

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

346D0146

## HOUSE BILL NO. 1279

Introduced by: Representatives Putnam, Broderick, Hunt, Michels, Munson (Donald), and  
Wudel and Senators Albers, Bogue, Drake, Frederick, and Moore

1 FOR AN ACT ENTITLED, An Act to provide penalties for certain violations of cremation laws.

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

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

4 34-26A-5. No person may cremate any human remains, except in a crematory licensed for  
5 this express purpose and under the limitations provided in this chapter. A violation of this section  
6 is a Class 2 misdemeanor.

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

8 34-26A-27. Cremated remains may be scattered over a public waterway or sea, or on the  
9 private property of a consenting owner pursuant to the provisions of this chapter, if they are  
10 reduced to a particle size of one-eighth inch or less. A person may utilize a boat or airplane to  
11 perform the scattering. Cremated remains shall be removed from their closed container before  
12 they are scattered. Any person who scatters human remains, pursuant to this section, shall file  
13 with the local registrar of births and deaths, in the county nearest the point where the cremated  
14 remains are to be scattered, a verified statement containing the name of the deceased person, the  
15 time and place of death, the place at which the cremated remains are to be scattered, and any  
16 other information that the local registrar of births and deaths may require. If cremated remains

1 are to be scattered pursuant to this section, the crematory authority may not release the cremated  
2 remains to the authorizing agent before thirty days after the date of the cremation and until the  
3 crematory authority has been provided with a receipt indicating that the proper filing has been  
4 made with the local registrar of births and deaths. A violation of this section is a Class 2  
5 misdemeanor.