**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.

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. 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 any financial obligation related to services provided by the funeral home with respect to the dead human body have been fully satisfied.”

SECTION 2. Section 40‑19‑110(9) of the 1976 Code is amended to read:

“(9) 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 except when the refusal is related to the payment of related financial obligations as provided in Section 40‑19‑105; ”

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

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