

1 H.661

2 Introduced by Representative Moran of Wardsboro

3 Referred to Committee on

4 Date:

5 Subject: Health; deaths, burials, autopsies; exhumation requirements and
6 notice

7 Statement of purpose of bill as introduced: This bill proposes to strengthen the
8 notice requirements an individual must follow before exhuming a dead body.

9 An act relating to exhumation requirements and notice

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 ~~Sec. 1. 18 V.S.A. § 5212 is amended to read:~~

12 ~~§ 5212. PERMIT TO REMOVE DEAD BODIES; NOTICE~~

13 ~~* * *~~

14 ~~(b) An applicant for a removal permit shall publish notice of his or her~~
15 ~~intent to remove the remains. This notice shall be published for two successive~~
16 ~~weeks in a newspaper of general circulation in the municipality in which the~~
17 ~~body is interred or entombed. The notice shall include a statement that the~~
18 ~~spouse, child, parent, sibling, or descendant of the deceased, or that the~~
19 ~~cemetery commissioner Cemetery Commissioner or other municipal authority~~
20 ~~responsible for cemeteries in the municipality may object to the proposed~~

1 ~~removal by filing a complaint in the probate division of the superior court~~
2 Probate Division of the Superior Court of the district in which the body is
3 located as provided in section 5212a of this title. In addition to the published
4 notice, an applicant for a removal permit shall attempt to notify directly any
5 spouse, child, parent, sibling, or descendant of the deceased to ensure that any
6 living relative of the deceased is aware of the applicant's desire to exhume the
7 deceased's body.

8 * * *

9 Sec. 2. EFFECTIVE DATE

10 ~~This act shall take effect on July 1, 2014.~~

Sec. 1. 18 V.S.A. § 5212 is amended to read:

§ 5212. PERMIT TO REMOVE DEAD BODIES; NOTICE

* * *

(b) An applicant for a removal permit shall publish notice of his or her intent to remove the remains. This notice shall be published for two successive weeks in a newspaper of general circulation in the municipality in which the body is interred or entombed. The notice shall include a statement that the spouse, child, parent, sibling, or descendant of the deceased, or that the ~~cemetery commissioner~~ Cemetery Commissioner or other municipal authority responsible for cemeteries in the municipality may object to the proposed removal by filing a complaint in the ~~probate division of the superior court~~

Probate Division of the Superior Court of the district in which the body is located as provided in section 5212a of this title. In addition to the published notice, an applicant for a removal permit shall notify directly, by certified mail, the town clerk in the municipality in which the body is interred or entombed and:

(1)(A) the surviving spouse of the deceased, if any;

(B) all surviving adult children of the deceased;

(C) all surviving parents of the deceased; and

(D) all surviving adult siblings of the deceased;

(2) any descendants of the deceased if the individuals listed in subdivisions (1)(A)-(D) of this subsection are nonexistent.

* * *

Sec. 2. 18 V.S.A. § 5212a is amended to read:

§ 5212a. REMOVAL; OBJECTIONS

(a) Unless removal is otherwise authorized by law, a spouse, child, parent, or sibling of the deceased may, after receipt of the certified mail as required under section 5212 of this title or within 30 days after the date notice was last published under section 5212 of this title, object to the proposed removal by filing a complaint in the ~~probate division of the superior court~~ Probate Division of the Superior Court of the district in which the body is interred or

entombed. A copy of the complaint shall be filed with the clerk of the town where the body is interred or entombed.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.