

AN ACT

ENTITLED, An Act to provide penalties for certain violations of cremation laws.

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

Section 1. That § 34-26A-5 be amended to read as follows:

34-26A-5. No person may cremate any human remains, except in a crematory licensed for this express purpose and under the limitations provided in this chapter. A violation of this section is a Class 2 misdemeanor.

Section 2. That § 34-26A-27 be amended to read as follows:

34-26A-27. Cremated remains may be scattered over a public waterway or sea, or on the private property of a consenting owner pursuant to the provisions of this chapter, if they are reduced to a particle size of one-eighth inch or less. A person may utilize a boat or airplane to perform the scattering. Cremated remains shall be removed from their closed container before they are scattered. Any person who scatters human remains, pursuant to this section, shall file with the local registrar of births and deaths, in the county nearest the point where the cremated remains are to be scattered, a verified statement containing the name of the deceased person, the time and place of death, the place at which the cremated remains are to be scattered, and any other information that the local registrar of births and deaths may require. If cremated remains are to be scattered pursuant to this section, the crematory authority may not release the cremated remains to the authorizing agent before thirty days after the date of the cremation and until the crematory authority has been provided with a receipt indicating that the proper filing has been made with the local registrar of births and deaths. A violation of this section is a Class 2 misdemeanor.

An Act to provide penalties for certain violations of cremation laws.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1279

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1279
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