

South Carolina General Assembly
119th Session, 2011-2012

A166, R190, H3921

STATUS INFORMATION

General Bill

Sponsors: Rep. Hardwick

Document Path: I:\council\bills\dka\3547sd11.docx

Introduced in the House on March 14, 2011

Introduced in the Senate on May 19, 2011

Last Amended on May 17, 2011

Passed by the General Assembly on April 19, 2012

Governor's Action: May 14, 2012, Signed

Summary: Unclaimed remains of a Veteran

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
3/14/2011	House	Introduced and read first time (House Journal-page 2)
3/14/2011	House	Referred to Committee on Labor, Commerce and Industry (House Journal-page 2)
5/12/2011	House	Committee report: Favorable with amendment Labor, Commerce and Industry (House Journal-page 3)
5/16/2011		Scrivener's error corrected
5/17/2011	House	Amended (House Journal-page 17)
5/17/2011	House	Read second time (House Journal-page 17)
5/17/2011	House	Roll call Yeas-95 Nays-0 (House Journal-page 17)
5/18/2011	House	Read third time and sent to Senate (House Journal-page 13)
5/19/2011	Senate	Introduced and read first time (Senate Journal-page 11)
5/19/2011	Senate	Referred to Committee on General (Senate Journal-page 11)
3/26/2012		Scrivener's error corrected
4/12/2012	Senate	Polled out of committee General (Senate Journal-page 8)
4/12/2012	Senate	Committee report: Favorable General (Senate Journal-page 8)
4/18/2012		Read second time (Senate Journal-page 37)
4/18/2012	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 37)
4/19/2012	Senate	Read third time and enrolled (Senate Journal-page 14)
5/8/2012		Ratified R 190
5/14/2012		Signed By Governor
5/17/2012		Effective date 05/14/12
5/21/2012		Act No. 166

VERSIONS OF THIS BILL

[3/14/2011](#)

[5/12/2011](#)

[5/16/2011](#)

[5/17/2011](#)

[3/26/2012](#)

[4/12/2012](#)

(A166, R190, H3921)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 25 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THE UNCLAIMED CREMATED REMAINS OF A VETERAN MAY BE INTERRED WITHOUT LIABILITY TO THE FUNERAL HOME, FUNERAL ESTABLISHMENT, MORTUARY, OR ANY MANAGER THEREOF OR A VETERANS' SERVICE ORGANIZATION INVOLVED IN THE INTERMENT.

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

Unclaimed cremated remains of a veteran

SECTION 1. Title 25 of the 1976 Code is amended by adding:

“CHAPTER 12

Veteran's Unclaimed Cremated Remains

Section 25-12-10. The unclaimed cremated remains of a veteran as defined in this chapter may be disposed of pursuant to the provisions of this chapter.

Section 25-12-20. As used in this chapter:

(1) ‘Veteran’ means a person who has:

(a) served on active duty in the uniformed military services of the United States;

(b) served on active duty in the National Guard or any organized state militia; or

(c) served in the reserve components of the uniformed military services of the United States on active duty; and

(d) was released from this service other than by dishonorable discharge.

(2) ‘Veterans’ service organization’ means an association, corporation, or other entity that qualifies under Internal Revenue Code Section 501(c)(3) or Section 501(c)(19) as a tax exempt organization, a federally chartered veterans’ service corporation, or a veterans’ affairs office or agency established by state law. This term also includes a member or employee of any such entity.

(3) 'National cemetery' means a cemetery under the control of the United States Department of Veterans Affairs National Cemetery Administration.

(4) 'Disposition' means disposal of cremated remains by placement in a tomb, mausoleum, crypt, columbarium, or by burial in a cemetery. For purposes of this chapter, 'disposition' does not include the scattering of cremated remains.

(5) 'Funeral home', 'funeral establishment', and 'mortuary' means as defined in Section 40-19-20.

Section 25-12-30. A manager of a funeral home, funeral establishment, or mortuary, which has held in its possession cremated remains for more than one hundred twenty days from the date of cremation, may determine, in accordance with the provisions of this chapter, if the cremated remains are those of a veteran, and if so, may dispose of those remains as provided in this chapter.

Section 25-12-40. (A) Notwithstanding any law or regulation to the contrary, nothing in this chapter shall prevent a manager of a funeral home, funeral establishment, or mortuary from sharing information with the Veterans Administration, a veterans' service agency or veterans' affairs office, a veterans' service organization, a national cemetery, or state or local veterans' cemetery for the purpose of determining whether the cremated remains are those of a veteran.

(B) A funeral home, funeral establishment, mortuary, and any manager of them is discharged from any legal obligations or liability with regard to releasing or sharing information with the Veterans Administration, a veterans' service agency or veterans' affairs office, a veterans' service organization, a national cemetery, or state or local veterans' cemetery pursuant to this chapter in regard to determining if a person's cremated remains are those of a veteran.

Section 25-12-50. (A) If a manager of a funeral home, funeral establishment, or mortuary ascertains the cremated remains in its possession are those of a veteran, and they have not been instructed by the person in control of the disposition of the decedent's remains to arrange for the final disposal or delivery of the cremated remains, the manager of a funeral home, funeral establishment, or mortuary may dispose of the cremated remains in the manner provided in this chapter or relinquish possession of the cremated remains to a veterans' service organization.

(B) The disposition of the cremated remains must be made in a national cemetery, a state or local veterans' cemetery, a section of a

cemetery corporation where veterans are memorialized by a veteran's marker, a veterans' section of a cemetery corporation, or a veterans' cemetery if the deceased veteran is eligible for interment in such a manner.

Section 25-12-60. The veterans' service organization, funeral home, funeral establishment, mortuary, and any manager of them, upon disposing of cremated remains in accordance with the provisions of this chapter, must be held harmless for any costs or damages, except if there is gross negligence or wilful misconduct, and is discharged from any legal obligation or liability concerning the cremated remains.

Section 25-12-70. The estate of the decedent is responsible for reimbursing a veterans' service organization, funeral home, funeral establishment, mortuary, and any manager of them for all reasonable expenses incurred in relation to the disposition of the cremated remains.

Section 25-12-80. A manager of a funeral home, funeral establishment, or mortuary shall establish and maintain a record identifying the veterans' service organization receiving the cremated remains.

Section 25-12-90. Nothing in this chapter requires a manager of a funeral home, funeral establishment, or mortuary to determine or seek others to determine that an individual's cremated remains are those of a veteran if the manager of a funeral home, funeral establishment, or mortuary was informed by the person in control of the remains that the individual was not a veteran, or to relinquish possession of the cremated remains to a veterans' service organization if the manager of a funeral home, funeral establishment, or mortuary was instructed by a person in control of the remains, or had a reasonable belief, that the decedent did not desire any funeral or burial related services or ceremonies recognizing the decedent's service as a veteran."

Time effective

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

Ratified the 8th day of May, 2012.

Approved the 14th day of May, 2012.