

1972 WL 25162 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 3, 1972

**\*1 Re: S. C. Board of Medical Examiners (Faith Healing)**

Mr. George W. Gregory, Jr.  
Attorney at Law  
121 Chesterfield Road  
Cheraw, South Carolina 29520

Dear Mr. Gregory:

Your letter of December 28, 1971, requesting advice as to whether there is any provision in the South Carolina law which prohibits the practice of faith healing by an individual not connected with a church in the State of South Carolina has been received in the Attorney General's Office.

As you know, Section 56-1354 of the Code of Laws of South Carolina (1962), defines the practice of medicine and includes within the general definition the practice of faith healing. However, Section 56-1355(2) of the Code of Laws of South Carolina (1971 Cum. Sup.) provides that nothing in the Chapter of the Code relating to physicians and surgeons shall be construed: . . . to apply to those who practice the religious tenets of their church without pretending a knowledge of medicine or surgery if the laws, rules and regulations relating to contagious diseases and sanitary matters are not violated.

In order to determine the breadth of this exception, it is necessary to define the limits of the term 'church.' A definition of the term can be found in Wilson v. Presbyterian Church of John's Island, 2 Rich.Eg. 192, 198 (1845):

In one sense, (and the common sense) the word church is understood to mean a number of christian persons, agreeing in their faith, usually assembling together at one place, for purposes of worship,—submitting to its ordinances, and receiving its sacraments. This is entirely distinct from the meaning of the word 'church,' as applied to a corporation. In the former sense of the word, many persons are usually members of the church,—and most commonly a large majority, who neither are, nor can be, members of the corporation, married women, infants, and slaves. When persons are incorporated by the name of 'church,' this can be regarded only as a name of designation,—or at most, as indicating, when property is given to them, the trusts upon which it is given. This does not constitute the corporation a church, in what I consider the proper sense of the word, any more than if they were called by any other name.

From this definition of the term, it would appear that since a person would not have to practice the tenets of an organized, incorporated church, but could practice the religious tenets of a number of Christian persons who agree in their faith, most faith healing in South Carolina would be done under the auspices of a church as above defined.

I was not able to locate any other South Carolina law relating to the practice of faith healing either within or without a church in South Carolina, but did find an excellent general discussion of the subject in 70 C.J.S. Physicians and Surgeons § 9, p. 831, and §§ 10(1) and (2), pp. 836 and 837; and 41 Am.Jur. Physicians and Surgeons § 30.

I trust that the above discussion will be of some assistance to you in this matter.

Very truly yours,

**\*2** Edwin B. Brading  
Assistant Attorney General

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