~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 9, 2016

**H. 4845**

Introduced by Reps. King and Parks

S. Printed 3/9/16--H.

Read the first time February 4, 2016.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4845) 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, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 40‑19‑105, as contained in SECTION 1, by deleting the section in its entirety and inserting:

/ “Section 40‑19‑105. A funeral home, funeral director, or embalmer that takes legal custody of a dead human body and subsequently provides any funeral services for that body must transfer custody of the body to another funeral home, funeral director, or embalmer when the latter indemnifies the former for financial obligations owed to the former for providing those funeral services.” /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**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.

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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