

2023 Regular Session

HOUSE BILL NO. 248

BY REPRESENTATIVE MCMAHEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CEMETERIES: Provides for the burial of pet remains with human remains

1 AN ACT

2 To amend and reenact R.S. 8:1(7) and to enact R.S. 8:907, relative to pet remains; to
3 authorize the burial of cremated pet remains with human remains; to provide for
4 definitions; to provide for restrictions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 8:1(7) is hereby amended and reenacted and R.S. 8:907 is hereby
7 enacted to read as follows:

8 §1. Definitions

9 As used in this Title, the following terms have the following meanings unless
10 the context clearly indicates otherwise:

11 * * *

12 (7) "Cemetery" means a place used or intended to be used for the interment
13 of the human dead, and, to the extent allowed in accordance with this Title, pet
14 remains. It includes a burial park, for earth interments; or a mausoleum, for vault or
15 crypt interments; or a columbarium, or scattering garden, for cinerary interments; or
16 a combination of one or more of these.

17 * * *

18 §907. Interment of pet remains

19 A. The interment of pet remains in a cemetery may be available to an owner
20 of a cemetery space and other persons having the right of interment in a cemetery
21 space only in those circumstances where all of the following occur:

1 (1) The cemetery space is in a cemetery or a specifically designated section
2 of a cemetery where no prior interments of human remains have been made and is
3 dedicated by the cemetery authority to be used for the interment of human remains
4 with cremated pet remains by an official act of dedication or an amendment to an
5 existing dedication filed in accordance with R.S. 8:304(B).

6 (2) The interment is incidental to the interment of human remains, whether
7 before, concurrent with, or after the interment of the pet remains.

8 (3) Written authorization for the interment of the cremated remains of a pet
9 has been given by the owner of the cemetery space or a person having the right of
10 interment in a cemetery space in accordance with the adopted rules and regulations
11 of the cemetery authority. The cemetery authority shall have no duty or
12 responsibility to determine the ownership of the pet remains or right of the person
13 authorizing the interment of pet remains to make the disposition thereof.

14 (4) The use of such cemetery spaces complies with the rules and regulations
15 adopted by the cemetery authority.

16 B. Pet remains disposed of in accordance with the provisions of this Section
17 shall be cremated, stored in a closed receptacle, and placed in a grave, vault, crypt,
18 or niche. The cemetery authority shall provide a list of approved charges for the
19 interment of such remains, and a cemetery authority may limit the types of pets and
20 the types of interments of pet remains allowed in a cemetery.

21 C. Nothing in this Section shall be construed as requiring a cemetery
22 authority to allow interment of pet remains in a cemetery not dedicated for such
23 purposes in accordance with this Section.

24 D. Cremated pet remains shall be considered personal property and, as such,
25 may be included in an interment subject to the terms of this Section and the rules and
26 regulations of a cemetery authority as permitted in this Title.

27 E. Nothing in this Section shall operate to cancel or modify preexisting
28 contracts related to cemeteries, interments, or dispositions.

- 1 F. In accordance with this Section, there shall be no liability for a cemetery
 2 authority for permitting the interment of cremated pet remains or for not permitting
 3 the interment of pet remains in a cemetery that has not been dedicated for the
 4 purpose of interment of pet remains.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 248 Reengrossed

2023 Regular Session

McMahon

Abstract: Authorizes the interment of pet remains only under certain circumstances.

Present law defines cemetery as a place used for the interment of human remains.

Proposed law retains present law and adds that a cemetery is a place used for the interment of pet remains as allowed by proposed law.

Proposed law provides that pet remains can be interred in a cemetery where all of the following conditions are met:

- (1) The cemetery space is located in a cemetery where no prior interment of human remains have been made and is dedicated by the cemetery authority and an act of dedication to be used for the interment of human remains with cremated pet remains.
- (2) The pet remains are interred incidental to the interment of human remains.
- (3) Written authorization for the interment of pet remains has been provided by the owner of the cemetery space or a person having a right of interment in a cemetery space. The cemetery authority shall not have the responsibility to determine the ownership of pet remains or the right of the person authorizing the interment of such pet remains.
- (4) The use of cemetery spaces complies with rules and regulations adopted by the cemetery authority.

Proposed law requires pet remains to be cremated, stored in a closed receptacle, and placed in a grave, vault, crypt, or niche.

Proposed law requires a cemetery authority to provide a list of charges approved by the authority for the interment of pet remains. Proposed law provides that a cemetery authority may limit the type of pets and the type of interment of the pet remains allowed in its cemetery.

Proposed law provides that a cemetery is not required to authorize the interment of pet remains if a cemetery is not dedicated for such purposes.

Proposed law states that pet remains shall be considered personal property, and should be treated as such by a cemetery authority.

Proposed law provides that proposed law shall not be construed to change or revoke a preexisting contract related to a cemetery, an interment, or a disposition of remains.

Proposed law provides that there shall be no liability for a cemetery authority for permitting the interment of cremated pet remains or for not permitting the interment of pet remains in a cemetery that has not been dedicated for the purpose of interment of pet remains.

(Amends R.S. 8:1(7); Adds R.S. 8:907)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Clarify when pet remains may be interred.
2. Add that all pet remains must be cremated and stored in a closed receptacle.
3. Remove language that specifies that a pet owner may not euthanize his pet for the sole purpose of interring the pet remains with the owner at the time of death.
4. Add that pet remains shall be considered personal property and treated as such by a cemetery authority.
5. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Expand on requirements that shall be met before the interment of cremated pet remains in a certain designated cemetery or in a certain section of a cemetery.
2. Clarify when pets may be interred.
3. Add that the cemetery authority shall not have the responsibility to determine the ownership of pet remains or the right of the person authorizing the interment of such pet remains.
4. Add language to clarify that a cemetery authority shall provide a list of approved charges and may limit the type of pets that may be interred.
5. Add that cemeteries are not required to inter pet remains in a cemetery not dedicated for such purposes.
6. Clarify that pet remains shall be considered personal property and are subject to the terms of proposed law and the rules and regulations of a cemetery authority.
7. Add that there shall be no liability for a cemetery authority for permitting the interment of cremated pet remains or for not permitting the interment of pet remains in a cemetery that has not been dedicated for the purpose of interment of pet remains