

No. 1987-68

AN ACT

HB 1075

Providing procedures when cemetery companies make errors in burials; and providing for sanctions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Cemetery.” A place for the disposal or burial of deceased human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle. The term does not include a private family cemetery.

“Cemetery company.” Any business entity that sells to the public the ownership of, or the right to use, any cemetery lot owned by the business entity. The term also includes the person or persons responsible for any cemetery company or cemetery owned or controlled by a church or religious congregation or fraternal organization or by any association created by a church or religious organization or a fraternal organization.

“Lot.” Includes a lot, plot or part of a cemetery.

Section 2. Duty to disinter and reinter.

In any instance in which a cemetery company is informed or becomes aware that the cemetery company has buried or permitted the burial of a body in the wrong lot, it shall be the duty of the cemetery company to disinter the casket wrongfully buried, identify the casket and reinter it in the proper lot. The cemetery company shall give adequate advance notice of the time or times of the disinterment and reinterment to the nearest known next of kin of the deceased person and the owner or owners of the lot involved if such owner or owners have so requested.

Section 3. Attendance at disinterment.

At the time or times specified for the disinterment and reinterment, the cemetery company shall permit the nearest known next of kin and the owner or owners of the lot involved, if the owner or owners have so requested, to witness the disinterment or reinterment.

Section 4. Expenses.

At the time of disinterment of a casket as described in section 2, the cemetery company shall bear all costs of the disinterment and reinterment.

Section 5. Effective date.

This act shall take effect in 60 days.

APPROVED—The 13th day of July, A. D. 1987.

ROBERT P. CASEY