

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing and Military Affairs to which was
3 referred House Bill No. 25 entitled “An act relating to natural burial grounds”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 5302 is amended to read:

8 § 5302. DEFINITIONS

9 ~~For the purposes of~~ As used in this chapter and unless otherwise required by
10 the context:

11 * * *

12 (10) “Ecological land management practices” means utilization of land
13 stewardship decision-making processes that account for the best available
14 understanding of ecosystem functions and biological diversity;

15 (11) “Natural burial ground” means a cemetery maintained using
16 ecological land management practices and without the use of vaults for the
17 burial of unembalmed human remains or human remains embalmed using
18 nontoxic embalming fluids and that rest in either no burial container or **in** a
19 nontoxic, **nonhazardous**, plant-derived burial container **or shroud**;

1 (12) “Niche” means a recess in a columbarium, used, or intended to be
2 used, for the permanent disposition of the cremated remains of one or more
3 deceased persons;

4 ~~(11)~~(13) “Temporary receiving vault” means a vault, or crypt, in a
5 structure of durable and lasting construction, used or intended to be used for
6 the temporary deposit ~~therein~~ of the remains of a deceased person for a period
7 of time not exceeding one year ~~of the remains of a deceased person~~.

8 Sec. 2. 18 V.S.A. § 5319 is amended to read:

9 § 5319. DISPOSITION OF REMAINS OF DEAD

10 (a) The permanent disposition of the human remains ~~of the human dead~~
11 shall be by interment in the earth or deposit in a chamber, vault, or tomb
12 formed wholly or partly above the surface of the ground of a cemetery
13 conducted and maintained pursuant to the laws of the ~~state~~, State, or by deposit
14 in a crypt of a mausoleum or by cremation. However, this shall not be
15 construed to prevent a private individual from setting aside a portion of his or
16 her premises owned in fee by him or her, and using the ~~same~~ premises as a
17 burial space for the members of his or her immediate family, so long as his or
18 her use for such purpose is not in violation of the health laws and regulations
19 of the ~~state~~ State and the town in which ~~such~~ the land is situated.

20 (b)(1) ~~No interment~~ Interment of any human body in the earth shall not be
21 made unless the distance from the bottom of the outside coffin shall be at least

1 five feet below the natural surface of the ground, excepting only infants under
2 four years of age, whose bodies shall be so interred that the bottom of the
3 outside coffin enclosing them shall be at least three and one-half feet below the
4 natural surface of the ground.

5 (2) The burial boundaries of a new or expanded cemetery shall be
6 located:

7 (A) not less than 200 feet up gradient of a drilled bedrock well or a
8 drilled well in a confined aquifer that is part of an exempt or permitted potable
9 water supply or a transient noncommunity public water system source;

10 (B) not less than 500 feet up gradient from any other groundwater
11 source that is part of an exempt or permitted potable water supply or a transient
12 noncommunity public water system;

13 (C) not less than 150 feet cross or down gradient from any
14 groundwater source that is part of an exempt or permitted potable water supply
15 or transient noncommunity public water system;

16 (D) outside zone one or two of the source protection area for an
17 existing or permitted public community water system;

18 (E) outside the source protection area for an existing or permitted
19 nontransient, noncommunity public water system;

20 (F) outside a river corridor as defined in 10 V.S.A. § 1422 and
21 delineated by the Agency of Natural Resources; and

1 (G) outside a flood hazard area as defined in 10 V.S.A. §752, and
2 delineated by the Federal Emergency Management Agency, National Flood
3 Insurance Program.

4 * * *

5 Sec. 3. 18 V.S.A. § 5323 is added to read:

6 § 5323. NATURAL BURIAL GROUNDS; EXEMPTIONS

7 (a) A natural burial ground shall not be subject to the following provisions
8 of this chapter:

9 (1) section 5310 of this title, to the extent that while plats of a natural
10 burial ground shall be recorded with the town clerk and made to show the parts
11 improved, in use, or held for future use, standard methods of locating human
12 remains may be employed, including a map or electronic locating device;

13 (2) section 5362 of this title;

14 (3) section 5364 of this title, to the extent that selectboard members or
15 cemetery commissioners need not maintain or repair a fence around a public
16 natural burial ground so long as the perimeter of the natural burial ground is
17 marked in a less obtrusive manner, such as by survey markers; and

18 (4) section 5371, unless the regulations governing a particular natural
19 burial ground require a marker on a person's grave, in which case the
20 selectboard members of the town or the aldermen of a city where the person is

1 buried shall cause to be erected on the person’s grave a marker in keeping with
2 the regulations of that natural burial ground.

3 (b)(1) A person shall not construct improvements on property used as a
4 natural burial ground, except for improvements that serve as a winter storage
5 facility or that are either educational or devotional in nature and maintain the
6 character of the land.

7 (2) A deed transferring rights in property used as a natural burial ground
8 shall set forth the prohibition in subdivision (1) of this subsection.

9 Sec. 4. PUBLIC HEALTH; RULEMAKING

10 The Commissioner of Health shall adopt rules pursuant to 3 V.S.A.
11 chapter 25 enabling the Commissioner to govern the disposition of human
12 remains in a natural burial ground when the deceased person had a disease or
13 condition considered a Public Health Emergency of International Concern or
14 when a burial poses a potential “public health hazard” as defined by
15 18 V.S.A. § 2.

16 Sec. 5. RETROACTIVE CREATION OF NATURAL BURIAL GROUND;
17 PROHIBITED

18 Notwithstanding any other provision of law, a natural burial ground as
19 defined in 18 V.S.A. § 5302 shall not be established prior to the passage of
20 this act.

1 Sec. 6. EFFECTIVE DATE

2 This act shall take effect on July 1, 2015.

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7 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE