

1972 WL 25221 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 23, 1972

***1 Re: No. 119—Health Matters**

Mr. Hardwick Stuart, Jr.
Research Assistant on Legal Affairs
Department of Education
Rutledge Building
Columbia, South Carolina

Dear Mr. Stuart:

You have requested that we advise you as to whether or not pupils in the public schools still must be vaccinated in view of the conclusions of the State Health Officer that smallpox immunizations are no longer recommended.

Section 52–694 of the South Carolina Code of Laws reads in part:

No superintendent . . . shall admit as a pupil any child . . . who cannot produce satisfactory evidence of having been vaccinated so often as may be directed (by appropriate health authorities) (emphasis added).

We interpret the term ‘vaccinated so often as may be directed’ as including the requirement that one never be vaccinated. Our conclusion, therefore, is that pupils need not be vaccinated at least once to attend the public schools of this State where the appropriate health authorities do not require smallpox immunization. Any opinion, heretofore issued by us expressing a contrary conclusion should be disregarded.

Sincerely,

C. Tolbert Goolsby, Jr.
Deputy Attorney General

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