
DIGEST

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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