



Beachfront Entertainment v. Town of Sullivan's Island, 666 S.E.2d 912 (S.C. 2008)

Topics Covered: Anti-tobacco

Outcome: Favorable

AMA Interest

The AMA, in keeping with its objective of protecting public health, supports a smoke-free America.

Case Summary

The Town of Sullivan's Island, South Carolina passed an ordinance that prohibited smoking in enclosed workplaces or in outside areas where the smoke could enter the workplace. The plaintiffs contended that various state and federal laws expressly or impliedly preempted the ordinance. The trial court upheld the ordinance, but the plaintiffs appealed to the South Carolina Supreme Court.

On September 8, 2008, the Supreme Court reversed in part and affirmed in part. It held that, to the extent the ordinance made smoking illegal as a civil matter, it was not preempted. However, because the ordinance imposed a criminal penalty, it was to that extent inconsistent with state law and was thus preempted.

AMA Involvement

The AMA, along with the South Carolina Medical Association and several other public health organizations, filed an amicus brief in the South Carolina Supreme Court supporting the anti-smoking ordinance.

South Carolina Supreme Court brief