Agency Name: Board of Funeral Service

Statutory Authority: 32-8-300 et seq.

Document Number: 4068

Proposed in State Register Volume and Issue: 33/3

House Committee: Labor, Commerce and Industry Committee

Senate Committee: Judiciary Committee

120 Day Review Expiration Date for Automatic Approval 04/08/2010

Final in State Register Volume and Issue: 34/4

Status: Final

Subject: Funeral Service Practice Act

History: 4068

By Date Action Description Jt. Res. No. Expiration Date

- 03/27/2009 Proposed Reg Published in SR

- 05/05/2009 Received by Lt. Gov & Speaker 04/11/2010

S 05/06/2009 Referred to Committee

H 05/12/2009 Referred to Committee

- 06/16/2009 Revised 120 Day Review Expiration Date

 for Automatic Approval 03/30/2010

H 01/12/2010 Committee Requested Withdrawal

 120 Day Period Tolled

- 01/21/2010 Withdrawn and Resubmitted 04/08/2010

S 03/03/2010 Resolution Introduced to Approve 1251

- 04/08/2010 Approved by: Expiration Date

- 04/23/2010 Effective Date unless otherwise

 provided for in the Regulation

Resubmitted: January 21, 2010

Document No. 4068

**BOARD OF FUNERAL SERVICE**

CHAPTER 57

Statutory Authority: 1976 Code Sections 32-8-300 et seq.

57-01. Definitions

57-06.1. Apprenticeship Requirements

57-14.1. through 57-14.4. Crematory Requirements

57-15. Inspection Guidelines

**Synopsis:**

The South Carolina Board of Funeral Service is amending current Regulation 57-01 and adding Regulations 57-06.1, 57-14.1 through 57-15 to clarify and conform to the Funeral Service Practice Act.

The Notice of Drafting was published in the *State Register* on September 26, 2008.

**Instructions:**

Insert text as printed below.

**Text:**

57-01. Definitions.

Definitions found in Section 40-19-20 apply to this chapter.

 (A) “Supervision” means protective oversight, including review, timely quality control, and inspection to assist the supervisee in preparing for practice and strengthening the skills of the supervisee. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present.

 (B) “Continuing education” means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry level educational requirements.

 (C) “Contact hour” means a minimum of fifty (50) minutes of instruction.

 (D) “Full-Time Employee” means a person whose work schedule requires that the employee be present a minimum of thirty-five (35) hours per week for the entire normal year of operation.

 (E) “Cremains” means the remains of a cremated human body.

 (F) “Crematory” means a facility equipped with a gas fired cremation retort specifically designed use in cremation of human remains.

 (G) “Cremation Casket” means a casket specifically designed for holding, viewing, transporting human remains and must meet the requirements listed in item (H) below.

 (H) "Alternative container" means a receptacle, other than a casket, in which human remains are transported to a crematory and placed in a cremation chamber for cremation. An alternative container or cremation casket must be:

 (1) composed of readily combustible materials suitable for cremation;

 (2) resistant to leakage or spillage;

 (3) rigid enough for handling with ease;

 (4) able to provide protection for the health, safety, and personal integrity of crematory personnel.

57-06.1. Apprenticeship requirements.

 (1) An apprentice embalmer or funeral director must serve an apprenticeship of not less than twenty-four (24) months. Apprentice embalmers and funeral directors must be full-time employees as defined in this chapter; working under the direct supervision of a funeral director for funeral director apprentices or embalmer for embalmer apprentices who is licensed in South Carolina.

 (2) During the course of the apprenticeship, an apprentice must submit reports of his or her funeral activities, indicating the actual number of funerals that he or she has assisted with and in what preparation he or she assisted with. All apprentices must report to the Board quarterly upon the forms provided by or approved by the board indicating all work completed during the reporting period.

 (3) The apprentice must report quarterly, regardless of whether or not there has been any activity during the quarter. March 31, June 30, September 30 and December 31 are the due dates for quarterly reports for reporting purposes. Quarterly reports must be submitted to the office of the Board Administrator no later than ten (10) days after the deadline. It is the sole responsibility of the apprentice to ensure that quarterly reports are received in the office of the Board Administrator. Quarterly reports not received on time may not be accepted for credit toward completion of the apprenticeship. In no case shall an apprentice be permitted to complete his or her apprenticeship unless the reporting requirement is met.

 (4) The apprentice embalmer or funeral director must conduct all embalming and funeral direction activities under the direct supervision of the designated supervising licensee as approved by the Board. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present.

 (5) If the apprentice leaves the supervision of the licensee in whose service he or she has been engaged, the supervisor shall give the apprentice an affidavit showing the length of time served toward completion of the apprenticeship. The apprentice must request and obtain permission from the Board to change supervisors by completing a new application and receiving approval to change supervisors from the Board.

 (6) To complete his or her apprenticeship, an apprentice embalmer or funeral director must assist in the embalming of at least fifty (50) cases for an apprentice embalmer or assist the funeral director in at least fifty (50) funerals for an apprentice funeral director. The apprentice embalmer or apprentice funeral director must document all embalming and funeral cases that he or she assists in during the apprenticeship period.

 (7) A certificate of apprenticeship is renewable twenty-four (24) months after registration for an additional twelve (12) months. A certificate of apprenticeship may not be renewed more than three (3) times.

 (8) If an apprentice does not become licensed as a funeral director or embalmer within five (5) years of completing his or her apprenticeship, the Board may require the applicant to complete all or part of the apprenticeship period.(9) If an apprentice embalmer or funeral director does not complete his or her apprenticeship within five (5) years from the date of application, the Board may require the applicant to complete all or part of the apprenticeship period.

Article 8

Crematory Requirements

57-14.1. Records.

Records, policies, and procedures will be maintained at the crematory site and will be available for inspection at all times.

 (A) The crematory shall maintain a log which shows clearly**:**

 (1) The name of the deceased;

 (2) A unique identification number assigned to each deceased;

 (3) Authorization for cremation;

 (4) Date body received at the crematory;

 (5) Type of cremation container received;

 (6) Date cremated;

 (7) Date cremains delivered;

 (8) To whom the cremains were delivered.

 (B) The crematory shall develop and implement a system to assure the identification of each deceased through all steps of the crematory process.

 (C) The crematory shall develop and implement a system to track each deceased through all steps of the crematory process and shall attach a physical identification to each body which shall accompany it at all times during the cremation process. This identification may be attached to the outside of the retort during the period of actual cremation.

 (D) The crematory shall maintain current operators manual for each retort and a maintenance record for each retort.

 (E) Where a family requests removal of dental gold or other dental work, they shall be allowed to arrange for such removal by a licensed dentist of their choice and the crematory will allow access to that dentist. The crematory log will record the name and license number of the dentist.

 (F) Crematories may only cremate human remains, the cremation of animals is forbidden.

57-14.2. Equipment and practices.

 (A) Each crematory must provide a holding facility of suitable size to accommodate all human remains which are retained and awaiting cremation.

 (B) Each crematory must be equipped with a commercially manufactured cremation unit (retort), made specifically for the cremation of human remains and including the following features:

 (1) An ash collection pan to minimize the commingling of cremated remains of one human with another;

 (2) A hearth floor without depressions to minimize the commingling of cremated remains of one human with another;

 (3) A door safety switch to stop the burner operation when the front charging door is opened;

 (4) A pollution monitoring system to monitor and detect smoke when the density exceeds applicable state and federal standards, whereupon the system will automatically stop the burner operation on a time setting of not less than three (3) minutes;

 (5) Approval by Underwriters Laboratory or a comparable laboratory.(C) The cremation retort shall be in good working order at all times. If a retort is unavailable for any period exceeding twenty-four (24) hours, the crematory shall refuse to accept any body until such time as the retort is working, unless that body can be maintained under appropriate refrigeration as described in Subsection (E).

 (D) A commercially manufactured processor made specifically for the pulverization of cremated remains and equipped with the following features:

 (1) Capable of consistently processing cremated remains to unidentifiable dimensions;

 (2) Rust resistant processing chamber;

 (3) Exterior surface made of easily cleaned, non-corrosive material.

 (E) If the crematory provides a refrigeration unit for the holding of human remains in its custody for twenty-four (24) or more hours, it must meet the following standards:

 (1) Is capable of maintaining interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it was designed;

 (2) Has a surface of sealed concrete, stainless steel, galvanized steel, aluminum or other easily cleaned material.

 (F) The crematory shall maintain a vacuum system in working order and able to capture small bone fragments as well as some residual dust.

 (G) The crematory shall remove all remains from the retort at the conclusion of each cremation and shall minimize residual dust.

 (H) The crematory shall be operated by a person listed on the official roster of the Board as a Certified Crematory Operator.

 (I) The crematory will provide and require that its operator use proper safety equipment including**:**

 (1) Heat Resistant Apron;

 (2) Heat Resistant Gloves (at least to the elbow);

 (3) Safety glasses with side shields, goggles or face shield.

 (J) All cremains will be placed in a closed, rigid, and leak resistant container, specifically designed for the storage of cremains.

57-14.3. Training of crematory operators.

 (A) Persons who complete the following training will be listed on the official roster of the Board as Certified Crematory Operators.

 (B) Training will include completion of a minimum of fifty (50) cremation cases under the supervision of a certified trainer/preceptor.

 (C) Training will cover the following topics. The preceptor will document the time and date of specific training on these topics:

 (1) Documents required prior to cremation authorization;

 (2) Compliance with the record keeping requirements of this chapter;

 (3) Operation of the retort and processing cremains, including specific safety precautions.

57-14.4. Training of certified crematory trainer/preceptors.

(A) Persons who complete the following training and documented experience will be listed on the official roster of the Board as Certified Crematory Trainer/preceptors.

(B) Training will include the following components**:**

 (1) Factory approved instruction in the operation of the on-site unit;

 (2) Documents required prior to cremation (e.g. authorization, BRT, DC, Coroners’ Permit);

 (3) Compliance with the record keeping requirements of this chapter;

 (4) Operation of the retort and processing cremains, including specific safety precautions;

 (5) Packaging and delivery of cremains.

 (C) Experience will be documented by a log showing records of at least one hundred (100) cremations, performed according to law.

Article 9

Inspection Guidelines

57-15. Inspection guidelines.

Inspection guidelines include the following:

 (1) An embalming room of at least 100 square feet working space excluding tables, cabinets and other equipment;

 (2) A preparation room equipped with sanitary floor and necessary drainage, ventilation, necessary approved tables, hot and cold running water and a sink separate from table drainage, an OSHA-approved shower and eye wash station, hydro or electric aspirator (if hydro, it must be equipped with a backflow preventor on the facility’s water system), embalming machine, or gravity bottle or bulb or hand pump, at least one scalpel, two aneurysm needles, assorted canulae, suture needles, trocar, antiseptic soap, twelve (12) bottles of arterial fluid, and two bottles of cavity fluid;

 (3) Handicapped accessible restrooms, water fountains and accessibility to and throughout the facility;

 (4) One working and licensed motor hearse for transporting casketed and non-casketed human remains;

 (5) Sanitary waste receptacle and hazardous waste receptacle;

 (6) Ventilating system that is screened and has an air exchange of twelve (12) times per hour to the outside;

 (7) Six (6) adult caskets on the premises displayed or available for display in conjunction with the display of cut-away caskets, an online kiosk or other means of funeral merchandise display;

 (8) Multiple copies of the General Price List, a Casket Price List, an Outer Burial Container Price List, and multiple copies of the Statement of Goods and Services in compliance with federal and state law;

 (9) An approved COMPLETED PERMIT APPLICATION or CURRENT FACILITY PERMIT DISPLAYED;

 (10) If a chapel or parlor for funeral services is provided, it must be inspected for safety and cleanliness.

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

The South Carolina Board of Funeral Service is amending current Regulation 57-01 and adding Regulations 57-06.1, 57-14.1 through 57-15 to clarify and conform to the Funeral Service Practice Act.