

Opinion No. 25-3854

September 22, 1925

BY: JAMES N. BUJAC, Assistant Attorney General

TO: Requested September 17, 1925, by New Mexico State Board of Embalmers, East Las Vegas, New Mexico.

State Board of Embalmers can adopt such rules and regulations and by laws, not inconsistent with the Laws of New Mexico or of the United States as it deems necessary to regulate the practice of embalming.

OPINION

Your request is as follows:

"Our Board is investigating the feasibility of adopting a rule making it compulsory for all licensed embalmers to attend a post graduate course of lectures at least once every three years, touching on modern phases of embalming, sanitation, anatomy, etc. The embalmers could attend these lectures at any approved school of embalming or they could attend same each year in connection with the New Mexico Funeral Directors and Embalmers Association, who will have a lecturer and demonstrator present at their annual sessions. The rule that we desire to put into effect is that if any embalmer should fail to attend such a course, the Board would have power to annul his license."

§ 2084 New Mexico Statutes, Annotated, Codification of 1915, provides that "The Board shall from time to time, adopt rules and regulations and by laws, not inconsistent with the Laws of the State of New Mexico or of the United States, whereby the performance of the duties of said Board and the practice of embalming dead bodies shall be regulated."

The Board, therefore, would, in my opinion, be fully within their powers and authority in passing such a regulation as the one outlined.