

1976 S.C. Op. Atty. Gen. 221 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4386, 1976 WL 23004

Office of the Attorney General

State of South Carolina

Opinion No. 4386

JULY 1, 1976

**\*1** An employee of the University of South Carolina may embalm dead human bodies for the primary purpose of medical research and training, without being licensed by the State Board of Funeral Service.

TO: Phillip M. Grier  
University Counsel  
University of South Carolina

QUESTION PRESENTED:

Does an employee of the University of South Carolina who embalms dead human bodies for use in medical research and training need to be licensed by the State Board of Funeral Service?

AUTHORITIES:

South Carolina Code, §§ 5–651, *et seq.*, (1962), as amended.

[State Record Publishing Company vs. S. C. Employment Security Commission](#), 254 S.C. 1, 173 S.E.2d 144 (1970).

DISCUSSION:

South Carolina Code, § 56–651(1) defines an embalmer, for the purposes of Chapter 11, Title 56, South Carolina Code as ‘a person who disinfects and preserves, or attempts to disinfect and preserve, the dead human body, entirely or in part, by the use of application of chemicals, fluids or gases, externally or internally, or both, either by the introduction into the body by vascular or hypodermic injections or by direct application into the organs or cavities or by any other method, or who by restorative art restores or attempts to restore the appearance of the dead human body.’ Moreover, South Carolina Code, § 56–661, makes it unlawful for any person to engage in embalming without first complying with the provisions of Chapter 11. There are no exceptions stated in the chapter.

However, considering the entire chapter *in pari materia*, and specifically Sections 56–666 and 56–666.1, relating to qualifications for licenses and temporary licenses for embalmers in this State, it becomes clear that the legislative intent was for the Board to regulate the practice of embalming as it relates to the funeral industry, and did not contemplate regulation of non-funeral related practices. The primary intent of statutory construction is to give effect to legislative intent. State Record Publishing Company v. South Carolina Employment Security Commission, *supra*. Moreover, unreasonable interpretations should be rejected.

CONCLUSION:

Therefore, it is the opinion of this office that an employee of the University of South Carolina may embalm dead human bodies for the primary purpose of medical research and training, without being licensed by the State Board of Funeral Service.

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