

[LEGAL]

The Next Big Regulation:



Deathcare for Pets

By Wendy Russell Wiener, Lauren Pettine, and Henry Thompson

The cover of the August issue of American Funeral Director cover featured pets and the headline, “Let’s Hear It for the Dogs” How timely! And thank you American Funeral Director for that set up! As a society, we focus on how our pets can enrich our lives, and we acknowledge how pets can soothe the grieving. Here, though, we turn our attention to the end of our pets’ own lives and how we can honor their legacies – in a lawful and regulatory compliant way, of course.

Over the last 35 years, pet ownership has become a cornerstone of American life. Pet ownership among American households has risen from 68% to 71% in the last seven years alone. As of 2025, 94 million U.S. households own at least one pet, which accounts for 71% of all American households. Millennials are the largest group of pet owners, making up 30%, but baby boomers and Gen Xers each constitute 25% of pet owners. According to a Southern Methodist University study from 2016, 85% of dog owners and 76% of cat owners consider their pet to be a family member. We would argue that those percentages are even higher today.

This rise in pet ownership has resulted in an increase of the total market value of pet related services, including pet insurance, pet medical care, pet food, and pet supplies. The American pet industry has surged recently to \$123 billion (yes that billion with a “b”!). As a result, Forbes projects that the pet insurance market size will rise from \$8.6 billion in 2022 to \$16 billion by 2032.

With the increase of pet ownership especially among older generations, the increased pet-related market, and the treatment of pets as family members, there is a rising demand for pet deathcare services. Every year, over six million dogs and almost five million cats “cross the rainbow bridge” in the United States. While home burial of pets by families is still common, there is growing demand for pet memorial services, pet cremation, and pet burial. As of 2020, consumer surveys indicate that 95% of pet owners wanted help from a professional service for final disposi-

tion of their pet and that their veterinarian was the primary source of information about their pet’s deathcare options.

The pet deathcare industry is experiencing significant growth as a result. There are now pet funeral homes, pet crematories, and over 400 pet cemeteries established exclusively for the interment of pet remains. Some existing deathcare licensees are responding to this demand. Fifteen percent of funeral homes as of 2019 provide some kind of memorialization or deathcare services for pets, and the figure is ever increasing. Imagine what that statistic looks like now, six years later.

However, the news surrounding pet deathcare services is not all good. In 2025 alone, there have been two high-profile pet cremation services which have come under fire (pun intended) for not providing the cremated remains of pets to their owners. In Pennsylvania, the attorney general is investigating Eternity Pet Memorial for placing pet remains into landfills and providing cremated remains from other animals. In Maryland, the Baltimore County Police are investigating Loving Care Pets for theft by deception for not providing the cremated remains of pets to their owners and dumping the pet remains.

Pet deathcare is currently underregulated, and these high-profile cases are alerting legislators and regulators to the need for further attention – both in laws and rules. Over the last decade, many states have started to implement statutes and regulations to protect consumers seeking pet deathcare statutes.

Below we provide guidance on the current laws and regulations impacting pet cemeteries and perpetual care for those cemeteries, pet crematories, pet funeral homes, and the best practices for traditional deathcare entities desiring to offer services related to final disposition.

Many states already regulate pet cemeteries, including the interment of pet remains, pet cremated remains, and endowment care trust funds for pet cemeteries. Warning: if you don’t love lists of states that regulate things and how that regulation is enacted, skip ahead!



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Seven states currently have laws on pet cemeteries: California, Maryland, Nevada, New Jersey, New York, Ohio, and Virginia. New York does require licensure of a pet cemetery, but Maryland, Nevada, Ohio, and Virginia do not specifically require licensure for the owner of a pet cemetery. Nevada, New Jersey, and Ohio impose acreage requirements for a pet cemetery ranging from 2.5 acres to 5 acres. California, Nevada, New Jersey, Ohio, and Virginia require that the land is dedicated for use as a pet cemetery prior to establishing the cemetery.

The establishment of an endowment care trust is required for pet cemeteries in California, Nevada, New Jersey, Ohio, and Virginia. While Maryland is not included in the list, if the pet cemetery optionally elects to have an endowment care fund, the pet cemetery is legally required to remit those funds to trust.

New Jersey and New York both require the use of regulatorily compliant forms (and you know we love that because at WRW Legal “We have a form for that!”). Additionally, New York pet cemeteries must verify if pet cremated remains that are provided for interment have been cremated at a licensed pet crematorium.

Most interestingly, California, Maryland, New Jersey, and Virginia each regulate pet cemeteries within the general cemetery law which means that interment of pets in those states is regulated by the state cemetery regulator. Increasingly, state regulators are linking pet deathcare with human deathcare, and not with agricultural animal disposal.

Lastly, Maryland is unique in that its cemetery law includes pet interment in the definition of a preneed cemetery contract!

On the horizon, Michigan, Missouri,

ri, and Texas have recently put forward bills to regulate pet cemeteries in the last two years. While these bills have not yet passed, they reflect a growing desire by regulators to provide legal guardrails in pet disposition. And brand-new laws and rules are the easiest to violate due to “ignorance of the law” which, unfortunately, is never a valid defense.

Traditionally, pet cremation was regulated as agricultural animal cremation; there was no distinction between farm animals like cows and horses from family pets like dogs and cats. Animal crematories focused on providing incineration – not “cremation services.” In general, animal crematories provide communal incineration of animal remains – performed in a single incineration unit. The cremated remains are usually not returned to the owner of the animal but are scattered by the animal crematory.

However, a growing number of com-



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panies provide cremation specifically for pets. These pet crematories usually provide three options for pet cremation: communal, partitioned, or private cremations. In a communal pet cremation, pets are cremated together in the same retort, and each pet owner is provided with a portion of the cremated remains from that cremation or the cremated remains are scattered by the crematory. In partitioned pet cremation, pets are cremated together in the same retort with stainless steel partitions. While some commingling of the cremated remains occurs, the pet cremated remains will be kept largely apart and returned to each pet owner individually. Lastly, a private cremation places the pet in the crematory alone.

With the growing demand for cremation of pets, two states have passed statutes regulating pet cremation *separately* from animal cremation: New York and Nevada. New York established laws requiring that pet crematoriums be licensed by the New York Department of State, Division of Licensing Services. All pet cremations must be performed by a licensed pet crematorium. Pet cremations can be performed in either a communal or private manner. Additionally, New York does have specific form requirements for pet cremation which are similar to a human crematory's cremation authorization.

Nevada does not require that pet crematoriums be licensed by the state. However, Nevada pet crematoriums are required to either be associated with a cemetery for pets or be in a facility which has a section dedicated solely to the cremation of pets. This means that a traditional crematory

may offer pet cremation if it has a separate section for pet cremation.

Additionally, Florida and Pennsylvania have recently considered bills on pet cremation separate and apart from animal cremation. While neither of these bills passed, both states are likely to reintroduce bills that, if passed, will require licensure of pet crematoriums.

Regulations on pet funeral homes are currently limited, but "coming soon." In Nevada's funeral laws, the definition of "funeral director" explicitly does not include persons who provide services for the funeral or burial of pets only. Therefore, no state currently requires licensure for individuals who arrange pet funerals or pet disposition. However, there are currently a growing number of pet funeral homes dedicated to providing services for pet disposition. Type "pet funeral" into Google and check out how such businesses are marketing their services.

If you're reading this, you are probably a deathcare profession member, so how does the regulation of pet deathcare impact you? As final disposition for pets becomes more common, human funeral homes and cemeteries are increasingly coming into contact with pet remains. Many times, that means that you are approached by a family wishing to inter or cremate their pet or perhaps a pet's cremated remains are provided for including in an urn or casket. So, what can you say "yes" to?

In general, pet remains cannot be interred with human remains unless the pet remains have been cremated. This is because pet cremated remains are not defined as "cremated remains," but rather as

property and personal effects of the decedent. Therefore, pet cremated remains can usually be placed with a decedent's remains or cremated remains for interment. For instance, Florida law explicitly permits the interment or entombment of inurned cremated pet remains with a decedent's human remains or cremated remains, as long as the cremated remains of pet and decedent are not commingled. Louisiana, similarly, explicitly permits the cremated remains of a pet to be interred with a decedent's remains or cremated remains as long as that area of the cemetery has been specifically dedicated as a "people and pets" section. As pet disposition increases in popularity, more states are beginning to tune into the desire by individuals to be interred with their pet's cremated remains.

New York does not require that human cemeteries allow for interment of cremated pet remains, but if a cemetery does offer interment of cremated remains, the cemetery's rules and regulations must explicitly allow for the interment of pet cremated remains. However, in a human cemetery, the purpose of every grave, crypt, or niche is for the interment of human remains, and the interment of pet cremated remains can only be secondary to that purpose. The cemetery must make it clear that the primary purpose of any grave, crypt, or niche is for the interment of human cremated remains. The rules and regulations must make it clear pet cremated remains will be accepted for interment only where the interment is incidental to the interment of human remains and in the same space of human remains. In Nevada, human cemeteries may have a section which is dedi-

cated to the interment of pets, but humans cannot be interred in that space, and pet remains and human remains may not be interred together.

For human deathcare licensees coming into contact with pet cremated remains, we recommend that you keep abreast of your state's requirements and ensure that when interring human remains or human cremated remains, you obtain consent from both the authorizing agent for the decedent, the owner of the space, and the owner of the pet's cremated remains.

Best practices to follow if you are looking to expand into the pet deathcare industry, or are a human deathcare licensee who is coming into contact with pet remains:

- 1) Know your state's laws and regulations surrounding pet disposition and pet cremated remains.
- 2) Prepare adequate forms to authorize cremation or interment of pet remains and ensure that the type of cremation is communicated to (and expressly authorized by) the consumer.
- 3) For interment, ensure that the space

in the cemetery is appropriately dedicated to interring pet remains, whether with human remains or alone.

4) Ensure that the appropriate endowment care fund is set up prior to establishing a pet cemetery.

We love our pets and want to see them cared for in life and upon death. For so many Americans the family pet is as much a part of the family as some human family members. While the deathcare industry urges memorialization and celebration of each decedent, why should that advice not extend to our pets? **KB**

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