

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

805B0746

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB1313** -  
2/5/98

Introduced by: Representatives Hunt and Brooks and Senator Munson (David)

1 FOR AN ACT ENTITLED, An Act to allow an owner, operator, or manager of a cemetery to  
2 apply for a disinterment permit.

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

4 Section 1. That § 34-25-38.1 be amended to read as follows:

5 34-25-38.1. A disinterment permit shall be issued by the Department of Health upon receipt  
6 of a written application from a person licensed by the state board of funeral service or from an  
7 owner, operator, or manager of a cemetery or upon receipt of an order of a court of competent  
8 jurisdiction directing the disinterment. The disinterment permit shall become effective as  
9 provided in this section. Unless the disinterment permit was issued as the result of a court order,  
10 the Department of Health shall, upon issuance of the disinterment permit, notify the affected  
11 cemetery board of directors appointed pursuant to § 7-26-7 or 9-12-18 or the board of county  
12 commissioners of the county in which the disinterment is to occur on the issuance of the permit.  
13 The cemetery board of directors or the board of county commissioners may request the circuit  
14 court to prevent the disinterment. The disinterment permit shall take effect within fifteen days  
15 after its issuance unless the circuit court has ordered otherwise. The disinterment permit

1 authorizes disinterment, transportation, and reinterment of a dead body or fetus. Authorities in  
2 charge of a cemetery may not transfer bodies buried in one part of the cemetery to another part  
3 without the authority of a disinterment permit.

1 **BILL HISTORY**

2 1/26/98 First read in House and referred to Health and Human Services. H.J. 231

3 2/4/98 Scheduled for Committee hearing on this date.

4 2/4/98 Health and Human Services Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 380