

1982 WL 189077 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 20, 1982

*1 Honorable Marion P. Carnell
Representative
District No. 14
Box 119
Ware Shoals, South Carolina 29692

Dear Mr. Carnell:

You have requested an opinion of this Office as to whether the Department of Health and Environmental Control presently has statutory authority to establish charges for health services inspections.

[Section 44-1-180 of the 1976 Code of Laws of South Carolina](#) provides that the Department of Health and Environmental Control may establish charges for, among other things, health services provided by Department personnel. That section further provides that the terms used therein shall include the services of, among other things, sanitarians. As you know, sanitarians are responsible for conducting restaurant inspections in this State for the Department. Therefore, it appears that [Section 44-1-180](#) provides the necessary authority for the Department to make such charges for that service as may be reasonably calculated to recover the total costs of the services rendered by the Department's personnel. This interpretation is further bolstered by an examination of Section 44-1-210 which provides in pertinent part that "all fees and charges collected pursuant to [inter alia] [Section 44-1-180](#), shall be deposited in the State Treasury and used in the operation of the public health program" of the governmental entity which performs the services for which the fees and charges were collected.

This conclusion is not entirely free from doubt inasmuch as the legislative authorization contained in [Section 44-1-180](#) is very general in terms. Nevertheless, we feel that the interpretation of [Section 44-1-180](#) discussed above is reasonable and correct.

I trust the preceding discussion adequately answers your question. If any further explanation or assistance is required, please do not hesitate to contact me.

With best personal regards, I am,
Very truly yours,

Frank K. Sloan
Deputy Attorney General

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