

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

400B0233

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **SB26** -  
2/14/98

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: The Committee on Health and Human Services at the request of the Department of Health

1 FOR AN ACT ENTITLED, An Act to revise certain statutes regarding the operation and  
2 administration of crematories.

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

4 Section 1. That subdivision (7) of § 34-26A-1 be amended to read as follows:

5 (7) "Crematory authority," the legal entity or the authorized representative of the legal  
6 entity which is licensed by the ~~department~~ board to operate a crematory and perform  
7 cremation;

8 Section 2. That subdivision (9) of § 34-26A-1 be repealed.

9 (9) ~~"Department," the Department of Health;~~

10 Section 3. That § 34-26A-1 be amended by adding thereto a NEW SUBDIVISION to read  
11 as follows:

12 "Board," the State Board of Funeral Service.

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

14 34-26A-4. An application for licensure or renewal of a license as a crematory authority shall

1 be on forms furnished and prescribed by the department board. Applications shall be in writing,  
2 accompanied by a license or renewal fee of one hundred dollars and shall contain the name of the  
3 applicant, the address and location of the crematory, a description of the type of structure and  
4 equipment to be used in the operation of the crematory, and any other information the  
5 department board may reasonably require. The department board shall annually examine the  
6 premises and structure to be used as a crematory and shall issue a license or renew a license for  
7 the crematory authority, if the applicant meets all requirements of this chapter. If a change of  
8 ownership of a crematory occurs, within thirty days of the change, the crematory authority shall  
9 provide the department board with the names and addresses of the new owners.

10 Section 5. That § 34-26A-33 be amended to read as follows:

11 34-26A-33. The department board shall promulgate reasonable rules pursuant to chapter  
12 1-26 as may be consistent with this chapter governing the cremation of human remains. The rules  
13 specifically shall include the minimum standards of sanitation, refrigeration, required equipment,  
14 and fire protection for all crematories which the department board may deem necessary for the  
15 protection of the public. A crematory authority may adopt reasonable rules, not inconsistent with  
16 this chapter, for the management and operation of a crematory.

1 **BILL HISTORY**

2 1/13/98 First read in Senate and referred to Health and Human Services. S.J. 24

3 1/17/98 Scheduled for Committee hearing on this date.

4 1/17/98 Health and Human Services Do Pass, Passed, AYES 6, NAYS 1. S.J. 64

5 1/20/98 Senate Deferred to another day. S.J. 127

6 1/21/98 Senate Do Pass, Passed, AYES 31, NAYS 2. S.J. 153

7 1/22/98 First read in House and referred to Health and Human Services. H.J. 189

8 2/13/98 Scheduled for Committee hearing on this date.

9 2/13/98 Health and Human Services Do Pass Amended, Passed, AYES 7, NAYS 4. H.J. 641

10 2/13/98 Scheduled for Committee hearing on this date.