



2022 South Dakota Legislature

House Bill 1307

Introduced by: **Representative** Lesmeister

1 **An Act to revise the definition of cremation.**

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

3 **Section 1. That § 34-26A-1 be AMENDED:**

4 **34-26A-1.** Terms used in this chapter mean:

- 5 (1) "Board," the State Board of Funeral Service;
- 6 (1A) "Casket," a rigid container ~~which~~that is designed for the encasement of human
7 remains, and ~~which~~ is usually constructed of wood, metal, or like material and
8 ornamented and lined with fabric;
- 9 (2) "Closed container," any container ~~in which~~that cremated remains can be placed
10 and closed in ~~a manner so as~~ to prevent leakage or spillage of cremated remains
11 or the entrance of foreign material;
- 12 (3) "Cremated remains," all human remains recovered after the completion of the
13 cremation process, including pulverization ~~which~~that leaves only bone fragments
14 reduced to unidentifiable dimensions;
- 15 (4) "Cremation," the technical process, using heat or alkaline hydrolysis, that reduces
16 human remains to bone fragments. The reduction takes place through heat and
17 evaporation or through hydrolysis;
- 18 (5) "Cremation chamber," the enclosed space within which the cremation process takes
19 place. Cremation chambers covered by these procedures ~~shall~~must be used
20 exclusively for the cremation of human remains;
- 21 (6) "Cremation container," the container ~~in which~~that the human remains are placed
22 in before insertion into the cremation chamber for ~~a~~ cremation. A cremation
23 container ~~shall~~must be composed of readily combustible materials suitable for
24 cremation, be able to be closed in order to provide a complete covering for the
25 human remains, be resistant to leakage or spillage, be rigid enough for handling

- 1 with ease, and be able to provide protection for the health, safety, and personal
2 integrity of crematory personnel;
- 3 (7) "Crematory authority," the legal entity or the authorized representative of the legal
4 entity ~~which~~that is licensed by the board to operate a crematory and perform
5 cremation;
- 6 (8) "Crematory," the building or portion of a building that houses the cremation
7 chamber and the holding facility;
- 8 (9) "Holding facility," an area within or adjacent to the crematory facility designated for
9 the retention of human remains prior to cremation that complies with any
10 applicable public health law, preserves the dignity of the human remains,
11 recognizes the integrity, health, and safety of the crematory authority personnel
12 operating the crematory, and is secure from access by anyone other than authority
13 personnel;
- 14 (10) "Human remains," the body of a deceased person, not including pathological waste;
- 15 (11) "Niche," a compartment or cubicle for the memorialization or permanent placement
16 of an urn containing cremated remains;
- 17 (12) "Pathological waste," human tissues, organs, and blood or body fluids, in liquid or
18 semiliquid form, that are removed from a person for medical purposes during
19 treatment, surgery, biopsy, or autopsy;
- 20 (13) "Scattering area," a designated area for the scattering of cremated remains;
- 21 (14) "Temporary container," a receptacle for cremated remains usually made of
22 cardboard, plastic film, or similar material designed to hold the cremated remains
23 until an urn or other permanent container is acquired; and
- 24 (15) "Urn," a receptacle designed to permanently encase the cremated remains.