

1977 S.C. Op. Atty. Gen. 23 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 77-13, 1977 WL 24356

Office of the Attorney General

State of South Carolina

Opinion No. 77-13

January 10, 1977

**\*1 Re: Sunday Closing Laws**

Honorable James R. Metts  
Sheriff  
Lexington County  
Lexington, South Carolina 29072

Dear Sheriff Metts:

Your letter of December 3, 1976, concerning Section 64-2.1 has been referred by Attorney General McLeod to me for answer. Your specific question deals with the 'sale of emergency food needs at open air markets and grocery stores which do not employ more than three persons including the owners or proprietors at any one time.' You specifically questioned whether or not this provision allows a grocery store which has a bakery or a restaurant as part of the store to have more than three operators. Enclosed is an earlier opinion of this Office which states that a grocery store, under no circumstances, may have more than three employees and legally operate on Sunday. Therefore, it is the opinion of this Office that as long as the primary function of the store is to sell groceries, the restaurant would not constitute 'an eating place' within the exception listed under Section 64-2.1.

Also, on December 20, 1976, Deputy Sheriff R. A. Flippo wrote this Office requesting opinions concerning Sunday sales at local grocery stores and supermarkets. He stated that the points of interest of items that could be or could not be sold on Sunday, hours of operation and number of employees present on Sunday. As to hours of operation on Sunday, there are no set operation hours for stores which may legally operate on Sunday; therefore, they may operate the hours they may choose. As stated above, there can only be three employees in grocery stores or open air markets on Sunday. The general rules as to what is lawful or is not lawful to be sold on Sunday is that nothing may be sold on Sunday unless there is a specific exception within the law for that particular item to be sold. See Section 64-2, Code of Laws of South Carolina, 1962, as amended. The specific exceptions as to what may be sold on Sunday is found in 64-2.1. Those items which are enumerated may be sold on Sunday. All of those items found in Section 64-2.2 may not, under any set of circumstances, be sold on Sunday.

If you have further questions about any specific item which may or may not be sold on Sunday, please do not hesitate to contact this Office.

Yours very truly,

M. Elizabeth Crum  
Assistant Attorney General

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