

# Cremation Issue Chart

## SOUTH DAKOTA



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
N/A			
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
34-26A-1. Definition of terms		(6) "Cremation container," the container in which the human remains are placed in the cremation chamber for a cremation. A cremation container shall be composed of readily combustible materials suitable for cremation, be able to be closed in order to provide a complete covering for the human remains, be resistant to leakage or spillage, be rigid enough for handling with ease, and be able to provide protection for the health, safety, and personal integrity of crematory personnel;	
ISSUE: URN			
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container	
SD Legislature 34-26A-1. Definition of terms	Yes	(14) "Temporary container," a receptacle for cremated remains usually made of cardboard, plastic film, or similar material designed to hold the cremated remains until an urn or other permanent container is acquired; and (15) "Urn," a receptacle designed to permanently encase the cremated remains.	
ISSUE: AUTHORIZING AGENT			
Law/Regulation	Legal Order of Authorizing Agent		
SD Legislature 34-26A-2. Authorizing agent defined-- Public official or institutional representative as authorizing agent.	The authorizing agent is any person according to the priority established in § 34-26-16 legally entitled to order the cremation of human remains including a spouse, a parent, a child, or a close relative of the deceased, or in the absence of any of these, a friend of the deceased. For an indigent or any other individual whose final disposition is the responsibility of the state, a public official charged with arranging the final disposition of the deceased may serve as the authorizing agent. For an individual who has donated his body to science, or whose death occurred in a private institution, and in which the institution is charged with making arrangements for the final disposition of the deceased, a representative of the institution may serve as the authorizing agent.		

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
34-26A-39. Disposition of remains of deceased in accordance with pre-need authorization form--Best efforts of persons in possession of form or charged with making arrangements.	At the time of a person's death, any person in possession of an executed pre-need cremation authorization form and any person charged with making arrangements for the final disposition of the deceased who has knowledge of the existence of an executed pre-need cremation authorization form, shall use his best efforts to ensure that the deceased is cremated and disposed of according to the instructions contained on the pre-need cremation authorization form.