

1978 WL 34718 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 22, 1978

\*1 Mr. John C. Wilkie, Jr.  
Executive Secretary  
The Board of Pharmaceutical Examiners  
Post Office Box 11927  
Columbia, South Carolina 29211

Dear Mr. Wilkie:

You have requested an opinion from this Office as to the procedure which the Chief Drug Inspector (Inspector) is to follow when inspecting pharmacies in South Carolina. [Section 40-43-300, CODE OF LAWS OF SOUTH CAROLINA, 1976](#), provides as follows:

The chief drug inspector shall from time to time visit all of the drugstores in this State and inspect them to see that the law relating to the licensing of pharmacists and assistant pharmacists is obeyed and to see that all of the provisions of this chapter are obeyed and carried out by the drugstores and druggists of this State. In case any violation of this chapter is discovered the inspector shall either require the druggist or proprietor of the drugstore in default forthwith to correct such delinquency or shall prosecute such offender under the law, using his discretion in relation thereto after consulting the Board of Pharmaceutical Examiners if deemed necessary. The inspector may swear out warrants for offenders against the provisions of this chapter.

In my opinion, the above-quoted provision does not require that prior notices be given to a pharmacy before the Inspector inspects it nor does it require him to obtain an administrative warrant before he conducts his inspection. If the Inspector discovers a violation of the pharmacy laws, he is empowered to prosecute the offender and may do so without first consulting the Board of Pharmaceutical Examiners if, in the exercise of his discretion, he deems such consultation to be unnecessary.

Several other professions are required by State law to submit to inspections in conjunction with the maintenance of a license to engage therein, to wit: barbers [[§ 40-7-200, CODE OF LAWS OF SOUTH CAROLINA, 1976](#)], cosmetologists [[§ 40-13-210, CODE OF LAWS OF SOUTH CAROLINA, 1976](#)], dentists [[§ 40-15-290, CODE OF LAWS OF SOUTH CAROLINA, 1976](#)], embalmers [[§ 40-19-70, CODE OF LAWS OF SOUTH CAROLINA, 1976](#)] and veterinarians [[§ 40-69-140\(9\), CODE OF LAWS OF SOUTH CAROLINA, 1976](#)] among others. In addition, officers and agents of the Alcoholic Beverage Control Commission are empowered to inspect premises licensed to sell alcoholic liquors, beer or wine and a licensee's refusal to allow such an inspection can result in that licensee's conviction of a misdemeanor. See, [§ 61-13-410, CODE OF LAWS OF SOUTH CAROLINA, 1976](#); *cf.*, [§ 44-53-10, CODE OF LAWS OF SOUTH CAROLINA, 1976](#), and Rules and Regulations, Department of Health and Environmental Control, Rule 61-4, Part 8, Sections 803-813 (Vol. 24, [CODE OF LAWS OF SOUTH CAROLINA, 1976](#)) (relating to DHEC inspectors and their inspections of controlled premises). Finally, the authorities seem to agree that licensing laws can and frequently do require the opening of licensed premises to inspection as a prerequisite to the acquisition and maintenance of a license. See generally, 51 Am.Jur.2d [Licenses and Permits](#), § 45; 97 A.R.L.2d 1187 (refusal to submit to inspection).

With kind regards,

\*2 Karen LeCraft Henderson  
Assistant Attorney General

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