

Session 114 - (2001-2002)

H*3515 (Rat #0409, Act #0322 of 2002) General Bill, By Sandifer, Robinson, Allison, Altman, Askins, Barfield, Barrett, Bingham, Carnell, Cato, Chellis, Cobb-Hunter, Cooper, Dantzler, Harrell, Huggins, Keegan, Kelley, Kirsh, Klauber, Law, Leach, Martin, Meacham-Richardson, J.M. Neal, Phillips, Rice, Riser, Simrill, D.C. Smith, W.D. Smith, Snow, Talley, Taylor, Thompson, Trotter, Walker, Whipper, Wilder, A. Young, McLeod, Davenport, Emory, Sinclair and Knotts

Summary: Funeral directors and embalmers, license and permit requirements; sale of funeral merchandise; to enact the Perpetual Care Cemetery Act; to repeal the Cemetery Act of 1984

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-19-235 SO AS TO PROVIDE THAT A NONRESIDENT EMBALMER OR FUNERAL DIRECTOR MAY BE LICENSED IN THIS STATE IF THE LICENSURE REQUIREMENTS OF HIS STATE ARE SUBSTANTIALLY SIMILAR TO REQUIREMENTS OF THIS STATE AND TO REQUIRE FIVE YEARS OF PRACTICE AND PASSAGE OF AN EXAMINATION FOR LICENSURE WHEN THE LICENSURE REQUIREMENTS IN ANOTHER STATE ARE NOT SUBSTANTIALLY SIMILAR TO REQUIREMENTS IN THIS STATE; TO ADD SECTION 40-19-265 SO AS TO ESTABLISH PERMIT REQUIREMENTS FOR FUNERAL HOMES, BRANCH FUNERAL HOMES, RETAIL SALES OUTLETS, AND CREMATORIES; TO AMEND SECTION 40-19-10, AS AMENDED, RELATING TO THE SOUTH CAROLINA STATE BOARD OF FUNERAL SERVICE, SO AS TO REQUIRE ALL FUNERAL DIRECTORS AND EMBALMERS SERVING ON THE BOARD TO BE ACTIVELY EMPLOYED OR ENGAGED IN THE FUNERAL SERVICE PROFESSION; TO AMEND SECTION 40-19-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE THE DEFINITIONS OF "BRANCH FUNERAL HOME", "CHAPEL", "DISPOSITION", "FUNERAL MERCHANDISE", AND "MANAGER" AND TO DEFINE "RETAIL SALES OUTLET" AND "OWNER"; TO AMEND SECTION 40-19-110, AS AMENDED, RELATING TO GROUNDS FOR MISCONDUCT, SO AS TO PROHIBIT SOLICITING THE SALE OF FUNERAL MERCHANDISE AND TO CLARIFY OTHER GROUNDS; TO AMEND SECTION 40-19-230, RELATING TO QUALIFICATIONS FOR LICENSURE, SO AS TO CHANGE THE ACCREDITING BODY FOR EMBALMING COLLEGES AND TO CONFORM PROVISIONS TO THE REVISED LICENSURE REQUIREMENTS FOR OUT-OF-STATE EMBALMERS AND FUNERAL DIRECTORS; TO AMEND SECTION 40-19-270, RELATING TO PERMITS AND INSPECTIONS OF FUNERAL ESTABLISHMENTS AND CREMATORIES, SO AS TO APPLY CERTAIN OF THESE PROVISIONS TO RETAIL SALES OUTLETS, TO PROVIDE THAT ALL PERMITS ARE VALID FOR TWO YEARS, AND TO PROVIDE WHEN A MANAGER MUST BE EMPLOYED BY A FUNERAL ESTABLISHMENT; TO AMEND SECTION 40-19-280, RELATING TO THE REQUIREMENT THAT A PERSON BE LICENSED TO HOLD HIMSELF OUT AS PRACTICING FUNERAL SERVICE OR OPERATING A FUNERAL ESTABLISHMENT, SO AS TO ALSO APPLY THIS LICENSURE REQUIREMENT TO A PERSON OPERATING A CREMATORY OR A RETAIL SALES OUTLET; TO AMEND SECTION 40-19-290, RELATING TO DISCLOSURE OF INFORMATION AND EXPENSES TO CLIENTS BY FUNERAL ESTABLISHMENTS, SO AS TO ALSO REQUIRE CREMATORIES AND RETAIL SALES OUTLETS TO DISCLOSE SUCH INFORMATION AND EXPENSES TO ITS CLIENTS AND TO REQUIRE PAYMENTS RECEIVED BY THESE ESTABLISHMENTS FOR FUNERAL MERCHANDISE TO BE PLACED IN A TRUST ACCOUNT UNTIL DELIVERY; AND BY AMENDING TITLE 40 RELATING TO OCCUPATIONS AND PROFESSIONS BY ADDING CHAPTER 8 SO AS TO ENACT THE "SOUTH CAROLINA PERPETUAL CARE CEMETERY ACT", TO ESTABLISH THE SOUTH CAROLINA PERPETUAL CARE CEMETERY BOARD, TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES AND TO PROVIDE FOR THE REGULATION OF CEMETERIES, BURIAL GROUNDS, AND CONTRACTS OR AGREEMENTS IN CONNECTION WITH THE FINAL DISPOSITION OF A DEAD HUMAN BODY, TO REQUIRE LICENSURE OF AN ENTITY OPERATING A PERPETUAL CARE CEMETERY COMPANY, TO ESTABLISH LICENSURE PROCEDURES AND REQUIREMENTS FOR THESE ENTITIES, AND TO FURTHER PROVIDE FOR THE REGULATION OF THESE ENTITIES; AND TO REPEAL CHAPTER 55, TITLE 39 RELATING TO CEMETERIES AND THE "SOUTH CAROLINA CEMETERY ACT OF 1984".-amended title

02/08/01	House	Introduced and read first time HJ-11
02/08/01	House	Referred to Committee on Labor, Commerce and Industry HJ-12
03/07/01	House	Committee report: Favorable with amendment Labor, Commerce and Industry HJ-5
03/12/01	House	Amended HJ-13
03/12/01	House	Read second time HJ-14
03/20/01	House	Read third time and sent to Senate HJ-17
03/22/01	Senate	Introduced and read first time SJ-20
03/22/01	Senate	Referred to Committee on Labor, Commerce and Industry SJ-20
05/03/01	Senate	Committee report: Favorable with amendment Labor, Commerce and Industry SJ-9
05/08/01	Senate	Amended SJ-12

05/08/01	Senate	Read second time SJ-12
05/08/01	Senate	Ordered to third reading with notice of amendments SJ-12
05/15/01	Senate	Read third time and returned to House with amendments
05/15/01	Senate	Reconsidered
03/20/02	Senate	Special order SJ-52
03/21/02	Senate	Amended SJ-25
03/21/02	Senate	Debate interrupted SJ-25
03/26/02	Senate	Amended SJ-24
03/26/02	Senate	Read third time and returned to House with amendments SJ-24
04/04/02	House	Senate amendment amended HJ-39
04/04/02	House	Returned to Senate with amendments HJ-39
04/10/02	Senate	Non-concurrence in House amendment SJ-27
04/11/02	House	House insists upon amendment and conference committee appointed Reps. Sandifer, Cato and Wilder HJ-29
04/16/02	Senate	Conference committee appointed Sens. Alexander, Pinckney, Waldrep SJ-19
05/28/02	Senate	Conference report received and adopted SJ-12
05/29/02	House	Conference report received and adopted HJ-212
05/29/02	Senate	Ordered enrolled for ratification SJ-25
05/30/02		Ratified R 409
06/05/02		Signed By Governor
07/25/02		Act No. 322
08/01/02		Effective date See Act
08/01/02		Copies available