

# Cremation Issue Chart

## SOUTH CAROLINA



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
N/A			
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
SECTION 32-8-305. Definitions	Yes	<p>(1) "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:</p> <p>(a) composed of readily combustible materials suitable for cremation;</p> <p>(b) resistant to leakage or spillage;</p> <p>(c) rigid enough for handling with ease;</p> <p>(d) able to provide protection for the health, safety, and personal integrity of crematory personnel.</p>	
ISSUE: URN			
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container	
N/A			

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ISSUE: AUTHORIZING AGENT	
Law/Regulation	Legal Order of Authorizing Agent
SECTION 32-8-320. Persons who may serve as a decedent's agent; authorize cremation.	<p>(A) In the following order of priority these persons may serve as a decedent's agent and in the absence of a preneed cremation authorization may authorize cremation of the decedent:</p> <ol style="list-style-type: none"> <li>(1) the person designated as agent for this purpose by the decedent in a will or other verified and attested document, or a person named in the decedent's United States Department of Defense Record of Emergency Data Form (DD Form 93), or its successor form, if the decedent died while serving in any branch of the United States Armed Services, as defined in 10 U.S.C. Section 1481, and there is no known designation in a will or other verified and attested document of the decedent;</li> <li>(2) the spouse of the decedent, unless the spouse and the decedent are separated pursuant to one of the following: <ol style="list-style-type: none"> <li>(a) entry of a pendente lite order in a divorce or separate maintenance action;</li> <li>(b) formal signing of a written property or marital settlement agreement;</li> <li>(c) entry of a permanent order of separate maintenance and support or of a permanent order approving a property or marital settlement agreement between the spouse and the decedent;</li> </ol> </li> <li>(3) the decedent's surviving adult children;</li> <li>(4) the decedent's surviving parents;</li> <li>(5) adult siblings of the decedent;</li> <li>(6) the adult grandchildren of the decedent;</li> <li>(7) the grandparents of the decedent;</li> <li>(8) the person appointed by the probate court as the guardian; and</li> <li>(9) any other person authorized or under obligation by law to dispose of the body.</li> </ol>

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
SECTION 32-8-345. Crematory authority or licensed funeral establishments responsibility for the final disposition of the cremated remains.	<p>(A) The agent or a licensed funeral establishment or crematory authority is responsible for the final disposition of the cremated remains.</p> <p>(B) Cremated remains may be disposed of by placing in a grave, crypt, niche, by scattering them in a scattering area, or in any manner on the private property of a consenting owner. If cremated remains are disposed of on public lands or water, all state and federal laws apply.</p> <p>(C) Upon completion of the cremation process, if the crematory authority has not been instructed to arrange for the mailing, interment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver in person or mail the cremated remains accompanied by the cremation certificate to the designee specified on the cremation authorization form. If no designee is specified, the cremated remains must be delivered in person or mailed to the decedent's agent. The cremated remains must be delivered in person or delivered to the United States Post Office or to a bonded licensed courier service to be sent by registered and return receipt requested mail. Upon receipt of the cremated remains accompanied by a photocopy of the Burial Transit Permit and Cremation Certificate, the individual receiving them may transport and dispose of them in any manner in accordance with this section. After delivery in person or to the United States Post Office or to a bonded, licensed courier service, the crematory authority is discharged from any legal obligation or liability concerning the cremated remains.</p> <p>(D) If after a period of sixty days from the date of cremation the decedent's agent has not instructed the funeral establishment or crematory authority to arrange for final disposition of the cremated remains or claimed the cremated remains, the funeral establishment or crematory authority may dispose of the cremated remains in any manner permitted by this section. The funeral establishment or crematory authority shall keep a permanent record identifying the site of final disposition. The agent is responsible for reimbursing all expenses incurred in disposing of the cremated remains. Upon disposing the cremated remains, the funeral establishment or crematory authority is discharged from any legal obligation or liability concerning the cremated remains. A funeral establishment or crematory authority in possession of remains cremated before July 1, 1994, may dispose of them in accordance with this section.</p>