

Opinion No. 43-4313

June 9, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Miss Billy Tober, State Registrar of Vital Statistics, Department of Public Health,
Santa Fe, New Mexico

We are in receipt of your letter of even date, in which you state that a member of the State Board of Embalmers wishes to inspect the original death certificates filed in Santa Fe County to determine whether there have been any violations of the regulations of the State Board of Embalmers or State Health Department. You ask our opinion as to whether or not it would be a violation of your regulations governing the protection of birth and death certificates to permit such inspection.

Section 4 of these regulations provides:

"Officers of the State * * * shall be permitted at all times, during regular office hours, to have access to records of births and deaths for any and all official purposes."

By Sections 51-2301 to 51-2318 of the 1941 Compilation, the Board of Embalmers is created and its functions defined. The Board is designated a Board of the State of New Mexico.

It is my opinion that since the members of the Board provided by this act are members of a State Board they are State officers and so come within the above quoted section of your regulations and, therefore, may, during regular office hours, have access to death records for any official purpose.

It is further my opinion that, since it is one of the duties of the Board to enforce the laws with respect to the care of human dead, inspection of the death records to check violations pertaining thereto is an official purpose.

By ROBERT W. WARD

Asst. Atty. General