

1977 WL 37234 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 3, 1977

*1 Senator J. Verne Smith
State House
Columbia, South Carolina

Dear Senator Smith:

We have reviewed the proposed amendment to Act No. 281 of 1975 relating to massage parlors that would exempt legally blind persons from its Section 17 of the 1975 Act, and we conclude that the proposed amendment would not render Act No. 281 constitutionally infirm. Moreover, should a court conclude that the proposed amendment would render the Act unconstitutional, the severability clause should protect the Act in that the proposed amendment would be stricken.

Kind personal regards,

C. Tolbert Goolsby, Jr.
Chief Deputy Attorney General

ATTACHMENT

A BILL

TO AMEND ACT 281 OF 1975, RELATING TO MASSAGE PARLORS, SO AS TO EXEMPT CERTAIN BLIND PERSONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 4 of Act 281 of 1975 is amended by striking the last two paragraphs and inserting:

‘Prior to the issuance of the initial license and prior to the annual renewal thereof the State Fire Marshal's office shall inspect the premises to be licensed and shall certify that it meets the fire protection requirements for public buildings.’

SECTION 2. Section 17 of Act 281 of 1975 is amended by striking ‘nor to YMCA's or YWCA's,’ on line six and inserting ‘nor to YMCA's, YWCA's or any massage business which has been operated by a legally blind person for at least five years;’. The section when amended shall read:

‘Section 17. The provisions of this act shall not apply to a regularly established and licensed hospital, sanitarium, nursing home or medical clinic, nor to the office or clinic operated by a duly qualified and licensed medical practitioner, osteopath or chiropractor in connection with his practice of medicine, chiropractic or osteopathy, or employees thereof, nor to YMCA's, YWCA's or any massage business which has been operated by legally blind person for at least five years provided that such office or clinic is regularly used by such medical practitioner, chiropractor or osteopath as his principal location for his practice of medicine, chiropractic or osteopathy.’

SECTION 3. This act shall take effect upon approval by the Governor.

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