CHAPTER 49

Department of Alcohol and Other Drug Abuse Services

**SECTION 44‑49‑10.** Department established; functions, powers, and duties; rules and regulations.

 (A) There is established the Department of Alcohol and Other Drug Abuse Services. The department shall be vested with all the functions, powers, and duties, of the South Carolina Commission on Alcoholism and the South Carolina Commission on Alcohol and Drug Abuse and shall have full authority for formulating, coordinating and administering the state plans for controlling narcotics and controlled substances and alcohol abuse.

 (B) All functions, powers, and duties of the commissioner of the narcotics and controlled substances section of the State Planning and Grants Division (Division of Administration in the Office of the Governor) are hereby transferred to the department, except those powers and duties related to the traffic of narcotics and controlled substances as defined in Section 44‑53‑130 which shall be vested in the State Law Enforcement Division.

 (C) All rules and regulations promulgated by the commissioner of narcotics and controlled substances shall remain in effect until changed by the department.

 (D) The department is authorized to establish a block grant mechanism to provide such monies as may be appropriated by the Legislature for this purpose to each of the agencies designated under Section 61‑12‑20(a). The distribution of these monies must be on a per capita basis according to the most recent United States Census. The agencies designated under Section 61‑12‑20(a) must expend any funds received through this mechanism in accordance with the county plans required under Section 61‑12‑20(b).

 (E) The department is authorized to develop such rules and regulations not inconsistent with the provisions of this chapter as it may find to be reasonably appropriate for the government of the county plans called for in Section 61‑12‑20(b), and the financial and programmatic accountability of funds provided under this section and all other funds provided by the department to agencies designated under Section 61‑12‑20(a).

HISTORY: 1962 Code Sections 32‑896, 32‑1510.21; 1957 (50) 336; 1966 (54) 2182; 1971 (57) 800; 1974 (58) 2284; 1984 Act No. 512, Part II, Section 25; 1993 Act No. 181, Section 1108.

CROSS REFERENCES

Alcohol and alcoholic beverages, see Title 61.

Duties of department with respect to Centers for Alcohol and Drug Rehabilitation, see Sections 24‑13‑1910 et seq.

Commissioner an ex officio member of State Child Fatality Advisory Committee, see Section 63‑11‑1930.

South Carolina Commission on Alcohol and Drug Abuse incorporated into the Department of Alcohol and Other Drug Abuse Services, see Section 1‑30‑20.

Library References

Chemical Dependents 22.

Westlaw Topic No. 76A.

C.J.S. Chemical Dependents Sections 28 to 29.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Drug and Alcohol Dependence Section 4, South Carolina Commission on Alcohol and Drug Abuse.

LAW REVIEW AND JOURNAL COMMENTARIES

The Disease Concept of Alcoholism and Traditional Criminal Law Theory. 19 S.C. L. Rev. 349.

License to Dispense Controlled Drugs. 25 S.C. L. Rev. 321.

Marijuana ‑ The Right to Truth. 23 S.C. L. Rev. 361.

Origins, Treatment and Destiny of Skid‑Row Alcoholic Men. 19 S.C. L. Rev. 332.

Uniform Drug Law. 23 S.C. L. Rev. 540.

NOTES OF DECISIONS

In general 1

Constitutional issues 2

1. In general

A provisional driver’s license, issued contingent on successfully completing an Alcohol and Drug Substance Abuse Program (ADSAP), was properly revoked where the driver was arrested twice while enrolled in ADSAP and thus failed to successfully complete the program. Harper v. South Carolina Dept. of Highways and Public Transp. (S.C. 1991) 305 S.C. 95, 406 S.E.2d 343.

The Commission on Alcohol and Drug Abuse has the authority under Section 44‑49‑10 to develop guidelines. Harper v. South Carolina Dept. of Highways and Public Transp. (S.C. 1991) 305 S.C. 95, 406 S.E.2d 343.

2. Constitutional issues

The legislature does not overstep its constitutional authority by the enactment of laws regulating the possession and use of marijuana. State v. Tabory (S.C. 1973) 260 S.C. 355, 196 S.E.2d 111. Controlled Substances 6

**SECTION 44‑49‑20.** Director of department; appointment; removal.

 The Department of Alcohol and Other Drug Abuse Services shall be headed by a director appointed by the Governor, upon the advice and consent of the Senate. The director is subject to removal by the Governor pursuant to the provisions of Section 1‑3‑240.

HISTORY: 1962 Code Section 32‑897; 1957 (50) 336; 1966 (54) 2182; 1993 Act No. 181, Section 1108.

CROSS REFERENCES

Alcohol and alcoholic beverages, see Title 61.

Library References

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LAW REVIEW AND JOURNAL COMMENTARIES

The Disease Concept of Alcoholism and Traditional Criminal Law Theory. 19 S.C. L. Rev. 349.

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Marijuana ‑ The Right to Truth. 23 S.C. L. Rev. 361.

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Uniform Drug Law. 23 S.C. L. Rev. 540.

**SECTION 44‑49‑40.** Powers and duties of department relating to narcotics and controlled substances.

 (A) The department shall arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances.

 (B) Results, information, and evidence received from the Department of Health and Environmental Control relating to the regulatory functions of this chapter and Article 3 of Chapter 53, including results of inspections conducted by such department, may be relied upon and acted upon by the department in conformance with its administration and coordinating duties under this Chapter and Article 3 of Chapter 53.

 (C)(1) The department shall: Plan, coordinate and cooperate in educational programs for schools, communities and general public designed to prevent and deter misuse and abuse of controlled substances;

 (2) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

 (3) Assist the regulated industry, interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

 (4) Consult with interested groups and organizations to aid them in solving administrative and organizational problems;

 (5) Evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

 (6) Disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them;

 (7) Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances;

 (8) Encourage research on misuse and abuse of controlled substances;

 (9) Cooperate in establishing methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse;

 (10) Cooperate in making studies and in undertaking programs of research to

 (a) Develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of Sections 44‑49‑10, 44‑49‑40 and 44‑49‑50 and Article 3 of Chapter 53;

 (b) Determine patterns of misuse and abuse of controlled substances and the social effects thereof; and

 (c) Improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances.

 (D) The department may enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

 (E) The department may enter into contracts for educational and research activities without performance bonds.

 (F) The department is authorized to accept gifts, bequests, devises, contributions, and grants, public or private, including federal funds, or funds from any other source for use in furthering the purpose of the department. The department is authorized to administer the grants and contracts arising from the federal program entitled the Drug‑Free Schools and Communities Act of 1986, P.L. 99‑570.

HISTORY: 1962 Code Section 32‑1510.23; 1971 (57) 800; 1993 Act No. 181, Section 1108.

CROSS REFERENCES

Alcohol and alcoholic beverages, see Title 61.

Library References

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C.J.S. Chemical Dependents Sections 28 to 29.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Drug and Alcohol Dependence Section 4, South Carolina Commission on Alcohol and Drug Abuse.

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The Disease Concept of Alcoholism and Traditional Criminal Law Theory. 19 S.C. L. Rev. 349.

License to Dispense Controlled Drugs. 25 S.C. L. Rev. 321.

Marijuana ‑ The Right to Truth. 23 S.C. L. Rev. 361.

Origins, Treatment and Destiny of Skid‑Row Alcoholic Men. 19 S.C. L. Rev. 332.

Uniform Drug Law. 23 S.C. L. Rev. 540.

**SECTION 44‑49‑50.** Cooperation; legal services.

 It shall be the duty of all departments, officers, agencies, and employees of the State to cooperate with the Department of Alcohol and Other Drug Abuse Services in carrying out its functions. The Attorney General shall furnish such legal services as are necessary to the department.

HISTORY: 1962 Code Section 32‑1510.22; 1971 (57) 800; 1993 Act No. 181, Section 1108.

CROSS REFERENCES

Alcohol and alcoholic beverages, see Title 61.

Library References

Chemical Dependents 22.

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The Disease Concept of Alcoholism and Traditional Criminal Law Theory. 19 S.C. L. Rev. 349.

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Origins, Treatment and Destiny of Skid‑Row Alcoholic Men. 19 S.C. L. Rev. 332.

Uniform Drug Law. 23 S.C. L. Rev. 540.

**SECTION 44‑49‑60.** Adult alcoholic education program; supervisor.

 The department shall appoint a supervisor of adult education for the prevention of alcoholism, who shall be responsible for activating and implementing an adequate alcoholic education program for the citizens of this State above high school age. The program shall be designed to prevent or reduce alcoholism in this State and to create a recognition and understanding of the problem.

 In carrying out the provisions of this section the department and the supervisor of adult education for the prevention of alcoholism may consult and work in conjunction with groups such as Alcoholics Anonymous, the Yale Center of Alcohol Studies of Yale University, the Research Council on Problems of Alcohol of the American Association for the Advancement of Science, the South Carolina Medical Association, the department of Mental Health, the Christian Action Council, the Committee on Alcoholism of the South Carolina Conference of Social Work and other groups or agencies that are able to assist in the study, prevention, treatment and rehabilitation of alcoholics and in a scientific educational program on the problems of alcohol.

HISTORY: 1962 Code Section 32‑902; 1954 (48) 1751; 1957 (50) 336; 1966 (54) 2182; 1993 Act No. 181, Section 1108.

CROSS REFERENCES

Alcohol and alcoholic beverages, see Title 61.

Library References

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S.C. Jur. Drug and Alcohol Dependence Section 4, South Carolina Commission on Alcohol and Drug Abuse.

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Marijuana ‑ The Right to Truth. 23 S.C. L. Rev. 361.

Origins, Treatment and Destiny of Skid‑Row Alcoholic Men. 19 S.C. L. Rev. 332.

The Disease Concept of Alcoholism and Traditional Criminal Law Theory. 19 S.C. L. Rev. 349.

Uniform Drug Law. 23 S.C. L. Rev. 540.

NOTES OF DECISIONS

In general 1

1. In general

This section [Code 1962 Section 32‑902] authorizes the expenditure of funds for the purpose of granting scholarships to citizens of this State to undertake the study of and receive instruction involving the problems incident to the problems of alcohol. 1963‑64 Op.Atty.Gen. No. 1687, p. 141 (June 9, 1964) 1964 WL 8312.

**SECTION 44‑49‑70.** Department shall aid supervisor in effecting program.

 The department shall furnish the supervisor of adult education for the prevention of alcoholism adequate ways and means to accomplish an effective educational program for the prevention of alcoholism in this State.

HISTORY: 1962 Code Section 32‑900(b); 1954 (48) 1751; 1957 (50) 336; 1958 (50) 1990; 1966 (54) 2182; 1993 Act No. 181, Section 1108.

CROSS REFERENCES

Alcohol and alcoholic beverages, see Title 61.

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C.J.S. Chemical Dependents Sections 28 to 29.

LAW REVIEW AND JOURNAL COMMENTARIES

License to Dispense Controlled Drugs. 25 S.C. L. Rev. 321.

Marijuana ‑ The Right to Truth. 23 S.C. L. Rev. 361.

Origins, Treatment and Destiny of Skid‑Row Alcoholic Men. 19 S.C. L. Rev. 332.

The Disease Concept of Alcoholism and Traditional Criminal Law Theory. 19 S.C. L. Rev. 349.

Uniform Drug Law. 23 S.C. L. Rev. 540.

**SECTION 44‑49‑80.** Establishment of drug abuse treatment program.

 The department shall establish a program to provide alcohol and drug abuse intervention, prevention, and treatment services for the public schools of the State. The department shall provide staff and support necessary to administer the program. Funds for this program must be annually appropriated by the General Assembly from the Education Improvement Act of 1984 Fund as it determines appropriate. The appropriated funds must be forwarded to the South Carolina Department of Alcohol and Other Drug Abuse Services from the Education Improvement Act of 1984 Fund in the manner the State Treasurer shall direct.

HISTORY: 1984 Act No. 512, Part II, Section 9, Division II, Subdivision B, SubPart 4, Section 1; 1993 Act No. 181, Section 1108.

Library References

Chemical Dependents 22.

Westlaw Topic No. 76A.

C.J.S. Chemical Dependents Sections 28 to 29.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Drug and Alcohol Dependence Section 4, South Carolina Commission on Alcohol and Drug Abuse.