

# STATE OF NEW YORK

6842

2021-2022 Regular Sessions

## IN SENATE

May 19, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to providing a permit for a memorial lands facility

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 9 of the environmental conservation law is amended  
2 by adding a new title 22 to read as follows:

3 TITLE 22

4 MEMORIAL LANDS FACILITY

5 Section 9-2201. Memorial lands facility.

6 § 9-2201. Memorial lands facility.

7 1. Any person who operates a business on land, other than a cemetery,  
8 that is primarily used for the respectful disposition of cremated  
9 remains shall hold a valid memorial lands facility permit issued by the  
10 department.

11 2. The operator of a memorial lands facility shall file with the  
12 department and adhere to an operation plan for the maintenance of the  
13 land and the disposition of cremated remains. The operation plan shall  
14 include the following:

15 (a) A commitment that the land will be managed and maintained in its  
16 natural state in perpetuity and shall not be developed for purposes  
17 other than facilitating the disposition of cremated remains;

18 (b) A land management plan;

19 (c) A commitment that no crematory or columbarium shall be constructed  
20 on the memorial lands facility;

21 (d) A copy of the form contract between the memorial lands facility  
22 and the consumer for the purchase and sale of an irrevocable license  
23 that permits the disposition of cremated remains; and

24 (e) The rules and regulations for the memorial lands facility which  
25 governs and shall include but not be limited to, access to the land.

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

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1 3. A business holding a memorial lands facility permit is "private  
2 property" for purposes of paragraph (i) of section fifteen hundred  
3 seventeen of the not-for-profit corporation law and shall not be subject  
4 to regulations pursuant to article fifteen of the not-for-profit corpo-  
5 ration law.

6 4. As a condition of approval for such permit, the operator shall  
7 provide certification to the department that such activities conform  
8 with existing local zoning laws and ordinances.

9 5. The department is authorized to promulgate any rules and regu-  
10 lations as may be necessary to implement and administer the provisions  
11 of this title.

12 § 2. This act shall take effect immediately.