

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

529B0625

HOUSE ENGROSSED NO. **HB1161** - 2/9/98

Introduced by: Representatives Hunt, Apa, Belatti, Brooks, Cerny, Chicoine, Diedrich, Fitzgerald, Hassard, Jaspers, Kazmerzak, Koskan, Kredit, Lucas, Madden, Matthews, McNenny, Monroe, Pederson (Gordon), Pummel, Putnam, Roe, Rost, Schrempp, Smidt, Solum, Van Gerpen, Weber, Wetz, and Wick and Senators Lawler, Aker, Albers, Drake, Dunn (Jim), Dunn (Rebecca), Flowers, Frederick, Hainje, Halverson, Hutmacher, Johnson (William), Kleven, Kloucek, Lange, Reedy, Rounds, Staggers, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to provide for the disposition of the remains of human
2 embryos and fetuses.

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

4 Section 1. Remains of a human embryo or fetus resulting from an abortion or miscarriage,
5 induced or occurring accidentally or spontaneously at a hospital, clinic, or medical facility shall
6 be deposited or disposed of in this state only at the place and in the manner provided by this Act.

7 Section 2. Any hospital, clinic, or medical facility in which abortions are induced or occur
8 spontaneously or accidentally or laboratory to which the remains of human embryos or fetuses
9 are delivered shall provide for the disposal of the remains by cremation, interment by burial, or
10 by incineration in a medical waste incinerator approved by the Department of Environment and
11 Natural Resources. If incineration is used, the remains of the human embryo or fetus shall be
12 incinerated separately from other medical waste. The hospital, clinic, medical facility, or
13 laboratory may perform any laboratory tests necessary for the health for the woman or her future

1 offspring, or for the purposes of a criminal investigation, or for determination of parentage prior
2 to disposing of the remains.

3 Section 3. Any failure to comply with the provisions of this Act constitutes a public nuisance.
4 Any person, firm, or corporation failing to comply with the provisions of this Act is guilty of a
5 Class 1 misdemeanor.

6 Section 4. No religious service or ceremony is required as part of the disposition of the
7 remains of a human embryo or fetus. The hospital, clinic, or medical facility shall discuss the
8 method of disposition with the woman who had the miscarriage.

9 Section 5. Tissue and organ donation may occur in cases of spontaneous abortions if the
10 consent of the mother is obtained.

1 **BILL HISTORY**

2 1/20/98 First read in House and referred to Health and Human Services. H.J. 127

3 1/30/98 Scheduled for Committee hearing on this date.

4 2/2/98 Scheduled for Committee hearing on this date.

5 2/2/98 Health and Human Services Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 334

6 2/4/98 House of Representatives Deferred to another day.

7 2/9/98 House of Representatives Do Pass Amended, Passed, AYES 62, NAYS 4. H.J. 480