

**Opinion No. 42-4194**

November 30, 1942

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Dr. James R. Scott, Director Department of Public Health Santa Fe, New Mexico.  
Attention: Miss Billy Tober State Registrar of Vital Statistics

{\*285} We acknowledge receipt of your letter of November 25, 1942, wherein you enclose certain correspondence between your office and the local Office of Price Administration.

With regard to the making of lists of death certificates for the purposes set forth by the OPA, it is our belief that your regulations do not permit such action to be taken. Section 3 of Regulations Governing the Protection of Records of Births and Deaths provides:

"The legal custodian of birth and death records shall not allow examination of such records by any person not having a proper personal or legal interest therein, and shall not permit the making of lists of names for advertising **or any other purpose from such records**, or the examination of any other records than the one named by the person making application to examine the record, except as noted in Section 4 hereof."

In view of the foregoing, I would suggest that some other method be adopted wherein persons could be advised to turn in sugar rationing books of deceased persons.

By GEO. H. HUNKER, Jr.

Asst. Atty. General