

1975 S.C. Op. Atty. Gen. 215 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4146, 1975 WL 22442

Office of the Attorney General

State of South Carolina

Opinion No. 4146

October 3, 1975

*1 Act No. 1213 of 1974 [Alcoholism and Intoxication Treatment Act] does not require the counties and municipalities to provide treatment for alcoholism and intoxication pursuant to its provisions.

TO: Curtis E. Baggett
Director
McCormick County Alcohol
and Drug Abuse Commission

QUESTION:

Does Act No. 1213 of 1974 require the counties to provide treatment for alcoholism and intoxication pursuant to its provisions?

AUTHORITIES:

Act No. 1213 of 1974; 58 Stat. Act No. 1213 at 2823 (1974); §§ 32–1000.21 to 32–1000.29, Code of Laws of South Carolina (1962), 1974 Cum. Supp.

DISCUSSION:

Section 9 of Act No. 1213 of 1974 describes those counties and municipalities to which the provisions of the Act apply: ‘The provisions of this act shall only apply to those counties and municipalities whose governing bodies approve the counties’ or municipalities’ participation in the alcohol and intoxication treatment program established herein. Unless the governing body of a county or municipality consents, no peace officer, emergency service patrol, shelter or treatment facility of the county or municipality shall be used to effectuate the provisions of this act.’

Section 9 clearly states that Act No. 1213 of 1974 will only apply to those counties and municipalities whose governing bodies so elect. The governing body of a county or municipality must give its consent before an officer or facility of the county or municipality may be used to effectuate the provisions of Act No. 1213.

CONCLUSION:

It is the opinion of this Office that the provisions of Act No. 1213 of 1974 apply to a county or municipality only when the governing body of that county or municipality approves its participation in the treatment programs.

Raymond G. Halford
Assistant Attorney General

1975 S.C. Op. Atty. Gen. 215 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4146, 1975 WL 22442

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.