
HOUSE BILL No. 1046

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-14.

Synopsis: Natural burial cemeteries. Establishes conditions that a cemetery must meet to be classified as a natural burial cemetery. Requires the owner of a natural burial cemetery to deposit \$10,000 in the perpetual care fund or endowment care fund of the natural burial cemetery before lots may be sold or burials may occur. (Current law requires an initial deposit of \$100,000 in the perpetual care fund or endowment care fund of a new cemetery.)

Effective: July 1, 2010.

Bischoff

January 5, 2010, read first time and referred to Committee on Family, Children and Human Affairs.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1046



A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 23-14-33-27.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2010]: **Sec. 27.5. "Natural burial cemetery"**
- 4 **means a cemetery that meets the conditions set forth in**
- 5 **IC 23-14-46.5-1.**
- 6 SECTION 2. IC 23-14-46.5 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2010]:
- 9 **Chapter 46.5. Natural Burial Cemeteries**
- 10 **Sec. 1. Subject to section 2 of this chapter, for a cemetery to**
- 11 **qualify as a natural burial cemetery for the purposes of this article,**
- 12 **the cemetery must meet the following conditions:**
- 13 (1) **Basic ground keeping services must be performed at the**
- 14 **cemetery to:**
- 15 (A) **provide access to the cemetery grounds; and**
- 16 (B) **maintain the cemetery in a natural state.**
- 17 (2) **Herbicides and pesticides must not be used on the**



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- cemetery grounds.**
- (3) The use of standing or polished headstones or grave markers must not be allowed in the cemetery.**
- (4) Vaults, garden crypts, and mausoleums must not be used or constructed on the cemetery grounds.**
- (5) The burial of human remains in the cemetery must be in compliance with the following conditions:**
 - (A) The human remains may not be embalmed with any toxic material, including formaldehyde.**
 - (B) The human remains may be buried only in clothing, shrouds, or caskets that are made of materials that:**
 - (i) are not toxic; and**
 - (ii) are biodegradable.**

Sec. 2. (a) A natural burial cemetery may contain a centralized memorial structure that is erected by the cemetery.

(b) A natural burial cemetery may allow burial sites to be marked with the following:

- (1) Engraved indigenous flat stones.**
- (2) Indigenous flora.**
- (3) Other inconspicuous markers.**

SECTION 3. IC 23-14-48-5, AS AMENDED BY P.L.3-2008, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) This section does not apply to a natural burial cemetery to which section 5.5 of this chapter applies.

~~(a)~~ **(b)** In addition to meeting the requirements of sections 1 through 3 of this chapter, a cemetery that:

- (1) is organized after June 30, 1997, by incorporation, or any other means; or**
- (2) has its first burial, entombment, or inurnment after June 30, 1997;**

shall, before disposing of a burial lot or right, making a sale of a burial lot or right, or making its first burial, entombment, or inurnment cause to be deposited in a financial institution one hundred thousand dollars (\$100,000) in cash in the perpetual care fund or endowment care fund established under this chapter for the maintenance of the cemetery.

~~(b)~~ **(c)** The cemetery owner shall designate the financial institution as trustee of the fund. The financial institution must execute an affidavit stating that it has accepted the trusteeship of the fund and that the one hundred thousand dollars (\$100,000) has been deposited in the fund. The cemetery shall:

- (1) exhibit the affidavit in the principal office of the cemetery;**

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1 (2) keep the affidavit available at all times for examination; and
 2 (3) record the affidavit in the miscellaneous records in the office
 3 of the recorder of the county in which the cemetery is located.
 4 ~~(c)~~ **(d)** When the cemetery has deposited in the perpetual care fund
 5 or endowment care fund, as required by this ~~section~~, **chapter**, two
 6 hundred thousand dollars (\$200,000):
 7 (1) the cemetery shall submit proof of this fact to its trustee; and
 8 (2) the trustee shall pay over to the cemetery one hundred
 9 thousand dollars (\$100,000) that the cemetery deposited in the
 10 fund under subsection ~~(a)~~: **(b)**.
 11 SECTION 4. IC 23-14-48-5.5 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2010]: **Sec. 5.5. (a) This section applies to a**
 14 **cemetery that qualifies as a natural burial cemetery under**
 15 **IC 23-14-46.5-1 and that meets at least one (1) of the following**
 16 **conditions:**
 17 **(1) The cemetery is organized after June 30, 2010, by**
 18 **incorporation or any other means.**
 19 **(2) The first burial or inurnment in the cemetery occurs after**
 20 **June 30, 2010.**
 21 **(b) The requirements imposed by this section are in addition to**
 22 **the requirements of sections 1 through 3 of this chapter.**
 23 **(c) The owner of a natural burial cemetery shall deposit ten**
 24 **thousand dollars (\$10,000) in cash in the perpetual care fund or**
 25 **endowment care fund established in a financial institution under**
 26 **this chapter for the maintenance of the natural burial cemetery:**
 27 **(1) before a burial lot or the right to a burial lot in the natural**
 28 **burial cemetery is disposed of or sold; and**
 29 **(2) before the first burial or inurnment occurs in the natural**
 30 **burial cemetery.**
 31 **(d) The owner of a natural burial cemetery shall designate the**
 32 **financial institution in which the deposit is made under subsection**
 33 **(c) as trustee of the perpetual care fund or endowment care fund**
 34 **of the natural burial cemetery. The financial institution shall**
 35 **execute an affidavit stating that it has accepted the trusteeship of**
 36 **the fund and that ten thousand dollars (\$10,000) has been deposited**
 37 **in the fund. The natural burial cemetery shall:**
 38 **(1) exhibit the affidavit in the principal office of the natural**
 39 **burial cemetery;**
 40 **(2) keep the affidavit available at all times for examination;**
 41 **and**
 42 **(3) record the affidavit in the miscellaneous records in the**

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1 **office of the recorder of the county in which the natural burial**
2 **cemetery is located.**
3 **(e) When:**
4 **(1) the balance in the perpetual care fund or endowment care**
5 **fund of the natural burial cemetery reaches at least twenty**
6 **thousand dollars (\$20,000) under this chapter; and**
7 **(2) the natural burial cemetery submits proof to the trustee**
8 **that the balance in the fund is at least twenty thousand dollars**
9 **(\$20,000);**
10 **the trustee shall pay over to the natural burial cemetery the ten**
11 **thousand dollars (\$10,000) that the owner of the natural burial**
12 **cemetery deposited in the fund under subsection (c).**

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