

7307

I N S E N A T E

April 13, 2016

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to burial and removal permits; and to repeal subdivision 7 of section 4144 of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivisions 1 and 2 of section 4144 of the public health
2 law, subdivision 1 as amended by chapter 617 of the laws of 1980, para-
3 graph (a) of subdivision 2 as amended by chapter 219 of the laws of
4 1972, paragraph (b) of subdivision 2 as amended by chapter 352 of the
5 laws of 2013 and paragraph (d) of subdivision 2 as amended by chapter
6 267 of the laws of 1967, are amended to read as follows:
7 1. The body of any person whose death occurs in this state, or which
8 shall be found dead herein shall not be interred, deposited in a vault
9 or tomb, cremated or otherwise disposed of, or removed from [the county
10 in which the death occurred or the body was found] THIS STATE, or be
11 temporarily held pending further disposition more than seventy-two hours
12 after death, unless a permit for burial, removal, or other disposition
13 thereof shall have been properly issued by the registrar of vital
14 statistics of the registration district in which the death occurred or
15 the body was found[, except that such a body may be removed to an adja-
16 cent county without first obtaining a permit therefor]; provided, howev-
17 er, that a licensed funeral director may apply for and receive such
18 permit on behalf of any person or institution authorized by article
19 forty-two or forty-three of this chapter to receive unclaimed cadavers
20 or anatomical gifts.
21 2. (a) [Except as provided in paragraphs (b) and (c) hereof, no] NO
22 burial or removal permit shall be issued by any registrar until, wherev-
23 er practicable, a complete and satisfactory certificate of death has
24 been filed with him as provided in this article.
25 (b) [Verbal permission to remove a body of a deceased person from the
26 county in which death occurred or the body was found to a non-adjacent
27 county within the state of New York, as provided in subdivision one of

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 this section, shall be issued by the said registrar of vital statistics,
2 upon request by telephone of a licensed funeral director or undertaker
3 who holds a certificate of death signed by the attending physician or
4 nurse practitioner, or for deaths occurring on or after the implementa-
5 tion date under section forty-one hundred forty-eight of this title,
6 such certificate of death signed by the attending physician or nurse
7 practitioner is available electronically in accordance with section
8 forty-one hundred forty-eight of this title, showing that the death
9 resulted from natural causes and was not a result of accidental,
10 suicidal, homicidal or other external causes.

11 (c) If it is not possible for the funeral director or undertaker to
12 communicate with the registrar by telephone, verbal permission to remove
13 a body of a deceased person under the same conditions as those
14 prescribed for the registrar may be issued by the commissioner or person
15 authorized by him.

16 (d)] The funeral director or undertaker who shall make any removal
17 before a permit is issued by the registrar, shall return the body to the
18 registration district where death occurred, whenever the coroner,
19 medical examiner, or district attorney shall request such return of the
20 body for investigation or post-mortem examination.

21 S 2. Subdivision 7 of section 4144 of the public health law is
22 REPEALED.

23 S 3. This act shall take effect immediately.