

1976 WL 30517 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
August 10, 1976

***1 Re: United Health Clubs v. J. P. Strom**

Honorable J. P. Strom
Chief
State Law Enforcement Division
Post Office Box 21398
Columbia, SC 29221

Dear Chief Strom:

You have requested an opinion as to the effect of Judge Blatt's injunction in the above case on SLED investigations of massage parlors. Judge Blatt's order reads in pertinent part:

'The defendants [including SLED] . . . are hereby enjoined from enforcement or execution of the statute complained of herein, formally Senate Bill S-43 ('The Massage Parlor Bill') until further order of this Court.'

The act which has been enjoined, a copy of which is enclosed, makes a number of prohibitions, which can be summarized as follows:

1. Massagists and parlors must be licensed and records of various kinds must be kept.
2. Operations will be permitted that only between 10:00 A. M. and 10:00 P. M.
3. Persons under 18 may not patronize massage parlors.
4. Massagists may not massage persons of the opposite sex.

Under the injunction, prosecutions may not be based on violations of the statutory provisions listed above. On the other hand, the injunction does not apply and was never intended to apply to traditional vice-related crimes such as prostitution, solicitation, maintaining a bawdyhouse, etc. It is thus the opinion of this office that SLED may continue to investigate and prosecute any crime which arises out of massage parlor operations which is not based on the 1975 statute. I have read the contents of this letter over the phone to Mr. Goolsby, who is out of town today, and he concurs fully with the views expressed herein.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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