

1976 WL 30676 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 19, 1976

\*1 Mr. Horace M. Kaiser  
Chairman  
Legislative Committee  
South Carolina Association of Pharmacists  
Columbia, South Carolina

Dear Mr. Kaiser:

You have inquired as to the application of Act No. 280, approved by the Governor on June 24, 1975 (75 Acts 684).

The title to the Act recites that it relates to certain pharmaceutical fees ‘so as to increase such fees, provide for the use of such fees—.’

The preamble to the Act recites that:

‘Whereas, there now exists the need for a full-time drug inspector-executive secretary of the board; and

‘Whereas, there now exists a need for a fully staffed office in Columbia; and

‘Whereas, the funds are needed to support the above-mentioned needs.’

The body of the Act does not specifically require that the executive secretary be employed full time nor that he maintain a fully staffed office in Columbia. It is obvious to me, however, that the intent evidenced by the Legislature in increasing the fees was to afford sufficient funds to staff and maintain an office full time in Columbia. The disposition of the fees in Section 4 of the Act requires that ‘any employee—be paid an appropriate salary in accordance with the State classification system.’

It appears to me that good faith compliance with the intent of the Act, as reflected in the preamble thereto, requires that a full-time inspector-executive secretary be employed full time in Columbia. There is some doubt in my mind, however, that this may be legally enforceable for the reason that it is not specifically required by the terms of the statute itself.

Very truly yours,

Daniel R. McLeod  
Attorney General

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