

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 a lot
20 owner only in those circumstances where both of the following occur:

- 1 (1) The interment is incidental to the interment of human remains.
- 2 (2) Authorization has been provided in a written statement or written and
3 adopted rules from the cemetery corporation.
- 4 B. Pet remains disposed of in accordance with the provisions of this Section
5 shall be cremated, stored in a closed receptacle, and placed in a grave, vault, crypt,
6 or niche. The cemetery corporation shall provide a list of approved charges for the
7 interment of such remains, and a cemetery corporation may limit the types of pets
8 and the types of interments of pet remains allowed in a cemetery.
- 9 C. Nothing in this Section shall be construed as requiring a cemetery
10 corporation to allow interment of pet remains where prior approval at the time of sale
11 or in advance of need has not been issued or rules have not been adopted by the
12 cemetery corporation.
- 13 D. Cremated pet remains shall be considered personal property and, as such,
14 may be included in an interment subject to the rules of a cemetery authority as
15 permitted in this Title.
- 16 E. Nothing in this Section shall operate to cancel or modify preexisting
17 contracts related to cemeteries, interments, or dispositions.

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 Engrossed

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 when both of the following two conditions are met:

- (1) The pet remains are interred incidental to the interment of human remains.
- (2) Written authorization has been provided by the relevant cemetery corporation through a statement or through rules adopted by the cemetery corporation.

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 corporation to provide a list of charges approved by the corporation for the interment of pet remains, and a cemetery corporation is authorized to 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 written approval, as required by proposed law, has not been issued prior to the sale of a lot or prior to a pet owner's need to inter a pet.

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.

(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.