

1978 WL 35209 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 6, 1978

*1 Mr. John A. McPherson, Jr.
Chief Engineer—Finance Division
State Budget and Control Board
P.O. Box 11333
Columbia, S.C. 29211

Dear Mr. McPherson:

This will respond to your request for an opinion concerning the propriety of the following language which you advise is contained in regulations about to be promulgated by the Department of Health and Environmental Control:

‘The Department uses as its basic codes the latest edition of the Standard Building Code, the National Plumbing Code and the National Electrical Code.’

It is the opinion of this office that the words ‘the latest edition’ are not legally sufficient to effect automatic adoption of ‘the latest edition’ as soon as it is published. A regulation should contain specific reference to the date of the edition to be used and, in absence of statutory authority, the regulation will have to be amended each year to conform. Otherwise, the use of the language, while attempting to simplify matters, only complicates them because automatic adoptions are not permissible and the regulation is not complete on its face because the reader would have to look elsewhere to determine which audition was effective.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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