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COMMITTEE REPORT

February 18, 2015

**S. 160**

Introduced by Senator Shealy

S. Printed 2/18/15--S.

Read the first time January 13, 2015.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 160) to amend Section 40‑19‑20(1) of the 1976 Code, relating to the definition of “advertisement” as used in regard to embalmers and funeral directors, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 2, by striking lines 7‑13 and inserting:

/ B. Section 40‑19‑20 of the 1976 Code is amended by adding:

“(21) ‘Third party funeral service provider’ means an out‑of‑state broker, which is a licensed funeral director working through a licensed home in the state that the broker is located, that arranges, via telephone, email, mail, the internet, or by other means, for funeral services to be performed by licensed funeral directors and funeral establishmens in this state.” /

Renumber sections to conform.

Amend title to conform.

THOMAS C. ALEXANDER for Committee.

**A** **BILL**

TO AMEND SECTION 40‑19‑20(1) OF THE 1976 CODE, RELATING TO THE DEFINITION OF “ADVERTISEMENT” AS USED IN REGARD TO EMBALMERS AND FUNERAL DIRECTORS, BY ADDING THE TERM “INTERNET” TO THE DEFINITION OF ADVERTISEMENT; TO AMEND SECTION 40‑14‑20 OF THE 1976 CODE BY ADDING A DEFINITION FOR THE TERM “THIRD PARTY FUNERAL SERVICE PROVIDER”; TO AMEND CHAPTER 19, TITLE 40 OF THE 1976 CODE; BY ADDING SECTION 40‑19‑40, TO PROVIDE THAT THIRD PARTY FUNERAL SERVICE PROVIDERS MUST BE LICENSED BY THE STATE BOARD OF FUNERAL SERVICE, TO PROVIDE NOTICE AND DISCLOSURE REQUIREMENTS FOR THIRD PARTY FUNERAL SERVICE PROVIDER ADVERTISEMENTS, TO PROVIDE FOR LICENSE REVOCATION FOR VIOLATIONS OF THE ADVERTISING REQUIREMENTS, TO PROVIDE THAT THE STATE BOARD OF FUNERAL SERVICE SHALL PROSCRIBE THE FORMAT OF ADVERTISEMENT DISCLOSURE BY REGULATION, AND TO PROVIDE THAT THIRD PARTY FUNERAL SERVICE PROVIDERS MUST DISCLOSE TO CUSTOMERS THE NAME AND CONTACT INFORMATION OF THE FUNERAL ESTABLISHMENT THAT WILL BE IN CHARGE OF HANDLING ALL FUNERAL ARRANGEMENTS.

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

SECTION 1. A. Section 40‑19‑20(1) of the 1976 Code is amended to read:

“Section 40‑19‑20. (1) ‘Advertisement’ means the publication, dissemination, circulation, or placing before the public an announcement or statement in a newspaper, magazine, or other publication in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, or tag, or over radio, ~~or~~ television, or internet. The term does not include funeral or death notices and obituaries.”

B. Section 40‑14‑20 of the 1976 Code is amended by adding:

“(21) ‘Third party funeral service provider’ means a person who advertises the practice of funeral services to the public but who contracts with or otherwise engages another licensee to provide, assist, or otherwise participate in the practice of funeral service that he has agreed to perform for a fee.”

SECTION 2. Chapter 19, Title 40 of the 1976 Code is amended by adding:

“Section 40‑19‑40. (A) A third party funeral service provider, its officers, employees, agents or assigns must be licensed with the State Board of Funeral Service.

(B)(1) Third party funeral service providers must disclose the following information in all advertisements:

(a) license number;

(b) address and phone number;

(c) conspicuous disclaimer if located out of state;

(d) name of owner; and

(e) list of all participating funeral establishments.

(2) The State Board of Funeral Service must revoke the license of a third party funeral service provider if the provider fails to prominently disclose the information required by subsection (B)(1).

(C) Third party funeral service providers must disclose to customers the name and contact information of the funeral establishment that will be directly providing, assisting, or otherwise participating in the practice of funeral service.

(D)The State Board of Funeral Service, by regulation, shall proscribe the format of all advertisement disclosures.”

SECTION 3. This act takes effect upon approval by the Governor.

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