

DEATH CARE BUSINESS ADVISOR

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In This Issue

Legal News

New Jersey laws aid burials of fallen soldiers, public safety personnel.....6

IDEA File

Mind new shipping rules.....2

Go where the customers are.....2

Human Resources

New resources available to help avoid employee injuries.....3

Sentences handed out for \$450 million pre-need funeral trust scheme.....3

Enforcement

[additional articles listed in original newsletter]

Trends

New York, Virginia rules to allow burial of pets and humans together

Under newly adopted rules and others that are still being debated, pet owners in both New York and Virginia would be allowed to have the remains of their pets buried alongside their own – joining nearby New Jersey in the small club of states where such a thing is allowed by law.

In New York, new rules issued by the state Division of Cemeteries makes it legal for pet cemeteries there to bury the cremated remains of pets and humans together. Previously, the state had technically barred the practice – at least on paper – but made an exception in 2011 for Hartsdale Canine Cemetery, which evidently had been providing such services since the 1920s. To ensure equal treatment and opportunity, the DOC promulgated a new law, effective this year, that made it allowable at all state pet cemeteries so long as certain requirements are met:

- Neither the property owner nor the pet cemetery identifies, advertises or otherwise promotes the pet cemetery or the property as a place for disposal of human cremains.

- Neither the property owner nor the pet cemetery solicits, encourages or entices customers of the pet cemetery to dispose of human cremains in the pet cemetery.

- Neither the property owner nor the pet cemetery charges a fee in relation to the disposal of human cremains.

- Customers seeking to dispose of human cremains in the pet cemetery are charged the same amounts for lots and for the disposal of pet remains as are charged to customers who do not seek to dispose of human cremains.

In addition, pet cemeteries must provide a notice when a customer inquiries about disposing of human cremains on the property that it is, in fact, not a cemetery for human cremains and is therefore not covered under the various legal protections that apply to human cemeteries — namely, that there is no assurance the

property will be maintained for any length of time as a cemetery, nor is there any assurance that the cremains will be maintained or preserved in the same location on the property for any length of time.

Following the move by New York, legislators in Virginia have put forth a bill that would also legalize the burial of companion animals and humans together at the same facility, although the specifics of the law would differ in some ways. Sponsored by Delegate Israel O’Quinn, R- Grayson, the bill would amend the Code of Virginia by adding the following language:

- A cemetery company may have a section in the cemetery devoted to the interment of human remains and their companion animals, provided:

- The section dedicated for this purpose is segregated entirely from the remainder of the cemetery devoted to the interment of human remains.

- No companion animal is interred in the same grave as the body of its deceased owner.
- The section of the cemetery is clearly marked and advertised as such by the cemetery company.
 - A cemetery company may have a section in the cemetery devoted to the interment of companion animals, provided:
 - The section dedicated for this purpose is segregated entirely from the remainder of the cemetery devoted to the interment of human remains; and
 - The section of the cemetery is clearly marked and advertised as such by the cemetery company.

Laws respond to trends

According to Eric Greene of the Green Pet-Burial Society, the interest in being buried alongside a faithful companion animal is growing, just as it becoming more accepted to hold funerals for deceased pets, or to have memorials and keepsakes made with pet cremains.

“With the rise in animal rescue and protection organizations, and increased research into the ‘human-animal bond’ and our perceptions of animals, people have become more accepting of animals as family members,” Greene told DCBA. “Our ideas about animals, humans, and connecting to nature have changed dramatically over time and across cultures.”

“Currently there are several sociological trends which are co-occurring: accepting animals as family members, seeking more individualistic practices to express grief (or anything), desiring greater involvement in funeral practices, supporting healthy environments for our families and wildlife and being frugal in an uncertain economy. These mesh in interesting ways upon the passing of a beloved animal companion.”

Greene’s organization, which he established in 2010 to promote options for “environmentally-friendly and spiritually-satisfying funeral protocols for bereaved families” upon the death of a pet, sees the New York law and the Virginia proposal as major improvements if not quite sufficient.

“In New York, it is still prohibited to inter a pet’s remains in a human cemetery, and since most pet cemeteries are not deeded in perpetuity – the current law should be considered to be a very limited option,” Greene said. “Meanwhile, the Virginia bill is a huge step in the right direction for the state, yet some people would like the option of burying a pet’s remains within one’s own grave,” which is not allowed under the current proposal, he said.

As well, Greene notes, both the New York law and the Virginia proposal are voluntary and dependent upon a cemetery’s particular burial policies. Thus, if a cemetery in Virginia requires the use of vaults, the remains of the human and his or her pet would still need to be separated by concrete or metal barriers – which is “unsatisfying to many,” Greene said. With this in mind, facilities classified as “whole-family” and conservation cemeteries may be the best option for people who desire to be laid to rest with their companion animals.

“Among the most comforting solutions are those implemented by conservation cemeteries that allow a pet’s full-body burial within the family plot, usually in an inspired setting,” Greene said. Currently, there are just a handful of these facilities in the country, but Greene anticipates that will change as states loosen up their regulations and word gets out among the pet-owning public that such burial options are available and socially accepted.

For more information, visit www.greenpetburial.org.

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