

Opinion No. 22-3606

October 11, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. Cameron Bazill, Superintendent, Roy High School, Roy, New Mexico.

Law Prohibiting Selling Tobacco to Minors; Age of Pupils Subject to Compulsory School Law, and Length of Required School Attendance

OPINION

{*184} In reply to your letter of the 9th instant, submitting three inquiries concerning school matters, I beg to advise you as follows:

{*185} You ask me if there is not a law prohibiting the selling of cigarettes and tobacco to minors.

Section 2916, Code of 1915, prohibits the sale of intoxicating liquor, cigars, cigarettes or tobacco in any form, to minors under the age of 18 years, or to any pupil of any school or educational institution within this state. The punishment for the violation of the section is a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment for not less than thirty days nor more than three months, or both, at the discretion of the court trying the case, and it is made the duty of the county superintendent of schools to prosecute before justices of the peace all persons, firms or corporations violating the section.

You also ask if the compulsory school law includes persons up to the age of seventeen years.

It has been previously ruled by this office that children between the ages of sixteen and seventeen years are required to attend school under the provisions of the compulsory school act, but this ruling has been questioned, and I am now inclined to the view that the compulsory school law does not include children that have reached the age of sixteen years.

You also ask if Senate Bill No. 102, Laws 1919, which was enacted into law and appears as Chapter 69, Session Laws of 1919, which requires attendance for each day the school is in session is still in effect. You state that a certain official has ruled that seven months' attendance is all that is required.

The law in question is effective and requires attendance for each day that the school is in session, and any ruling that seven months' attendance is all that is required is incorrect.