



2025 South Dakota Legislature

House Bill 1015

Introduced by: The Chair of the Committee on Health and Human Services at the request of the State Board of Funeral Service

1 **An Act to increase licensure fees related to the practice of funeral service and**
2 **cremation.**

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

4 **Section 1. That § 36-19-25 be AMENDED:**

5 **36-19-25.** A license to practice funeral service must be renewed annually. The
6 board shall, by rule promulgated in accordance with chapter 1-26, establish the renewal
7 fee, which may not exceed ~~one~~ two hundred twenty-five dollars.

8 **Section 2. That § 36-19-27 be AMENDED:**

9 **36-19-27.** An application for a license to operate a funeral establishment is
10 required for each location. The application must be on a form provided by the board and
11 accompanied by an application fee.

12 The board shall, by rule promulgated in accordance with chapter 1-26, establish
13 the application fee, which may not exceed ~~two~~ three hundred fifty dollars.

14 The board may inspect the funeral establishment to verify compliance with state
15 law and rules of the board.

16 The application for a license to operate a funeral establishment must include the
17 name of the individual who is licensed under this chapter and responsible for managing
18 all transactions conducted and services performed.

19 **Section 3. That § 36-19-37 be AMENDED:**

20 **36-19-37.** Each license issued under this chapter expires on the following
21 December thirty-first.

22 Each application for renewal must be submitted to the board during the month of
23 December and must be accompanied by a renewal fee. The board shall promulgate rules,

1 in accordance with chapter 1-26, to establish the amount of the fee, which may not
2 exceed ~~two~~ three hundred fifty dollars.

3 **Section 4. That § 34-26A-4.1 be AMENDED:**

4 **34-26A-4.1.** Each crematory in this state must be licensed by the State Board of
5 Funeral Service. To obtain licensure for a crematory, a person must:

- 6 (1) Submit an application to the board, at the time and in the manner required by the
7 board;
- 8 (2) Identify, on the application, all certified crematory operators employed at the
9 crematory;
- 10 (3) Provide evidence that a motorized or mechanical device is available for the
11 processing of cremated remains; and
- 12 (4) Provide evidence that a refrigerated facility is available for the retention of
13 decedents awaiting cremation.

14 Upon approval of an application, the board shall require that the applicant pay an
15 initial licensure fee in an amount not exceeding ~~one~~ three hundred fifty dollars.

16 **Section 5. That § 34-26A-4.2 be AMENDED:**

17 **34-26A-4.2.** Licensure as a crematory, issued in accordance with § 34-26A-4.1,
18 expires one year after the date of issuance and must be renewed annually, at the time
19 and in the manner determined by the State Board of Funeral Service. The board may
20 inspect any crematory, during regular business hours, to verify compliance with applicable
21 laws and rules and shall inspect each crematory, during regular business hours, at least
22 once every three years.

23 The board shall require a renewal fee in the amount of ~~one~~ three hundred fifty
24 dollars.

25 **Section 6.** No later than September 30, 2025, the State Board of Funeral Service shall,
26 pursuant to chapter 1-26, provide for and file with the secretary of state, the amendment of
27 ARSD 20:45:03:08, as set forth below:

28 **20:45:03:08. Fees.** The fees for licenses and registrations issued by the board
29 are as follows and are nonrefundable:

- 30 (1) Trainee registration fee, twenty-five dollars;

- 1 (2) Funeral director license application fee, ~~one~~ two hundred and twenty-five
2 dollars;
- 3 (3) Annual funeral director license renewal fee, ~~one~~ two hundred and twenty-five
4 dollars;
- 5 (4) Funeral establishment license application fee, ~~two~~ three hundred and fifty
6 dollars; and
- 7 (5) Annual funeral establishment license renewal fee, ~~two~~ three hundred and fifty
8 dollars.

9 **Source:** 50 SDR 157, effective July 2, 2024.

10 **General Authority:** SDCL 36-19-12.1.

11 **Law Implemented:** SDCL 36-19-18, 36-19-25, 36-19-27, 36-19-37.