**South Carolina General Assembly**

120th Session, 2013-2014

**A160, R168, S842**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cleary

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Introduced in the Senate on January 14, 2014

Introduced in the House on February 26, 2014

Passed by the General Assembly on April 3, 2014

Governor's Action: April 14, 2014, Signed

Summary: Veteran's unclaimed cremated remains

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/10/2013 Senate Prefiled

 12/10/2013 Senate Referred to Committee on **General**

 1/14/2014 Senate Introduced and read first time ([Senate Journal‑page 42](file:///H%3A%5CSJ%20Archive%5C2014%5C01-14-14.docx))

 1/14/2014 Senate Referred to Committee on **General** ([Senate Journal‑page 42](file:///H%3A%5CSJ%20Archive%5C2014%5C01-14-14.docx))

 2/19/2014 Senate Committee report: Favorable **General** ([Senate Journal‑page 19](file:///H%3A%5CSJ%20Archive%5C2014%5C02-19-14.docx))

 2/20/2014 Scrivener's error corrected

 2/20/2014 Senate Read second time ([Senate Journal‑page 14](file:///H%3A%5CSJ%20Archive%5C2014%5C02-20-14.docx))

 2/20/2014 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 14](file:///H%3A%5CSJ%20Archive%5C2014%5C02-20-14.docx))

 2/25/2014 Senate Read third time and sent to House ([Senate Journal‑page 16](file:///H%3A%5CSJ%20Archive%5C2014%5C02-25-14.docx))

 2/26/2014 House Introduced and read first time ([House Journal‑page 10](file:///H%3A%5CHJ%20Archive%5C2014%5C02-26-14.docx))

 2/26/2014 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 10](file:///H%3A%5CHJ%20Archive%5C2014%5C02-26-14.docx))

 3/26/2014 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 87](file:///H%3A%5CHJ%20Archive%5C2014%5C03-26-14.docx))

 4/2/2014 House Read second time ([House Journal‑page 188](file:///H%3A%5CHJ%20Archive%5C2014%5C04-02-14.docx))

 4/2/2014 House Roll call Yeas‑107 Nays‑0 ([House Journal‑page 189](file:///H%3A%5CHJ%20Archive%5C2014%5C04-02-14.docx))

 4/3/2014 House Read third time and enrolled ([House Journal‑page 14](file:///H%3A%5CHJ%20Archive%5C2014%5C04-03-14.docx))

 4/10/2014 Ratified R 168

 4/14/2014 Signed By Governor

 4/16/2014 Effective date 04/14/14

 4/23/2014 Act No. 160

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p%3A%5Cpprever%5C2013-14%5C842_20131210.docx)

[2/19/2014](file:///p%3A%5Cpprever%5C2013-14%5C842_20140219.docx)

[2/20/2014](file:///p%3A%5Cpprever%5C2013-14%5C842_20140220.docx)

[3/26/2014](file:///p%3A%5Cpprever%5C2013-14%5C842_20140326.docx)

(A160, R168, S842)

**AN ACT TO AMEND CHAPTER 12, TITLE 25, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VETERAN’S UNCLAIMED CREMATED REMAINS, SO AS TO PROVIDE THAT A CORONER MAY WORK WITH A VETERAN’S SERVICE ORGANIZATION TO PROVIDE FOR THE DISPOSITION OF UNCLAIMED CREMATED REMAINS OF A VETERAN PURSUANT TO THE PROVISIONS CONTAINED IN THIS CHAPTER.**

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

**Coroners may assist with disposition**

SECTION 1. Chapter 12, Title 25 of the 1976 Code is amended to read:

“CHAPTER 12

Veteran’s Unclaimed Cremated Remains

 Section 25‑12‑10. The unclaimed cremated remains of a veteran as defined in this chapter may be disposed of pursuant to the provisions of this chapter.

 Section 25‑12‑20. As used in this chapter:

 (1) ‘Veteran’ means a person who has:

 (a) served on active duty in the uniformed military services of the United States;

 (b) served on active duty in the National Guard or any organized state militia; or

 (c) served in the reserve components of the uniformed military services of the United States on active duty; and

 (d) was released from this service other than by dishonorable discharge.

 (2) ‘Veterans’ service organization’ means an association, corporation, or other entity that qualifies under Internal Revenue Code Section 501(c)(3) or Section 501(c)(19) as a tax exempt organization, a federally chartered veterans’ service corporation, or a veterans affairs office or agency established by state law. This term also includes a member or employee of any such entity.

 (3) ‘National cemetery’ means a cemetery under the control of the United States Department of Veterans Affairs National Cemetery Administration.

 (4) ‘Disposition’ means disposal of cremated remains by placement in a tomb, mausoleum, crypt, columbarium, or by burial in a cemetery. For purposes of this chapter, ‘disposition’ does not include the scattering of cremated remains.

 (5) ‘Funeral home’, ‘funeral establishment’, and ‘mortuary’ means as defined in Section 40‑19‑20.

 (6) ‘Coroner’ means the person defined in Section 17‑5‑5(3).

 Section 25‑12‑30. A coroner or a manager of a funeral home, funeral establishment, or mortuary, which has held in its possession cremated remains for more than one hundred twenty days from the date of cremation, may determine, in accordance with the provisions of this chapter, if the cremated remains are those of a veteran, and if so, may dispose of those remains as provided in this chapter.

 Section 25‑12‑40. (A) Notwithstanding any law or regulation to the contrary, nothing in this chapter shall prevent a coroner or a manager of a funeral home, funeral establishment, or mortuary from sharing information with the Veterans Administration, a veteran’s service agency or veterans affairs office, a veteran’s service organization, a national cemetery, or state or local veterans’ cemetery for the purpose of determining whether the cremated remains are those of a veteran.

 (B) A coroner or a funeral home, funeral establishment, mortuary, and any manager of them is discharged from any legal obligations or liability with regard to releasing or sharing information with the Veterans Administration, a veteran’s service agency or veterans affairs office, a veteran’s service organization, a national cemetery, or state or local veterans’ cemetery pursuant to this chapter in regard to determining if a person’s cremated remains are those of a veteran.

 Section 25‑12‑50. (A) If a coroner or a manager of a funeral home, funeral establishment, or mortuary ascertains the cremated remains in its possession are those of a veteran, and they have not been instructed by the person in control of the disposition of the decedent’s remains to arrange for the final disposal or delivery of the cremated remains, the coroner or the manager of a funeral home, funeral establishment, or mortuary may dispose of the cremated remains in the manner provided in this chapter or relinquish possession of the cremated remains to a veteran’s service organization.

 (B) The disposition of the cremated remains must be made in a national cemetery, a state or local veterans’ cemetery, a section of a cemetery corporation where veterans are memorialized by a veteran’s marker, a veteran’s section of a cemetery corporation, or a veteran’s cemetery if the deceased veteran is eligible for interment in such a manner.

 Section 25‑12‑60. The veterans’ service organization, coroner, funeral home, funeral establishment, mortuary, and any manager of them, upon disposing of cremated remains in accordance with the provisions of this chapter, must be held harmless for any costs or damages, except if there is gross negligence or wilful misconduct, and is discharged from any legal obligation or liability concerning the cremated remains.

 Section 25‑12‑70. The estate of the decedent is responsible for reimbursing a veteran’s service organization, coroner, funeral home, funeral establishment, mortuary, and any manager of them for all reasonable expenses incurred in relation to the disposition of the cremated remains.

 Section 25‑12‑80. A coroner or a manager of a funeral home, funeral establishment, or mortuary shall establish and maintain a record identifying the veterans’ service organization receiving the cremated remains.

 Section 25‑12‑90. Nothing in this chapter requires a coroner or a manager of a funeral home, funeral establishment, or mortuary to determine or seek others to determine that an individual’s cremated remains are those of a veteran if the manager of a funeral home, funeral establishment, or mortuary was informed by the person in control of the remains that the individual was not a veteran, or to relinquish possession of the cremated remains to a veteran’s service organization if the manager of a funeral home, funeral establishment, or mortuary was instructed by a person in control of the remains, or had a reasonable belief, that the decedent did not desire any funeral or burial related services or ceremonies recognizing the decedent’s service as a veteran.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 10th day of April, 2014.

Approved the 14th day of April, 2014.

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