

No. 2017-64

AN ACT

HB 1019

Amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, in general provisions relating to burial grounds, further providing for definitions; and providing for transfer of ownership of cemeteries and for reasonable access to burial grounds.

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

Section 1. The definition of "cemetery" in section 101 of Title 9 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:

§ 101. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific chapters or other provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Burial plot." Real property where an individual has the right to be interred when the individual dies, but legal title to ownership of the land has not been conveyed by the person who owns the land.

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

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"Private cemetery." A place for the disposal or burial of deceased human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle, but the ownership or right to use any burial plot is not offered to the public.

"Private family cemetery." A place for the disposal or burial of deceased human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle, but the ownership or right to use any burial plot is restricted to a group of persons related to each other by blood or marriage.

"Proof of purchase." A grave deed, contract or other document or receipt which reasonably demonstrates ownership or the right to use a burial plot.

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Section 2. Title 9 is amended by adding chapters to read:

**CHAPTER 5
TRANSFER OF OWNERSHIP
OF CEMETERIES**

Sec.

501. Responsibilities.

§ 501. Responsibilities.

When there is a transfer of ownership of real property where burial plots are located, the new owner shall:

(1) Honor all purchases of burial plots on the real property made before the transfer of ownership.

(2) Allow for the interment of any individual for whom proof of purchase of a burial plot prior to the transfer of ownership can be produced, provided that:

(i) The new owner may discontinue the sale of burial plots.

(ii) Failure by the new owner to comply with the provisions of this chapter shall be a violation of the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, and the Office of Attorney General may bring an enforcement action against the new owner.

(3) Establish reasonable access procedures in accordance with Chapter 7 (relating to reasonable access to burial grounds).

**CHAPTER 7
REASONABLE ACCESS TO
BURIAL GROUNDS**

Sec.

701. Definitions.

702. Declaration of policy.

703. Reasonable access for visitation.

§ 701. Definitions.

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

"Burial plot." The location of a deceased human being located in a grave, mausoleum, vault, columbarium or other receptacle.

§ 702. Declaration of policy.

The General Assembly finds and declares as follows:

(1) An individual has a right to reasonable access for visitation to a burial plot in a cemetery that is owned by a cemetery company or person other than a cemetery company or is a private cemetery or private family cemetery.

(2) The Commonwealth has a significant interest in protecting that right.

§ 703. Reasonable access for visitation.

(a) Cemetery companies.—A cemetery company shall grant an individual reasonable ingress and egress to a burial plot in a cemetery owned by a cemetery company for the purpose of visiting the burial plot.

(b) Cemeteries not owned by cemetery companies.—The owner of a cemetery not owned by a cemetery company shall grant an individual reasonable ingress and egress to a burial plot in the cemetery for the purpose of visiting the burial plot.

(c) Private cemeteries and private family cemeteries.—The owner of property where a private cemetery or private family cemetery is located shall grant an individual reasonable ingress and egress to a burial plot in the private cemetery or the private family cemetery for the purpose of visiting the burial plot.

(d) Residential buildings.—For cemeteries, private cemeteries or private family cemeteries where a residential building is located on the real property, the owner of the real property may determine that reasonable access includes prearranged times for visitation and the methods of ingress and egress to the burial plot.

(e) Access standards.—The cemetery company or the owner of real property where a cemetery, private cemetery, private family cemetery or burial plot is located may designate the frequency, hours and duration of visitation and the route of ingress and egress.

(f) Immunity.—The cemetery company or the owner of real property where a cemetery, private cemetery, private family cemetery or burial plot is located shall, in the absence of gross negligence or willful misconduct, be immune from liability in a civil suit, claim or cause of action arising out of access granted under this section.

(g) Petition.—An individual denied reasonable access under this section may petition the court of common pleas having jurisdiction where the cemetery, private cemetery, private family cemetery or burial plot is located for relief.

Section 3. This act shall apply to cemeteries, private cemeteries and private family cemeteries regardless of the date of burial or acquisition of title to the cemetery, private cemetery or private family cemetery.

Section 4. This act shall take effect in 60 days.

APPROVED—The 21st day of December, A.D. 2017

TOM WOLF