

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

283U0089

## SENATE BILL NO. 103

Introduced by: Senators Krebs, Brown, Hunhoff (Jean), and Kirkeby and Representatives Hoffman, Duvall, Haggar (Don), and Miller

1 FOR AN ACT ENTITLED, An Act to remove the required waiting period before cremated  
2 remains may be released to be scattered.

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

4 Section 1. That § 34-26A-27 be amended to read as follows:

5 34-26A-27. Cremated remains may be scattered over a public waterway or sea, or on the  
6 private property of a consenting owner pursuant to the provisions of this chapter, if they are  
7 reduced to a particle size of one-eighth inch or less. A person may utilize a boat or airplane to  
8 perform the scattering. Cremated remains shall be removed from their closed container before  
9 they are scattered. Any person who scatters human remains, pursuant to this section, shall file  
10 with the local registrar of births and deaths, in the county nearest the point where the cremated  
11 remains are to be scattered, a verified statement containing the name of the deceased person, the  
12 time and place of death, the place at which the cremated remains are to be scattered, and any  
13 other information that the local registrar of births and deaths may require. If cremated remains  
14 are to be scattered pursuant to this section, the crematory authority may not release the cremated  
15 remains to the authorizing agent ~~before thirty days after the date of the cremation and until the~~



1 crematory authority has been provided with a receipt indicating that the proper filing has been  
2 made with the local registrar of births and deaths. ~~A~~ The scattering of cremated remains in  
3 violation of this section is a Class 2 misdemeanor.