



2025 South Dakota Legislature

Senate Bill 80

Introduced by: **Senator Jensen (Kevin)**

1 **An Act to revise provisions regarding students and trainees engaged in the practice**
 2 **of funeral service.**

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

4 **Section 1. That § 36-19-12.1 be AMENDED:**

5 **36-19-12.1.** The board shall promulgate rules, in accordance with chapter 1-26,

6 to:

- 7 (1) Administer, coordinate, and enforce this chapter;
 8 (2) Establish requirements for license application and renewal;
 9 (3) Establish standards of professional conduct;
 10 (4) Establish standards for the operation of a funeral establishment; ~~and~~
 11 (5) Establish fees for licensure application and licensure renewal, as provided for in
 12 §§ 36-19-25 and 36-19-27; and
 13 (6) Establish the qualifications, supervision requirements, duration, and other
 14 requirements for trainees and traineeships.

15 **Section 2. That § 36-19-14 be AMENDED:**

16 **36-19-14.** ~~A~~ Except as otherwise provided in this section, a person may not,
 17 without being licensed as a funeral director by the board:

- 18 (1) Embalm any dead human body;
 19 (2) Practice embalming;
 20 (3) Conduct or supervise funeral services and burials of casketed remains; or
 21 (4) Maintain a funeral establishment in this state.

22 A trainee may embalm a dead human body and practice embalming, under the
 23 supervision of a funeral director licensed by the board.

24 **Section 3. That a NEW SECTION be added to chapter 36-19:**

- 1 This chapter does not apply to a student who is:
- 2 (1) Enrolled full-time in a program accredited by the American Board of Funeral Service
- 3 Education; and
- 4 (2) Engaged in an activity that:
- 5 (a) Is part of a course of that program; and
- 6 (b) Is directly supervised by a funeral director licensed by the board.
- 7 A student may not hold oneself out as a funeral director and may only use a title
- 8 that clearly indicates status as a student. The supervising funeral director is responsible
- 9 for the activities performed by the student.

10 **Section 4. That § 36-19-21 be AMENDED:**

- 11 **36-19-21.** The board may issue a license to practice funeral service to any person
- 12 who:
- 13 (1) Is at least eighteen years of age;
- 14 (2) Submits an application on a form prescribed by the board;
- 15 (3) Pays the application fee established by the board, in accordance with § 36-19-
- 16 12.1;
- 17 (4) Has completed at least ninety credit hours offered by an accredited institution of
- 18 higher education and obtained a degree or a certificate from a mortuary science or
- 19 funeral service program that is accredited by the American Board of Funeral Service
- 20 Education;
- 21 (5) Has completed ~~one year as a trainee under~~ a traineeship supervised by a person
- 22 licensed pursuant to this chapter;
- 23 (6) Has passed the national board examination, administered by the International
- 24 Conference of Funeral Service Examining Board; and
- 25 (7) Has not committed any act that constitutes a ground for denying, suspending, or
- 26 revoking a license under this chapter.