

1972 S.C. Op. Atty. Gen. 39 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3253, 1972 WL 20400

Office of the Attorney General

State of South Carolina

Opinion No. 3253

January 25, 1972

*1 City of Florence may not issue certificate for rabies vaccination good for period of three years without approval of vaccine by State Board of Health after consultation with the Executive Committee of the South Carolina Association of Veterinarians.

TO: Secretary

South Carolina Association of Veterinarians

You have requested an opinion based on the following facts under the Rabies Control Act. It appears that the City of Florence is issuing or permitting the issuance of certificates for rabies vaccinations which are good for a period of three years and you ask whether or not this is in violation of Section 6–125, Code of Laws of South Carolina (1962), 1972 Supp.

The pertinent portion of Section 6–125, reads as follows:

‘Prior to July first of each year, every owner of a pet shall have his pet inoculated against rabies, except those pets receiving an inoculation, evidenced by a certificate, from a licensed graduate veterinarian using a vaccine good for a longer period of time than one year, such vaccine to be of an approved and proven quality with the longer period of time to be specified by the State Board of Health after consultation with the Executive Committee of the South Carolina Association of Veterinarians. . .’

Although it is not clear whether or not the City of Florence is issuing certificates for rabies vaccination under a particular municipal ordinance, nevertheless, Section 6–141 must be read in conjunction with 6–125. Section 6–141 of the Rabies Control Act provides as follows:

‘Nothing in this article shall be construed to limit the power of any municipality within the State to prohibit pets from running at large, whether or not they have been inoculation as herein provided; nor shall anything in this article be construed to limit the power of any municipality to regulate and control further in such municipality and to enforce other and additional measures for the restriction and control of rabies.’

It is the opinion of this office that Section 6–141 does not relate to the inoculation provision as specified in Section 6–125 for in any event if a certificate is sought to be used for a longer period of time than one year the vaccine is unquestionably required to be approved by the State Board of Health after the required consultation with the Executive Committees of the South Carolina Association of Veterinarians. It would have been fruitless to have provided an attempt to read into Section 6–141 that the municipality could in any event require inoculations for any period of time without obtaining the approval of the State Board of Health as required in Section 6–125. It is the opinion of this office that if in fact the City of Florence is permitting the issuance of a certificate of rabies good for a period of three years without having first obtained the specific approval of the vaccine by the State Board of Health after consultation with the Executive Committee of the South Carolins Association of Veterinarians, the same is in violation of Section 6–125, supra. It is the further opinion of this office that at any time the municipality desires to provide for an inoculation period in excess of one year it must obtain approval of the State Board of Health under the provisions of Section 6–125.

*2 Reymond G. Halford

Assistant Attorney General

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