

The State of South Carolina



Office of the Attorney General

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January 14, 1988

The Honorable James R. Burnett, Jr.
Coroner, Spartanburg County
Post Office Box 5666
Spartanburg, South Carolina 29304

Dear Coroner Burnett:

In a letter to this Office you referenced Section 17-5-310 of the Code which states:

(w)hen the body of any dead person who died in the county is to be cremated, whoever required the cremation shall secure a permit for such cremation from the county medical examiner or his deputy....

You questioned whether it is the duty of a coroner to issue such a permit for cremation in counties, such as Spartanburg, who do not have a medical examiner.

I am unaware of any State statutes which require that a cremation permit such as that referenced above be obtained from a coroner. Section 17-5-310 appears to be limited to those situations in counties where the office of county medical examiner has been established. The only other reference to requirements for cremations I have located in the Code is the Regulation of the Department of Health and Environmental Control, R. 61-19 §23 which states that as to permits governing the disposal or transportation of dead human bodies

(i)n any case where final disposition is to be made by cremation or burial at sea, the burial-transit permit must be accompanied by a certified copy of the death certificate and, where required by law, authorization by the medical examiner.

Of course, while a particular permit may not be required, a coroner should nevertheless be involved in those deaths where otherwise required by statute.

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If there is anything further, please advise.

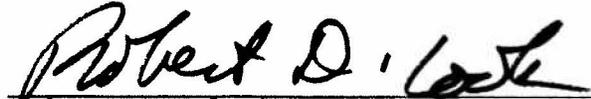
Sincerely,



Charles H. Richardson
Assistant Attorney General

CHR/rhm

REVIEWED AND APPROVED BY:



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