the several institutions hereinbefore named and the care, support and protection of the inmates thereof when necessary; also to employ all teachers, physicians, wardens or superintendents and employes and to prescribe the duties and compensation of each, and they shall have full power to remove or discharge any officer or employe appointed or selected by them in any of such institutions, when in their judgment the interest of such institution shall require."

By virtue of this section there can be no question as to the authority of your board to adopt and enforce such reasonable rules and regulations as you may deem necessary for the proper conduct of the institution, and, if necessary, to expel patients who refuse to comply with such regulations.

Without vouching for its validity, the passage of an ordinance by the officials of the town of Raton, prohibiting the selling of intoxicating liquors to any inmate of the hospital may afford some relief from the existing conditions.

If this office can be of any further assistance to you at any time, we shall be very glad to have you write us.