

1972 S.C. Op. Atty. Gen. 112 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3298, 1972 WL 20439

Office of the Attorney General

State of South Carolina

Opinion No. 3298

April 11, 1972

**\*1 Re: Health Matters (State Board, Florence County Board and Pee Dee Public Health District).**

Dr. E. Kenneth Aycock  
State Health Officer  
South Carolina State Board of Health  
Sime Building  
Columbia, South Carolina 29201

Dear Dr. Aycock:

You have requested an opinion regarding the authority of the State Board of Health to require the Florence County Board of Health and the Florence County Health Department to participate in the Pee Dee Health District and be subject to the direction and control of the Pee Dee Health District Medical Director.

Under Section 32–241 of the Code of Laws of South Carolina (1962), it is specifically provided that the Florence County Board of Health is ‘under the direction and control of the State Board of Health’ similarly as are local boards of health in incorporated cities and towns. Section 32–246 provides that the Florence County Health Department is under the control and direction of the Florence County Board of Health. Furthermore, Section 32–255 provides that nothing contained in the article creating the Florence County Board of Health and Health Department shall be construed as interfering with or limiting the rights, duties and privileges devolved by law upon the State Board of Health and its legal representatives. The plain language of these sections clearly provides that these entities, the Florence County Board of Health and the Florence County Health Department are under the direction and control of the State Board of Health.

Under the provisions of Section 3207, the Executive Committee of the State Board of Health may divide the State into health districts. It is my understanding that the Executive Committee has divided the State into ten (10) health districts and that the Florence County Health Department has been placed in the Pee Dee Health District. Since the State Board acts through the District Medical Director in matters relating to the District, it is my opinion that the Florence County Board of Health and Florence County Health Department are under the direction and control of the Pee Dee District Medical Director acting on behalf of the State Board of Health.

The supremacy of State Board over the County Board is further illustrated by Sections 32–245 and 32–69.

If I can be of any further assistance in this matter, please let me know.

Very truly yours,

Edwin B. Brading  
Assistant Attorney General

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