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The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

July 19, 1996

The Honorable Michael L. Fair  
Member, South Carolina Senate  
P.O. Box 14632  
Greenville, SC 29610

RE: Informal Opinion

Dear Mike:

You have requested the advice of this Office as to whether the Comprehensive Health Act (Act) (S.C. Code Ann. §59-32-5, et seq. (1990) applies to instruction or programs at public schools provided by teachers of subjects other than health or by visitors such as personnel of another public agency. The Act does appear to apply these programs and the instruction when it covers a subject addressed by the Act.

The "...primary function in interpreting a statute is to ascertain the intention of the legislature." South Carolina Department of Highways and Public Transportation v. Dickinson, 288 S.C. 134, 341 S.E. 2d 134 (1986). "Where the terms of a statute are clear and unambiguous, there is no room for interpretation and we must apply them according to their literal meaning." Id. Applying these rules to this Act indicates that the Act would apply to instruction or programs by the above teachers and visitors coming within the scope of the Act. A previous Opinion of this Office concluded that the guidelines for the "program of health instruction" in §59-32-30 applied to any comprehensive health education matters covered therein regardless of whether they were begun before or after the Act. Ops. Atty. Gen. (October 12, 1989); see also: Ops. Atty. Gen. (July 11, 1991 and May 11, 1990). Similarly, these guidelines should apply to instruction or programs offered by visitors and other teachers.

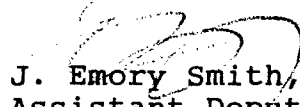
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The extent to which the Act would apply to the instruction or programs would depend upon the particular matter being presented by the teacher or visitor. Whether particular programs or instruction would fall within the Act's scope might involve fact questions that would be beyond the scope of Opinions of this Office. Ops. Atty. Gen. (December 12, 1983).

This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

I hope that this information is of assistance to you. If you have any questions or need further assistance, please let me know.

Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Deputy Attorney General

JESjr