**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4706**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.E. Smith

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Companion/Similar bill(s): 1028, 4438

Introduced in the House on March 9, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Cremation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/9/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\03-09-10.docx)‑6

3/9/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\03-09-10.docx)‑6

**VERSIONS OF THIS BILL**

[3/9/2010](file:///p:\pprever\2009-10\4706_20100309.docx)

**A** **BILL**

TO AMEND SECTION 32‑8‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT’S AGENT TO AUTHORIZE CREMATION, SO AS TO ALSO PERMIT A PERSON NAMED IN THE DECEDENT’S DD FORM 93 TO AUTHORIZE CREMATION IF THE DECEDENT SERVED IN THE MILITARY SERVICES IF THERE IS NO SUCH DESIGNATION IN THE WILL OR OTHER VERIFIED AND ATTESTED DOCUMENT OF THE DECEDENT.

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

SECTION 1. Section 32‑8‑320 of the 1976 Code is amended to read:

“Section 32‑8‑320. (A) In the following order of priority these persons may serve as a decedent’s agent and in the absence of a preneed cremation authorization may authorize cremation of the decedent:

(1) the person designated as agent for this purpose by the decedent in a will or other verified and attested document, or the person named in the decedent’s DD Form 93 if the decedent served in the military services if there is no such designation in the will or other verified and attested document of the decedent;

(2) the spouse of the decedent at the time of the decedent’s death;

(3) the decedent’s surviving adult children;

(4) the decedent’s surviving parents;

(5) the persons in the next degree of kinship under the laws of descent and distribution to inherit the estate of the decedent.

(B) In the absence of a person serving as a decedent’s agent pursuant to subsection (A), the following may serve as an agent and may authorize a decedent’s cremation:

(1) a person serving as executor or legal representative of the decedent’s estate and acting according to the decedent’s written instructions;

(2) a public administrator, medical examiner, coroner, state appointed guardian, or other public official charged with arranging the final disposition of the decedent if the decedent is indigent or if the final disposition is the responsibility of the State or an instrumentality of the State.

(C) If a dispute arises among persons of equal priority, as provided for in subsection (A), concerning the creation of a decedent, the matter must be resolved by order of the probate court.”

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

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