**A** **BILL**

TO AMEND SECTION 44‑63‑74(A) OF THE 1976 CODE, RELATING TO ELECTRONIC FILING AND TRANSMISSION OF DEATH CERTIFICATES, TO PROVIDE THAT DEATH CERTIFICATES MUST BE ELECTRONICALLY FILED WITH THE BUREAU OF VITAL STATISTICS WITHIN THREE DAYS AFTER DEATH, TO PROVIDE THAT MEDICAL CERTIFICATIONS OF CAUSE OF DEATH SHALL BE COMPLETED AND RETURNED TO FUNERAL HOME DIRECTORS WITHIN FORTY‑EIGHT HOURS AFTER DEATH BY THE PHYSICIAN IN CHARGE OF THE PATIENT’S CARE FOR THE ILLNESS OR CONDITION WHICH RESULTED IN DEATH, EXCEPT WHEN INQUIRY IS REQUIRED BY CORONER OR MEDICAL EXAMINER, TO PROVIDE THAT IF THE CAUSE OF DEATH CANNOT BE DETERMINED WITHIN FORTY‑EIGHT HOURS AFTER DEATH, A MEDICAL CERTIFICATION SHALL BE ENTERED AS PENDING AND A SUPPLEMENTAL REPORT SHALL BE FILED WITH THE BUREAU OF VITAL STATISTICS AND THIS REPORT SHALL BE MADE PART OF THE DEATH CERTIFICATE, AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 32‑8‑325(A)(1), RELATING TO THE RECEIPT OF INSTRUCTIONS FOR CREMATION, TO PROVIDE THAT A DEATH CERTIFICATE ABSTRACT IS SUFFICIENT TO AUTHORIZE CREMATIONS; AND TO AMEND SECTION 32‑8‑340(A), RELATING TO THE TIME PERIOD PRIOR TO CREMATION, TO CONFORM TO AMENDMENTS ALLOWING FOR THE USE OF A DEATH CERTIFICATE ABSTRACT.

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

SECTION 1. Section 44‑63‑74(A) of the 1976 Code is amended to read:

“Section 44‑63‑74. (A)(1) Notwithstanding any other provision of law, death certificates must be electronically filed with the Bureau of Vital Statistics as prescribed by the State Registrar of Vital Statistics within three days after death.

(2) Medical certifications of cause of death shall be completed and returned to the funeral home director within forty‑eight hours after death by the physician in charge of the patient’s care for the illness or condition which resulted in death, except when an inquiry is required by a coroner or medical examiner. If the cause of death cannot be determined within forty‑eight hours after death, the medical certification shall be entered as pending, and the physician, medical examiner, or coroner shall submit a supplemental report to the State Registrar on a form furnished by or approved by him as soon as practicable. The supplemental report shall be made a part of the death certificate.

(3) Death certificates must be transmitted electronically between the funeral home director and the physician, coroner, or medical examiner certifying the cause of death in order to document the death certificate information prescribed by this chapter. Required signatures on death certificates must be provided by electronic signature.

(4) An individual who acts, without compensation, as a funeral director on behalf of a deceased family member or friend, physicians certifying fewer than twelve deaths per year, and funeral homes that perform fewer than twelve funerals per year are exempt from this requirement.

(5) A physician who fails to certify the cause of death within forty‑eight hours without good cause shown, shall be fined for violating subsection (A)(2) and the department shall notify the Board of Medical Examiners of the violation. Each day after the initial forty‑eight hour period shall constitute an additional violation.”

SECTION 2. Section 32‑8‑325(A)(1) of the 1976 Code is amended to read:

“Section 32‑8‑325. (A) A crematory authority shall not cremate human remains until it has received all of the following:

(1)(a) A death certificate abstract posted on the death certificate electronic filing 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 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.”

SECTION 3. Section 32‑8‑340(A) of the 1976 Code is amended to read:

“Section 32‑8‑340. (A) Human remains may not be cremated before twenty‑four hours have elapsed from the time of death as indicated on the attending physician’s, medical examiner’s, ~~or~~ coroner’s certificate of death, or a death certificate abstract posted on the death certificate electronic filing system. However, if it is known that the decedent had an infectious or dangerous disease and if the time requirement is waived in writing by the attending physician, medical examiner, or coroner in the county in which the death occurred, the remains may be cremated before twenty‑four hours have elapsed.”

SECTION 4. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑