

1973 WL 26755 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 25, 1973

\*1 Mr. Sandy McLeod  
Editor  
Information Please  
The Sumter Daily Item  
Sumter, South Carolina 29150

Dear Mr. McLeod:

A portion of your inquiry to Louis F. Fisher of the Internal Revenue Service concerning the State law in regard to the selling of chewing tobacco and cigarettes to minors has been directed to this office.

Section 16-556, Code of Laws of South Carolina, 1962, provides:

It shall be unlawful for any person to sell, furnish, give or provide any minor under the age of eighteen years with cigarettes, tobacco, cigarette paper or any substitute therefor. Any person violating the provisions of this section, either in person, by agent or in any other way, shall be guilty of a misdemeanor and upon indictment and conviction therefor shall be punished by a fine not exceeding one hundred dollars nor less than twenty-five dollars or by imprisonment for term of not more than one year nor less than two months, or both, in the discretion of the court. One half of any fine imposed shall be paid to the informer of the offense and the other half to the treasurer of the county in which such conviction shall be had.

This section in conjunction with Section 15-1387, reveals that it is unlawful to sell cigarettes or any substitute thereof to minors under the age of eighteen. The statutory language ‘. . . or any substitute thereof . . .’ may be construed to include a tobacco substitute such as chewing tobacco within the intent of Section 16-556 and thus prohibited in accordance with this section.

I trust the foregoing will be sufficient in answering your inquiry. If this office can be of further help, please do not hesitate to call upon us.

Sincerely,

H. Brent Fortson  
Legal Assistant

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