



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON  
ATTORNEY GENERAL

August 18, 1999

Willie L. Smith  
Marion Police Department  
P.O. Box 1190  
Marion, South Carolina 29571

Dear Chief Smith,

Thank you for your letter to this Office, dated June 16, 1998, which has been referred to me for a response.

You write that a local business, whose clientele is predominately under-aged, has a cigarette vending machine on its premises. You also inform us that there is no supervision of the purchases from the vending machine, and you have received several complaints about teenagers smoking and possessing cigarettes, presumably obtained from these machines. Specifically, you ask what can be done to alleviate this problem.

South Carolina Code of Laws Section 16-17-500, which prohibits the supplying of tobacco products to minors, says, in part:

It shall be unlawful for any person to sell furnish, give, or provide any minor under the age of eighteen years with cigarettes, tobacco, cigarette paper, or any other substitute therefor. Any person violating the provisions of this section, either in person, by agent *or in any other way* shall be guilty of a misdemeanor ... (emphasis added)

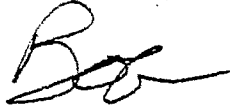
Under this section a person may be charged with a misdemeanor each time cigarettes are sold to minors. There is no practical distinction between a store clerk who directly sells tobacco products to customers without asking for identification and the placement of an unsupervised vending machine on the premises of the business. To conclude that Section 16-17-500 does not include sales of tobacco by vending machines would lead to an absurd result--store owners could furnish tobacco products to anyone and relieve themselves of culpability simply by placing the cigarettes in machines. Therefore, it is the opinion of this Office that an unsupervised cigarette vending machine provides another way by which a person, the owner of the establishment, may be charged with violating Section 16-17-500 when furnishing cigarettes to minors.

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This letter is an informal opinion only. It has been written by a designated Senior Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General not officially published in the manner of a formal opinion.

With kind regards, I remain

Very truly yours,

A handwritten signature in black ink, appearing to be "R. Cook", written over a horizontal line.

Robert D. Cook  
Assistant Deputy Attorney General