

Act No. 19 (H.3). Health; cemeteries

An act relating to burial depth in cemeteries

This act requires that interment of a human body in a cemetery be at least three and one-half feet below the natural surface of ground.

Effective Date: July 1, 2017

Act No. 24 (H.25). Health; cemeteries; natural burial grounds An act relating to natural burial grounds

This act creates a new type of cemetery, a natural burial ground, which is maintained using ecological land management practices for the burial of unembalmed human remains or human remains embalmed using nontoxic embalming fluids. Remains buried in a natural burial ground shall be laid to rest either without a burial container or in a nontoxic, nonhazardous, plant-derived burial container or shroud. The only improvements authorized on land used as a natural burial ground are winter storage facilities or improvements that are either devotional or educational in nature. Existing law pertaining to cemeteries also applies to natural burial grounds with a few exceptions. First, the act allows for the use of nonstandard methods of platting in natural burial grounds to the extent that the exact location and identity of each buried body is known and demarcated in the town land record. Second, the act exempts selectboard members and cemetery commissioners from any obligation to clear weeds and grass from a public natural burial ground. Third, the act exempts selectboard members from maintaining or repairing a fence around a public natural burial ground where the perimeter is marked in a less obtrusive manner. And finally, the act exempts selectboard members or aldermen from any obligation to install a marker on a person's grave in a public natural burial ground unless the regulations of a particular natural burial ground specify otherwise. Other provisions of this act include the establishment of water setback boundaries for any new cemetery or expansion of an existing cemetery, including natural burial grounds; rulemaking authority enabling the Commissioner of Health to determine the disposition of human remains in natural burial grounds where the deceased had a disease or condition considered a Public Health Emergency of International Concern or where the burial poses a public health hazard; and language specifying that a natural burial ground shall not be established prior to the act taking effect.

Effective Date: July 1, 2015

Relevant Statutes:

Sec. 1. 18 V.S.A. § 5302 DEFINITIONS

Addition of

(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;

Sec. 2. 18 V.S.A. § 5319(b) DISPOSITION OF REMAINS OF DEAD

(b)(1) Interment of any human body in the earth shall not be made unless the distance from the bottom of the outside coffin or body shall be at least five three and one-half feet below the natural surface of the ground, ~~excepting only infants under four years of age, whose bodies shall be so interred that the bottom of the outside coffin enclosing them shall be at least three and one-half feet below the natural surface of the ground or if buried without a coffin shall be so interred that the bottom of the body shall be at least five feet below the natural surface of the ground.~~ Nothing in this subdivision shall be construed to prohibit the interment of a human body at a depth greater than three and one-half feet below the surface of the ground.