# STATE OF NEW YORK

8903--A

# IN SENATE

January 14, 2026

Introduced by Sens. FAHY, MATTERA, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to former patients interred at present and former state mental health hospital cemeteries

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

Section 1. The mental hygiene law is amended by adding a new section 33.26 to read as follows:

**§ 33.26 Burial records.**

**(a) To mark headstones or otherwise memorialize former patients interred at state mental health hospital cemeteries, the department and the office of mental health shall make burial records that include the deceased's name, date of birth, date of death, and burial location available within thirty days upon request of a qualified person, as defined by section 33.16 of this article, after the death of a patient. As applicable, any additional burial records information shall be released in order to document the deceased's military service or family relationship. Burial records of former patients of a state mental health hospital who have been deceased for fifty years or more shall be considered historical records and no longer confidential or subject to privacy protections and shall not be considered part of a clinical record pursuant to section 33.13 of this article.**

**(b) (i) For the purposes of this section, the term "state mental health hospital" shall mean any state-funded institution that cares for or cared for and provides or provided treatment to individuals with a mental illness or with a developmental disability in the state. Such term shall include, but not be limited to former asylums for the insane, such as the New York State Lunatic Asylum, Utica State Hospital, Willard Asylum for the Insane, Willard State Hospital, New York State Inebriate Asylum, Binghamton Asylum for the Chronic Insane, Binghamton State Hospital, Buffalo State Asylum for the Insane, New York State Asylum for the Insane, Buffalo State Hospital, Kings Park Psychiatric Center,**

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

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Central Islip State Hospital, Pilgrim Psychiatric Center, New York State Asylum for Idiots and the Asylum for Idiots in Albany.

(ii) For the purposes of this section, the term "burial records" shall include but not be limited to, the name, sex, date of birth, place of birth, date of death, place of death, date of burial, burial location, military status and military service number, and if available next of kin, and previous home address of the deceased.

(c) No fee shall be charged for a search and report of burial records.

(d) Current maps showing the burial lots, roads and paths in the present and former state mental health hospital cemeteries shall be maintained and publicly available.

(e) A sign with the name of the cemetery, phone number, and address of the point of contact for information about burials shall be posted at each cemetery.

(f) Burial records shall be retained permanently.

(g) In the event that cemetery property or management is transferred to another entity, all burial records and cemetery maps shall be included.

§ 2. This act shall take effect immediately.