

Opinion No. 39-3167

June 7, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Dr. L. O. Weldon, Senior Surgeon, Medical Officer in Charge, U. S. Marine Hospital, Fort Stanton, New Mexico.

{*60} This office is in receipt of your letter of June 3 requesting information as to whether or not there is any statutory law in New Mexico forbidding surgical procedure (ligation of the fallopian tubes).

I think you have confused the mandatory acts of some state legislatures wherein the legislatures have enacted laws in the exercise of the police powers providing for the sterilization of idiots, insane, imbeciles and habitual criminals.

New Mexico does not have the statutory provisions nor any other statutory restrictions except abortion.

Replying to your letter, it is my opinion that you should be guided by the necessity of health and the best professional ethics of the established medical profession.

By: GEORGE LOUGEE,

Asst. Atty. Gen.