The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST

2016 Regular Session

Appel

Present law (R.S. 8:1) provides for definitions relative to cemeteries, including those which specifically provide with respect to human remains.

Proposed law retains present law and includes pet remains in those definitions.

Proposed law additionally provides for the following definitions:

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- (1) "Pet" means any animal other than a human and includes fowl, birds, fish, mammals, and reptiles.
- (2) "Pet owner" means an individual who owns, or in the case of a deceased individual, owned, a pet.
- (3) "Pet remains" means the body of a pet and includes the body in any stage of decomposition, as well as cremated remains.

Proposed law authorizes a cemetery authority to designate a garden or section of a cemetery for the burial of pet remains with human remains.

Proposed law further provides that following such designation, a cemetery authority may bury a pet's remains with the pet's owner or directly adjacent thereto.

Proposed law requires that all interments occur in a separate garden or section designated for the burial of pet remains with human remains. A cemetery authority may not designate an existing garden or section of the cemetery for the burial of pet remains with human remains.

Proposed law provides that in the event that a cemetery consists of only one garden or section, the cemetery authority shall not designate the existing garden or section for the burial of pet remains with human remains. Any such burials must be accomplished pursuant to an expansion and replatting of the cemetery.

<u>Proposed law</u> requires that pet remains be contained either:

- (1) Within the same cemetery space that a pet owner purchases for their own burial; or
- (2) Within a directly adjacent space owned by the pet owner.

Proposed law authorizes a cemetery authority to interpet remains with human remains upon receipt

of a written authorization by the pet's owner. Written authorization may not be provided after the pet owner is deceased.

<u>Proposed law</u> provides that any pet owner signing an authorization for the interment of pet remains warrants the truthfulness of facts set forth in the authorization, the identity of the pet whose remains are sought to be interred, and his authority to order the interment. Such pet owner will be personally liable for all damage occasioned by or resulting from breach of such warranty.

<u>Proposed law</u> provides immunity for any cemetery authority relating to the remains of any pet which has been left in its possession for a period of sixty days, unless a written contract has been entered into with the cemetery authority for the care of such remains.

<u>Proposed law</u> requires a cemetery authority that has established a garden or section of the cemetery for the burial of pet and human remains to promulgate rules and regulations prior to selling any interment rights.

<u>Proposed law</u> requires a cemetery authority to keep a record of all pet remains interred under its charge, in each case stating the name of the pet owner, date of interment, location of interment, name of the pet, species of the pet, and whether the pet is cremated or not.

<u>Proposed law</u> provides for certain exceptions and exclusions.

Effective January 1, 2017.

(Amends R.S. 8:1; adds R.S. 8:691-697)