

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

219V0316

HOUSE HEALTH AND HUMAN SERVICES ENGROSSED NO. **HB 1092** - 01/30/2014

Introduced by: Representatives Hoffman, Erickson, Greenfield, Kopp, Langer, and Verchio
and Senators Kirkeby and Begalka

1 FOR AN ACT ENTITLED, An Act to require that crematories be under the direction of
2 licensed funeral establishments and funeral directors.

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

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

5 34-26A-3. Any resident of this state, or any cemetery, funeral establishment, corporation,
6 partnership, joint venture, voluntary organization, or any other entity may erect, maintain, and
7 ~~conduct~~ operate a crematory in this state and provide the necessary appliances and facilities for
8 the cremation of human remains in accordance with this chapter. The operation of any crematory
9 in this state shall be under the direction and supervision of a licensed funeral director and a
10 licensed funeral establishment, each licensed pursuant to chapter 36-19. However, any medical
11 facility cremating either whole or specific body parts does not need to be under the direction and
12 supervision of a licensed funeral director and licensed funeral establishment. A crematory shall
13 conform with all local building codes and environmental standards, and it may be constructed
14 on, or adjacent to, any cemetery, on or adjacent to any funeral establishment that is zoned



1 commercial or industrial, or at any other location consistent with local zoning regulations.

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

3 34-26A-41. A crematory authority may employ a licensed funeral director for the purpose
4 of arranging cremations with the general public, transporting human remains to the crematory,
5 and processing all necessary paperwork. ~~No provision of this chapter may be construed to~~
6 ~~require a licensed funeral director to perform any functions not otherwise required by law to be~~
7 ~~performed by a licensed funeral director.~~