

1 H.244

2 Introduced by Representatives Partridge of Windham, Lippert of Hinesburg,
3 Bartholomew of Hartland, Beck of St. Johnsbury, Coffey of
4 Guilford, Cordes of Lincoln, James of Manchester, Masland of
5 Thetford, Mrowicki of Putney, Ode of Burlington, Stebbins of
6 Burlington, Surprenant of Barnard, White of Bethel, and White
7 of Hartford

8 Referred to Committee on

9 Date:

10 Subject: Health; public health; disposition of human remains; natural organic
11 reduction

12 Statement of purpose of bill as introduced: This bill proposes to allow for the
13 permanent disposition of human remains by natural organic reduction. It
14 would give operators of natural organic reduction facilities the same rights and
15 responsibilities as the operators of crematory establishments.

16 An act relating to authorizing the natural organic reduction of human
17 remains

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

2 ~~*** Deaths, Burials, and Autopsies ***~~

3 Sec. 1. 18 V.S.A. § 5200 is added to read:

4 § 5200. DEFINITIONS

5 As used in this chapter:

6 (1) “Cemetery” has the same meaning as in section 5302 of this title.

7 (2) “Cremation” has the same meaning as in section 5302 of this title.

8 (3) “Crematory establishment” has the same meaning as in section 5302
9 of this title.

10 (4) “Natural organic reduction” has the same meaning as in section 5302
11 of this title.

12 (5) “Natural organic reduction facility” has the same meaning as in
13 section 5302 of this title.

14 Sec. 2. 18 V.S.A. § 5201 is amended to read:

15 § 5201. PERMITS; REMOVAL OF BODIES; CREMATION; NATURAL

16 ORGANIC REDUCTION; WAITING PERIOD; INVESTIGATION

17 INTO CIRCUMSTANCES OF DEATH

18 (a) Burial transfer permit. A dead body shall not be buried, entombed, or
19 removed, or otherwise disposed of without a burial-transit permit issued and
20 signed by a municipal clerk, a county clerk, or a deputy clerk for the

21 ~~municipality or unorganized town or gore in which the dead body is located, a~~

1 ~~funeral director licensed in Vermont; an owner or designated manager of a~~
2 ~~crematorium licensed crematory establishment or natural organic reduction~~
3 ~~facility in Vermont who is registered to perform removals; or a law~~
4 ~~enforcement officer.~~

5 * * *

6 (3) A funeral director licensed in Vermont or an owner or designated
7 manager of a ~~crematory~~ licensed crematory establishment or natural organic
8 reduction facility in Vermont who is registered to perform removals may issue
9 a burial-transit permit for any municipality or unorganized town or gore at any
10 time, including during the normal business hours of a municipal clerk.

11 * * *

12 (b) ~~No~~ An operator of a crematory ~~facility~~ establishment shall not cremate
13 or allow the cremation of a ~~dead~~ human body ~~and an operator of a natural~~
14 organic reduction facility shall not process or allow the processing of a human
15 body until the passage of at least 24 hours following the death of the decedent,
16 as indicated on the death certificate, unless, if the decedent died from a
17 virulent, communicable disease, a Department of Health rule or order requires
18 the cremation or natural organic reduction to occur prior to the end of that
19 period. If the Attorney General or a State's Attorney requests the delay of a
20 cremation or natural organic reduction based upon a reasonable belief that the
21 ~~cause of death might have been due to other than accidental or natural causes,~~

1 ~~the cremation or natural organic reduction of a dead human body shall be~~
2 delayed, based upon such request, a sufficient time to permit a civil or criminal
3 investigation into the circumstances that caused or contributed to the death.

4 (c) The person in charge of the body shall not release for cremation or
5 natural organic reduction the body of a person who died in Vermont until the
6 person in charge has received a certificate from the chief, regional, or assistant
7 medical examiner that the medical examiner has made personal inquiry into
8 the cause and manner of death and is satisfied that no further examination or
9 judicial inquiry concerning it is necessary. Upon request of a funeral director,
10 the person in charge of the body, or the ~~crematory~~ operator of a crematory
11 establishment or natural organic reduction facility, the Chief Medical
12 Examiner shall issue a cremation or natural organic reduction certificate after
13 the medical examiner has completed an autopsy. The certificate shall be
14 retained by the crematory establishment or natural organic reduction facility,
15 as applicable, for a period of three years. The person requesting cremation or
16 natural organic reduction shall pay the ~~department~~ Department a fee of \$25.00.

17 (d)(1) For all cremations or natural organic reductions requested for the
18 body of a person who died outside Vermont, the ~~crematory~~ operator of a
19 crematory establishment or natural organic reduction facility shall do the
20 ~~following before conducting the cremation or natural organic reduction.~~

1 ~~(A) obtain a permit for transit or cremation permanent disposition;~~

2 and

3 (B) comply with the laws of the state in which the person died,
4 including obtaining a copy of a medical examiner's permit if one is required.

5 (2) No additional approval from the Vermont medical examiner's office
6 is required if compliance with the laws of the state in which the person died is
7 achieved.

8 Sec. 3. 18 V.S.A. § 5207 is amended to read:

9 § 5207. CERTIFICATE FURNISHED FAMILY; BURIAL-TRANSIT

10 PERMIT

11 Within 24 hours after death, the death certificate shall be made available
12 upon request to the family of the deceased, if any, or the undertaker or person
13 who has charge of the body. The certificate shall be filed with the person
14 issuing the burial-transit permit obtained by the person who has charge of the
15 body before ~~such dead body shall be buried, entombed, or removed permanent~~
16 disposition or removal from the town. When the death certificate is so filed,
17 the officer or person shall immediately issue a burial-transit permit under legal
18 restrictions and safeguards.

1 ~~Sec. 4. 18 V.S.A. § 5210 is amended to read:~~

2 § 5210. FORM OF BURIAL OR REMOVAL PERMIT

3 If it is desired to bury, entomb, or otherwise dispose of a dead body within
4 the limits of a town where the death occurred, the certificate of permission
5 shall state plainly the time, place, and manner of such burial, entombment, or
6 disposition. If it is desired to remove a dead body from the town where the
7 death occurred, the certificate of permission shall contain the essential facts
8 contained in the certificate of death on which it is issued, shall accompany the
9 body to its destination, and may be accepted as a permit for ~~burial or~~
10 ~~entombment~~ permanent disposition by a sexton or other person having the care
11 of a cemetery, ~~burial ground~~, tomb, or receiving vault.

12 Sec. 5. 18 V.S.A. § 5213 is amended to read:

13 § 5213. REMOVAL; FORM AND DISPOSITION OF PERMIT

14 Such permit shall state specifically ~~where such body is to be buried,~~
15 ~~cremated, or entombed~~ the location of the body's permanent disposition and
16 the time and manner of its removal. A town clerk issuing such a permit shall
17 make it in duplicate if the body is to be removed from the town, one copy of
18 which shall be delivered to the person having charge of the cemetery or tomb
19 from which the body is to be taken and the other shall be delivered to the
20 person having charge of the cemetery or tomb wherein it is desired to place the
21 ~~body.~~

1 ~~Sec. 6-18 V.S.A. § 5224 is amended to read:~~

2 § 5224. DISPOSITION OF REMAINS; PERMITS

3 (a) Fetal remains shall be disposed of by burial, ~~or cremation,~~ or natural
4 organic reduction unless released to an educational institution for scientific
5 purposes or disposed of by the hospital or as directed by the attending
6 physician in a manner ~~which~~ that will not create a public health hazard.
7 Permission shall be obtained from one of the parents, if competent, for
8 disposition in all cases where a funeral director is not involved. One copy of
9 the fetal death report shall be printed in such manner that completion and
10 signing by the physician or medical examiner shall constitute permission to
11 make ~~final~~ permanent disposition of the fetal remains.

12 (b) When a funeral director is involved or when the fetal remains are to be
13 privately buried or disposed of by a ~~commercial~~ crematory establishment or
14 natural organic reduction facility, the funeral director or other person taking
15 charge of the remains shall obtain from the hospital or physician the
16 disposition permit portion of the report and shall deliver it to the sexton or
17 other person having care of the cemetery, tomb, vault, ~~or crematory~~
18 establishment, or natural organic reduction facility before burial or other
19 disposition takes place. These permits shall be delivered each month to the
20 clerk of the town in which burial or disposition took place, in the same manner
21 ~~as permits for burial of dead bodies, so also shall all other provisions of~~

1 ~~sections 5209, 5216 of this title be applicable to fetal remains as are applicable~~
2 to dead bodies.

3 * * *

4 Sec. 7. 18 U.S.A. chapter 107, subchapter 3 is amended to read:

5 Subchapter 3. Rights of Family Members, and Other Interested Persons,
6 Funeral Directors, and Crematory Operators of Crematory Establishments and
7 Natural Organic Reduction Facilities

8 * * *

9 § 5227. RIGHT TO DISPOSITION

10 (a) If there is no written directive of the decedent, in the following order of
11 priority, one or more competent adults shall have the right to determine the
12 disposition of the remains of a decedent, including the location, manner, and
13 conditions of disposition and arrangements for funeral goods and services:

14 * * *

15 (9) the funeral director, ~~or crematory establishment operator, or operator~~
16 of a natural organic reduction facility with custody of the body, after attesting
17 in writing that a good faith effort has been made to contact the individuals
18 described in subdivisions (1) through (8) of this subsection; or

19 * * *

20 (c)(1) If the disposition of the remains of a decedent is determined under
21 ~~subdivision (a)(9) of this section and the funeral director, or crematory~~

1 ~~establishment operator, or operator of a natural organic reduction facility has~~
2 cremated or processed the remains, as applicable, the funeral director, or
3 crematory establishment operator, or operator of the natural organic reduction
4 facility shall retain the remains for three years and, if no interested party as
5 provided in subdivisions (a)(1) through (8) of this section claims the
6 decedent's remains after three years, the funeral director, or crematory
7 establishment operator, or operator of the natural organic reduction facility
8 shall arrange for the final permanent disposition of the cremated remains, as
9 applicable, consistent with any applicable law and standard funeral practices.

10 (2) Notwithstanding any provision of subdivision (1) of this subsection
11 to the contrary, a funeral director, or crematory establishment operator, or
12 operator of a natural organic facility may determine that the unclaimed
13 cremated remains of a deceased veteran shall be interred at the Vermont
14 Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1506 if:

15 (A) at least 180 days have passed since the funeral director, or
16 crematory establishment operator, or operator of a natural organic facility
17 cremated or processed the remains, as applicable;

18 (B) the funeral director, or crematory establishment operator, or
19 operator of a natural organic facility either.

1 ~~(i) has actual knowledge that there is no interested party as~~

2 provided in subdivisions (a)(1) through (8) of this section to claim the

3 decedent's remains; or

4 ~~(ii) after making reasonable efforts, has been unable to locate and~~

5 contact any known interested party as provided in subdivisions (a)(1) through

6 (8) of this section; and

7 ~~(C) the funeral director, or crematory establishment operator, or~~

8 ~~operator of a natural organic facility~~ has confirmed with the Office of Veterans

9 Affairs that the deceased veteran is eligible to be interred at the Vermont

10 Veterans Memorial Cemetery.

11 (d)(1) If the disposition of the remains of a decedent is determined under

12 subdivision (a)(10) of this section, the Office of the Chief Medical Examiner

13 may contract with a funeral director, or crematory establishment operator, or

14 operator of a natural organic facility to cremate or process the remains of the

15 decedent, as applicable.

16 (2)(A) If the cremation or natural organic reduction of the decedent is

17 arranged and paid for under 33 V.S.A. § 2301, the Department for Children

18 and Families shall pay the cremation expenses to the funeral home, up to the

19 maximum payment permitted by rule by the Department for Children and

20 Families.

1 ~~(B) If the cremation permanent disposition of the decedent is not~~
2 arranged and paid for under 33 V.S.A. § 2301, the Department of Health shall
3 pay the cremation expenses to the funeral home, up to the maximum payment
4 permitted by rule by the Department for Children and Families.

5 (3) The cremated remains shall be returned to the Office of the Chief
6 Medical Examiner. The Office shall retain the remains for three years, and if
7 no interested party, as described in subdivisions (a)(1) through (8) of this
8 section, claims the decedent's remains after three years, the Office shall
9 arrange for the final permanent disposition of the cremated remains consistent
10 with any applicable law and standard funeral practices.

11 (4) Notwithstanding any provision of subdivision (3) of this subsection
12 to the contrary, the Office of the Chief Medical Examiner may determine that
13 the unclaimed cremated remains of a deceased veteran shall be interred at the
14 Vermont Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

15 (A) at least 180 days have passed since the remains were cremated or
16 processed;

17 (B) the Office of the Chief Medical Examiner either:

18 (i) has actual knowledge that there is no interested party as
19 provided in subdivisions (a)(1) through (8) of this section to claim the
20 decedent's remains, or

1 ~~(ii) after making reasonable efforts, has been unable to locate and~~
2 contact any known interested party as provided in subdivisions (a)(1) through
3 (8) of this section; and

4 ~~(C) the Office of the Chief Medical Examiner has confirmed with the~~
5 Office of Veterans Affairs that the deceased veteran is eligible to be interred at
6 the Vermont Veterans Memorial Cemetery.

7 § 5228. FORFEITURE

8 An individual recognized under section 5227 of this title to have a right of
9 disposition shall forfeit that right in the following circumstances:

10 (1) the individual is identified by a law enforcement agency as a person
11 of interest and likely to be prosecuted or is under prosecution for first or
12 second degree murder or voluntary manslaughter in connection with the
13 decedent's death, if the status of the investigation or the prosecution is known
14 to the funeral director, ~~or crematory establishment operator, or operator of the~~
15 natural organic reduction facility, except that if the prosecution is not pursued
16 or the individual is acquitted of the alleged crime before the remains are
17 disposed of, the individual shall regain the right;

18 * * *

19 § 5229. COST OF DISPOSITION

20 The cost for the disposition of remains and funeral goods or services shall
21 ~~be borne by the decedent's estate, subject to the limits for insolvent estates~~

1 ~~imposed by 14 V.S.A. § 1205, or by any individual who agrees to pay the~~
2 costs. Nothing in this subchapter shall be construed to require a funeral
3 director, ~~or~~ crematory establishment operator, or operator of a natural organic
4 reduction facility to provide goods or services for which there is no payment.

5 § 5230. RIGHTS OF FUNERAL DIRECTOR OR ~~CREMATORY~~

6 OPERATOR OF A CREMATORY ESTABLISHMENT OR

7 NATURAL ORGANIC REDUCTION FACILITY

8 A funeral director, ~~or~~ crematory establishment operator, or operator of a
9 natural organic reduction facility may determine the ~~final~~ permanent
10 disposition of remains and may file a civil action in Probate Division of the
11 Superior Court against a person, estate, banking institution, governmental
12 agency, or other entity ~~which~~ that may have liability for the ~~final~~ permanent
13 disposition, either:

14 (1) to seek a declaratory judgment that the director's or operator's
15 proposed action would be in compliance with the applicable provisions of law;

16 or

17 (2) to seek a judgment that the director or operator's action is in
18 compliance with the applicable provisions of law and to recover reasonable
19 costs and fees for the ~~final~~ permanent disposition when:

20 (A) the ~~funeral~~ director or ~~crematory~~ operator has actual knowledge
21 ~~that there is no surviving family member, guardian, or individual appointed to~~

1 ~~arrange for the disposition of decedent's remains pursuant to chapter 231 of~~
2 ~~this title;~~

3 ~~(B) the funeral director or crematory operator has made reasonable~~
4 ~~efforts to locate and contact any known family member, guardian, or agent;~~
5 ~~and~~

6 ~~(C) the appropriate local or State authority, if any, fails to assume~~
7 ~~responsibility for disposition of the remains within 36 hours of written notice,~~
8 ~~which may be delivered by hand, U.S. mail, facsimile transmission, electronic~~
9 ~~means, or telegraph.~~

10 § 5231. CIVIL ACTION

11 * * *

12 (c) Except as provided for under subdivision (b)(4) of this section, an
13 individual who has paid or agreed to pay for all or part of the funeral
14 arrangements or ~~final permanent~~ disposition does not have greater priority to
15 the right to disposition than as set forth in section 5227 of this title.

16 (d)(1) A funeral director, ~~or crematory establishment operator, or operator~~
17 ~~of a natural organic reduction facility~~ may refuse to accept bodily remains, to
18 inter or otherwise dispose of bodily remains, or to complete the arrangements
19 for the ~~final permanent~~ disposition until such time as the court issues an order
20 or the parties to the action submit a final stipulation approved by the court
21 ~~regarding the disposition of remains.~~

1 ~~(2) If the funeral director or crematory operator retains the remains for~~
2 ~~final permanent~~ disposition while an action is pending, the funeral director or
3 crematory operator may refrigerate or shelter the remains while awaiting a
4 preliminary or final order of the court. The cost of refrigeration or sheltering
5 shall be the responsibility of the party or parties who contracted with the
6 funeral director or crematory operator, the person or entity who is otherwise
7 liable for the costs of ~~final permanent~~ disposition, or the estate as ordered by
8 the court, or any combination of these, and the court may include in the order a
9 decision concerning which of these shall be responsible for paying these costs.

10 (e) If a funeral director or crematory operator commences an action under
11 this section, the funeral director or crematory operator may ask the court to
12 include an order against the estate or the parties for reasonable legal fees and
13 costs. If the estate is insolvent and no other person should be responsible for
14 the filing fee, the court may waive the filing fee. The court, in its discretion,
15 may order a party or parties to pay the reasonable costs of ~~final permanent~~
16 disposition as a condition of the appointment to make disposition decisions.
17 The court may order that a party, or parties, including the petitioner, pay
18 reasonable legal fees and costs associated with the action.

19 (f) Any appeal from the ~~probate court~~ Probate Division shall be on the
20 record to the Civil Division of the Superior Court. There shall be no appeal as
21 a matter of right to the Supreme Court.

1 * * *

2 § 5233. LIMITED LIABILITY

3 A funeral director, ~~or crematory establishment operator, or operator of a~~
4 natural organic reduction facility shall not be subject to civil liability or subject
5 to disciplinary action for carrying out the disposition of the remains if he or
6 she relied in good faith on a funeral service contract or authorization or for
7 following the instructions of an individual ~~whom~~ who the funeral director or
8 crematory operator reasonably believes or believed holds the right of
9 disposition.

10 * * *

11 * * * Cemeteries * * *

12 Sec. 8. 18 V.S.A. § 5302 is amended to read:

13 § 5302. DEFINITIONS

14 As used in this chapter and unless otherwise required by the context:

15 (1) "Agencies" means town cemeteries, religious or ecclesiastical
16 society cemeteries, cemetery associations, and any person, firm, corporation,
17 or unincorporated association engaged in the business of a cemetery.

18 (2) "Alkaline hydrolysis" means the reduction of human remains to
19 bone fragments and essential elements in a hydrolysis facility using heat,
20 pressure, water, and base chemical agents.

1 ~~(3) “Alkaline hydrolysis facility” means a structure, room, or other~~
2 ~~space in a building or structure containing one or more hydrolysis vessels, to~~
3 ~~be used for alkaline hydrolysis.~~

4 (4) “Cemetery” means any plot of ground used or intended to be used
5 for the burial or ~~permanent~~ disposition ~~permanently~~ of the remains of the
6 human dead in a grave, a mausoleum, a columbarium, a vault, a scattering
7 garden, or other receptacle.

8 ~~(3)~~(5) “Cemetery association” means any corporation now or hereafter
9 organized ~~which~~ that is or shall be authorized by its articles to conduct the
10 business of a cemetery.

11 ~~(4)~~(6) “Columbarium” means a structure or room or other space in a
12 building or structure of durable and lasting fireproof construction, containing
13 niches, used or intended to be used, to contain ~~remains~~ the permanent
14 disposition of human remains.

15 ~~(5)~~(7) “Community mausoleum” means a structure or building of
16 durable and lasting construction used or intended to be used for the permanent
17 disposition of the remains of deceased persons in crypts or spaces, provided
18 such crypts or spaces are available to or may be obtained by individuals or the
19 ~~public for a price in money or its equivalent.~~

1 ~~(6)(8) “Cremated remains” means remains of a deceased person after~~
2 incineration in a crematory establishment or decomposition in an alkaline
3 hydrolysis facility.

4 ~~(7)(9) “Cremation” means the reducing of the remains of deceased~~
5 persons, by the use of retorts or alkaline hydrolysis, to cremated remains and
6 the disposal thereof in a columbarium, niche, mausoleum, grave, scattering
7 garden, or in any other manner not contrary to law.

8 ~~(8)(10) “Crematory establishment” means a building or structure~~
9 containing one or more retorts, used or intended to be used, for the reducing of
10 the bodies of deceased persons to cremated remains.

11 ~~(9)(11) “Crypt” means the chamber in a mausoleum of sufficient size to~~
12 contain the remains of deceased persons.

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

16 ~~(11)(13) “Natural burial ground” means a cemetery maintained using~~
17 ecological land management practices and without the use of vaults for the
18 burial of unembalmed human remains or human remains embalmed using
19 nontoxic embalming fluids and that rest in either no burial container or in a
20 ~~nontoxic, nonhazardous, plant-derived burial container or shroud.~~

1 ~~(14) “Natural organic reduction” means the contained, accelerated~~
2 ~~conversion of human remains to soil.~~

3 ~~(15) “Natural organic reduction facility” means a structure, room, or~~
4 ~~other space in a building or real property where natural organic reduction of a~~
5 ~~human body occurs.~~

6 ~~(12)(16) “Niche” means a recess in a columbarium used, or intended to~~
7 ~~be used for the permanent disposition of ~~the cremated~~ human remains of one~~
8 ~~or more deceased persons.~~

9 ~~(17) “Scattering garden” means a designated area in a cemetery for the~~
10 ~~removal of human remains from their container for the purpose of scattering~~
11 ~~the remains in a lawful manner.~~

12 ~~(13)(18) “Temporary receiving vault” means a vault or crypt in a~~
13 ~~structure of durable and lasting construction, used or intended to be used, for~~
14 ~~the temporary deposit of the remains of a deceased person for a period of time~~
15 ~~not exceeding one year.~~

16 Sec. 9. 18 V.S.A. § 5306 is amended to read:

17 § 5306. PERPETUAL CARE FUNDS

18 An agency engaged in the cemetery business shall have the right to acquire
19 by gift, devise, or otherwise, land and property of every name and nature and
20 to set aside surplus funds, to be held in trust as a perpetual care fund, the
21 ~~income thereof to be used according to the directions of the trust, where such~~

1 ~~directions are given, and where no specific directions are given, or, where~~
2 given, and the purpose is incapable of performance, or there is a surplus of
3 income after the directions of the trust have been fully complied with and
4 performed, to use the same for the purpose of building, repairing, maintaining,
5 adorning, and beautifying buildings or parts thereof, fences, graves, vaults,
6 mausoleums, monuments, walks, cemetery lots, grounds, scattering gardens,
7 drives, or avenues, as the interests of the lot owners and cemetery shall appear.

8 The duty upon all agencies organized to establish a perpetual care fund
9 according to the terms hereinafter set forth is hereby imposed.

10 Sec. 10. 18 V.S.A. § 5313 is amended to read:

11 § 5313. RECORDS; BURIAL RECORDS OPEN TO PUBLIC

12 An agency engaged in the business of a cemetery, community mausoleum,
13 or columbarium shall provide and maintain a suitable place of deposit for the
14 records and files of such cemetery, community mausoleum, or columbarium,
15 of such character as will safely keep and preserve such records and files from
16 loss and destruction, and it shall make and file proper records in such place.

17 The record of burials, interments, and cremations the permanent disposition of
18 human remains shall at all reasonable times be open to the public.

19 Sec. 11. 18 V.S.A. § 5315 is amended to read:

20 § 5315. SALE OF PROPERTY FOR OTHER THAN BURIAL PURPOSES;

21 ~~DISPOSITION OF PROCEEDS~~

1 ~~Either before or after the recording of the plat, as hereinbefore provided,~~
2 whenever it is determined that such lands acquired for cemetery purposes,
3 except those acquired by condemnation proceedings, are unsuitable for burial
4 purposes the permanent disposition of human remains, such lands may be sold
5 for purposes other than ~~interment~~ permanent disposition and conveyed in fee
6 simple in such manner and upon such terms as may be provided by the
7 agencies owning the same. The proceeds thereof shall be applied to the
8 purchase of other lands or to general cemetery purposes. When such sales are
9 made, the land so sold shall be returned by the agencies to the tax lists for
10 taxation. In the case of land acquired by condemnation proceedings, it shall be
11 disposed of under the law governing the disposal of land acquired by
12 condemnation proceedings.

13 Sec. 12. 18 V.S.A. § 5318 is amended to read:

14 § 5318. PUBLIC USE OF CEMETERY FOR OTHER PURPOSES

15 A public highway or railroad shall not be laid through ~~such burial ground a~~
16 cemetery without the consent of the town, association, or the General
17 Assembly, and no portion of ~~such burial ground a cemetery~~ shall be taken for
18 public use without special authority from the General Assembly.

19 Sec. 13. 18 V.S.A. § 5319 is amended to read:

20 § 5319. DISPOSITION OF REMAINS OF DEAD

21 ~~(a)(1) The permanent disposition of human remains shall be by:~~

1 ~~(A) interment in the earth; or~~

2 (B) deposit in a chamber, vault, or tomb formed wholly or partly
3 above the surface of the ground of a cemetery conducted and maintained
4 pursuant to the laws of the State, ~~or by;~~

5 (C) deposit in a crypt of a mausoleum, ~~or by;~~

6 (D) cremation; or

7 (E) natural organic reduction.

8 (2) However, this shall not be construed to prevent a private individual
9 from setting aside a portion of his or her premises owned in fee by him or her
10 and using the premises as a burial space for the members of his or her
11 immediate family, ~~so long as~~ provided his or her use for such purpose is not in
12 violation of the health laws and regulations of the State and the town in which
13 the land is situated.

14 * * *

15 (c) ~~No deposit of the remains of the human dead~~ With the exception of
16 human remains processed by natural organic reduction, the permanent
17 disposition of human remains shall not be made in a single chamber, vault, or
18 tomb wholly or partly above the surface of the ground unless the part thereof
19 below the natural surface of the ground be of a permanent character,
20 constructed of materials capable of withstanding extreme climatic conditions,
21 ~~be waterproof and air tight, and can be sealed permanently so as to prevent air~~

1 ~~escape of effluvia. That portion of the same above the natural surface of the~~
2 ground shall be constructed of natural stone of a standard not less than that
3 required by the U.S. government for monuments erected in national
4 cemeteries, of durability sufficient to withstand all conditions of weather, and
5 of a character to ensure its permanence.

6 (d) The remains of a human body after cremation or natural organic
7 reduction may be deposited in a scattering garden, niche of a columbarium, ~~in~~
8 a or a crypt of a mausoleum; ~~be buried;~~ or disposed of in any manner not
9 contrary to law.

10 Sec. 14. 18 V.S.A. § 5321 is amended to read:

11 § 5321. IMPROVEMENT OF PRIVATE BURIAL GROUNDS
12 CEMETERIES; DUTIES OF OFFICERS

13 When the use and care of a private ~~burial ground~~ cemetery has been
14 abandoned and such ground becomes unsightly from any cause, or when
15 headstones or monuments have been displaced, the selectboard or board of
16 cemetery commissioners having charge of the public cemeteries in the town
17 where ~~such burial ground~~ the cemetery is located, on written request of three
18 legally qualified voters of such town, shall forthwith cause a notice to be
19 published once a week on the same day of the week for three successive weeks
20 in some newspaper circulating therein, calling upon any person interested in
21 ~~such burial ground~~ cemetery to cause the same to be put in proper condition

1 ~~within three months from the date of such notice. At the expiration of such~~
2 time, if such demand is not complied with, the selectboard or board shall
3 proceed then and thereafter as if such ground were a public burial place
4 cemetery.

5 Sec. 15. 18 V.S.A. § 5322(a) is amended to read:

6 (a) Any person wishing to have a temporary right of entry over private land
7 in order to enter a ~~graveyard~~ cemetery enclosure to which there is no public
8 right-of-way may apply in writing to the selectboard or cemetery
9 commissioners, as the case may be, state the reason for such request and the
10 period of time for which such right is to be exercised. The applicant shall also
11 notify in writing an owner or occupier of the land over which the right-of-way
12 is desired. If the selectboard or cemetery commissioners find that the request
13 is reasonable, they shall issue a permit for a temporary right of entry
14 designating the particular place where, and the manner in which, the land may
15 be crossed. The owner or occupier of the land may recommend a place of
16 crossing ~~which~~ that, if reasonable, shall be the place designated by the
17 selectboard or cemetery commissioners.

18 Sec. 16. 18 V.S.A. § 5361 is amended to read:

19 § 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

20 A town may vote sums of money necessary for purchasing, holding, and
21 ~~keeping in repair suitable grounds and other conveniences for burying~~

1 ~~permanent disposition of the dead. The selectboard may make necessary~~
2 regulations concerning public ~~burial grounds~~ cemeteries and for fencing and
3 keeping the same in proper order.

4 Sec. 17. 18 V.S.A. § 5362 is amended to read:

5 § 5362. REPAIR; EXPENSE; NOTICE

6 (a) When lots or walks in a public ~~burial ground~~ cemetery become
7 unsightly with weeds or by an unchecked growth of grass or from any other
8 cause, or when headstones or monuments have become displaced or out of
9 repair, the selectboard or board of cemetery commissioners shall cause such
10 lots and walks to be cleared of weeds and grass, the headstones or monuments
11 to be replaced or repaired, or other disfigurements removed, and may draw
12 orders on the town treasurer for the expenses incurred.

13 * * *

14 Sec. 18. 18 V.S.A. § 5364 is amended to read:

15 § 5364. FENCES; PENALTY

16 When the selectboard or board of cemetery commissioners neglect to keep
17 in repair the fence around a public ~~burial ground~~ cemetery, the town may be
18 prosecuted for such neglect and fined not more than \$400.00. The fine shall
19 be expended in repairing the fences around such burial grounds under the
20 ~~direction of a commissioner appointed by the court.~~

1 Sec. 19. 18 V.S.A. § 5365 is amended to read:

2 § 5365. DAMAGES FOR WANT OF FENCE; LIABILITY

3 When a person or estate is damaged by cattle, horses, sheep, or swine
4 breaking into a public ~~burial ground~~ cemetery and injuring a grave, headstone,
5 monument, shrubbery, or flowers, for want of a legal fence around ~~such burial~~
6 ~~ground~~ the cemetery, such person or estate may recover of the town double the
7 amount of damages, in a civil action.

8 Sec. 20. 18 V.S.A. § 5366 is amended to read:

9 § 5366. NOT LIABLE UNTIL NOTIFIED

10 A town shall not be charged for ~~not~~ keeping in repair the fence around a
11 ~~burial ground~~ cemetery, or be liable for damage done, unless the selectboard,
12 or board of cemetery commissioners, as the case may be, had notice in writing
13 20 days previous that the fence was out of repair.

14 Sec. 21. 18 V.S.A. § 5367 is amended to read:

15 § 5367. DUTIES OF SELECTBOARD

16 When a town neglects to place one or more of its public ~~burial grounds~~
17 cemeteries under the charge of a board of cemetery commissioners, the
18 selectboard shall have power to sell and convey lots in ~~such burial grounds~~ the
19 cemeteries. They shall apply the proceeds of such sales and accept for the
20 town and use legacies, bequests, and gifts for improving and embellishing the
21 grounds.

1 ~~Sec. 22. 18 V.S.A. § 5368 is amended to read:~~

2 § 5368. EXCEPTIONS

3 Sections 5361-5367 of this title shall not apply to a ~~burial-ground~~ cemetery
4 ~~which~~ that is subject to other control than that of the selectboard or the board
5 of cemetery commissioners.

6 Sec. 23. 18 V.S.A. § 5369 is amended to read:

7 § 5369. REMOVAL

8 When it is impracticable to preserve a ~~burial-ground~~ cemetery in proper
9 condition, and the removal of the remains of the dead therein is required, the
10 selectboard, in their discretion, may cause such remains to be removed and
11 interred in a more suitable public ~~burial-ground~~ cemetery.

12 Sec. 24. 18 V.S.A. § 5373 is amended to read:

13 § 5373. CEMETERY COMMISSIONERS

14 When a town votes to place its public ~~burial-grounds~~ cemeteries under the
15 charge of the board of cemetery commissioners, it shall elect separately a
16 board of three or five cemetery commissioners, who shall have the care and
17 management of ~~such burial-ground~~ the cemeteries and exercise all the powers,
18 rights, and duties with respect to such care and management and all
19 ~~responsibility on the part of the selectboard shall cease.~~

1 ~~Sec. 25. 18 V.S.A. § 5375 is amended to read:~~

2 § 5375. LAYING OUT AND IMPROVING GROUNDS; BURIAL

3 WITHOUT CHARGE

4 The board of cemetery commissioners may set apart such portion of the
5 ~~burial grounds~~ cemeteries placed under its charge as it deems proper, as a place
6 for the burial of persons without charge therefor, under such regulations as it
7 prescribes. It may lay out the remaining unoccupied portions in suitable lots,
8 with necessary paths, avenues, or other reserved places, and may plant and
9 embellish the same with trees, shrubs, and flowers.

10 Sec. 26. 18 V.S.A. § 5376 is amended to read:

11 § 5376. SALE OF LOTS; TAX EXEMPTION

12 The board of cemetery commissioners, by one of the commissioners
13 appointed by it for that purpose, in the name of the town, by deed, may grant
14 and convey lots in such ~~burial grounds~~ cemeteries to be used for the burial
15 permanent disposition of the dead and on which tombs, cenotaphs, and other
16 monuments are to be erected. Such lots shall be exempt from taxation. The
17 deeds thereof shall be recorded in the office of the town clerk of the town
18 ~~wherein such lots lie.~~

1 Sec. 27. 18 V.S.A. § 5377 is amended to read:

2 § 5377. PROCEEDS OF SALE; EXPENDITURE

3 The proceeds of such sale of lots shall be paid into the town treasury and
4 kept separate from other funds of the town and subject to the order of the
5 board. Such proceeds, with the income thereof, shall be devoted to
6 maintaining, improving, and embellishing such ~~burial grounds~~ cemeteries. If
7 the town so votes, the board of cemetery commissioners may sell lots upon
8 condition that the proceeds therefrom shall be paid into the town treasury in
9 trust and the income thereof be expended in caring for such lots and the
10 structures thereon. The board shall fix the prices for such lots and make
11 regulations in respect to the sale and care thereof.

12 Sec. 28. 18 V.S.A. § 5378 is amended to read:

13 § 5378. BYLAWS AND REGULATIONS

14 The board of cemetery commissioners may make necessary bylaws and
15 regulations in respect to such ~~burial grounds~~ cemeteries, and ~~interment~~
16 permanent disposition of the dead not inconsistent with law, and may alter the
17 same. Such bylaws and regulations shall be recorded in the office of the town
18 clerk. A bylaw or regulation shall not be adopted to restrain a person in the
19 free exercise of his or her religious sentiments as to the ~~burial~~ permanent
20 disposition of the dead.

1 ~~Sec. 29. 18 V.S.A. § 5379 is amended to read:~~

2 § 5379. REPORT OF CEMETERY COMMISSIONERS

3 The board of cemetery commissioners shall submit annually a written
4 report to the town auditors as to the condition and needs of the burial grounds
5 cemeteries under its charge and of its doings, including a detailed statement of
6 its receipts and expenditures and of the amount and disposition of the funds in
7 its hands or subject to its control.

8 Sec. 30. 18 V.S.A. § 5381 is amended to read:

9 § 5381. TRANSFER OF CARE FROM COMMISSIONERS TO
10 SELECTBOARD

11 By vote, a town may take its burial grounds cemeteries out of the charge of
12 the board of cemetery commissioners and place the same under the charge of
13 the selectboard. When a town so votes, the office of cemetery commissioners
14 shall terminate.

15 Sec. 31. 18 V.S.A. § 5382 is amended to read:

16 § 5382. TOWN TRUST FUNDS-;ACCEPTANCE OF PROPERTY

17 A town may take and hold in trust grants, gifts, or bequests of property and
18 apply the same or the income thereof for the care, improvement, or
19 embellishment of its burial grounds cemeteries or a part thereof, or for the
20 erection, preservation, or removal of a monument, fence, or other structure in
21 or around the same according to the terms of the grant, gift, or bequest.

1 ~~Sec. 32. 18 V.S.A. § 5283 is amended to read:~~

2 § 5283. ACCEPTANCE OF MONEY IN TRUST

3 A town may vote to receive and hold money in trust, the income of which is
4 to be used for the care and improvement of its ~~burial grounds~~ cemeteries, or of
5 private lots within ~~such burial grounds~~ the cemeteries or elsewhere.

6 Sec. 33. 18 V.S.A. § 5434 is amended to read:

7 § 5434. PENALTY FOR DOING BUSINESS AS A CEMETERY

8 ASSOCIATION WITHOUT AUTHORITY

9 A person, firm, corporation, or association, or a trust, trustee, or trustees of
10 any person, firm, corporation, or association, who, without authority of this
11 chapter so to do, shall exercise or attempt to exercise any powers, privileges,
12 or franchises ~~which~~ that are specified or may be granted under this chapter to
13 incorporated cemetery associations, or who shall by any device attempt to
14 evade the provisions of this chapter applicable to cemetery associations in
15 respect to the sale of ~~burial~~ lots or ~~burial~~ spaces for the permanent disposition
16 of human remains and the disposition of the proceeds thereof, shall be fined
17 not less than \$1,000.00 nor more than \$10,000.00, and may be enjoined from
18 further doing of such acts at the suit of any taxpayer of the State. However,
19 the provisions of this section shall not affect or impair the rights of a person,
20 firm, corporation, or association or a trust, trustee, or trustees of such person,
21 ~~firm, corporation, or association under any existing contract or contracts~~

1 ~~between such parties and incorporated cemetery associations, nor shall the~~
2 performance of the provisions of such contract or contracts subject parties
3 thereto to the penalties imposed by this section.

4 Sec. 34. 18 V.S.A. § 5435 is amended to read:

5 § 5435. SALES OF LOTS, CRYPTS, AND NICHEs; HOW INCOME
6 APPLIED, RULES

7 (a) The income of a cemetery association, whether derived from the sale of
8 lots, ~~burial spaces, crypts, or niches~~ for the permanent disposition of human
9 remains, from donations, or otherwise, shall be exclusively applied to paying
10 for the land or other cemetery property, laying out, preserving, protecting, and
11 embellishing the cemetery and avenues leading thereto, the erection of
12 buildings necessary for cemetery purposes, the establishing of a fund to care
13 permanently for the cemetery, the repair and upkeep of scattering gardens,
14 mausoleums, vaults, columbariums, crypts, and niches therein, and to paying
15 the necessary expenses of the cemetery association. A debt shall not be
16 contracted in anticipation of future receipts, except for the original purchase of
17 the land, community mausoleum, or columbarium, laying out, enclosing, and
18 embellishing the grounds and avenues therein and to a sum not exceeding
19 \$50,000.00 in the whole, to be paid out of future income. ~~No part of the~~ The
20 proceeds from the sale of lots, ~~burial spaces, crypts, or niches~~ for the
21 permanent disposition of human remains, or other income of such association,

1 ~~shall ever not be divided among its members. All its income shall be used~~
2 exclusively for the purposes of the association, as provided in this chapter, or
3 invested in a fund the income of which shall be so used. Such association may
4 adopt such reasonable rules and regulations as it deems expedient for disposing
5 of and conveying burial lots, spaces, crypts, and niches for the permanent
6 disposition of human remains.

7 * * *

8 Sec. 35. 18 V.S.A. § 5436 is amended to read:

9 § 5436. PERPETUAL CARE FUND

10 A cemetery association established prior to June 1, 1933 may create a
11 perpetual care fund out of surplus money on hand or ~~which~~ that has been given
12 to it by will, deed, or otherwise. A cemetery association established after such
13 date shall create such a perpetual care fund by applying thereto from the initial
14 proceeds received from the sale of lots or burial spaces for the permanent
15 disposition of human remains a sum ~~which~~ that shall be equivalent to and not
16 less than 20 percent of the sale price of each lot or burial space so sold, and
17 such association may at any time increase the same by the addition of surplus
18 money or property received by it by will, deed, or otherwise.

19 Sec. 36. 18 V.S.A. § 5439 is amended to read:

20 ~~§ 5439. DISSOLUTION OF CEMETERY ASSOCIATIONS~~

1 ~~A cemetery association, which is not owned and operated by a church or by~~
2 a religious or ecclesiastical society, may be dissolved under the provisions
3 of 11B V.S.A. chapter 14. Upon dissolution, all lands owned or held by it for
4 cemetery purposes and all perpetual care funds, trust funds, and all other
5 property held or owned by it, less dissolution expenses, may be transferred to
6 the town in which the lands are located, and thereafter these lands may become
7 public ~~burial grounds~~ cemeteries, and the town shall hold the perpetual care
8 funds and trust funds in trust for the care, improvement, and embellishment of
9 the lots therein, according to the terms upon which they were held by the
10 association.

11 Sec. 37. 18 V.S.A. § 5483 is amended to read:

12 § 5483. ACQUISITION OF LAND BY TOWN

13 When it is necessary to enlarge a public ~~burial ground~~ cemetery or to
14 establish a new one, three or more freeholders of the town may apply in
15 writing to the selectboard, setting forth such necessity with a description of the
16 land necessary for the purpose. The selectboard shall thereupon proceed as in
17 case of an application by three or more freeholders to lay out a highway.

18 Sec. 38. 18 V.S.A. § 5484 is amended to read:

19 § 5484. ACQUISITION OF GRAVEL BY TOWN OR ASSOCIATION

20 (a) When public necessity requires that a ~~burial ground~~ cemetery be raised
21 or portions thereof filled up with gravel or earth, and the town or association

1 ~~owning or managing the same cannot agree with the owner of such gravel or~~
2 ~~earth for its purchase, three or more owners of lots in such burial ground the~~
3 ~~cemetery may apply in writing to the selectboard, setting forth such necessity.~~
4 ~~The selectboard shall thereupon proceed as in case of an application to them~~
5 ~~by three or more freeholders to lay out a highway. If in their opinion such~~
6 ~~necessity exists, they shall authorize, in writing, such town or association to~~
7 ~~take and remove such gravel or earth, use the same for the purposes aforesaid,~~
8 ~~and appraise the damage to the owner thereof.~~

9 * * *

10 Sec. 39. 18 V.S.A. § 5485 is amended to read:

11 § 5485. APPEAL TO SUPERIOR COURT

12 When, in accordance with the provisions of this chapter, a person owning or
13 having an interest in lands taken for a ~~burial ground~~ cemetery, or gravel or
14 earth for the same, is dissatisfied with such taking or with the damages
15 awarded to him or her by the selectboard in such proceedings, he or she may
16 petition the Superior Court of the county in which such lands lie in the same
17 manner as in case of an appeal as to the laying out of a highway by the
18 selectboard, and thereupon the same proceedings shall be had on such petition.

19 Sec. 40. 18 V.S.A. § 5488 is amended to read:

20 § 5488. ENLARGEMENT OF CEMETERIES BY ASSOCIATIONS-

21 ~~PETITION TO SUPERIOR COURT TO ACQUIRE LAND~~

1 ~~When an incorporated cemetery association wishes to enlarge the limits of~~
2 ~~its burial ground cemetery, and votes to purchase additional land for burial~~
3 ~~permanent disposition purposes and the owner of such land refuses to convey~~
4 ~~the same to ~~such~~ the cemetery association for a reasonable compensation, the~~
5 ~~trustees or president of such association, by a petition in writing, may apply to~~
6 ~~the Superior Court in the county in which ~~such burial ground~~ the cemetery is~~
7 ~~located for the appointment of commissioners.~~

8 Sec. 41. 18 V.S.A. § 5491 is amended to read:

9 § 5491. SURVEY; DAMAGES

10 When the commissioners decide that public necessity and convenience
11 require the enlargement of ~~such burial grounds~~ cemeteries, and the amount
12 needed, they shall cause the same to be surveyed, and shall ascertain what
13 damages will be sustained by the owner of such land.

14 * * * Funeral Services * * *

15 Sec. 42. 26 V.S.A. § 1211 is amended to read:

16 § 1211. DEFINITIONS

17 (a) As used in this chapter, unless a contrary meaning is required by the
18 context:

19 (1) "Crematory establishment" means a business registered with the
20 Office conducted at a specific street address or location devoted to the
21 ~~disposition of dead human bodies by means of cremation, alkaline hydrolysis,~~

1 ~~or any other type of human reduction acceptable to the Director as established~~
2 by the Director by rule.

3 (2) “Director” means the Director of the Office of Professional
4 Regulation.

5 (3) “Funeral director” means a licensed person who is the owner, co-
6 owner, employee, or manager of a licensed funeral establishment and who, for
7 compensation, engages in the practice of funeral service.

8 (4) “Funeral establishment” means a business registered with the Office
9 conducted at a specific street address or location devoted to the practice of
10 funeral service, and includes a limited services establishment.

11 (5) “Office” means the Office of Professional Regulation.

12 (6) “Practice of funeral service” means arranging, directing, or
13 providing for the care, preparation, or disposition of dead human bodies for a
14 fee or other compensation. This includes:

15 (A) meeting with the public to select a method of disposition or
16 funeral observance and merchandise;

17 (B) entering into contracts, either at-need or pre-need, for the
18 provision of dispositions, funeral observances, and merchandise;

19 (C) arranging, directing, or performing the removal or transportation
20 of a dead human body,

1 ~~functions are necessary to the performance of their duties. Specifically,~~
2 ~~crematory personnel at crematory establishments and natural organic reduction~~
3 ~~facilities may:~~

4 (1) provide for the disposition of dead human bodies by cremation or
5 natural organic reduction, as applicable, and meet with the public to arrange
6 and provide for the disposition;

7 (2) enter into contracts, without taking prepaid funds, for the provision
8 of dispositions by cremation or natural organic reduction, as applicable;

9 (3) arrange, direct, or perform the removal or transportation of a dead
10 human body, ~~so long as provided that~~ removals are performed by licensed
11 removal personnel; and

12 (4) secure and file certificates, permits, forms, or other documents.

13 Sec. 43. 26 V.S.A. § 1212 is amended to read:

14 § 1212. ADVISOR APPOINTEES; DIRECTOR DUTIES; RULES

15 (a)(1) The Secretary of State shall appoint four persons for five-year
16 staggered terms to serve at the Secretary's pleasure as advisors in matters
17 relating to funeral service. Three of the initial appointments shall be for four-,
18 three-, and two-year terms. Appointees shall include three licensed funeral
19 directors, one of whom is a licensed embalmer and one of whom has training
20 or experience in the operation of crematoria a crematory establishment or
21 natural organic reduction facility. One appointee shall be a public member.

1 ~~(2) The Director shall seek the advice of the advisor appointees in~~

2 carrying out the provisions of this chapter.

3 (b) The Director shall:

4 * * *

5 (6) adopt rules regarding:

6 (A) minimum standards for crematory establishments and natural
7 organic reduction facilities, including standards for permits and
8 documentation, body handling, containers, infectious diseases, pacemakers,
9 body storage, sanitation, equipment and maintenance, dealing with the public
10 and other measures necessary to protect the public; and

11 (B) the transaction of business as the Director deems necessary.

12 (7) [Repealed.]

13 (8) [Repealed.]

14 Sec. 44. 26 V.S.A. § 1213 is amended to read:

15 § 1213. INSPECTION OF PREMISES

16 (a) The Director or his or her designee may, at any reasonable time, inspect
17 funeral ~~and establishments~~, crematory establishments, and natural organic
18 reduction facilities.

19 (b) Each funeral ~~and establishment~~, crematory establishment, and natural
20 organic reduction facility shall be inspected at least once every two years.

1 ~~Copies of the inspector's report of inspections of establishments and facilities~~

2 shall be provided to the Director.

3 Sec. 45. 26 V.S.A. § 1251 is amended to read:

4 § 1251. LICENSE REQUIREMENTS

5 (a) A person, partnership, corporation, association, or other organization
6 shall not open or maintain a funeral establishment unless the establishment is
7 licensed by the Office to conduct the business and unless the owner, a co-
8 owner, or manager is a licensed funeral director.

9 (b) A person, partnership, corporation, association, or other organization
10 shall not open or maintain a crematory establishment or natural organic
11 reduction facility unless the establishment is licensed by the Office.

12 (c) A person shall not hold himself or herself out as performing the duties
13 of a funeral director unless licensed by the Office.

14 (d) Except as otherwise permitted by law, a person employed by a funeral
15 ~~or establishment~~, crematory establishment, or natural organic reduction facility
16 shall not perform a removal unless registered with the Office.

17 Sec. 46. 26 V.S.A. § 1252 is amended to read:

18 § 1252. APPLICATION; QUALIFICATIONS

19 * * *

20 ~~(d) Crematory establishment or natural organic reduction facility.~~

1 ~~(1) A person, partnership, corporation, association, or other organization~~
2 ~~desiring to operate a crematory establishment or natural organic reduction~~
3 ~~facility shall apply, in writing, to the Director for a license. The applicant, if a~~
4 ~~partnership, corporation, association, or other organization, must have a~~
5 ~~designated manager or co-owner who is responsible for the operation of the~~
6 ~~establishment and who is registered with the Office under subsection (e) of this~~
7 ~~section.~~

8 (2) The application for a license shall be sworn to by the individual, or a
9 partner or a duly authorized officer of a corporation, shall be on the form
10 prescribed and furnished by the Director, and the applicant shall furnish
11 information, as required by rule. The application shall be accompanied by a
12 licensing fee. However, the applicant shall not be required to pay the fee
13 under this subsection if the applicant pays the fee under subsection (b) of this
14 section.

15 (e) ~~Crematory personnel~~ Personnel of crematory establishment or natural
16 organic reduction facility.

17 (1) Any person who desires to engage in direct handling, processing,
18 identification, ~~or cremation,~~ or natural organic reduction of dead human
19 remains within a licensed crematory establishment or natural organic reduction
20 facility, as applicable, shall register with the Office and pay the fee established
21 ~~in subsection 1256(d) of this chapter. The applicant shall have attained the age~~

1 ~~of majority and be directly employed by a licensed crematory establishment or~~
2 natural organic reduction facility.

3 (2) The Director may prescribe, by rule, the forms for applicants, which
4 may include proof of completion of up to three hours of education and training
5 in programs approved by the Director.

6 (f) Removal personnel.

7 (1) Any person who desires to engage in removals shall register with the
8 Office and pay the fee established in subsection 1256(d) of this chapter. The
9 applicant shall have attained the age of majority and be directly employed by a
10 licensed funeral ~~or establishment, crematory establishment, natural organic~~
11 reduction facility, or the University of Vermont for removals related to the
12 University's anatomical gift program.

13 (2) The Director may prescribe, by rule, the forms for applicants, which
14 may include proof of completion of up to three hours of education and training
15 in infectious diseases in programs approved by the Director.

16 (3) Registrants under this subsection are authorized to perform removals
17 only, as defined by this chapter. Unregistered personnel may accompany
18 registered personnel to assist in removals ~~so long as~~ provided they have been
19 instructed in handling and precautionary procedures prior to the call.

20 ~~(g) Limited services establishment.~~

1 ~~(1) The Director may adopt rules for the issuance of limited service~~
2 establishment licenses in accordance with this chapter. Limited service
3 establishment licensees are authorized to perform only disposition services
4 without arranging, directing, or performing embalming, public viewings,
5 gatherings, memorials, funerals, or related ceremonies. Disposition services
6 under this subsection include direct cremation, direct alkaline hydrolysis,
7 direct natural organic reduction, immediate burial, or direct green burial.

8 (2) Limited services shall be overseen by a funeral director licensed
9 under this chapter who is employed by the limited service establishment.

10 (3) Each limited service arrangement shall include a mandatory written
11 disclosure providing notice to the purchaser that limited services do not
12 include embalming, public viewings, gatherings, memorials, funerals, or
13 related ceremonies.

14 (4) A funeral director associated with a funeral establishment licensed
15 under subsection (c) of this section may provide limited services so long as the
16 mandatory disclosure described under subdivision (3) of this subsection is
17 provided to the purchaser.

18 Sec. 47. 26 V.S.A. § 1254 is amended to read:

19 § 1254. ISSUANCE OR DENIAL OF LICENSE

20 If, upon review, it is found that the applicant possesses sufficient skill and
21 ~~knowledge of the business and has met the application and qualification~~

1 ~~requirements set forth in this chapter, the Director shall issue to him or her a~~
2 license to engage in the business of funeral director, embalmer, funeral
3 establishment, crematory establishment, natural organic reduction facility, or
4 removal personnel.

5 Sec. 48. 26 V.S.A. § 1256 is amended to read:

6 § 1256. RENEWAL OF REGISTRATION OR LICENSE

7 * * *

8 (d) Applicants and persons regulated under this chapter shall pay the
9 following fees:

10	(1) Application for license	\$ 70.00
11	(2) Biennial renewal of license	
12	(A) Funeral director	\$ 350.00
13	(B) Embalmer	\$ 350.00
14	(C) Funeral establishment	\$ 800.00
15	(D) Crematory establishment	\$ 800.00
16	(E) Crematory <u>establishment</u> personnel	\$ 125.00
17	(F) Removal personnel	\$ 125.00
18	(G) Limited services establishment license	\$ 800.00
19	(H) <u>Natural organic reduction facility</u>	<u>\$ 800.00</u>
20	(I) <u>Natural organic reduction facility personnel</u>	<u>\$ 125.00</u>

21

1 ~~Sec. 49, 26 V.S.A. § 1272 is amended to read:~~

2 § 1272. RULES; PREPAID FUNERAL FUNDS

3 * * *

4 (9) Establishment of a funeral services trust account.

5 (A) For purposes of funding the Funeral Services Trust Account, the
6 Office shall assess each funeral ~~or establishment, crematory establishment, or~~
7 natural organic reduction facility a per funeral, burial, or disposition fee of
8 \$6.00.

9 (B) The Account shall be administered by the Secretary of State and
10 shall be used for the sole purpose of protecting prepaid funeral contract
11 holders in the event a funeral establishment defaults on its obligations under
12 the contract.

13 (C) The Account shall consist of all fees collected under this
14 subdivision (9) and any assessments authorized by the General Assembly. The
15 principal and interest remaining in the Account at the close of any fiscal year
16 shall not revert but shall remain in the Account for use in succeeding fiscal
17 years.

18 (D) Notwithstanding the provisions of this subdivision (9) to the
19 contrary, if the fund balance at the beginning of a fiscal year is at least
20 ~~\$200,000.00, no fees shall be imposed during that fiscal year.~~

1 ~~(E) Payments on consumer claims from the fund shall be made on~~
2 warrants by the Commissioner of Finance and Management, at the direction of
3 the Director.

4 (F) When an investigation reveals financial discrepancies within a
5 licensed establishment, the Director may order an audit to determine the
6 existence of possible claims on the Funeral Services Trust Account. In cases
7 where both a funeral and crematory establishment or funeral establishment and
8 natural organic reduction facility are involved in a disposition, the party
9 receiving the burial permit shall be responsible for the disposition fee.

10 * * * Fee Structure as of June 1, 2023 * * *

11 Sec. 50. 3 V.S.A. § 125 is amended to read:

12 § 125. FEES

13 * * *

14 (b) Unless otherwise provided by law, the following fees shall apply to all
15 professions regulated by the Director in consultation with advisor appointees
16 under Title 26:

17 (1) Application for registration, \$75.00, except application for:

18 (A) Private investigator and security services employees, unarmed
19 registrants, \$60.00.

20 (B) Private investigator and security service employees, transitory
21 permits, \$60.00.

1 ~~(C) Private investigator and security service employees, armed~~
2 registrants, \$120.00.

3 (2) Application for licensure or certification, \$100.00, except
4 application for:

5 (A) Barbering or cosmetology schools and shops, \$300.00.

6 (B) Funeral directors, embalmers, crematory establishment
7 personnel, removal personnel, funeral establishments, crematory
8 establishments, natural organic reduction facility personnel, natural organic
9 reduction facilities, and limited services establishments, \$70.00.

10 (C) Application for real estate appraisers, \$275.00.

11 (D) Temporary real estate appraiser license, \$150.00.

12 (E) Appraisal management company registration, \$600.00.

13 (F) Private investigator or security services agency, \$340.00.

14 (G) Private investigator and security services agency, \$400.00.

15 (H) Private investigator or security services sole proprietor, \$250.00.

16 (I) Private investigator or security services unarmed licensee,
17 \$150.00.

18 (J) Private investigator or security services armed licensee, \$200.00.

19 (K) Private investigator and security services instructor, \$120.00.

20 (3) Optician trainee registration, \$50.00.

21 ~~(4) Biennial renewal, \$200.00, except biennial renewal for.~~

- 1 ~~(A) Independent clinical social workers and master's social workers,~~
2 ~~\$150.00.~~
- 3 (B) Occupational therapists and assistants, \$150.00.
- 4 (C) Physical therapists and assistants, \$100.00.
- 5 (D) Optician trainees, \$100.00.
- 6 (E) Barbers, cosmetologists, nail technicians, and estheticians,
7 \$130.00.
- 8 (F) Schools of barbering or cosmetology, \$300.00.
- 9 (G) Funeral directors and embalmers, \$280.00.
- 10 (H) Crematory establishment personnel, natural organic reduction
11 facility personnel, and removal personnel, \$100.00.
- 12 (I) Funeral establishments, crematory establishments, natural organic
13 reduction facilities, and limited services establishments, \$640.00.
- 14 (J) [Repealed.]
- 15 (K) Radiologic therapist, radiologic technologist, nuclear medicine
16 technologist, \$150.00.
- 17 (L) Certified alcohol and drug abuse counselor, certified apprentice
18 addiction professional, and licensed alcohol and drug abuse counselor,
19 \$225.00.
- 20 (M) Private investigator or security services agency, or both,
21 ~~\$500.00.~~

(1) “Cemetery” has the same meaning as in section 5302 of this title.

(2) “Cremation” has the same meaning as in section 5302 of this title.

(3) “Disposition facility” has the same meaning as in section 5302 of this title.

(4) “Natural organic reduction” has the same meaning as in section 5302 of this title.

Sec. 2. 18 V.S.A. § 5201 is amended to read:

§ 5201. PERMITS; REMOVAL OF BODIES; ~~CREMATION;~~

*WAITING PERIOD; INVESTIGATION INTO CIRCUMSTANCES
OF DEATH*

(a) ~~Burial-transfer permit.~~ A dead body shall not be buried, entombed, or removed, or otherwise disposed of without a burial-transit permit issued and signed by a municipal clerk, a county clerk, or a deputy clerk for the municipality or unorganized town or gore in which the dead body is located; a funeral director licensed in Vermont; an owner or designated manager of a ~~crematorium~~ licensed disposition facility in Vermont who is registered to perform removals; or a law enforcement officer.

** * **

(3) A funeral director licensed in Vermont or an owner or designated manager of a ~~crematory~~ licensed disposition facility in Vermont who is registered to perform removals may issue a burial-transit permit for any

municipality or unorganized town or gore at any time, including during the normal business hours of a municipal clerk.

** * **

(b) ~~No~~ An operator of a crematory disposition facility shall not cremate or process by means of natural organic reduction or allow the cremation or processing by means of natural organic reduction of a dead human body until the passage of at least 24 hours following the death of the decedent, as indicated on the death certificate, unless, if the decedent died from a virulent, communicable disease, a Department of Health rule or order requires the cremation to occur prior to the end of that period. If the Attorney General or a State's Attorney requests the delay of a cremation or natural organic reduction based upon a reasonable belief that the cause of death might have been due to other than accidental or natural causes, the cremation or natural organic reduction of a dead human body shall be delayed, based upon such request, a sufficient time to permit a civil or criminal investigation into the circumstances that caused or contributed to the death.

(c) The person in charge of the body shall not release for cremation or natural organic reduction the body of a person who died in Vermont until the person in charge has received a certificate from the chief, regional, or assistant medical examiner that the medical examiner has made personal inquiry into the cause and manner of death and is satisfied that no further examination or

judicial inquiry concerning it is necessary. Upon request of a funeral director, the person in charge of the body, or the ~~crematory~~ operator of a disposition facility, the Chief Medical Examiner shall issue a cremation disposition certificate after the medical examiner has completed an autopsy. The certificate shall be retained by the ~~crematory~~ disposition facility for a period of three years. The person requesting cremation or natural organic reduction shall pay the ~~department~~ Department a fee of \$25.00.

(d)(1) For all cremations or natural organic reductions requested for the body of a person who died outside Vermont, the ~~crematory~~ operator of a disposition facility shall do the following before conducting the cremation or natural organic reduction:

(A) obtain a permit for transit ~~or~~ cremation, or natural organic reduction; and

(B) comply with the laws of the state in which the person died, including obtaining a copy of a medical examiner's permit if one is required.

(2) No additional approval from the Vermont medical examiner's office is required if compliance with the laws of the state in which the person died is achieved.

Sec. 3. 18 V.S.A. § 5207 is amended to read:

§ 5207. CERTIFICATE FURNISHED FAMILY; BURIAL-TRANSIT

PERMIT

Within 24 hours after death, the death certificate shall be made available upon request to the family of the deceased, if any, or the undertaker or person who has charge of the body. The certificate shall be filed with the person issuing the burial-transit permit obtained by the person who has charge of the body before ~~such dead body shall be buried, entombed, or removed~~ permanent disposition or removal from the town. When the death certificate is so filed, the officer or person shall immediately issue a burial-transit permit under legal restrictions and safeguards.

Sec. 4. 18 V.S.A. § 5210 is amended to read:

§ 5210. FORM OF BURIAL OR REMOVAL PERMIT

If it is desired to bury, entomb, or otherwise dispose of a dead body within the limits of a town where the death occurred, the certificate of permission shall state plainly the time, place, and manner of such burial, entombment, or disposition. If it is desired to remove a dead body from the town where the death occurred, the certificate of permission shall contain the essential facts contained in the certificate of death on which it is issued, shall accompany the body to its destination, and may be accepted as a permit for ~~burial or entombment~~ permanent disposition by a sexton or other person having the care of a cemetery, burial ground, tomb, or receiving vault.

Sec. 5. 18 V.S.A. § 5213 is amended to read:

§ 5213. REMOVAL; FORM AND DISPOSITION OF PERMIT

Such permit shall state specifically ~~where such body is to be buried, cremated, or entombed~~ the location of the body's permanent disposition and the time and manner of its removal. A town clerk issuing such a permit shall make it in duplicate if the body is to be removed from the town, one copy of which shall be delivered to the person having charge of the cemetery or tomb from which the body is to be taken and the other shall be delivered to the person having charge of the cemetery or tomb wherein it is desired to place the body.

Sec. 6. 18 V.S.A. § 5224 is amended to read:

§ 5224. DISPOSITION OF REMAINS; PERMITS

(a) Fetal remains shall be disposed of by burial ~~or~~, cremation, or natural organic reduction unless released to an educational institution for scientific purposes or disposed of by the hospital or as directed by the attending physician in a manner ~~which~~ that will not create a public health hazard. Permission shall be obtained from one of the parents, if competent, for disposition in all cases where a funeral director is not involved. One copy of the fetal death report shall be printed in such manner that completion and signing by the physician or medical examiner shall constitute permission to make ~~final~~ permanent disposition of the fetal remains.

(b) When a funeral director is involved or when the fetal remains are to be privately buried or disposed of by a ~~commercial-crematory~~ disposition facility,

the funeral director or other person taking charge of the remains shall obtain from the hospital or physician the disposition permit portion of the report and shall deliver it to the sexton or other person having care of the cemetery, tomb, vault, or ~~crematory~~ disposition facility before burial or other disposition takes place. These permits shall be delivered each month to the clerk of the town in which burial or disposition took place, in the same manner as permits for burial of dead bodies; so also shall all other provisions of sections 5209-5216 of this title be applicable to fetal remains as are applicable to dead bodies.

* * *

Sec. 7. 18 V.S.A. chapter 107, subchapter 3 is amended to read:

*Subchapter 3. Rights of Family Members ~~and~~ Other Interested Persons,
Funeral Directors, and ~~Crematory~~ Operators of Disposition Facilities*

* * *

§ 5227. RIGHT TO DISPOSITION

(a) If there is no written directive of the decedent, in the following order of priority, one or more competent adults shall have the right to determine the disposition of the remains of a decedent, including the location, manner, and conditions of disposition and arrangements for funeral goods and services:

* * *

(9) the funeral director or ~~crematory~~ disposition facility operator with custody of the body, after attesting in writing that a good faith effort has been

made to contact the individuals described in subdivisions (1) through (8) of this subsection; or

** * **

(c)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(9) of this section and the funeral director or ~~crematory~~ disposition facility operator has cremated or processed the remains, as applicable, the funeral director or ~~crematory~~ disposition facility operator shall retain the remains for three years and, if no interested party as provided in subdivisions (a)(1) through (8) of this section claims the decedent's remains after three years, the funeral director or ~~crematory~~ disposition facility operator shall arrange for the ~~final~~ permanent disposition of the ~~cremated~~ remains consistent with any applicable law and standard funeral practices.

(2) Notwithstanding any provision of subdivision (1) of this subsection to the contrary, a funeral director or ~~crematory~~ disposition facility operator may determine that the unclaimed ~~cremated~~ remains of a deceased veteran shall be interred at the Vermont Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

(A) at least 180 days have passed since the funeral director or ~~crematory~~ disposition facility operator cremated or processed the remains;

(B) the funeral director or ~~crematory~~ disposition facility operator either:

(i) has actual knowledge that there is no interested party as provided in subdivisions (a)(1) through (8) of this section to claim the decedent's remains; or

(ii) after making reasonable efforts, has been unable to locate and contact any known interested party as provided in subdivisions (a)(1) through (8) of this section; and

(C) the funeral director or ~~crematory~~ disposition facility operator has confirmed with the Office of Veterans Affairs that the deceased veteran is eligible to be interred at the Vermont Veterans Memorial Cemetery.

(d)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(10) of this section, the Office of the Chief Medical Examiner may contract with a funeral director or ~~crematory~~ disposition facility operator to cremate the remains of the decedent.

(2)(A) If the cremation of the decedent is arranged and paid for under 33 V.S.A. § 2301, the Department for Children and Families shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by the Department for Children and Families.

(B) If the cremation of the decedent is not arranged and paid for under 33 V.S.A. § 2301, the Department of Health shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by the Department for Children and Families.

(3) The cremated remains shall be returned to the Office of the Chief Medical Examiner. The Office shall retain the remains for three years, and if no interested party, as described in subdivisions (a)(1) through (8) of this section, claims the decedent's remains after three years, the Office shall arrange for the ~~final~~ permanent disposition of the cremated remains consistent with any applicable law and standard funeral practices.

(4) Notwithstanding any provision of subdivision (3) of this subsection to the contrary, the Office of the Chief Medical Examiner may determine that the unclaimed cremated remains of a deceased veteran shall be interred at the Vermont Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

(A) at least 180 days have passed since the remains were cremated;

(B) the Office of the Chief Medical Examiner either:

(i) has actual knowledge that there is no interested party as provided in subdivisions (a)(1) through (8) of this section to claim the decedent's remains; or

(ii) after making reasonable efforts, has been unable to locate and contact any known interested party as provided in subdivisions (a)(1) through (8) of this section; and

(C) the Office of the Chief Medical Examiner has confirmed with the Office of Veterans Affairs that the deceased veteran is eligible to be interred at the Vermont Veterans Memorial Cemetery.

§ 5228. FORFEITURE

An individual recognized under section 5227 of this title to have a right of disposition shall forfeit that right in the following circumstances:

(1) the individual is identified by a law enforcement agency as a person of interest and likely to be prosecuted or is under prosecution for first or second degree murder or voluntary manslaughter in connection with the decedent's death, if the status of the investigation or the prosecution is known to the funeral director or ~~crematory~~ disposition facility operator; except that if the prosecution is not pursued or the individual is acquitted of the alleged crime before the remains are disposed of, the individual shall regain the right;

* * *

§ 5229. COST OF DISPOSITION

The cost for the disposition of remains and funeral goods or services shall be borne by the decedent's estate, subject to the limits for insolvent estates imposed by 14 V.S.A. § 1205, or by any individual who agrees to pay the costs. Nothing in this subchapter shall be construed to require a funeral director or ~~crematory~~ disposition facility operator to provide goods or services for which there is no payment.

§ 5230. RIGHTS OF FUNERAL DIRECTOR OR ~~CREMATORY~~
OPERATOR OF A DISPOSITION FACILITY

A funeral director or ~~crematory~~ disposition facility operator may determine the ~~final~~ permanent disposition of remains and may file a civil action in Probate Division of the Superior Court against a person, estate, banking institution, governmental agency, or other entity ~~which~~ that may have liability for the ~~final~~ permanent disposition, either:

*(1) to seek a declaratory judgment that the director's or operator's proposed action would be in compliance with the applicable provisions of law;
or*

(2) to seek a judgment that the director or operator's action is in compliance with the applicable provisions of law and to recover reasonable costs and fees for the ~~final~~ permanent disposition when:

(A) the funeral director or ~~crematory~~ disposition facility operator has actual knowledge that there is no surviving family member, guardian, or individual appointed to arrange for the disposition of decedent's remains pursuant to chapter 231 of this title;

(B) the funeral director or ~~crematory~~ disposition facility operator has made reasonable efforts to locate and contact any known family member, guardian, or agent; and

(C) the appropriate local or State authority, if any, fails to assume responsibility for disposition of the remains within 36 hours of written notice,

which may be delivered by hand, U.S. mail, facsimile transmission, electronic means, or telegraph.

§ 5231. CIVIL ACTION

** * **

(c) Except as provided for under subdivision (b)(4) of this section, an individual who has paid or agreed to pay for all or part of the funeral arrangements or ~~final~~ permanent disposition does not have greater priority to the right to disposition than as set forth in section 5227 of this title.

(d)(1) A funeral director or ~~crematory~~ disposition facility operator may refuse to accept bodily remains, to inter or otherwise dispose of bodily remains, or to complete the arrangements for the ~~final~~ permanent disposition until such time as the court issues an order or the parties to the action submit a final stipulation approved by the court regarding the disposition of remains.

(2) If the funeral director or ~~crematory~~ disposition facility operator retains the remains for ~~final~~ permanent disposition while an action is pending, the funeral director or ~~crematory~~ disposition facility operator may refrigerate or shelter the remains while awaiting a preliminary or final order of the court. The cost of refrigeration or sheltering shall be the responsibility of the party or parties who contracted with the funeral director or ~~crematory~~ disposition facility operator, the person or entity who is otherwise liable for the costs of ~~final~~ permanent disposition, or the estate as ordered by the court, or any

combination of these, and the court may include in the order a decision concerning which of these shall be responsible for paying these costs.

(e) If a funeral director or ~~erematary~~ disposition facility operator commences an action under this section, the funeral director or ~~erematary~~ disposition facility operator may ask the court to include an order against the estate or the parties for reasonable legal fees and costs. If the estate is insolvent and no other person should be responsible for the filing fee, the court may waive the filing fee. The court, in its discretion, may order a party or parties to pay the reasonable costs of ~~final~~ permanent disposition as a condition of the appointment to make disposition decisions. The court may order that a party, or parties, including the petitioner, pay reasonable legal fees and costs associated with the action.

(f) Any appeal from the ~~probate court~~ Probate Division shall be on the record to the Civil Division of the Superior Court. There shall be no appeal as a matter of right to the Supreme Court.

* * *

§ 5233. LIMITED LIABILITY

A funeral director or ~~erematary~~ disposition facility operator shall not be subject to civil liability or subject to disciplinary action for carrying out the disposition of the remains if he or she relied in good faith on a funeral service contract or authorization or for following the instructions of an individual

~~whom~~ who the funeral director or ~~crematory~~ disposition facility operator reasonably believes or believed holds the right of disposition.

* * *

* * * Cemeteries * * *

Sec. 8. 18 V.S.A. § 5302 is amended to read:

§ 5302. DEFINITIONS

As used in this chapter and unless otherwise required by the context:

(1) “Agencies” means town cemeteries, religious or ecclesiastical society cemeteries, cemetery associations, and any person, firm, corporation, or unincorporated association engaged in the business of a cemetery.

(2) “Cemetery” means any plot of ground used or intended to be used for the burial or permanent disposition ~~permanently~~ of the remains of the human dead in a grave, a mausoleum, a columbarium, a vault, or other receptacle.

(3) “Cemetery association” means any corporation now or hereafter organized ~~which~~ that is or shall be authorized by its articles to conduct the business of a cemetery.

(4) “Columbarium” means a structure or room or other space in a building or structure of durable and lasting fireproof construction, containing niches, used or intended to be used, to contain ~~cremated~~ the permanent disposition of human remains.

(5) *“Community mausoleum” means a structure or building of durable and lasting construction used or intended to be used for the permanent disposition of the remains of deceased persons in crypts or spaces, provided such crypts or spaces are available to or may be obtained by individuals or the public for a price in money or its equivalent.*

(6) *“Cremated remains” means remains of a deceased person after incineration in a crematory disposition facility.*

(7) *“Cremation” means the reducing of the remains of deceased persons, by the use of retorts, to cremated remains and the disposal thereof in a columbarium, niche, mausoleum, grave, or in any other manner not contrary to law.*

~~(8) “Crematory” means a building or structure containing one or more retorts, used or intended to be used, for the reducing of the bodies of deceased persons to cremated remains.~~

~~(9)(8)~~ *“Crypt” means the chamber in a mausoleum of sufficient size to contain the remains of deceased persons.*

~~(9) “Disposition facility” means a building or structure for the reducing of human remains by means of cremation, alkaline hydrolysis, or natural organic reduction.~~

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

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

(12) “Natural organic reduction” means the contained, accelerated conversion of human remains to soil.

~~(12)~~(13) *“Niche” means a recess in a columbarium used, or intended to be used, for the permanent disposition of ~~the cremated~~ human remains of one or more deceased persons.*

~~(13)~~(14) *“Temporary receiving vault” means a vault or crypt in a structure of durable and lasting construction; used, or intended to be used, for the temporary deposit of the remains of a deceased person for a period of time not exceeding one year.*

Sec. 9. 18 V.S.A. § 5313 is amended to read:

§ 5313. RECORDS; BURIAL RECORDS OPEN TO PUBLIC

An agency engaged in the business of a cemetery, community mausoleum, or columbarium shall provide and maintain a suitable place of deposit for the

records and files of such cemetery, community mausoleum, or columbarium, of such character as will safely keep and preserve such records and files from loss and destruction, and it shall make and file proper records in such place. The record of ~~burials, interments, and cremations~~ the permanent disposition of human remains shall at all reasonable times be open to the public.

Sec. 10. 18 V.S.A. § 5315 is amended to read:

*§ 5315. SALE OF PROPERTY FOR OTHER THAN BURIAL PURPOSES;
DISPOSITION OF PROCEEDS*

Either before or after the recording of the plat, as hereinbefore provided, whenever it is determined that such lands acquired for cemetery purposes, except those acquired by condemnation proceedings, are unsuitable for ~~burial purposes~~ the permanent disposition of human remains, such lands may be sold for purposes other than ~~interment~~ permanent disposition and conveyed in fee simple in such manner and upon such terms as may be provided by the agencies owning the same. The proceeds thereof shall be applied to the purchase of other lands or to general cemetery purposes. When such sales are made, the land so sold shall be returned by the agencies to the tax lists for taxation. In the case of land acquired by condemnation proceedings, it shall be disposed of under the law governing the disposal of land acquired by condemnation proceedings.

Sec. 11. 18 V.S.A. § 5319 is amended to read:

§ 5319. DISPOSITION OF REMAINS OF DEAD

(a)(1) The permanent disposition of human remains shall be by:

(A) interment in the earth ~~or~~;

(B) deposit in a chamber, vault, or tomb formed wholly or partly above the surface of the ground of a cemetery conducted and maintained pursuant to the laws of the State, ~~or by~~;

(C) deposit in a crypt of a mausoleum, ~~or by~~;

(D) cremation; or

(E) natural organic reduction.

(2) However, this shall not be construed to prevent a private individual from setting aside a portion of his or her premises owned in fee by him or her and using the premises as a burial space for the members of his or her immediate family, ~~so long as~~ provided his or her use for such purpose is not in violation of the health laws and regulations of the State and the town in which the land is situated.

** * **

(c) ~~No deposit of the remains of the human dead~~ With the exception of human remains processed by natural organic reduction, the permanent disposition of human remains shall not be made in a single chamber, vault, or tomb wholly or partly above the surface of the ground unless the part thereof

below the natural surface of the ground be of a permanent character, constructed of materials capable of withstanding extreme climatic conditions, be waterproof and air tight, and can be sealed permanently so as to prevent all escape of effluvia. That portion of the same above the natural surface of the ground shall be constructed of natural stone of a standard not less than that required by the U.S. government for monuments erected in national cemeteries, of durability sufficient to withstand all conditions of weather, and of a character to ensure its permanence.

(d) The remains of a human body after cremation or natural organic reduction may be deposited in a niche of a columbarium, ~~in a~~ or a crypt of a mausoleum; ~~be buried;~~ or disposed of in any manner not contrary to law.

Sec. 12. 18 V.S.A. § 5361 is amended to read:

§ 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

A town may vote sums of money necessary for purchasing, holding, and keeping in repair suitable grounds and other conveniences for ~~burying~~ permanent disposition of the dead. The selectboard may make necessary regulations concerning public burial grounds and for fencing and keeping the same in proper order.

Sec. 13. 18 V.S.A. § 5376 is amended to read:

§ 5376. SALE OF LOTS; TAX EXEMPTION

The board of cemetery commissioners, by one of the commissioners appointed by it for that purpose, in the name of the town, by deed, may grant and convey lots in such burial grounds to be used for the burial permanent disposition of the dead and on which tombs, cenotaphs, and other monuments are to be erected. Such lots shall be exempt from taxation. The deeds thereof shall be recorded in the office of the town clerk of the town wherein such lots lie.

Sec. 14. 18 V.S.A. § 5378 is amended to read:

§ 5378. BYLAWS AND REGULATIONS

The board of cemetery commissioners may make necessary bylaws and regulations in respect to such burial grounds, and ~~interment~~ permanent disposition of the dead not inconsistent with law, and may alter the same. Such bylaws and regulations shall be recorded in the office of the town clerk. A bylaw or regulation shall not be adopted to restrain a person in the free exercise of his or her religious sentiments as to the burial permanent disposition of the dead.

Sec. 15. 18 V.S.A. § 5434 is amended to read:

§ 5434. PENALTY FOR DOING BUSINESS AS A CEMETERY

ASSOCIATION WITHOUT AUTHORITY

A person, firm, corporation, or association, or a trust, trustee, or trustees of any person, firm, corporation, or association, who, without authority of this

chapter so to do, shall exercise or attempt to exercise any powers, privileges, or franchises ~~which~~ that are specified or may be granted under this chapter to incorporated cemetery associations, or who shall by any device attempt to evade the provisions of this chapter applicable to cemetery associations in respect to the sale of ~~burial~~ lots or ~~burial~~ spaces for the permanent disposition of human remains and the disposition of the proceeds thereof, shall be fined not less than \$1,000.00 nor more than \$10,000.00, and may be enjoined from further doing of such acts at the suit of any taxpayer of the State. However, the provisions of this section shall not affect or impair the rights of a person, firm, corporation, or association or a trust, trustee, or trustees of such person, firm, corporation, or association under any existing contract or contracts between such parties and incorporated cemetery associations, nor shall the performance of the provisions of such contract or contracts subject parties thereto to the penalties imposed by this section.

Sec. 16. 18 V.S.A. § 5435 is amended to read:

§ 5435. SALES OF LOTS, CRYPTS, AND NICHEs; HOW INCOME

APPLIED; RULES

(a) The income of a cemetery association, whether derived from the sale of lots, ~~burial~~ spaces, crypts, or niches for the permanent disposition of human remains, from donations, or otherwise, shall be exclusively applied to paying for the land or other cemetery property; laying out, preserving, protecting,

and embellishing the cemetery and avenues leading thereto; the erection of buildings necessary for cemetery purposes; the establishing of a fund to care permanently for the cemetery; the repair and upkeep of mausoleums, vaults, columbariums, crypts, and niches therein; and to paying the necessary expenses of the cemetery association. A debt shall not be contracted in anticipation of future receipts, except for the original purchase of the land, community mausoleum, or columbarium, laying out, enclosing, and embellishing the grounds and avenues therein and to a sum not exceeding \$50,000.00 in the whole, to be paid out of future income. ~~No part of the~~ The proceeds from the sale of lots, burial spaces, crypts, or niches for the permanent disposition of human remains, or other income of such association, shall ~~ever~~ not be divided among its members. All its income shall be used exclusively for the purposes of the association, as provided in this chapter, or invested in a fund the income of which shall be so used. Such association may adopt such reasonable rules and regulations as it deems expedient for disposing of and conveying ~~burial~~ lots, spaces, crypts, and niches for the permanent disposition of human remains.

* * *

Sec. 17. 18 V.S.A. § 5436 is amended to read:

§ 5436. PERPETUAL CARE FUND

A cemetery association established prior to June 1, 1933 may create a perpetual care fund out of surplus money on hand or ~~which~~ that has been given to it by will, deed, or otherwise. A cemetery association established after such date shall create such a perpetual care fund by applying thereto from the initial proceeds received from the sale of lots or ~~burial~~ spaces for the permanent disposition of human remains a sum ~~which~~ that shall be equivalent to and not less than 20 percent of the sale price of each lot or ~~burial~~ space so sold, and such association may at any time increase the same by the addition of surplus money or property received by it by will, deed, or otherwise.

Sec. 18. 18 V.S.A. § 5488 is amended to read:

*§ 5488. ENLARGEMENT OF CEMETERIES BY ASSOCIATIONS-
PETITION TO SUPERIOR COURT TO ACQUIRE LAND*

When an incorporated cemetery association wishes to enlarge the limits of its burial ground, and votes to purchase additional land for ~~burial~~ permanent disposition purposes and the owner of such land refuses to convey the same to ~~such~~ the cemetery association for a reasonable compensation, the trustees or president of such association, by a petition in writing, may apply to the Superior Court in the county in which such burial ground is located for the appointment of commissioners.

** * * Funeral Services * * **

Sec. 19. 26 V.S.A. § 1211 is amended to read:

§ 1211. DEFINITIONS

(a) As used in this chapter, unless a contrary meaning is required by the context:

(1) ~~“Crematory establishment” means a business registered with the Office conducted at a specific street address or location devoted to the disposition of dead human bodies by means of cremation, alkaline hydrolysis, or any other type of human reduction acceptable to the Director as established by the Director by rule. [Repealed.]~~

(2) “Director” means the Director of the Office of Professional Regulation.

(3) “Funeral director” means a licensed person who is the owner, co-owner, employee, or manager of a licensed funeral establishment and who, for compensation, engages in the practice of funeral service.

(4) “Funeral establishment” means a business registered with the Office conducted at a specific street address or location devoted to the practice of funeral service, and includes a limited services establishment.

(5) “Office” means the Office of Professional Regulation.

(6) “Practice of funeral service” means arranging, directing, or providing for the care, preparation, or disposition of dead human bodies for a fee or other compensation. This includes:

(A) meeting with the public to select a method of disposition or funeral observance and merchandise;

(B) entering into contracts, either at-need or pre-need, for the provision of dispositions, funeral observances, and merchandise;

(C) arranging, directing, or performing the removal or transportation of a dead human body;

(D) securing or filing certificates, permits, forms, or other documents;

(E) supervising or arranging a funeral, memorial, viewing, or graveside observance; and

(F) holding oneself out to be a licensed funeral director by using the words or terms “funeral director,” “mortician,” “undertaker,” or any other words, terms, title, or picture that, when considered in context, would imply that such person is engaged in the practice of funeral service or is a licensed funeral director.

(7) “Removal” means the removal of dead human bodies from places of death, hospitals, institutions, or other locations, for a fee or other compensation.

(8) “Disposition facility” means a business registered with the Office conducted at a specific street address or location devoted to the disposition of

human remains by means of cremation, alkaline hydrolysis, or natural organic reduction.

(9) "Natural organic reduction" has the same meaning as in 18 V.S.A. § 5302.

* * *

(c) Notwithstanding this section, ~~crematory~~ owners of a disposition facility, and their personnel may engage in the listed activities in ~~subsection~~ subdivision (a)(6) of this section only to the extent such functions are necessary to the performance of their duties. Specifically, ~~crematory~~ personnel at a disposition facility may:

(1) provide for the disposition of dead human bodies by cremation, alkaline hydrolysis, or natural organic reduction and meet with the public to arrange and provide for the disposition;

(2) enter into contracts, without taking prepaid funds, for the provision of dispositions by cremation, alkaline hydrolysis, or natural organic reduction;

(3) arrange, direct, or perform the removal or transportation of a dead human body, ~~so long as~~ provided that removals are performed by licensed removal personnel; and

(4) secure and file certificates, permits, forms, or other documents.

Sec. 20. 26 V.S.A. § 1212 is amended to read:

§ 1212. ADVISOR APPOINTEES; DIRECTOR DUTIES; RULES

(a)(1) The Secretary of State shall appoint four persons for five-year staggered terms to serve at the Secretary's pleasure as advisors in matters relating to funeral service. Three of the initial appointments shall be for four-, three-, and two-year terms. Appointees shall include three licensed funeral directors, one of whom is a licensed embalmer and one of whom has training or experience in the operation of ~~erematoria~~ a disposition facility. One appointee shall be a public member.

(2) The Director shall seek the advice of the advisor appointees in carrying out the provisions of this chapter.

(b) The Director shall:

** * **

(6) adopt rules regarding:

(A) ~~minimum standards for crematory establishments~~ disposition facilities, including standards for permits and documentation, body handling, containers, infectious diseases, pacemakers, body storage, sanitation, equipment and maintenance, dealing with the public, and other measures necessary to protect the public; and

(B) the transaction of business as the Director deems necessary.

(7) [Repealed.]

(8) [Repealed.]

Sec. 21. 26 V.S.A. § 1213 is amended to read:

§ 1213. INSPECTION OF PREMISES

(a) The Director or his or her designee may, at any reasonable time, inspect funeral ~~and crematory~~ establishments and disposition facilities.

(b) Each funeral ~~and crematory~~ establishment and disposition facility shall be inspected at least once every two years. Copies of the inspector's report of inspections of establishments and facilities shall be provided to the Director.

Sec. 22. 26 V.S.A. § 1251 is amended to read:

§ 1251. LICENSE REQUIREMENTS

(a) A person, partnership, corporation, association, or other organization shall not open or maintain a funeral establishment unless the establishment is licensed by the Office to conduct the business and unless the owner, a co-owner, or manager is a licensed funeral director:

(b) A person, partnership, corporation, association, or other organization shall not open or maintain a ~~crematory establishment~~ disposition facility unless the establishment is licensed by the Office.

(c) A person shall not hold himself or herself out as performing the duties of a funeral director unless licensed by the Office.

(d) Except as otherwise permitted by law, a person employed by a funeral ~~or crematory~~ establishment or disposition facility shall not perform a removal unless registered with the Office.

Sec. 23. 26 V.S.A. § 1252 is amended to read:

§ 1252. APPLICATION; QUALIFICATIONS

** * **

(d) ~~Crematory establishment~~ Disposition facility.

(1) A person, partnership, corporation, association, or other organization desiring to operate a ~~crematory establishment~~ disposition facility shall apply, in writing, to the Director for a license. The applicant, if a partnership, corporation, association, or other organization, must have a designated manager or co-owner who is responsible for the operation of the ~~establishment~~ disposition facility and who is registered with the Office under subsection (e) of this section.

(2) The application for a license shall be sworn to by the individual, or a partner or a duly authorized officer of a corporation, shall be on the form prescribed and furnished by the Director; and the applicant shall furnish information, as required by rule. The application shall be accompanied by a licensing fee. However, the applicant shall not be required to pay the fee under this subsection if the applicant pays the fee under subsection (b) of this section.

(e) ~~Crematory~~ Disposition facility personnel.

(1) Any person who desires to engage in direct handling, processing, identification, ~~or cremation,~~ alkaline hydrolysis, or natural organic reduction of dead human remains within a licensed ~~crematory establishment~~ disposition

facility shall register with the Office and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed ~~crematory establishment~~ disposition facility.

(2) The Director may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in programs approved by the Director.

(f) Removal personnel.

(1) Any person who desires to engage in removals shall register with the Office and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed funeral ~~or crematory~~ establishment or disposition facility, or the University of Vermont for removals related to the University's anatomical gift program.

(2) The Director may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in infectious diseases in programs approved by the Director.

(3) Registrants under this subsection are authorized to perform removals only, as defined by this chapter. Unregistered personnel may accompany registered personnel to assist in removals ~~so long as~~ provided they have been instructed in handling and precautionary procedures prior to the call.

(g) Limited services establishment.

(1) The Director may adopt rules for the issuance of limited service establishment licenses in accordance with this chapter. Limited service establishment licensees are authorized to perform only disposition services without arranging, directing, or performing embalming, public viewings, gatherings, memorials, funerals, or related ceremonies. Disposition services under this subsection include direct cremation, direct alkaline hydrolysis, direct natural organic reduction, immediate burial, or direct ~~green~~ natural burial.

(2) Limited services shall be overseen by a funeral director licensed under this chapter who is employed by the limited service establishment.

(3) Each limited service arrangement shall include a mandatory written disclosure providing notice to the purchaser that limited services do not include embalming, public viewings, gatherings, memorials, funerals, or related ceremonies.

(4) A funeral director associated with a funeral establishment licensed under subsection (c) of this section may provide limited services ~~so long as,~~ provided the mandatory disclosure described under subdivision (3) of this subsection is provided to the purchaser.

Sec. 24. 26 V.S.A. § 1254 is amended to read:

§ 1254. ISSUANCE OR DENIAL OF LICENSE

If, upon review, it is found that the applicant possesses sufficient skill and knowledge of the business and has met the application and qualification requirements set forth in this chapter, the Director shall issue to him or her a license to engage in the business of funeral director, embalmer, funeral establishment, ~~crematory establishment~~ disposition facility, or removal personnel.

Sec. 25. 26 V.S.A. § 1256 is amended to read:

§ 1256. RENEWAL OF REGISTRATION OR LICENSE

** * **

(d) Applicants and persons regulated under this chapter shall pay the following fees:

<i>(1) Application for license</i>	<i>\$ 70.00</i>
<i>(2) Biennial renewal of license</i>	
<i>(A) Funeral director</i>	<i>\$ 350.00</i>
<i>(B) Embalmer</i>	<i>\$ 350.00</i>
<i>(C) Funeral establishment</i>	<i>\$ 800.00</i>
<i>(D) Crematory establishment <u>Disposition facility</u></i>	<i>\$ 800.00</i>
<i>(E) Crematory <u>Disposition facility</u> personnel</i>	<i>\$ 125.00</i>
<i>(F) Removal personnel</i>	<i>\$ 125.00</i>
<i>(G) Limited services establishment license</i>	<i>\$ 800.00</i>

** * **

Sec. 26. 26 V.S.A. § 1272 is amended to read:

§ 1272. RULES; PREPAID FUNERAL FUNDS

** * **

(9) Establishment of a funeral services trust account.

(A) For purposes of funding the Funeral Services Trust Account, the Office shall assess each funeral ~~or crematory~~ establishment or disposition facility a per funeral, burial, or disposition fee of \$6.00.

(B) The Account shall be administered by the Secretary of State and shall be used for the sole purpose of protecting prepaid funeral contract holders in the event a funeral establishment or disposition facility defaults on its obligations under the contract.

(C) The Account shall consist of all fees collected under this subdivision (9) and any assessments authorized by the General Assembly. The principal and interest remaining in the Account at the close of any fiscal year shall not revert but shall remain in the Account for use in succeeding fiscal years.

(D) Notwithstanding the provisions of this subdivision (9) to the contrary, if the fund balance at the beginning of a fiscal year is at least \$200,000.00, no fees shall be imposed during that fiscal year.

(E) Payments on consumer claims from the fund shall be made on warrants by the Commissioner of Finance and Management, at the direction of the Director.

(F) When an investigation reveals financial discrepancies within a licensed establishment or facility, the Director may order an audit to determine the existence of possible claims on the Funeral Services Trust Account. In cases where both a funeral ~~and crematory~~ establishment or disposition facility are involved in a disposition, the party receiving the burial permit shall be responsible for the disposition fee.

** * * Fee Structure as of June 1, 2023 * * **

Sec. 27. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

** * **

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

(1) Application for registration, \$75.00, except application for:

(A) Private investigator and security services employees, unarmed registrants, \$60.00.

(B) Private investigator and security service employees, transitory permits, \$60.00.

(C) *Private investigator and security service employees, armed registrants, \$120.00.*

(2) *Application for licensure or certification, \$100.00, except application for:*

(A) *Barbering or cosmetology schools and shops, \$300.00.*

(B) *Funeral directors, embalmers, ~~crematory~~ disposition facility personnel, removal personnel, funeral establishments, ~~crematory establishments~~ disposition facilities, and limited services establishments, \$70.00.*

(C) *Application for real estate appraisers, \$275.00.*

(D) *Temporary real estate appraiser license, \$150.00.*

(E) *Appraisal management company registration, \$600.00.*

(F) *Private investigator or security services agency, \$340.00.*

(G) *Private investigator and security services agency, \$400.00.*

(H) *Private investigator or security services sole proprietor, \$250.00.*

(I) *Private investigator or security services unarmed licensee, \$150.00.*

(J) *Private investigator or security services armed licensee, \$200.00.*

(K) *Private investigator and security services instructor, \$120.00.*

(3) *Optician trainee registration, \$50.00.*

(4) *Biennial renewal, \$240.00, except biennial renewal for:*

- (A) *Independent clinical social workers and master's social workers, \$150.00.*
- (B) *Occupational therapists and assistants, \$150.00.*
- (C) *Physical therapists and assistants, \$150.00.*
- (D) *Optician trainees, \$100.00.*
- (E) *Barbers, cosmetologists, nail technicians, and estheticians, \$130.00.*
- (F) *Schools of barbering or cosmetology, \$300.00.*
- (G) *Funeral directors and embalmers, \$280.00.*
- (H) *~~Crematory~~ Disposition facility personnel and removal personnel, \$100.00.*
- (I) *Funeral establishments, ~~crematory establishments~~ disposition facilities, and limited services establishments, \$640.00.*
- (J) *[Repealed.]*
- (K) *Radiologic therapist, radiologic technologist, nuclear medicine technologist, \$150.00.*
- (L) *Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, \$225.00.*
- (M) *Private investigator or security services agency, or both, \$300.00.*

(N) *Private investigator or security services unarmed licensee, \$120.00.*

(O) *Private investigator or security services armed licensee, \$180.00.*

(P) *Private investigator or security services unarmed registrant, \$80.00.*

(Q) *Private investigator or security services armed registrant, \$130.00.*

(R) *Private investigator or security services sole proprietor, \$250.00.*

(S) *Private investigator or security services instructor, \$180.00.*

(5) *Limited temporary license or work permit, \$50.00.*

* * *

** * * Effective Dates and Transitional Rulemaking Provision * * **

Sec. 28. EFFECTIVE DATES

Sec. 27 (fees) shall take effect on June 1, 2023. All other sections shall take effect on January 1, 2023, except that the Director of the Office of Professional Regulation shall adopt any rules necessary prior to that date in order to perform the Director's duties under this act.