

CHAPTER 57

Department of Labor, Licensing and Regulation— South Carolina State Board of Funeral Service

(Statutory Authority: 1976 Code § 40-19-5, et seq.)

ARTICLE 1 DEFINITIONS

57-01. Definitions.

Definitions found in Section 40-19-20 apply to this chapter.

(A) “Supervision” means protective oversight, including review, timely quality control, and inspection to assist the supervisee in preparing for practice and strengthening the skills of the supervisee. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present on the premises and readily available.

(B) “Continuing education” means an organized educational program designed to expand a licensee’s knowledge base beyond the basic entry level educational requirements.

(C) “Contact hour” means a minimum of fifty (50) minutes of instruction.

(D) “Full-Time Employee” means a person whose work schedule requires that the employee be present a minimum of thirty-five (35) hours per week for the entire normal year of operation.

(E) “Cremains” means the remains of a cremated human body.

(F) “Crematory” means a facility equipped with a gas fired cremation retort specifically designed use in cremation of human remains.

(G) “Cremation Casket” means a casket specifically designed for holding, viewing, transporting human remains and must meet the requirements listed in item (H) below.

(H) “Alternative container” means a receptacle, other than a casket, in which human remains are transported to a crematory and placed in a cremation chamber for cremation. An alternative container or cremation casket must be:

- (1) composed of readily combustible materials suitable for cremation;
- (2) resistant to leakage or spillage;
- (3) rigid enough for handling with ease;
- (4) able to provide protection for the health, safety, and personal integrity of crematory personnel.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 34, Issue No. 4, eff April 23, 2010; State Register Volume 37, Issue No. 6, eff June 28, 2013.

ARTICLE 2 OFFICERS OF BOARD; MEETINGS

57-02. Officers of Board.

The Board shall elect annually from among its members a president, vice-president, secretary-treasurer, and other officers as the Board determines necessary.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.

57-03. Meetings.

(A) The Board shall meet at least two (2) times a year and at other times upon the call of the president or a majority of the Board members.

(B) A majority of the members of the Board constitutes a quorum; however, if there is a vacancy on the Board, a majority of the members serving constitutes a quorum.

(C) Board members are required to attend meetings or to provide proper notice and justification of inability to do so. Unexcused absences from meetings may result in removal from the Board as provided in Section 1-3-240, South Carolina Code of Laws 1976, as amended. Affirmative action of the Board is required to approve an excused absence and is entirely within the Board's discretion.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.

ARTICLE 3 LICENSING PROVISIONS

57-04. General Licensing Provisions for Embalmers.

An applicant for initial licensure as an embalmer must:

(A) be at least eighteen (18) years of age; and

(B) submit an application on forms approved by the Board, along with the required fee; and

(C) submit evidence of successful completion of a course of study in an embalming college accredited by the American Board of Funeral Service Education and approved by the Board; and

(D) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board; and

(E) submit evidence of successful completion of a minimum of twenty-four (24) months of full time service as an apprentice under the direct supervision of a licensed embalmer approved by the Board; and

(F) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 24, Issue No. 4, eff April 28, 2000; State Register Volume 36, Issue No. 6, eff June 22, 2012.

57-05. General Licensing Provisions for Funeral Directors.

An applicant for initial licensure as a funeral director must:

(A) be at least eighteen (18) years of age; and

(B) submit an application on forms approved by the Board, along with the required fee; and

(C) submit evidence of a high school diploma, or its equivalent and successful completion of a one-year course in an accredited mortuary college, successful completion of a bachelor's degree from a regionally accredited college or university or successful completion of sixty (60) semester hours at a regionally accredited college or university, including a minimum of twenty-four (24) semester hours divided among at least four (4) of the following areas:

(1) Psychological Sciences: This area may include courses in General Psychology, Guidance/Counseling, General Sociology, and other Psychology courses; and

(2) Business: This area may include courses in Accounting, Business Law, Math/Logic, Business Management, Typing, and Computer Science; and

(3) English: This area may include English, English Literature, and English Composition; and

(4) Natural/Biological/Physical Sciences: This area may include courses in Chemistry, Biology, Pathology, Microbiology, and Physiology; and

(5) Religion: This area may include courses in Religion, Bible, and Bible History; and

(D) submit evidence of successful completion of a minimum of twenty-four (24) months of full-time service as an apprentice under the direct supervision of a licensed funeral director approved by the Board; and

(E) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board; and

(F) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012.

57-06. General Licensing Provisions for Apprentice Funeral Directors or Apprentice Embalmers.

An applicant for an apprentice funeral director or apprentice embalmer must:

(A) be at least eighteen (18) years of age; and

(B) submit an application on forms approved by the Board, along with the required fee; and

(C) submit a Certificate of Apprenticeship signed by the apprentice, the licensee supervisor, and the manager of the establishment in which the apprenticeship is to be served.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.

57-06.1. Apprenticeship Requirements.

(1) An apprentice embalmer or funeral director must serve an apprenticeship of not less than twenty-four (24) months. Apprentice embalmers and funeral directors must be full-time employees as defined in this chapter; working under the direct supervision of a funeral director for funeral director apprentices or embalmer for embalmer apprentices who is licensed in South Carolina.

(2) During the course of the apprenticeship, an apprentice must submit reports of his or her funeral activities, indicating the actual number of funerals that he or she has assisted with and in what preparation he or she assisted with. All apprentices must report to the Board quarterly upon the forms provided by or approved by the board indicating all work completed during the reporting period.

(3) The apprentice must report quarterly, regardless of whether or not there has been any activity during the quarter. March 31, June 30, September 30 and December 31 are the due dates for quarterly reports for reporting purposes. Quarterly reports must be submitted to the office of the Board Administrator no later than thirty (30) days after the quarter's end. It is the sole responsibility of the apprentice to ensure that quarterly reports are received in the office of the Board Administrator. Quarterly reports not received on time may not be accepted for credit toward completion of the apprenticeship. In no case shall an apprentice be permitted to complete his or her apprenticeship unless the reporting requirement is met.

(4) The apprentice embalmer or funeral director must conduct all embalming and funeral direction activities under the supervision of the designated supervising licensee as approved by the Board. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present.

(5) If the apprentice leaves the supervision of the licensee in whose service he or she has been engaged, the supervisor shall give the apprentice an affidavit showing the length of time served toward completion of the apprenticeship. The apprentice must request and obtain permission from the Board to change supervisors by completing a new application and receiving approval to change supervisors from the Board.

(6) To complete his or her apprenticeship, an apprentice embalmer or funeral director must assist in the embalming of at least fifty (50) cases for an apprentice embalmer or assist the funeral director in at least fifty (50) funerals for an apprentice funeral director. The apprentice embalmer or apprentice funeral director must document all embalming and funeral cases that he or she assists in during the apprenticeship period.

(7) A certificate of apprenticeship is renewable twenty-four (24) months after registration for an additional twelve (12) months. A certificate of apprenticeship may not be renewed more than three (3) times.

(8) If an apprentice does not become licensed as a funeral director or embalmer within five (5) years of completing his or her apprenticeship, the Board may require the applicant to complete all or part of the apprenticeship period.

(9) If an apprentice embalmer or funeral director does not complete his or her apprenticeship within five (5) years from the date of application, the Board may require the applicant to complete all or part of the apprenticeship period.

(10) An apprentice may serve under one preceptor per license type.

HISTORY: Added by State Register Volume 34, Issue No. 4 eff April 23, 2010. Amended by State Register Volume 37, Issue No. 6, eff June 28, 2013.

57-07. General Provisions for Student Permits.

An applicant for a student permit must:

(A) submit evidence that the student is enrolled in an accredited mortuary science college or mortuary science college or program in the process of seeking accreditation in South Carolina and at all times hereunder maintain a minimum of part-time student status. Student permits shall expire whenever the licensee ceases to be a mortuary science student; and

(B) submit a notarized statement that the funeral service activities in which the student engages are in conjunction with the student's academic training and are under the supervision of a licensee designated by the accredited mortuary science college or program.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.

57-08. Licensure by Endorsement.

An applicant for licensure as an embalmer or funeral director by endorsement must:

(A) submit proof of a current, active, and unrestricted license of at least five (5) years duration under the laws of another state or territory that had requirements that were, at the date of licensure, equivalent to the requirements in effect at the time of application in South Carolina; and

(B) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board; and

(C) submit an application on a form approved by the Board, along with the required fee.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.

57-09. Provisions for Biennial Renewal of Licenses and Reactivation of Expired Licenses.

(A) All licenses and renewals expire on the thirtieth (30th) day of June unless sooner revoked or canceled. No license may be issued or renewed for a period exceeding two (2) years.

(B) All applications for renewal shall be filed with the Board prior to June thirtieth (30th) each even year. Renewal applications must be accompanied by the renewal fee prescribed by the Board and, if applicable, the required number of continuing education credits. Licensees who have not properly renewed their licenses for failure to complete the required continuing education credits and/or failure to submit the appropriate renewal fee must apply for late renewal during a six (6) month penalty period following the expiration date. Late renewal applications must be accompanied by documentation, if applicable, indicating completion of the required continuing education credits as specified in Reg. 57-11 and a fee equal to the annual renewal fee plus a penalty as described in Reg. 57-12.

(C) An embalmer or funeral director whose license has been expired for less than five (5) years may reactivate the license by applying to the Board, submitting the required fees, and demonstrating evidence satisfactory to the Board, on a form approved by the Board, of the requisite continuing education hours for each year during which the license was expired. In such cases, the Board may require supervised experience as a condition of reactivation.

(D) An embalmer or funeral director whose license has been expired for more than five (5) years must reapply and meet all of the requirements, including re-examination, at the time of application, for licensure.

(E) Applicants for reactivation must submit a notarized affidavit certifying that he or she has not been engaged in the practice of embalming or funeral directing in this State during the period the license was not in a current status.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012; State Register Volume 37, Issue No. 6, eff June 28, 2013.

57–10. Provisions for Permitting of Funeral Establishments.

An applicant for permitting of a funeral establishment must:

(A) submit an application on forms approved by the Board, along with the required fee; and
(B) submit to an inspection of the funeral establishment. The inspection must show the establishment has the following:

- (1) a chapel or parlor where funeral services may be conducted; and
- (2) a preparation room equipped with a sanitary floor and necessary drainage, ventilation, necessary approved tables, hot and cold running water, and a sink separate from table drainage; instruments, and supplies, for the preparation and embalming of dead human bodies; and
- (3) a room containing a displayed stock of at least six (6) adult caskets and other necessary funeral supplies; and
- (4) a minimum of one (1) motor hearse for transporting casketed human remains; and
- (5) submit evidence that the facility meets all State and local building and fire codes; and

(C) submit the name of a licensed funeral director as manager of the facility who is or will become, prior to opening the facility, a full-time regular employee in responsible charge of the establishment and who is legally and ethically responsible for all actions taken at the establishment. In the event the manager leaves the facility or is unable to perform the duties of a facility manager, the facility shall, within thirty (30) days submit, on a form approved by the Board, the name of the successor manager as required in Section 40–19–270(C), South Carolina Code of Laws (1976, as amended). As a part of the application, the manager must submit a notarized statement that he or she has been a resident of South Carolina for at least one (1) year prior to being named the manager of the facility; and

(D) submit evidence satisfactory to the Board that the owner of the facility is a South Carolina licensed funeral director, if a sole proprietorship. If a partnership, at least one (1) general partner must be a licensed funeral director. If a corporation, at least one (1) officer of the corporation must be a licensed funeral director. Owners of facilities may be required to submit partnership agreements, corporate resolutions, or any other such documents as may be requested by the Board to demonstrate compliance with this provision.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.

ARTICLE 4 CONTINUING EDUCATION

57–11. Continuing Education Requirements for Embalmers and Funeral Directors.

(A) Persons licensed as embalmers or funeral directors must complete three (3) hours of formal continuing education during every licensure period as a condition of renewal of their license. The continuing education completed must represent an in-depth study of three (3) different topics and be gained through participation in formal instruction, seminars, or workshops approved by the Board. This continuing education requirement does not apply to persons who are sixty (60) years of age or older or persons who have been licensed for thirty (30) or more years by the Board so long as those persons do not act as the manager of record of any funeral establishment.

(B) The Board may grant waivers of the continuing education requirement in cases involving disability or illness and may extend the time within which the continuing education hours may be gained. Applications for waiver shall be submitted on forms approved by the Board and shall be signed by a licensed health care professional attesting to the licensee's inability to complete continuing education due to disability or illness.

(C) The Board shall maintain a list of approved continuing education courses.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 37, Issue No. 6, eff June 28, 2013.

ARTICLE 5
FEEs

57-12. Fees.

(A) The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-17 and on the South Carolina Board of Funeral Service website at <http://lfr.sc.gov/POL/Funeral/>.

(B) All fees are nonrefundable.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 24, Issue No. 4, eff April 28, 2000; State Register Volume 37, Issue No. 6, eff June 28, 2013; State Register Volume 39, Issue No. 6, Doc. No. 4505, eff June 26, 2015.

ARTICLE 7
CODE OF ETHICS

57-13. Code of Ethics.

(A) Responsibilities to the Family.

(1) A funeral director shall, where possible, fully inform the family of the deceased concerning the time, the place, and details of the funeral service.

(2) A funeral director shall consider the financial limitations of the family of the deceased when counseling the family in the selection of services and furnishings.

(3) A funeral director shall explain to the family of the deceased costs of the services and the merchandise and disclose the range of prices for funeral goods and services available.

(4) A funeral director shall review with the family of the deceased all death benefits and burial allowances of which he is aware.

(5) A funeral director shall provide a statement of goods and services for the family to approve showing the price of the services and merchandise that was selected, the price of each of the supplemental items of the service, and the amount involved for each of the items for which the funeral director will advance monies as an accommodation to the family.

(6) A funeral director shall not make any misrepresentation concerning any aspect of the services rendered or the funeral furnishings or disposition alternatives.

(B) Confidentiality.

(1) A funeral director shall not disclose the cause of death of the deceased, expenditures for the funeral, the cost of the service, the source of funds or other information of a personal nature except with the express permission of the immediate family, or their authorized representatives.

(C) Property.

(1) A funeral director shall dispose of the personal effects of the deceased in accordance with the wishes of the family.

(D) Organ Donation.

(1) A funeral director shall support the wishes of families who authorize organ or body donations, if the body is needed and medically acceptable.

(E) Responsibilities to the Clergy.

(1) A funeral director shall respect the customs and mourning habits of all religious creeds and denominations and shall adjust services to conform with the rituals and the beliefs of the family of the deceased.

(2) A funeral director shall honor the wishes and desires of the clergy in conducting the service whenever possible, except that the wishes of the clergy person shall be subservient to those of the family except when dogma is involved.

(3) A funeral director shall abide by the rules and regulations of the church when the funeral service is held in a church.

(4) A funeral director shall make appropriate referrals when religious or pastoral counseling is requested.

(F) Responsibilities to Medical and Hospital Personnel.

(1) A funeral director or embalmer shall promote public health by conforming with health laws and regulations.

(2) A funeral director or embalmer shall not discourage autopsy of the deceased unless instructed to do so by the immediate family.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999. Amended by State Register Volume 24, Issue No. 4, eff April 28, 2000.

ARTICLE 8 CREMATORY REQUIREMENTS

57-14.1. Records.

Records, policies, and procedures will be maintained at the crematory site and will be available for inspection at all times.

(A) The crematory shall maintain a log which shows clearly:

- (1) The name of the deceased;
- (2) A unique identification number assigned to each deceased;
- (3) Authorization for cremation;
- (4) Date body received at the crematory;
- (5) Type of cremation container received;
- (6) Date cremated;
- (7) Date cremains delivered;
- (8) To whom the cremains were delivered.

(B) The crematory shall develop and implement a system to assure the identification of each deceased through all steps of the crematory process.

(C) The crematory shall develop and implement a system to track each deceased through all steps of the crematory process and shall attach a physical identification to each body which shall accompany it at all times during the cremation process. This identification may be attached to the outside of the retort during the period of actual cremation.

(D) The crematory shall maintain current operators manual for each retort and a maintenance record for each retort.

(E) Where a family requests removal of dental gold or other dental work, they shall be allowed to arrange for such removal by a licensed dentist of their choice and the crematory will allow access to that dentist. The crematory log will record the name and license number of the dentist.

(F) Crematories may only cremate human remains, the cremation of animals is forbidden.

HISTORY: Added by State Register Volume 34, Issue No. 4, eff April 23, 2010.

57-14.2. Equipment and practices.

(A) Each crematory must provide a holding facility of suitable size to accommodate all human remains which are retained and awaiting cremation.

(B) Each crematory must be equipped with a commercially manufactured cremation unit (retort), made specifically for the cremation of human remains and including the following features:

- (1) An ash collection pan to minimize the commingling of cremated remains of one human with another;
- (2) A hearth floor without depressions to minimize the commingling of cremated remains of one human with another;
- (3) A door safety switch to stop the burner operation when the front charging door is opened;
- (4) A pollution monitoring system to monitor and detect smoke when the density exceeds applicable state and federal standards, whereupon the system will automatically stop the burner operation on a time setting of not less than three (3) minutes;

(5) Approval by Underwriters Laboratory or a comparable laboratory.

(C) The cremation retort shall be in good working order at all times. If a retort is unavailable for any period exceeding twenty-four (24) hours, the crematory shall refuse to accept any body until such time as the retort is working, unless that body can be maintained under appropriate refrigeration as described in Subsection (E).

(D) A commercially manufactured processor made specifically for the pulverization of cremated remains and equipped with the following features:

- (1) Capable of consistently processing cremated remains to unidentifiable dimensions;
- (2) Rust resistant processing chamber;
- (3) Exterior surface made of easily cleaned, non-corrosive material.

(E) If the crematory provides a refrigeration unit for the holding of human remains in its custody for twenty-four (24) or more hours, it must meet the following standards:

- (1) Is capable of maintaining interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it was designed;
- (2) Has a surface of sealed concrete, stainless steel, galvanized steel, aluminum or other easily cleaned material.

(F) The crematory shall maintain a vacuum system in working order and able to capture small bone fragments as well as some residual dust.

(G) The crematory shall remove all remains from the retort at the conclusion of each cremation and shall minimize residual dust.

(H) The crematory shall be operated by a person listed on the official roster of the Board as a Certified Crematory Operator.

- (1) The crematory will provide and require that its operator use proper safety equipment including:
 - (1) Heat Resistant Apron;
 - (2) Heat Resistant Gloves (at least to the elbow);
 - (3) Safety glasses with side shields, goggles or face shield.

(J) All cremains will be placed in a closed, rigid, and leak resistant container, specifically designed for the storage of cremains.

HISTORY: Added by State Register Volume 34, Issue No. 4, eff April 23, 2010.

57-14.3. Training of Crematory Operators.

(A) Persons who complete the following training will be listed on the official roster of the Board as Certified Crematory Operators.

(B) Training will cover the following topics. The preceptor will document the time and date of specific training on these topics:

- (1) Documents required prior to cremation authorization;
- (2) Compliance with the record keeping requirements of this chapter;
- (3) Operation of the retort and processing cremains, including specific safety precautions.

HISTORY: Added by State Register Volume 34, Issue No. 4, eff April 23, 2010. Amended by State Register Volume 37, Issue No. 6, eff June 28, 2013.

57-14.4. Training of Certified Crematory Trainer/Preceptors.

(A) Persons who complete the following training and documented experience will be listed on the official roster of the Board as Certified Crematory Trainer/preceptors.

(B) Training will include the following components:

- (1) Factory approved instruction in the operation of the on-site unit;
- (2) Documents required prior to cremation (e.g. authorization, BRT, DC, Coroners' Permit);
- (3) Compliance with the record keeping requirements of this chapter;
- (4) Operation of the retort and processing cremains, including specific safety precautions;

(5) Packaging and delivery of cremains.

HISTORY: Added by State Register Volume 34, Issue No. 4, eff April 23, 2010. Amended by State Register Volume 37, Issue No. 6, eff June 28, 2013.

ARTICLE 9 INSPECTION GUIDELINES

57-15. Inspection guidelines.

Inspection guidelines include the following:

(1) An embalming room of at least 100 square feet working space excluding tables, cabinets and other equipment;

(2) A preparation room equipped with sanitary floor and necessary drainage, ventilation, necessary approved tables, hot and cold running water and a sink separate from table drainage, an OSHA-approved shower and eye wash station, hydro or electric aspirator (if hydro, it must be equipped with a backflow preventor on the facility's water system), embalming machine, or gravity bottle or bulb or hand pump, at least one scalpel, two aneurysm needles, assorted canulae, suture needles, trocar, antiseptic soap, twelve (12) bottles of arterial fluid, and two bottles of cavity fluid;

(3) Handicapped accessible restrooms, water fountains and accessibility to and throughout the facility;

(4) One working and licensed motor hearse for transporting casketed and non-casketed human remains;

(5) Sanitary waste receptacle and hazardous waste receptacle;

(6) Ventilating system that is screened and has an air exchange of twelve (12) times per hour to the outside;

(7) Six (6) adult caskets on the premises displayed or available for display in conjunction with the display of cut-away caskets, an online kiosk or other means of funeral merchandise display;

(8) Multiple copies of the General Price List, a Casket Price List, an Outer Burial Container Price List, and multiple copies of the Statement of Goods and Services in compliance with federal and state law;

(9) An approved COMPLETED PERMIT APPLICATION or CURRENT FACILITY PERMIT DISPLAYED;

(10) If a chapel or parlor for funeral services is provided, it must be inspected for safety and cleanliness.

HISTORY: Added by State Register Volume 34, Issue No. 4, eff April 23, 2010.