

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

529B0625

## HOUSE BILL NO. 1161

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 fetuses.

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

4 Section 1. Remains of a human fetus resulting from an abortion or miscarriage, induced or  
5 occurring accidentally or spontaneously at a hospital, clinic, or medical facility shall be deposited  
6 or disposed of in this state only at the place and in the manner provided by this Act or, if not  
7 applicable, as directed by the secretary of the Department of Health.

8 Section 2. Any hospital, clinic, or medical facility in which abortions are induced or occur  
9 spontaneously or accidentally or laboratory to which the remains of human fetuses are delivered  
10 shall provide for the disposal of the remains by cremation, interment by burial, or in a manner  
11 directed by the secretary of the Department of Health. The hospital, clinic, medical facility, or  
12 laboratory may perform any laboratory tests necessary for the health for the woman or her future  
13 offspring, or for the purposes of a criminal investigation, or for determination of parentage prior

1 to disposing of the remains.

2 Section 3. Any failure to comply with the provisions of this Act constitutes a public nuisance.

3 Any person, firm, or corporation failing to comply with the provisions of this Act is guilty of a

4 Class 1 misdemeanor.

5 Section 4. No religious service or ceremony is required as part of the disposition of the

6 remains of a human fetus, and no discussion of the method of disposition is required with the

7 woman obtaining an induced abortion.