**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3237**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Burns

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Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Safe Cremation Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Labor, Commerce and Industry**

1/10/2023 House Introduced and read first time ([House Journal‑page 103](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 103](h:\hj\20230110.docx))

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3237_20221208.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 32‑8‑320 AND 32‑8‑325, BOTH RELATING TO THE SAFE CREMATION ACT’S CREMATION AUTHORIZATIONS AND PROCEDURES, SO AS TO PROVIDE A NOTICE REQUIREMENT PRIOR TO CREMATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 32‑8‑320(F) of the S.C. Code is amended to read:

(F) If a funeral home handling funeral arrangements for a decedent transfers the decedent’s body to another funeral home solely for cremation purposes, the funeral home performing the cremation may, in good faith, rely on a cremation authorization document executed at the funeral home handling the funeral arrangements, so long as the funeral home handling the funeral arrangements gives notice to the parties listed in subsection (A)(1), (2), (3), (4), and (5) as required pursuant to Section 32‑8‑325(A)(2).

SECTION 2. Section 32‑8‑325(A) of the S.C. Code is amended to read:

(A) A crematory authority shall not cremate human remains until it has received all of the following:

(1) An abstract of information from a filed death certificate available on the electronic vital records system or a certified copy of the death certificate; however, if the decedent was pronounced dead during hours the department was not open to the public, a completed copy of the death certificate, excluding the signature of the State Registrar of Vital Statistics, signed by the attending physician, coroner, or medical examiner must be provided to the crematory authority; the death certificate signed by the registrar must be filed the next working day of the department and a certified copy must be provided to the crematory authority.

(2) Proof that the funeral home handling funeral arrangements gave notice of the impending cremation to the persons listed in Section 32‑8‑320(A)(1), (2), (3), (4), and (5). Notice to the persons listed in Section 32‑8‑320(A)(1), (2), (3), (4), and (5) is sufficient by the United States Postal Service regulations, proper postage affixed, to their last known address, or electronic communication methods.

(3) A cremation authorization on a form prescribed by the board and executed by the decedent on a preneed basis or executed by the decedent’s agent and which contains:

(a) the identity of the human remains and the date and time of death;

(b) the name of the funeral director or funeral establishment responsible for obtaining the authorization;

(c) the notification of infectious, contagious, or communicable disease or a disease declared by the department to be dangerous to the public health;

(d) the name, address, and phone number of the agent and the relationship between the agent and the decedent;

(e) a statement that the agent has the right to authorize the cremation of the decedent, as provided for in Section 32‑8‑320 and that the agent is not aware of a person who has a superior priority right to that of the agent or is not aware of a person of equal priority who disagrees with authorizing the cremation;

(f) authorization from the agent and the funeral director or funeral establishment for the crematory authority to perform the cremation;

(g) a statement that, to the best of the agent’s knowledge, the human remains do not contain a pacemaker or any other material or implant that may be hazardous or cause damage to the cremation chamber or the person performing the cremation;

(h) the name of the agent or funeral establishment authorized to receive the cremated remains;

(i) the method by which disposition of the cremated remains is to take place, if known. If the authorization form does not specify final disposition in a grave, crypt, niche, or scattering area, the form may indicate that the cremated remains are to be held by the crematory authority for thirty days before they are released, unless they are picked up by or shipped to the agent or funeral establishment before that time. At the end of thirty days, if final disposition arrangements have not been made, the crematory authority may return the cremated remains to the agent, crematory authority, or funeral establishment. If at the end of sixty days no final disposition arrangements have been made, the crematory authority or funeral establishment in charge of arrangements may dispose of the cremated remains in accordance with Section 32‑8‑345(D);

(j) a listing of items of value to be delivered to the crematory authority with the human remains and instructions as to how the items should be handled;

(k) a specific statement authorizing the crematory authority to proceed with the cremation upon receipt of the human remains;

(l) the signature of the decedent’s agent attesting to the accuracy of all statements contained on the cremation authorization form.

(3)(4) Completed and executed burial transit permit in accordance with Regulation 61‑19, Section 23.

(4)(5) A cremation permit obtained in accordance with Section 17‑5‑600 or Section 17‑5‑610.

SECTION 3. This act takes effect upon approval by the Governor.

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