

Opinion No. 21-2889

April 4, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Honorable M. C. Mechem, Governor, Santa Fe, New Mexico.

Qualifications of Member State Board of Embalmers.

OPINION

{*41} Replying to request from your office for an opinion regarding the qualifications of Mr. G. T. Hinman of Silver City, to serve as a member of the Board of Embalmers, to which Board he has been appointed by you, I would say:

Mr. Hinman, in his letter to you of the first instant, advises that he has been actively engaged in the business of handling and caring for dead human bodies for nine years, and that he has been a resident of the State of New Mexico since birth.

Section 2081, Code of 1915, provides, among other things, that the members of the Board of Embalmers should have "at least five years experience in the practice of embalming and the care and disposition of dead human bodies."

Section 2085 of the Code, provides that "every person before engaging in the practice of embalming dead human bodies within the state shall make application for license and that the Board of Embalmers shall issue such license after satisfying itself of the qualifications of the applicant."

You will note from the latter section that a person engaged in "the practice of embalming dead human bodies" shall be required to have a license. Reading this part of Section 2085 together with the latter part of Section 2081, it would appear as if it would be necessary for a person who engages in "the practice of embalming dead human bodies," to have a license authorizing him to engage in that business.

If this be correct, then it would be necessary that such person should have been licensed for a period of five years prior to his appointment as a member of the Board of Embalmers.

I am returning to you herewith the file of correspondence submitted with the request for the opinion.