

1975 S.C. Op. Atty. Gen. 86 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4014, 1975 WL 24052

Office of the Attorney General

State of South Carolina

Opinion No. 4014

April 7, 1975

***1 In Re: Schools, Smoking, Authority of School Officials to Permit Under Official Regulations.**

Honorable Carolyn E. Frederick
Member, General Assembly
326 Chick Springs Road
Greenville, South Carolina

Dear Mrs. Frederick:

You have inquired whether or not certain statutes prohibiting the distribution of tobacco to minors affects the right of school officials to make reasonable rules and regulations regarding smoking in secondary level schools.

Section 21–230(3) reads:

Promulgate rules prescribing scholastic standards of achievement and standards of conduct and behavior that must be met by all pupils as a condition to the right of such pupils to attend the public schools of such district. The rules shall take into account the necessity of proper conduct on the part of all pupils and the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils shall be promoted notwithstanding that such rules may result in the ineligibility of pupils who fail to observe the required standards, and require the suspension or permanent dismissal of such pupils.

Section 16–555.1 reads in part:

It shall be unlawful for any person—to knowingly—encourage, aid, or cause—a minor: (1) to violate any law or any municipal ordinance.

Section 16–556 reads in part:

It shall be unlawful for any person to sell, furnish, give or provide any minor—with cigarettes, tobacco, cigarette paper or any substitute therefor.

Section 15–1387 reads in part:

If any person shall aid or assist any minor child under eighteen years old in obtaining the possession of cigarettes or tobacco—he shall be guilty of a misdemeanor—.

In view of the foregoing, it is the opinion of this Office that it was not intended by the General Assembly that school officials be permitted by 21–230(3) to promulgate rules and regulations that would include smoking by pupils under eighteen years of age.

Very truly yours,

Joseph C. Coleman

Deputy Attorney General

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