

1978 WL 35147 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
October 3, 1978

\*1 Honorable Norma C. Russell  
Member  
House of Representatives  
District No. 90, Lexington County  
Irmo, South Carolina 29063

Dear Mrs. Russell:

You have requested an opinion whether Bill No. H. 3235, a Bill to prohibit the killing of domestic animals in decompression chambers, would be constitutional and consistent with the Home Rule Act. It is our opinion that the Bill is constitutional and consistent with the Home Rule Act.

It is true, as you noted, that the Bill would impose specific requirements on local governments. However, the specific requirements would be imposed on all local governments uniformly. Therefore, there would be no apparent violation of the Home Rule Amendment to the Constitution or of the Home Rule Act. Furthermore, legislation of this type, dealing with the prevention of cruelty to animals, has traditionally been upheld by the courts as a valid exercise of a state's police power. 4 Am.Jur.2d 'Animals', § 27. There is no provision of the South Carolina Constitution which restricts the General Assembly in the exercise of the state's police powers in this respect. Since that power is not denied to the General Assembly by the Constitution, then the General Assembly is free to enact such legislation. [See, Knight v. Salisbury, 262 S.C. 568, 570, 260 S.E.2d 875, 876-77 \(1974\)](#). In conclusion, it is our opinion that this Bill would be both constitutional and consistent with the Home Rule Act.

Sincerely yours,

David C. Eckstrom  
Staff Attorney

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