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**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA STATE BOARD OF FUNERAL SERVICE
CHAPTER 57**

Statutory Authority: 1976 Code Sections 40-1-70, 40-19-60, and 40-19-70

- 57-01. Definitions.
- 57-04. General Licensing Provisions for Embalmers.
- 57-05. General Licensing Provisions for Funeral Directors.
- 57-06.1. Apprenticeship Requirements.
- 57-08. Licensure by Endorsement.
- 57-10. Provisions for Permitting of Funeral Establishments.
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- 57-14.1. Records.
- 57-14.2. Equipment and practices.
- 57-14.3. Training of Crematory Operators.
- 57-14.4. Training of Certified Crematory Trainer/Preceptors.
- 57-15. Inspection guidelines.

Synopsis:

The South Carolina State Board of Funeral Service proposes to amend various sections of Chapter 57 of the Code of Regulations, including but not limited to changes necessary to conform to H.4116, which passed during the 2024 legislative session.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

ARTICLE 1

DEFINITIONS

57-01. Definitions.

Definitions found in Section 40-19-20 apply to this chapter.

(A) "Supervision" means protective oversight, including review, timely quality control, and inspection to assist the supervisee in preparing for practice and strengthening the skills of the supervisee. When the apprentice is assisting with funeral directing activities or embalming activities, direct supervision is required.

(B) "Continuing education" means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry level educational requirements.

(C) "Contact hour" means a minimum of fifty (50) minutes of instruction.

(D) "Direct supervision" means the supervising licensee is present on the premises and readily available.

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(E) "Full-Time Employee" means a person whose work schedule requires that the employee be present a minimum of thirty-five (35) hours per week for the entire normal year of operation.

(F) "Cremains" or cremated remains, means the remains of a cremated human body recovered after the completion of a cremation, as provided for in Section 32-8-305(8), South Carolina Code of Laws, 1976, as amended.

(G) "Crematory" means a facility equipped with a gas retort or an alkaline hydrolysis chamber specifically designed for use in the cremation of human remains.

(H) "Cremation Casket" means a casket specifically designed for holding, viewing, transporting human remains and must meet the requirements listed in item (H) below.

(I) "Alternative container" means a receptacle, other than a casket, in which human remains are transported to a crematory and placed in a retort for cremation. An alternative container or cremation casket must be:

- (1) composed of readily combustible materials suitable for cremation;
- (2) resistant to leakage or spillage;
- (3) rigid enough for handling with ease;
- (4) able to provide protection for the health, safety, and personal integrity of crematory personnel.

(J) "Alkaline hydrolysis" means the technical process that reduces human remains, as defined in Section 32-8-305(22), South Carolina Code of Laws, 1976, as amended, to cremated remains using heat, water, and chemical agents.

(K) "Alkaline hydrolysis chamber" means the enclosed vessel within which the alkaline hydrolysis process takes place.

(L) "Retort" or "cremation chamber" means the gas-fired chamber within which cremation by heat and flame takes place.

ARTICLE 3

LICENSING PROVISIONS

57-04. General Licensing Provisions for Embalmers.

An applicant for initial licensure as an embalmer must:

- (A) Submit an application on forms approved by the Board, along with the required fee; and
- (B) Meet the qualifications requirement as specified in 40-19-230(A); and

(C) Submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board.

57-05. General Licensing Provisions for Funeral Directors.

An applicant for initial licensure as a funeral director must:

(A) be at least eighteen (18) years of age; and

(B) submit an application on forms approved by the Board, along with the required fee; and

(C) submit evidence of a high school diploma, or its equivalent and successful completion of a one-year course in an accredited mortuary college, successful completion of a bachelor's degree from a regionally accredited college or university or successful completion of sixty (60) semester hours at a regionally accredited college or university, including a minimum of twenty-four (24) semester hours divided among at least four (4) of the following areas:

(1) Psychological Sciences: This area may include courses in General Psychology, Guidance/Counseling, General Sociology, and other Psychology courses; and

(2) Business: This area may include courses in Accounting, Business Law, Math/Logic, Business Management, Typing, and Computer Science; and

(3) English: This area may include English, English Literature, and English Composition; and

(4) Natural/Biological/Physical Sciences: This area may include courses in Chemistry, Biology, Pathology, Microbiology, and Physiology; and

(5) Religion: This area may include courses in Religion, Bible, and Bible History; and

(D) submit evidence of successful completion of a minimum of twenty-four (24) months of full-time service as an apprentice under the direct supervision of a licensed funeral director approved by the Board; and

(E) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board.

57-06.1. Apprenticeship Requirements.

(1) An apprentice embalmer or funeral director must serve an apprenticeship of not less than twenty-four (24) months. Apprentice embalmers and funeral directors must be full-time employees as defined in this chapter; working under the direct supervision of a funeral director for funeral director apprentices or embalmer for embalmer apprentices who is licensed in South Carolina.

(2) During the course of the apprenticeship, an apprentice must submit reports of his or her funeral activities, indicating the actual number of funerals that he or she has assisted with and in what preparation he or she assisted with. All apprentices must report to the Board quarterly upon the forms provided by or approved by the board indicating all work completed during the reporting period.

(3) The apprentice must report quarterly, regardless of whether or not there has been any activity during the quarter. March 31, June 30, September 30 and December 31 are the quarter end dates for reporting purposes. Quarterly reports must be submitted to the office of the Board Administrator no later than thirty (30) days after the quarter's end. April 30, July 30, October 30 and January 30 are the due dates for the quarterly reports. It is the sole responsibility of the apprentice to ensure that quarterly reports are received in the office of the Board Administrator. Quarterly reports not received on time may not be accepted for credit toward completion of the apprenticeship. In no case shall an apprentice be permitted to complete his or her apprenticeship unless the reporting requirement is met.

(4) The apprentice embalmer or funeral director must conduct all embalming and funeral direction activities under the supervision of the designated supervising licensee as approved by the Board. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present.

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(5) If the apprentice leaves the supervision of the licensee in whose service he or she has been engaged, the supervisor shall give the apprentice an affidavit showing the length of time served toward completion of the apprenticeship. The apprentice must request and obtain permission from the Board to change supervisors by completing a new application and receiving approval to change supervisors from the Board.

(6) To complete his or her apprenticeship, an apprentice embalmer or funeral director must assist in the embalming of at least fifty (50) cases for an apprentice embalmer or assist the funeral director in at least fifty (50) funerals for an apprentice funeral director. The apprentice embalmer or apprentice funeral director must document all embalming and funeral cases that he or she assists in during the apprenticeship period. Of the fifty (50) cases required, at least twenty-five (25) cases must include a series of tasks as specified by the Board and enumerated in the quarterly report form.

(7) A certificate of apprenticeship is renewable twenty-four (24) months after registration for an additional twelve (12) months. A certificate of apprenticeship may not be renewed more than three (3) times.

(8) If an apprentice does not become licensed as a funeral director or embalmer within five (5) years of completing his or her apprenticeship, the Board may require the applicant to complete all or part of the apprenticeship period.

(9) If an apprentice embalmer or funeral director does not complete his or her apprenticeship within five (5) years from the date of application, the Board may require the applicant to complete all or part of the apprenticeship period.

(10) An apprentice may serve under one supervisor per license type.

57-08. Licensure by Endorsement.

(A) An applicant that has been engaged in the licensed practice of funeral service for at least five years may be approved for a license by endorsement upon completing the following:

(1) submitting proof of having been engaged in the licensed practice of funeral service for at least five years by having issuing agency(ies) submit verifications of licensure;

(2) submitting evidence of receiving a passing score of at least seventy-five (75) on an examination approved by the Board;

(3) submitting an application on a Board-approved form, along with the required nonrefundable fee.

(B) An applicant who has been engaged in the licensed practice of funeral service in other jurisdiction(s) for less than five years may be approved for a license by endorsement upon completing the following:

(1) submitting proof that the requirements of the other jurisdiction(s) are substantially similar to the requirements of the Board;

(2) having issuing agency(ies) submit verification(s) of licensure;

(3) submitting evidence of receiving a passing score of at least seventy-five (75) on an examination approved by the Board; and

(4) submitting an application on a Board-approved form, along with the required nonrefundable fee.

(C) For applicants who have been engaged in the licensed practice of funeral service for less than five years, the Board has the authority to require the applicant to complete all or part of any South Carolina requirement to

ensure the applicant's experience and education are substantially similar to that required of non-endorsement applicants.

57-10. Provisions for Permitting of Funeral Establishments.

An applicant for permitting of a funeral establishment must:

- (A) submit an application on forms approved by the Board, along with the required fee; and
- (B) submit to an inspection of the funeral establishment. The inspection must show the establishment has the following:
 - (1) a chapel or parlor where funeral services may be conducted; and
 - (2) a preparation room equipped with a sanitary floor and necessary drainage, ventilation, necessary approved tables, hot and cold running water, and a sink separate from table drainage; instruments, and supplies, for the preparation and embalming of dead human bodies; and
 - (3) means of showing photographs or other representations of available caskets and other necessary funeral supplies; and
 - (4) a minimum of one (1) motor hearse for transporting casketed human remains; and
 - (5) submit evidence that the facility meets all State and local building and fire codes; and
- (C) submit the name of a licensed funeral director as manager of the facility who is or will become, prior to opening the facility, a full-time regular employee in responsible charge of the establishment and who is legally and ethically responsible for all actions taken at the establishment. In the event the manager leaves the facility or is unable to perform the duties of a facility manager, the facility shall, within thirty (30) days submit, on a form approved by the Board, the name of the successor manager as required in Section 40-19-270(C), South Carolina Code of Laws (1976, as amended). As a part of the application, the manager must submit a notarized statement that he or she has been licensed in South Carolina for at least one (1) year prior to being named the manager of the facility; and
- (D) submit evidence satisfactory to the Board that the owner of the facility is a South Carolina licensed funeral director, if a sole proprietorship. If a partnership, at least one (1) partner must be a licensed funeral director, or the partnership must employ a full-time manager. If a corporation, at least one (1) officer of the corporation must be a licensed funeral director, or the corporation must employ a full-time manager. Owners of facilities may be required to submit partnership agreements, corporate resolutions, or any other such documents as may be requested by the Board to demonstrate compliance with this provision.

ARTICLE 5

FEES

57-12. Fees.

- (A) The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-17.
- (B) All fees are nonrefundable.

ARTICLE 7

CODE OF ETHICS

57-13.1. Code of Ethics.

(A) Responsibilities to the Family.

(1) A funeral director shall, where possible, fully inform the family of the deceased concerning the time, the place, and details of the funeral service.

(2) A funeral director shall consider the financial limitations of the family of the deceased when counseling the family in the selection of services and furnishings.

(3) A funeral director shall explain to the family of the deceased costs of the services and the merchandise and disclose the range of prices for funeral goods and services available.

(4) A funeral director shall review with the family of the deceased all death benefits and burial allowances of which he is aware.

(5) A funeral director shall provide a statement of goods and services for the family to approve showing the price of the services and merchandise that was selected, the price of each of the supplemental items of the service, and the amount involved for each of the items for which the funeral director will advance monies as an accommodation to the family.

(6) A funeral director shall not make any misrepresentation concerning any aspect of the services rendered or the funeral furnishings or disposition alternatives.

(B) Confidentiality.

(1) A funeral director shall not disclose the cause of death of the deceased, expenditures for the funeral, the cost of the service, the source of funds or other information of a personal nature except with the express permission of the immediate family, or their authorized representatives.

(C) Property.

(1) A funeral director shall dispose of the personal effects of the deceased in accordance with the wishes of the family.

(D) Organ Donation.

(1) A funeral director shall support the wishes of families who authorize organ or body donations, if the body is needed and medically acceptable.

(E) Responsibilities to the Clergy.

(1) A funeral director shall respect the customs and mourning habits of all religious creeds and denominations and shall adjust services to conform with the rituals and the beliefs of the family of the deceased.

(2) A funeral director shall honor the wishes and desires of the clergy in conducting the service whenever possible, except that the wishes of the clergy person shall be subservient to those of the family except when dogma is involved.

(3) A funeral director shall abide by the rules and regulations of the church when the funeral service is held in a church.

(4) A funeral director shall make appropriate referrals when religious or pastoral counseling is requested.

(F) Responsibilities to Medical and Hospital Personnel.

(1) A funeral director or embalmer shall promote public health by conforming with health laws and regulations.

(2) A funeral director or embalmer shall not discourage autopsy of the deceased unless instructed to do so by the immediate family.

(G) Responsibilities regarding the Deceased.

(1) Licensees and registrants shall ensure that human remains and cremated remains are treated with dignity and respect at all times.

(2) Human remains must be stored and transported face up at all times.

(3) Human remains must be clothed or completely covered while the human remains are in the holding facility, while they are being refrigerated, and after the human remains have been embalmed.

(4) Human remains, including human remains which have been placed in a cremation casket or alternative container, must not be placed or stored directly on the floor, including the floor of a refrigeration unit.

(5) Human remains, including human remains which have been placed in a cremation casket or alternative container, must not be placed on another for the purpose of storage, transportation or otherwise.

(6) Human remains and cremated remains shall be secure from access by anyone other than an employee of the crematory, except an authorized person in the ordinary course of his or her work.

(7) The premises of any location where human remains and cremated remains are stored must be maintained in a sanitary and professional manner.

57-13.2. Websites.

Websites for funeral establishments must list the individual South Carolina State Board of Funeral Service license or registration number of all licensed funeral directors, licensed embalmers, and registered crematory operators employed at the establishment and further must identify all other employees mentioned in the website as either unlicensed or apprenticed, as the case may be. If a funeral director's license, embalmer's license, or crematory operator's registration is subsequently lapsed, revoked, suspended, or surrendered, the website shall not continue to identify the individual as licensed or registered as long as the disqualification exists.

ARTICLE 8

CREMATORY REQUIREMENTS

57-14.1. Records.

Records, policies, and procedures will be maintained at the crematory site and will be available for inspection at all times.

(A) The crematory shall maintain a log which shows clearly:

(1) The name of the deceased;

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- (2) A unique identification number assigned to each deceased;
- (3) Authorization for cremation;
- (4) Date body received at the crematory;
- (5) Type of cremation container received;
- (6) Date cremated;
- (7) Date cremains delivered;
- (8) To whom the cremains were delivered.
- (9) Name of Registered Crematory Operator who performed the cremation.

(B) The crematory shall develop and implement a system to assure the identification of each deceased through all steps of the crematory process.

(C) The crematory shall develop and implement a system to track each deceased through all steps of the crematory process and shall attach a physical identification to each body which shall accompany it at all times during the cremation process. This identification may be attached to the outside of the retort or alkaline hydrolysis chamber during the period of actual cremation.

(D) The crematory shall maintain current operators manual for each retort or alkaline hydrolysis chamber and a maintenance record for each retort or alkaline hydrolysis chamber.

(E) Where a family requests removal of dental gold or other dental work, they shall be allowed to arrange for such removal by a licensed dentist of their choice and the crematory will allow access to that dentist. The crematory log will record the name and license number of the dentist.

(F) Crematories may only cremate human remains, the cremation of animals is forbidden.

57-14.2. Equipment and practices.

(A) Each crematory must provide a holding facility of suitable size to accommodate all human remains which are retained and awaiting cremation.

(B) For cremation by heat and flame, each crematory must be equipped with a commercially manufactured retort, made specifically for the cremation of human remains and including the following features:

- (1) An ash collection pan to minimize the commingling of cremated remains of one human with another;
- (2) A hearth floor without depressions to minimize the commingling of cremated remains of one human with another;
- (3) A door safety switch to stop the burner operation when the front charging door is opened;
- (4) A pollution monitoring system to monitor and detect smoke when the density exceeds applicable state and federal standards, whereupon the system will automatically stop the burner operation on a time setting of not less than three (3) minutes;
- (5) Approval by Underwriters Laboratory or a comparable laboratory.

(C) For cremation by alkaline hydrolysis, each crematory must be equipped with a commercially-manufactured alkaline hydrolysis chamber made specifically for the cremation of human remains that includes the following:

(1) a collection pan, tray, or other device that is designed for the purpose of removing cremated remains from the alkaline hydrolysis chamber and to minimize the commingling of cremated remains.

(D) The retort or alkaline hydrolysis chamber shall be in good working order at all times. If a retort or alkaline hydrolysis chamber is unavailable for any period exceeding twenty-four (24) hours, the crematory shall refuse to accept any body until such time as the retort or alkaline hydrolysis chamber is working, unless that body can be maintained under appropriate refrigeration as described in Subsection (F).

(E) Each crematory must have a commercially manufactured processor made specifically for the pulverization of cremated remains and equipped with the following features:

- (1) Capable of consistently processing cremated remains to unidentifiable dimensions;
- (2) Rust resistant processing chamber;
- (3) Exterior surface made of easily cleaned, non-corrosive material.

(F) If the crematory provides a refrigeration unit for the holding of human remains in its custody for twenty-four (24) or more hours, it must meet the following standards:

- (1) Is capable of maintaining interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it was designed;
- (2) Has a surface of sealed concrete, stainless steel, galvanized steel, aluminum or other easily cleaned material.

(G) The crematory shall maintain a vacuum system in working order and able to capture small bone fragments as well as some residual dust.

(H) The crematory shall remove all cremated remains from the retort or alkaline hydrolysis chamber at the conclusion of each cremation and shall minimize residual dust.

(I) The crematory shall be operated by an individual registered with the Board as a crematory operator in accordance with Section 32-8-385, South Carolina Code of Laws, 1976, as amended.

(J) The crematory will provide and require that its operator use proper safety equipment including:

- (1) Heat Resistant Apron;
- (2) Heat Resistant Gloves (at least to the elbow);
- (3) Safety glasses with side shields, goggles or face shield.

(K) All cremated remains will be placed in a closed, rigid, and leak resistant container, specifically designed for the storage of cremated remains.

57-14.3. Repealed.

57-14.4. Repealed.

ARTICLE 9

INSPECTION GUIDELINES

57-15. Inspection guidelines.

Inspection guidelines include the following:

(1) An embalming room of at least 100 square feet. Funeral homes in operation prior to April 23, 2010, are exempt from the 100 square foot requirement;

(2) A preparation room equipped with sanitary floor and necessary drainage, ventilation, necessary approved tables, hot and cold running water and a sink separate from table drainage, an OSHA-approved shower and eye wash station, hydro or electric aspirator (if hydro, it must be equipped with a backflow preventor on the facility's water system), embalming machine, or gravity bottle or bulb or hand pump, at least one scalpel, two aneurysm needles, assorted canulae, suture needles, trocar, antiseptic soap, twelve (12) bottles of arterial fluid, and two bottles of cavity fluid;

(3) Handicapped accessible restrooms, water fountains and accessibility to and throughout the facility; where water fountains are not accessible, alternatives such as bottled water shall be provided;

(4) One working and licensed motor hearse for transporting casketed and non-casketed human remains;

(5) Sanitary waste receptacle and hazardous waste receptacle;

(6) Ventilating system that is screened and has an air exchange of twelve (12) times per hour to the outside;

(7) Means of showing photographs or other representations of available caskets and other necessary funeral supplies;

(8) Multiple copies of the General Price List, a Casket Price List, an Outer Burial Container Price List, and multiple copies of the Statement of Goods and Services in compliance with federal and state law;

(9) An approved COMPLETED PERMIT APPLICATION or CURRENT FACILITY PERMIT DISPLAYED;

(10) If a chapel or parlor for funeral services is provided, it must be inspected for safety and cleanliness.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The updated regulations will amend and add definitions to include terms related to cremation; clarify licensure requirements for embalmers; remove prohibitions from licensure for conviction of a violent crime or crime of moral turpitude; clarify requirements for licensure by endorsement; update requirements for a funeral establishment to show availability of caskets and other funeral supplies; update continuing education requirements; describe ethics related to handling of the deceased; update website requirements to incorporate references to crematories; update crematory requirements to include information related to alkaline hydrolysis, among other things; and repeal existing sections on training for crematory operators and certified crematory operators and preceptors.