**South Carolina General Assembly**

121st Session, 2015-2016

**A72, R101, S176**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Alexander

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Introduced in the Senate on January 13, 2015

Introduced in the House on April 28, 2015

Last Amended on June 3, 2015

Passed by the General Assembly on June 4, 2015

Governor's Action: June 8, 2015, Signed

Summary: Cremation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/10/2014 Senate Prefiled

 12/10/2014 Senate Referred to Committee on **Medical Affairs**

 1/13/2015 Senate Introduced and read first time ([Senate Journal‑page 116](file:///h%3A%5CSJ%20Archive%5C2015%5C01-13-15.docx))

 1/13/2015 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 116](file:///h%3A%5CSJ%20Archive%5C2015%5C01-13-15.docx))

 4/21/2015 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 25](file:///h%3A%5CSJ%20Archive%5C2015%5C04-21-15.docx))

 4/22/2015 Scrivener's error corrected

 4/23/2015 Senate Committee Amendment Adopted ([Senate Journal‑page 24](file:///h%3A%5CSJ%20Archive%5C2015%5C04-23-15.docx))

 4/23/2015 Senate Read second time ([Senate Journal‑page 24](file:///h%3A%5CSJ%20Archive%5C2015%5C04-23-15.docx))

 4/23/2015 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 24](file:///h%3A%5CSJ%20Archive%5C2015%5C04-23-15.docx))

 4/24/2015 Scrivener's error corrected

 4/28/2015 Senate Read third time and sent to House ([Senate Journal‑page 13](file:///h%3A%5CSJ%20Archive%5C2015%5C04-28-15.docx))

 4/28/2015 House Introduced and read first time ([House Journal‑page 144](file:///h%3A%5CHJ%20Archive%5C2015%5C04-28-15.docx))

 4/28/2015 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 144](file:///h%3A%5CHJ%20Archive%5C2015%5C04-28-15.docx))

 5/28/2015 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 4](file:///h%3A%5CHJ%20Archive%5C2015%5C05-28-15.docx))

 6/3/2015 House Amended ([House Journal‑page 14](file:///h%3A%5CHJ%20Archive%5C2015%5C06-03-15.docx))

 6/3/2015 House Read second time ([House Journal‑page 14](file:///h%3A%5CHJ%20Archive%5C2015%5C06-03-15.docx))

 6/3/2015 House Roll call Yeas‑84 Nays‑0 ([House Journal‑page 16](file:///h%3A%5CHJ%20Archive%5C2015%5C06-03-15.docx))

 6/4/2015 House Returned to Senate with amendments ([House Journal‑page 6](file:///h%3A%5CHJ%20Archive%5C2015%5C06-04-15.docx))

 6/4/2015 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 79](file:///h%3A%5CSJ%20Archive%5C2015%5C06-04-15.docx))

 6/4/2015 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 79](file:///h%3A%5CSJ%20Archive%5C2015%5C06-04-15.docx))

 6/4/2015 Ratified R 101

 6/8/2015 Signed By Governor

 6/17/2015 Effective date 01/01/16

 6/18/2015 Act No. 72

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=176&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/10/2014](file:///p%3A%5Cpprever%5C2015-16%5C176_20141210.docx)

[4/21/2015](file:///p%3A%5Cpprever%5C2015-16%5C176_20150421.docx)

[4/22/2015](file:///p%3A%5Cpprever%5C2015-16%5C176_20150422.docx)

[4/23/2015](file:///p%3A%5Cpprever%5C2015-16%5C176_20150423.docx)

[4/24/2015](file:///p%3A%5Cpprever%5C2015-16%5C176_20150424.docx)

[4/24/2015-A](file:///p%3A%5Cpprever%5C2015-16%5C176_20150424A.docx)

[5/28/2015](file:///p%3A%5Cpprever%5C2015-16%5C176_20150528.docx)

[6/3/2015](file:///p%3A%5Cpprever%5C2015-16%5C176_20150603.docx)

(A72, R101, S176)

**AN ACT TO AMEND SECTION 44‑63‑74, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTRONIC FILING AND TRANSMISSION OF DEATH CERTIFICATES, SO AS TO PROVIDE FOR RESPONSIBILITIES OF PHYSICIANS, FUNERAL HOMES, AND FUNERAL DIRECTORS AND TO ESTABLISH PENALTIES FOR NONCOMPLIANCE; TO AMEND SECTION 32‑8‑325, RELATING TO PREREQUISITES BEFORE CREMATING HUMAN REMAINS, SO AS TO PROVIDE FOR THE USE OF ELECTRONICALLY FILED DEATH CERTIFICATES TO MEET CERTAIN PREREQUISITES; AND TO AMEND SECTION 32‑8‑340, RELATING TO THE TIME THAT MUST ELAPSE BEFORE CREMATING HUMAN REMAINS, SO AS TO ALLOW USE OF INFORMATION PROVIDED ON ELECTRONICALLY FILED DEATH CERTIFICATES TO CALCULATE THE TIME OF DEATH.**

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

**Death certificates, electronic filing**

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

 “(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 five days after death.

 (2) The funeral director or other person acting as the funeral director who first assumes custody of a dead body shall file a death certificate. He also shall obtain:

 (a) the personal data of the decedent from the next of kin or the best qualified person or source available; and

 (b) the medical certification of cause of death as provided in department regulations.

 (3) Medical certifications of cause of death must be completed and returned to the funeral home director within forty‑eight hours after receipt of notice of the 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 must 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. If the forty‑eight hour period terminates on a weekend, federal holiday, or state holiday, the physician must file the certification by the end of the next business day. In the absence of this physician or with his approval, the certificate may be completed by his associate physician, the chief medical officer of the institution in which the death occurred, or by the pathologist who performed an autopsy upon the decedent.

 (4) 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. 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 the requirement to file electronically but must comply with the requirements of items (2) or (3), as applicable.

 (5)(a) A physician who fails to certify the cause of death within forty‑eight hours, without good cause shown, may be assessed an administrative penalty for violating item (3). The department shall notify the Board of Medical Examiners if a penalty is assessed. Each day after the initial forty‑eight hour period shall constitute an additional violation.

 (b) A funeral home or funeral director who fails to file a death certificate or collect data or collect medical certification of cause of death as required in items (1), (2), or both, without good cause shown, may be assessed an administrative penalty for violating the respective item. However, the department must not assess a penalty against a funeral home or funeral director for the delay or inability to collect personal data of the decedent pursuant to item (2)(a). The department shall notify the Board of Funeral Services if a penalty is assessed. Each day after the initial five day period in item (1) shall constitute an additional violation of that item.

 (c) A physician, funeral director, or funeral home that is required to file electronically pursuant to item (4) but who fails to file accordingly may be assessed an administrative penalty for violating item (4).

 (d) The administrative penalties are:

 (i) two hundred fifty dollars for a first violation or a warning letter;

 (ii) five hundred dollars for a second violation; and

 (iii) one thousand dollars for a third or subsequent violation.

 (e) The department shall retain any administrative penalties collected pursuant to this subsection and must allocate all of these funds to the Bureau of Vital Statistics for its use.”

**Crematory authorities, use of electronic death certificates before accepting body for cremation**

SECTION 2. Section 32‑8‑325(A)(1) of the 1976 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.”

**Cremation, use of electronic death certificates to calculate time of death**

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

 “(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, coroner’s certificate of death, or an abstract of information from a filed death certificate available on the electronic vital records 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.”

**Time effective**

SECTION 4. This act takes effect January 1, 2016.

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

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