

1973 WL 26725 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 2, 1973

*1 Honorable James P. Harrelson
South Carolina State Senator
The State House
Columbia, South Carolina

Dear Senator Harrelson:

You have inquired as to whether Senate Bill 313 which consolidates the State Board of Health, the Executive Committee of the State Board of Health, the State Department of Health and the State Pollution Control Authority into a single agency will have the effect of transferring the powers of the aforesaid agencies to promulgate rules and regulations.

I have reviewed Senate Bill 313 and it is my opinion that if enacted into law the power to promulgate rules and regulations would be transferred to the South Carolina Department of Health and Environmental Control, which is established by the Act. Section 5 of Senate Bill 313 provides that 'all functions, powers and duties provided by law to the State Board of Health, its officers or agencies, to the Executive Committee of the State Board of Health, to the State Department of Health, and to the Pollution Control Authority are hereby transferred to the Department of Health and Environmental Control.' The power to promulgate rules and regulations that are presently possessed by the aforesaid agencies would be among the powers transferred by this Section.

Sincerely,

Daniel R. McLeod
Attorney General

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