1983 WL 181723 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
January 21, 1983

*1 The Honorable Don S. Rushing
506 Gressette Building
Columbia, South Carolina 29202

Dear Senator Rushing:

Thank you for your recent letter to the Attorney General requesting an opinion of this Office as to the authority and power of agents of the South Carolina Department of Health and Environmental Control, Bureau of Narcotics and Drug Control, in obtaining records of drug transactions from official establishments.

Section 44-53-480 of the 1976 CODE OF LAWS OF SOUTH CAROLINA establishes the responsibilities of the DHEC Drug Inspectors and special agents. Therein they are, among other things, vested with state-wide police powers, authority to carry firearms, and authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses.

Section 44-53-500(a) specifically provides for the issuance and execution of administrative inspection warrants through the courts. Section 44-53-500(b)(3) provides that when so authorized by an administrative inspection warrant, an officer or employee designated by DHEC may, among other things, inspect and copy records required to be kept. Section 44-53-500(b)(4) further provides that the Section shall not be construed to prevent entries and administrative inspections (including seizures of property) without a warrant, among other things, with the consent of the owner, operator, or agent in charge of the controlled premises. Therefore, it is clear based upon the statute that formal judicial process may be required, however, the normal situation involves consent which is also a permissible approach.

I trust the preceding adequately answers your question, however, if any further explanation or assistance is required, please do not hesitate to contact us.
 Very truly yours,

Richard P. Wilson
Assistant Attorney General

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