Session 125 - (2023-2024)

H*4116 (Rat #0248, Act #0223 of 2024) General Bill, By Sandifer, M.M. Smith and King

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-305, RELATING TO DEFINITIONS IN THE SAFE CREMATION ACT, SO AS TO REVISE A DEFINITION; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITHIN THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-230, RELATING TO QUALIFICATIONS FOR LICENSURE AS AN EMBALMER OR A FUNERAL DIRECTOR, SO AS TO REVISE DISQUALIFICATIONS FOR CRIMINAL CONVICTIONS; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; BY AMENDING SECTION 40-19-265, RELATING TO FUNERAL HOME, BRANCH FUNERAL HOME, AND CREMATORY PERMITTING REQUIREMENTS, SO AS TO REVISE MANAGER RESIDENCY REQUIREMENTS; BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER; AND BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS, FUNERAL DIRECTORS, AND RELATED FACILITIES, SO AS TO REVISE CERTAIN DEFINITIONS. - RATIFIED TITLE

03/09/23	**House**	**Introduced and read first time (House Journal-page 12)**
03/09/23	**House**	**Referred to Committee on Labor, Commerce and Industry (House Journal-page 12)**

03/30/23	House	Committee report: Favorable with amendment Labor, Commerce and Industry (House Journal-page 3)
04/04/23		Scrivener's error corrected
04/05/23	House	Member(s) request name added as sponsor: King
04/05/23	House	Amended
04/05/23	House	Read second time
04/05/23	House	Roll call Yeas-95 Nays-15
04/05/23	House	Reconsider vote whereby read second time
04/05/23	House	Amended (House Journal-page 95)
04/05/23	House	Read second time (House Journal-page 95)
04/05/23	House	Roll call Yeas-98 Nays-15 (House Journal-page 110)
04/06/23	House	Read third time and sent to Senate (House Journal-page 24)
04/06/23	Senate	Introduced and read first time (Senate Journal-page 43)
04/06/23	Senate	Referred to Committee on Judiciary (Senate Journal-page 43)
04/12/23	Senate	Recalled from Committee on Judiciary (Senate Journal-page 6)
04/13/23	Senate	Committed to Committee on Labor, Commerce and Industry (Senate Journal-page 6)
05/04/23	Senate	Committee report: Favorable with amendment Labor, Commerce and Industry (Senate Journal-page 17)
05/05/23		Scrivener's error corrected
02/28/24	Senate	Committee Amendment Adopted (Senate Journal-page 28)
02/28/24	Senate	Amended (Senate Journal-page 28)
02/28/24	Senate	Read second time (Senate Journal-page 28)
02/28/24	Senate	Roll call Ayes-42 Nays-1 (Senate Journal-page 28)
02/29/24	Senate	Read third time and returned to House with amendments (Senate Journal-page 10)
03/01/24		Scrivener's error corrected
03/20/24	House	Senate amendment amended (House Journal-page 74)
03/20/24	House	Returned to Senate with amendments (House Journal-page 74)
03/20/24	House	Roll call Yeas-76 Nays-22 (House Journal-page 78)
03/27/24	Senate	Non-concurrence in House amendment (Senate Journal-page 28)
03/28/24	House	House insists upon amendment and conference committee appointed Reps. Sandifer, MM Smith, King (House Journal-page 2)
04/02/24	Senate	Conference committee appointed Allen, Climer, Goldfinch (Senate Journal-page 26)
05/07/24	House	Conference report adopted (House Journal-page 183)
05/07/24	House	Roll call Yeas-108 Nays-0 (House Journal-page 192)
06/26/24	Senate	Conference report received and adopted (Senate Journal-page 173)
06/26/24	Senate	Roll call Ayes-42 Nays-0 (Senate Journal-page 173)
06/26/24	Senate	Ordered enrolled for ratification (Senate Journal-page 188)
06/27/24		Ratified R 248
07/02/24		Signed By Governor
07/17/24		Effective date 07/02/24
07/17/24		Act No. 223