

Opinion No. 19-2407

October 18, 1919

BY: N. D. MEYER, Assistant Attorney General

TO: Dr. Theodore G. Kershaw, Socorro, New Mexico.

Vaccination of School Children

OPINION

We acknowledge receipt of your letter of recent date in which you make inquiry regarding the health bill passed by the recent session of the legislature.

Your letter has remained unanswered thus long for the reason that the other members of the office are absent on official business, and the writer is completely swamped.

The State Board of Health, in view of the ambiguity of the law requiring that a child exhibit a certificate by a physician of a successful vaccination, has adopted a ruling that if a child is not successfully vaccinated three times in succession, it is sufficient compliance with the law requiring children to be vaccinated before entering school.

You may quote this ruling to the School Superintendent.

It is our information and opinion that if a child shows a scar and sufficient history is furnished that a previous vaccination "took" and that the same was against smallpox, it is not necessary to revaccinate but that the physician may base a certificate upon these facts which, if satisfactory, would entitle a child to be admitted to school.

A certificate from a licensed physician to the effect that he had vaccinated the child named therein against smallpox is sufficient evidence to bring the case within the requirements of the provisions of the statutes on vaccination, but if the certificate is to the effect that it did not "take," under the ruling of the State Board of Health the child should be vaccinated at least two more times in case vaccinations failed.

Trusting that the foregoing will answer your questions satisfactorily, I beg to remain