

Opinion No. 42-4196

December 1, 1942

BY: EDWARD P. CHASE, Attorney General

TO: Dr. C. H. Douthirt, Director County Health Administration Department of Public Health Santa Fe, New Mexico

{*286} This will acknowledge receipt of your letter of December 1, 1942, wherein you have asked to be advised as to whether or not the State Department of Public Health has jurisdiction to control and regulate the sale in butcher shops of horse or animal meats for consumption by pets.

I find that under the provisions of paragraph (17), Section 4, Chapter 39, Laws of 1937, that the State Department of Public Health has authority to regulate the sanitation and safety for consumption of meats and other foods. It is my opinion that such a provision can be construed to include the sale by butcher shops of horse meat for consumption by pets.

Your attention is called to the provisions of Chapter 115 of the Laws of 1939 wherein the butchering trade is regulated and persons who slaughter horses, mules, asses or hogs are required to obtain a license and post a bond. These provisions, however, do not limit in any way the jurisdiction of the Department of Public Health to regulate the sanitation and safety of horse and other animal meats for sale by butcher shops to the public for consumption by pets.

By GEO. H. HUNKER, Jr.

Asst. Atty. General