VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 18 : Health

Chapter 121 : Cemeteries

Subchapter 001 : General Provisions

(Cite as: 18 V.S.A. § 5319)

§ 5319. Disposition of remains of dead

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

(A) interment in the earth;

(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;

(C) deposit in a crypt of a mausoleum;

(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 the private individual's premises owned in fee by the private individual and using the premises as a burial space for the members of the private individual's immediate family, provided the private individual's use for such purpose is not in violation of the health laws and rules of the State and the town in which the land is situated.

(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 three and one-half 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.

(2) The burial boundaries of a new or expanded cemetery shall be located:

(A) not less than 200 feet up gradient of a drilled bedrock well or a drilled well in a confined aquifer that is part of an exempt or permitted potable water supply or a transient noncommunity public water system source;

(B) not less than 500 feet up gradient from any other groundwater source that is part of an exempt or permitted potable water supply or a transient noncommunity public water system;

(C) not less than 150 feet cross or down gradient from any groundwater source that is part of an exempt or permitted potable water supply or transient noncommunity public water system;

(D) outside zone one or two of the source protection area for an existing or permitted public community water system;

(E) outside the source protection area for an existing or permitted nontransient, noncommunity public water system;

(F) outside a river corridor as defined in 10 V.S.A. § 1422 and delineated by the Agency of Natural Resources; and

(G) outside a flood hazard area as defined in 10 V.S.A. § 752, and delineated by the Federal Emergency Management Agency, National Flood Insurance Program.

(c) 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 or a crypt of a mausoleum, buried, or disposed of in any manner not contrary to law. (Amended 2015, No. 24, § 2; 2017, No. 19, § 1; 2021, No. 169 (Adj. Sess.), § 11, eff. January 1, 2023; 2023, No. 6, § 172, eff. July 1, 2023.)