

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

400B0233

## SENATE BILL NO. 26

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 to operate~~ operating a crematory and  
7 ~~perform cremation~~ performing cremations;

8 Section 2. That § 34-26A-5 be amended to read as follows:

9 34-26A-5. No person may cremate any human remains, except in a crematory ~~licensed~~  
10 intended for this express purpose and under the limitations provided in this chapter.

11 Section 3. That § 34-26A-4 be repealed.

12 ~~— 34-26A-4. An application for licensure or renewal of a license as a crematory authority shall~~  
13 ~~be on forms furnished and prescribed by the department. Applications shall be in writing,~~  
14 ~~accompanied by a license or renewal fee of one hundred dollars and shall contain the name of the~~  
15 ~~applicant, the address and location of the crematory, a description of the type of structure and~~

1 equipment to be used in the operation of the crematory and any other information the department  
2 may reasonably require. The department shall annually examine the premises and structure to be  
3 used as a crematory and shall issue a license or renew a license for the crematory authority, if the  
4 applicant meets all requirements of this chapter. If a change of ownership of a crematory occurs,  
5 within thirty days of the change, the crematory authority shall provide the department with the  
6 names and addresses of the new owners.

7 Section 4. That § 34-26A-33 be repealed.

8 ~~34-26A-33. The department shall promulgate reasonable rules pursuant to chapter 1-26 as~~  
9 ~~may be consistent with this chapter governing the cremation of human remains. The rules~~  
10 ~~specifically shall include the minimum standards of sanitation, refrigeration, required equipment~~  
11 ~~and fire protection for all crematories which the department may deem necessary for the~~  
12 ~~protection of the public. A crematory authority may adopt reasonable rules, not inconsistent with~~  
13 ~~this chapter, for the management and operation of a crematory.~~

14 Section 5. That § 34-26A-35 be amended to read as follows:

15 34-26A-35.  ~~Holding oneself out to the public as a crematory authority without being licensed~~  
16  ~~under this chapter, or performing Any person who performs a cremation without a cremation~~  
17  ~~authorization form signed by an authorizing agent is guilty of a Class 1 misdemeanor.~~