**South Carolina General Assembly**

125th Session, 2023-2024

**S. 981**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Alexander

Document Path: SR-0440KM23.docx

Introduced in the Senate on January 23, 2024

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

Summary: Environmentally Friendly Cremation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/23/2024 Senate Introduced and read first time (Senate Journal‑page 3)

 1/23/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 3)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=981&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/23/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/981_20240123.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 32‑8‑305, RELATING TO DEFINITIONS RELATING TO CREMATION AUTHORIZATIONS AND PROCEDURES, SO AS TO PROVIDE RELATED DEFINITIONS FOR THE ALKALINE HYDROLYSIS PROCESS AS A MEANS OF CREMATION OF HUMAN REMAINS; AND BY ADDING SECTION 32‑8‑347 SO AS TO PROVIDE FOR THE USE OF ALKALINE HYDROLYSIS AS A MEANS OF CREMATION OF HUMAN REMAINS.

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

SECTION 1. Section 32‑8‑305 of the S.C. Code is amended to read:

 Section 32‑8‑305. As used in chapter:

 (1) “Alkaline hydrolysis” means the technical process using water, heat, and other chemicals to destroy, dissolve, or reduce human remains to simpler or essential elements.

 (1)(2) “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:

 (a) composed of readily combustible materials suitable for cremation;

 (b) resistant to leakage or spillage;

 (c) rigid enough for handling with ease;

 (d) able to provide protection for the health, safety, and personal integrity of crematory personnel.

 (2)(3) “Agent” or “decedent's agent” means a person legally entitled under this chapter to order the cremation and final disposition of specific human remains.

 (3)(4) “Body parts” means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or a portion of bodies that have been donated to science for medical research purposes.

 (4)(5) “Board” means the South Carolina State Board of Funeral Service.

 (5)(6) “Burial transit permit” means a permit for disposition of a dead human body as required by law.

 (6)(7) “Casket” means a rigid container that is designed for the encasement of human remains.

 (7)(8) “Change of ownership” means a transfer of more than fifty percent of the stock or assets of a crematory authority.

 (8)(9) “Cremated remains” means all human remains recovered after the completion of a cremation.

 (9)(10) “Cremation” means the technical process using heat and flame that reduces human remains to bone fragments and which may include the pulverization of the bone fragments.

 (10)(11) “Cremation casket” means a rigid wooden, corrugated, fiberboard, or metal container that is designed for the encasement of human remains.

 (11)(12) “Cremation certificate” means a document certifying that a decedent has been cremated and which includes the name of the decedent, the identification number, the date of cremation, the name, address, and phone number of the crematory, and the signature of the crematory authority.

 (12)(13) “Cremation chamber” means the enclosed space within which the cremation takes place.

 (13)(14) “Cremation interment container” means a rigid outer container composed of concrete, steel, bronze, fiberglass or some similar material in which an urn is placed before being interred in the ground and which is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

 (14)(15) “Cremation room” means the room in which a cremation chamber is located.

 (15)(16) “Crematory” means the building or portion of a building that houses the cremation room or the holding facility, or both.

 (16)(17) “Crematory authority” means the legal entity or the authorized representative of the legal entity which is licensed by the South Carolina Funeral Service Board to operate a crematory or a licensed funeral director who performs cremations.

 (17)(18) “Department” means the South Carolina Department of Health and Environmental Control.

 (18)(19) “Final disposition” means the burial, cremation, entombment or other disposition of a dead human body or parts of a dead human body or cremated remains.

 (19)(20) “Foreign matter” means certain items including, but not limited to, body prosthesis, dentures, dental bridgework, dental fillings, jewelry, and any other personal articles accompanying the deceased.

 (20)(21) “Funeral director” means a person licensed by the board to engage for hire or profit in the profession of arranging, directing, or supervising funerals.

 (21)(22) “Funeral establishment” means an establishment in a building or separate portion of a building having a specific street address and location and devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body and which may contain facilities for funerals, wake services, or cremations and for which a permit has been issued pursuant to Section 40‑19‑130.

 (22)(23) “Human remains” means the body of a deceased person, including any form of body prosthesis that has been permanently attached or implanted in the body.

 (24) “Hydrolysis container” means a container, other than a casket, designed to enclose human remains and made of suitable material to be easily destroyed during hydrolysis and to resist spillage and leakage.

 (25) “Hydrolysis licensee” means a person, cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization, or other entity licensed to hydrolyze human remains and perform hydrolysis.

 (26) “Liquid waste” means any liquid remaining after hydrolysis that does not contain any trace elements of human tissue.

 (23) (27) “Merchandise” means alternative containers, temporary containers, caskets, cremation caskets, rental caskets, urns, and cremation interment containers.

 (24)(28) “Niche” means a compartment or cubicle for the permanent placement of an urn containing cremated remains.

 (25)(29) “Pulverization” means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

 (26)(30) “Scattering area” means an area which may be designated by a cemetery and located on dedicated cemetery property where cremated remains, which have been removed from their container, may be mixed with or placed on top of the soil or ground cover.

SECTION 2. Chapter 8, Title 32 of the S.C. Code is amended by adding:

 Section 32‑8‑347. (A) No person, cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization, or other entity shall hydrolyze human remains without first obtaining a license from the board.

 (B) Except as otherwise provided by this section, a license for the hydrolysis of human remains shall have the same requirements and fees as for the licensing of crematories pursuant to this chapter. The hydrolysis of human remains shall be conducted in compliance with all requirements for cremation, and the hydrolysis licensee shall pay the same fees for monthly reports for each hydrolysis as crematories pursuant to this chapter.

 (C) The board shall have the same powers to regulate, enforce, discipline, and inspect hydrolysis licensees and the practice of hydrolysis that have been granted pursuant to this chapter for the regulation, enforcement, discipline, and inspection of crematories and the practice of cremation.

 (D) Any solid remains or residue remaining after hydrolysis shall be treated and disposed of as cremated remains pursuant to this chapter. Disposal of liquid waste shall be subject to all applicable health and environmental laws and regulations.

 (E) Human remains shall be hydrolyzed in a hydrolysis container and shall not be required to be hydrolyzed in a casket.

 (F) Unless specified otherwise by the manufacturer of the equipment used for hydrolysis, human remains may be hydrolyzed without first removing a pacemaker or defibrillator.

 (G) The board shall promulgate rules necessary to effectuate the licensing of alkaline hydrolysis.

SECTION 3. This act takes effect upon approval by the Governor.

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