

AN ACT

ENTITLED, An Act to require that crematories be under the direction of licensed funeral establishments and funeral directors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-26A-3 be amended to read as follows:

34-26A-3. Any resident of this state, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization, or any other entity may erect, maintain, and operate a crematory in this state and provide the necessary appliances and facilities for the cremation of human remains in accordance with this chapter. The operation of any crematory in this state shall be under the direction and supervision of a licensed funeral director and a licensed funeral establishment, each licensed pursuant to chapter 36-19. However, any medical facility cremating either whole or specific body parts does not need to be under the direction and supervision of a licensed funeral director and licensed funeral establishment. A crematory shall conform with all local building codes and environmental standards, and it may be constructed on, or adjacent to, any cemetery, on or adjacent to any funeral establishment that is zoned commercial or industrial, or at any other location consistent with local zoning regulations.

Section 2. That § 34-26A-41 be amended to read as follows:

34-26A-41. A crematory authority may employ a licensed funeral director for the purpose of arranging cremations with the general public, transporting human remains to the crematory, and processing all necessary paperwork.

An Act to require that crematories be under the direction of licensed funeral establishments and funeral directors.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1092

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1092  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State