**South Carolina General Assembly**

120th Session, 2013-2014

**H. 5067**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Sandifer, Bedingfield and Bingham

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Companion/Similar bill(s): 5063, 5064, 5065, 5066, 5068

Introduced in the House on April 8, 2014

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Embalmers and funeral directors

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/8/2014 House Introduced and read first time ([House Journal‑page 6](file:///H:\HJ%20Archive\2014\04-08-14.docx))

4/8/2014 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 6](file:///H:\HJ%20Archive\2014\04-08-14.docx))

**VERSIONS OF THIS BILL**

[4/8/2014](file:///p:\pprever\2013-14\5067_20140408.docx)

**A** **BILL**

TO AMEND SECTION 40‑19‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE LICENSURE OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE THE DEFINITION OF THE “PRACTICE OF FUNERAL SERVICE” TO EXCLUDE RETAIL SALES OUTLETS AND TO REVISE THE DEFINITION OF A “RETAIL SALES OUTLET”, SO AS TO SPECIFY THAT AN OUTLET MAY NOT BE A PART OF OR AFFILIATED WITH A FUNERAL HOME, EMBALMER, OR THE FUNERAL PROCESS, AND TO PROVIDE AN ESTABLISHMENT THAT SATISFIES THE DEFINITION OF A RETAIL SALES OUTLET IS NOT REQUIRED TO HOLD A PERMIT ISSUED BY THE STATE BOARD OF FUNERAL SERVICE BUT MUST REGISTER WITH THE BOARD; TO AMEND SECTION 40‑19‑265, RELATING TO PERMIT REQUIREMENTS FOR FUNERAL HOMES, BRANCH FUNERAL HOMES, RETAIL SALES OUTLETS, AND CREMATORIES, SO AS TO REMOVE RETAIL SALES OUTLETS FROM THE REQUIREMENTS AND TO PROVIDE FOR THE REGISTRATION OF RETAIL SALES OUTLETS, AND TO CODIFY AND DECREASE EXISTING FEES; AND TO AMEND SECTION 40‑19‑290, RELATING TO THE REQUIRED MANNER OF PROVIDING PRICING INFORMATION IN FUNERAL SERVICE ESTABLISHMENTS OR RETAIL SALES OUTLETS, SO AS TO DELETE A REFERENCE TO RETAIL SALES OUTLETS.

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

SECTION 1. Section 40‑19‑20(18)(d) and (19) of the 1976 Code is amended to read:

“(d) making arrangements at or before the time of death, financial or otherwise, including arrangements for cremation, for providing these services, or the sale of funeral merchandise, except when sold in a retail sales outlet, whether for present or future use; provided, that no funeral director, embalmer, funeral company, cemetery, or related entity shall charge a fee for the assignment to the funeral director, embalmer, funeral company, cemetery, or related entity of an insurance policy providing burial expenses, excluding preneed contracts as provided in Section 32‑7‑35; and

(19) ‘Retail sales outlet’ means an establishment wherein funeral merchandise is sold or provided, or both, to the general public but is not part of or affiliated with a funeral home, embalmer, or in any way with the funeral process. A retail sales outlet may not contain lay‑out or chapel facilities and is restricted solely to the sale of funeral merchandise and may not handle or arrange for the handling or disposition, or both, of dead human remains and may not offer or execute preneed funeral contracts, except as authorized by Chapter 7, Title 32. An establishment that meets the definition of a retail sales outlet must not be required to obtain a permit from the board but shall register with the board pursuant to Section 40‑19‑265(E).”

SECTION 2. Section 40‑19‑265 of the 1976 Code is amended to read:

“Section 40‑19‑265. (A) A permit for a funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40‑19‑20(16) and is current and in good standing with the board and lives within a radius of twenty‑five miles of the establishment;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40‑19‑290.

(B) A permit for a branch funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40‑19‑20(16) and is current and in good standing with the board and lives within a radius of twenty‑five miles of the establishment;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40‑19‑290;

(7) provides the name of the parent funeral home.

(C) ~~A permit for a retail sales outlet may be issued if the applicant:~~

~~(1)~~ ~~submits an application on a form approved by the board;~~

~~(2)~~ ~~submits to and successfully passes an inspection approved by the board;~~

~~(3)~~ ~~submits the applicable nonrefundable fee;~~

~~(4)~~ ~~is in full compliance with Section 40‑19‑290.~~

~~(D)~~ A permit for a crematory may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40‑19‑20(16) and is current and in good standing with the board and lives within a radius of twenty‑five miles of the establishment;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40‑19‑290;

(7) provides evidence of employment of a factory trained operator.

(~~E~~D) An application for a permit issued pursuant to this section must identify every person having the ability to direct the management or policies, or both, of the funeral establishment including, but not limited to, corporate officers employed, shareholders, partners, and other representatives of the corporation or business.

(E)(1) The board shall create and maintain a central registry of retail sales outlets. This registry must include the name, street address, mailing address, telephone number, and registered agent for service of process of each retail sales outlet registered with the board, along with an indication of the date the initial registration occurred, and, if applicable, renewed, and whether the registration is active. A registration must be renewed biennially from the date of initial registration.

(2) Registration for a initial or renewal retail sales outlet may be issued to an applicant who:

(a) submits a completed application of a form approved by the department;

(b) pays a fee of one hundred dollars for an initial registration or one hundred dollars for a renewal registration, as applicable; and

(c) is in full compliance with the provisions of Section 40‑19‑20(18)(d) and (19).

(3) The board may use fees collected under item (2)(c) for the development and maintenance of the registry and registration forms.”

SECTION 3. Section 40‑19‑290(C) of the 1976 Code is amended to read:

“(C) A funeral service establishment~~,~~ or crematory~~, or retail sales outlet~~ shall have a card or brochure with each piece of funeral merchandise stating the price of the merchandise.”

SECTION 4. This act takes effect upon approval by the Governor.

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