

Opinion No. 40-3407

January 25, 1940

BY: FILO M. SEDILLO, Attorney General

TO: Mrs. Pearl B. McGlathery, County Clerk, Lovington, New Mexico. Attention: Eva Tatum, Deputy.

{*134} In your letter of January 23rd you ask whether or not a person may come into your office and check the birth and death records.

Under Section 110-345 of the 1938 Supplement, the original birth and death certificates are kept by the Director of Public Health. Certified copies of such certificates shall be made only from said original certificates and not from copies. Said certificates shall not be opened to the general inspection of the public, except in the presence of the legal custodian of such records, and under such restrictions as the state board may by regulation provide to prevent mutilation, alteration or injury thereof, or wrongful or improper use of the information contained therein.

Each district health officer shall make a true and correct copy of all birth and death certificates filed with him, and shall deliver such copies to the county clerk of the county in which such birth or death occurred.

The county clerk shall receive, file, bind and index for the permanent county record all copies of birth and death certificates delivered to him by the district health officer.

This being the case, I feel that if persons want to check birth and death records that they have to go before the Director of Public Health where the original certificates are kept and then may do so only in the presence of the legal custodian of such records and under such regulations as may be prescribed by the Department of Public Health.