**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4845**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. King and Parks

Document Path: l:\council\bills\agm\18871ab16.docx

Introduced in the House on February 4, 2016

Introduced in the Senate on April 28, 2016

Last Amended on April 26, 2016

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

Summary: Funeral home, director or embalmer

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/4/2016 House Introduced and read first time ([House Journal‑page 9](file:///h:\HJ%20Archive\2016\02-04-16.docx))

2/4/2016 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 9](file:///h:\HJ%20Archive\2016\02-04-16.docx))

3/9/2016 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 29](file:///h:\HJ%20Archive\2016\03-09-16.docx))

3/15/2016 House Debate adjourned until Wed., 3‑16‑16 ([House Journal‑page 24](file:///h:\HJ%20Archive\2016\03-15-16.docx))

3/16/2016 House Debate adjourned until Thur., 4‑21‑16 ([House Journal‑page 10](file:///h:\HJ%20Archive\2016\03-16-16.docx))

4/21/2016 House Requests for debate‑Rep(s). Bannister, GR Smith, Loftis, Burns, Nanney, Forrester, Toole, Atwater, Ballentine, Wells, Hiott, Clary, Whipper, Cole, Tallon, King, Whitmire ([House Journal‑page 18](file:///h:\HJ%20Archive\2016\04-21-16.docx))

4/26/2016 House Amended ([House Journal‑page 102](file:///h:\HJ%20Archive\2016\04-26-16.docx))

4/26/2016 House Read second time ([House Journal‑page 102](file:///h:\HJ%20Archive\2016\04-26-16.docx))

4/26/2016 House Roll call Yeas‑85 Nays‑10 ([House Journal‑page 104](file:///h:\HJ%20Archive\2016\04-26-16.docx))

4/27/2016 House Read third time and sent to Senate ([House Journal‑page 69](file:///h:\HJ%20Archive\2016\04-27-16.docx))

4/28/2016 Senate Introduced and read first time ([Senate Journal‑page 11](file:///h:\SJ%20Archive\2016\04-28-16.docx))

4/28/2016 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 11](file:///h:\SJ%20Archive\2016\04-28-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4845&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/4/2016](file:///p:\pprever\2015-16\4845_20160204.docx)

[3/9/2016](file:///p:\pprever\2015-16\4845_20160309.docx)

[4/26/2016](file:///p:\pprever\2015-16\4845_20160426.docx)

AMENDED

April 26, 2016

**H. 4845**

Introduced by Reps. King and Parks

S. Printed 4/26/16--H.

Read the first time February 4, 2016.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill amends Chapter 19, Title 40 relating to funeral directors by adding Section 40-19-105 and amending Section 40-19-110(9) to authorize funeral directors, without penalty, to refuse to release a dead body to an individual with the legal right to take custody of the body if all financial obligations for the services provided have not yet been satisfied.

The Department of Labor, Licensing and Regulation reports that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑19‑105 SO AS TO PROVIDE A FUNERAL HOME, FUNERAL DIRECTOR, OR EMBALMER MAY REFUSE TO RELEASE A DEAD HUMAN BODY TO THE CUSTODY OF THE PERSON OR ENTITY WHO HAS THE LEGAL RIGHT TO EFFECT A RELEASE UNTIL ALL FINANCIAL OBLIGATIONS RELATED TO SERVICES PROVIDED BY THE FUNERAL HOME, FUNERAL DIRECTOR, OR EMBALMER WITH RESPECT TO THE DEAD HUMAN BODY HAVE BEEN FULLY SATISFIED; AND TO AMEND SECTION 40‑19‑110, RELATING TO UNPROFESSIONAL CONDUCT OF A FUNERAL DIRECTOR OR EMBALMER, SO AS TO PROVIDE THAT REFUSING TO PROPERLY RELEASE A DEAD HUMAN BODY TO THE CUSTODY OF THE PERSON OR ENTITY WHO HAS THE LEGAL RIGHT TO EFFECT A RELEASE CONSTITUTES UNPROFESSIONAL CONDUCT EXCEPT WHEN THE REFUSAL IS FOR FAILURE TO SATISFY RELATED FINANCIAL OBLIGATIONS.

Amend Title To Conform

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

SECTION 1. Chapter 19, Title 40 of the 1976 Code is amended by adding:

“Section 40‑19‑105. When a funeral home, funeral director, or embalmer (‘transferor provider’) provides services for a dead human body and the body subsequently is transferred to another funeral home, funeral director, or embalmer (‘transferee provider’) for additional services, the transferor provider has a cause of action against the transferee provider if the transferee fails to compensate the transferor for the services provided by the transferor. The transferor may recover its usual fee plus reasonable attorney fees and costs. An action brought pursuant to this section may be brought and tried in magistrate’s court regardless of the amount of money involved, and the monetary jurisdictional limits of magistrate’s court do not apply.”

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

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