

Opinion No. 31-312

November 18, 1931

BY: E. K. Neumann, Attorney General

TO: Mrs. Georgia L. Lusk, Supt. of Public Instruction, Santa Fe, N. M.

{*119} Your letter of November 17th, asks for an opinion concerning the laws of this state in regard to compulsory vaccination of teachers, and states that there are a few teachers who are not vaccinated and do not want to be unless it is compulsory.

I am sorry to say that the laws of this state regarding vaccination include only school children and require that all children of school age in any district or county shall be vaccinated and shall not be permitted to attend school unless they are so vaccinated, but the law is silent as to teachers. Most states include in their compulsory vaccination laws all teachers, janitors and other employees and surely such should be the law here. Isn't it rather queer that children should be required to be vaccinated and yet those directly in charge of such children during school hours are not required to be vaccinated? Any right thinking adult, teaching school, who has not been vaccinated so as to be immune from smallpox should surely be vaccinated and required to do so by the Board employing such person, in case they did not care to be. Certainly, teachers are not immune from smallpox any more than are children.

As stated, however, the law does not compel them to be vaccinated but certainly such teachers should be guided by common sense and should seek vaccination under the circumstances you mention.