

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2819

(SENATE AUTHORS: RARICK, Koran, Kupec, Fateh and Clark)		
DATE	D-PG	OFFICIAL STATUS
03/20/2025	931	Introduction and first reading Referred to Commerce and Consumer Protection
03/24/2025	1030	Authors added Koran; Kupec; Fateh; Clark
03/27/2025		Comm report: To pass as amended and re-refer to State and Local Government

1.1

A bill for an act

1.2

relating to health; establishing requirements for green burials; modifying the amount

1.3

of proceeds dedicated to permanent care and improvement funds; amending

1.4

Minnesota Statutes 2024, sections 149A.02, by adding a subdivision; 306.37,

1.5

subdivision 1; 306.78; proposing coding for new law in Minnesota Statutes, chapters

1.6

149A; 306; 307.

1.7

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8

Section 1. Minnesota Statutes 2024, section 149A.02, is amended by adding a subdivision

1.9

to read:

1.10

Subd. 42. **Green burial.** "Green burial" means a method of burial that emphasizes

1.11

environmental sustainability without interfering with natural decomposition and:

1.12

(1) the body is not embalmed or is embalmed with only nontoxic substances;

1.13

(2) a biodegradable casket or shroud is used; and

1.14

(3) no vault or outer burial container is employed for a casket or shroud.

1.15

Sec. 2. [149A.958] GREEN BURIAL.

1.16

Subdivision 1. **General requirements.** Any building with a holding facility to temporarily

1.17

retain dead human bodies awaiting green burial must comply with all applicable local and

1.18

state building codes, zoning laws and ordinances, and environmental standards. A holding

1.19

facility must be secure from access by anyone except the authorized personnel of the building,

1.20

preserve the dignity of the remains, and protect the health and safety of the building

1.21

personnel.

2.1 Subd. 2. **Handling of dead human bodies.** All employees of facilities temporarily
2.2 retaining dead human bodies awaiting green burial must use universal precautions when
2.3 handling dead human bodies and otherwise exercise all reasonable precautions to minimize
2.4 the risk of transmitting any communicable disease from the body.

2.5 Subd. 3. **Bodies awaiting green burial; refrigeration required.** In accordance with
2.6 section 149A.91, subdivision 3, a dead human body that is not embalmed must be refrigerated
2.7 or packed in dry ice. A body may not be kept in refrigeration for a period that exceeds six
2.8 calendar days, or packed in dry ice for a period that exceeds four calendar days, from the
2.9 time and release of the body from the place of death or from the time of release from the
2.10 coroner or medical examiner.

2.11 Sec. 3. Minnesota Statutes 2024, section 306.37, subdivision 1, is amended to read:

2.12 Subdivision 1. **Required payments.** ~~Twenty~~ Twenty-five percent of the proceeds of all
2.13 sales of cemetery lots and ten percent of the proceeds of all sales of burial space in a
2.14 mausoleum or columbarium made after the vote of the board of trustees of the association
2.15 to establish the care and improvement fund must be paid to the trustees of the fund, on
2.16 January 1, April 1, July 1, and October 1, in each year. Until paid, these amounts must be
2.17 held in trust by the cemetery association for payment to the trustees of the fund. "Proceeds"
2.18 includes any installment payment made towards the purchase of a cemetery lot or burial
2.19 space in a mausoleum or columbarium.

2.20 Sec. 4. Minnesota Statutes 2024, section 306.78, is amended to read:

2.21 **306.78 PERCENTAGE OF SALE OF LOTS AND MAUSOLEUMS PAID INTO**
2.22 **FUND; OTHER ADDITIONS TO FUND.**

2.23 Each cemetery association creating a permanent care and improvement fund under
2.24 section 306.77 shall take for its cemetery fund at least ~~20~~ 25 percent of the proceeds of all
2.25 sales of cemetery lots and ten percent of the proceeds of all sales of all burial space in
2.26 mausoleums sold on or after December 31, 1927. That percentage must be paid on January
2.27 1, April 1, July 1, and October 1 of each year to the trustees of the fund, and the payments
2.28 then become a part of the permanent care and improvement fund. Any other income or
2.29 funds not required by the association for other purposes may from time to time be added to
2.30 the fund by a vote of at least two-thirds of the members of the board of trustees of the
2.31 association. The term "burial space" as used in this section includes private rooms, crypts,
2.32 niches, or other designated space in which the bodies or ashes of deceased persons are placed
2.33 for permanent burial in a mausoleum.

3.1 Sec. 5. **[306.991] GREEN BURIALS IN PUBLIC CEMETERIES.**

3.2 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
3.3 the meanings given.

3.4 (b) "Drainage system" has the meaning given in section 103E.005, subdivision 12.

3.5 (c) "Green burial" has the meaning given in section 149A.02, subdivision 42.

3.6 (d) "Natural watercourse" has the meaning given in section 103G.005, subdivision 13.

3.7 (e) "Ordinary high-water level" has the meaning given in section 103G.005, subdivision
3.8 14.

3.9 (f) "Water supply well" has the meaning given in section 103I.005, subdivision 20a.

3.10 Subd. 2. **Green burial requirements.** A municipality, town, or other cemetery governed
3.11 by this chapter that allows for green burials must comply with the requirements of this
3.12 section.

3.13 Subd. 3. **Green burial plot locations.** (a) Green burial plots must have a designated
3.14 location within the cemetery. Green burial plot locations must:

3.15 (1) be set back 50 feet from property lines;

3.16 (2) maintain at least one meter clearance above the ordinary high-water level;

3.17 (3) not be in standing water;

3.18 (4) not be within zone 1 groundwater source protection zones around a spring, water
3.19 supply well, or a shaft drilled into the ground meant to extract water; and

3.20 (5) not be within flood-prone areas.

3.21 (b) Green burial plot locations must be a certain distance from water sources. Green
3.22 burial plot locations must be:

3.23 (1) 50 feet from water supply wells and shafts drilled into the ground used to extract
3.24 water;

3.25 (2) 98.5 feet from other springs or watercourses; and

3.26 (3) 33 feet from drainage systems.

3.27 Subd. 4. **Burial depth.** (a) Green burial plots must be at a depth of three and one-half
3.28 to four feet from the base of the grave to the soil horizon.

3.29 (b) Green burials must have one meter of cover.

4.1 Subd. 5. **Burial density.** Green burial plots must be nine feet by four feet limited to a
4.2 maximum of 300 burials per acre over a 100 year period.

4.3 Sec. 6. **[306.992] ASH SPREADING.**

4.4 A municipality, town, or other cemetery governed by this chapter that allows for ash
4.5 spreading must designate a location within the cemetery for the spreading of ashes.

4.6 Sec. 7. **[307.14] GREEN BURIALS IN PRIVATE CEMETERIES.**

4.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
4.8 the meanings given.

4.9 (b) "Drainage system" has the meaning given in section 103E.005, subdivision 12.

4.10 (c) "Green burial" has the meaning given in section 149A.02, subdivision 42.

4.11 (d) "Natural watercourse" has the meaning given in section 103G.005, subdivision 13.

4.12 (e) "Ordinary high-water level" has the meaning given in section 103G.005, subdivision
4.13 14.

4.14 (f) "Water supply well" has the meaning given in section 103I.005, subdivision 20a.

4.15 Subd. 2. **Green burial requirements.** A person who owns a cemetery governed by this
4.16 chapter that allows for green burials must comply with the requirements of this section.

4.17 Subd. 3. **Green burial plot locations.** (a) Green burial plots must have a designated
4.18 location within the cemetery. Green burial plot locations must:

4.19 (1) be set back 50 feet from property lines;

4.20 (2) maintain at least one meter clearance above the ordinary high-water level;

4.21 (3) not be in standing water;

4.22 (4) not be within zone 1 groundwater source protection zones around a spring, water
4.23 supply well, or a shaft drilled into the ground meant to extract water; and

4.24 (5) not be within flood-prone areas.

4.25 (b) Green burial plot locations must be a certain distance from water sources. Green
4.26 burial plot locations must be:

4.27 (1) 50 feet from water supply wells and shafts drilled into the ground used to extract
4.28 water;

4.29 (2) 98.5 feet from other springs or watercourses; and

5.1 (3) 33 feet from drainage systems.

5.2 Subd. 4. **Burial depth.** (a) Green burial plots must be at a depth of three and one-half
5.3 to four feet from the base of the grave to the soil horizon.

5.4 (b) Green burials must have one meter of cover.

5.5 Subd. 5. **Burial density.** Green burial plots must be nine feet by four feet limited to a
5.6 maximum of 300 burials per acre over a 100 year period.

5.7 Sec. 8. **[307.15] ASH SPREADING.**

5.8 A person who owns a cemetery governed by this chapter that allows for ash spreading
5.9 must designate a location within the cemetery for the spreading of ashes.