

**40.315 State veterans' cemeteries -- Administrative regulations -- Funding.**

- (1) The Department of Veterans' Affairs shall establish and maintain state veterans' cemeteries in the Commonwealth for the purpose of providing for the interment of veterans of the Armed Forces of the United States and for their eligible next of kin, as determined by the department.
- (2) Eligibility for interment at a Kentucky state veterans' cemetery shall include:
  - (a) Persons who are eligible for interment in a veterans' national cemetery pursuant to 38 U.S.C. sec. 2402 and regulations promulgated thereunder; and
  - (b) Any member of a reserve component of the Armed Forces, the Army National Guard, or the Air National Guard not otherwise qualified in paragraph (a) of this subsection, if:
    1. The member completed the initial period of service as required by 10 U.S.C. sec. 651(a) and was discharged under conditions other than dishonorable; or
    2. The member of the Army National Guard or the Air National Guard died while on state active duty or while serving under Title 32 of the United States Code.
- (3) For a person eligible under subsection (2)(b) of this section, the eligibility for interment of the person's spouse, surviving spouse, minor child, and dependent incapacitated child shall be determined pursuant to 38 U.S.C. sec. 2402(a)(5).
- (4) The Kentucky state veterans' cemeteries shall be under the administrative authority and control of the Department of Veterans' Affairs. The department may promulgate administrative regulations necessary to operate the cemeteries in compliance with applicable state and federal statutes and regulations.
- (5) The department shall provide interment service in accordance with 38 U.S.C. secs. 2404 and 2408.
- (6) No person convicted of a state or federal criminal capital offense shall be eligible for interment in a Kentucky state veterans' cemetery.
- (7) The department is authorized to seek federal and private funding for the construction, renovation, and operation of Kentucky state veterans' cemeteries.

**Effective:** January 1, 2026

**History:** Amended 2025 Ky. Acts ch. 20, sec. 1, effective January 1, 2026. -- Amended 2023 Ky. Acts ch. 188, sec. 1, effective June 29, 2023. -- Repealed and reenacted 2000 Ky. Acts ch. 147, sec. 4, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 19, sec. 1, effective July 15, 1998.

**Formerly codified as** KRS 36.340.