

1973 WL 27746 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 5, 1973

**\*1 Student Smoking Areas**

Parker Herald  
Parker High School  
Woodside Avenue  
Greenville, S.C. 29611

Dear Parker Herald:

Attorney General McLeod, who is a friend of the free press as shown by his support of the Freedom of Information Act, referred to me the attached letter from you regarding the legality of student smoking areas. Regretfully, I was not able to reply as timely as requested, but hopefully this answer may be of some benefit to you.

While no law specifically prohibits smoking areas for students, there is clear public policy against such areas: Section 16-556 and 15-1387, Code of Laws of South Carolina, prohibits supplying persons under 18 with tobacco and cigarettes. Furthermore, Section 16-555.1, Code of Laws of South Carolina relating to contributing to the delinquency of a minor, certainly raises a possible question as to the legality of such smoking areas. A Court might say such an area influences a minor “[t]o so deport himself or herself as to wilfully injure his or her ... health ... or health of others.” Section 16-556.1(10).

In light of this clear public policy against smoking by persons under 18 and the questionable legality of student smoking areas, I certainly would and could not advise the school to furnish such an area without first getting a favorable declaratory judgement from a court of competent jurisdiction.

This opinion from the Office of the Attorney General has no legal effect and does not afford the protection a court order provides. In conclusion, no court, to my knowledge, has ruled on this precise question. (For your information, I am enclosing copies of the aforementioned statutes.)

Sincerely,

Hardwick Stuart, Jr.  
Assistant Attorney General

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