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I N   A S S E M B L Y

March 9, 2010

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Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation to disposition of unclaimed cremated remains of a veteran

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

1     Section 1. Paragraph (j) of section 1517 of the not-for-profit corpo-  
2     ration law is relettered paragraph (k) and a new paragraph (j) is added  
3     to read as follows:  
4     (J) DISPOSITION OF UNCLAIMED CREMATED REMAINS OF A VETERAN. (1) PURSU-  
5     ANT TO THE REQUIREMENTS OF PARAGRAPH (I) OF THIS SECTION, IF, UPON  
6     COMPLETION OF THE CREMATION PROCESS, THE CEMETERY CORPORATION HAS NOT  
7     BEEN INSTRUCTED TO ARRANGE FOR THE INTERMENT, ENTOMBMENT, INURNMENT OR  
8     SCATTERING OF THE CREMAINS OF AN INDIVIDUAL KNOWN TO BE A VETERAN AND  
9     PROVIDED A DILIGENT EFFORT HAS BEEN MADE TO LOCATE AND NOTIFY THE NEXT  
10    OF KIN OR AUTHORIZING AGENT THAT SIGNED THE CREMATION AUTHORIZATION FOR  
11    THE DECEASED VETERAN, AFTER A PERIOD OF ONE HUNDRED TWENTY DAYS FROM THE  
12    DATE OF THE CREMATION, WHERE THE AUTHORIZING AGENT HAS NOT INSTRUCTED  
13    THE CEMETERY CORPORATION TO ARRANGE FOR THE FINAL DISPOSITION OF THE  
14    CREMAINS OR CLAIMED THE CREMAINS, THE CEMETERY CORPORATION MAY ALSO  
15    DISPOSE OF THE CREMAINS IN ANY MANNER PERMITTED BY THIS SECTION OR BY  
16    RELINQUISHING POSSESSION OF VETERANS' CREMAINS FOR DISPOSITION BY A  
17    VETERANS' ORGANIZATION THAT QUALIFIES AS A SECTION 501(C)(3) OR  
18    501(C)(19) TAX EXEMPT ORGANIZATION UNDER THE INTERNAL REVENUE CODE, OR A  
19    FEDERALLY CHARTERED VETERANS' SERVICE ORGANIZATION. THE CEMETERY CORPO-  
20    RATION, HOWEVER, SHALL KEEP A PERMANENT RECORD IDENTIFYING THE VETERANS'  
21    ORGANIZATION RECEIVING THE REMAINS AND THE SITE DESIGNATED FOR FINAL  
22    DISPOSITION BY THE ORGANIZATION. THE METHOD OF DISPOSITION SHALL BE MADE  
23    PURSUANT TO THIS SECTION AND SHALL BE DIRECTED TO A SECTION OF A CEME-  
24    TERY CORPORATION WHERE VETERANS ARE MEMORIALIZED BY A VETERAN'S MARKER  
25    IF ELIGIBLE, A VETERANS' SECTION OF A CEMETERY CORPORATION OR A VETER-  
26    ANS' CEMETERY IF THE DECEASED VETERAN IS ELIGIBLE FOR INTERMENT IN SUCH  
27    A MANNER. SUCH INTERMENT, ENTOMBMENT, INURNMENT OR SCATTERING OF THE  
28    CREMAINS OF AN INDIVIDUAL KNOWN TO BE A VETERAN BY SUCH A VETERANS'

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

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1 ORGANIZATION SHALL OCCUR WITHIN SIXTY DAYS. THE AUTHORIZING AGENT SHALL  
2 BE RESPONSIBLE FOR REIMBURSING THE CEMETERY CORPORATION OR THE VETERANS'  
3 ORGANIZATION FOR ALL REASONABLE EXPENSES INCURRED IN DISPOSING OF THE  
4 CREMAINS. UPON DISPOSITION OF THE CREMAINS, THE CEMETERY CORPORATION AND  
5 THE VETERANS' ORGANIZATION AS DEFINED IN THIS SECTION SHALL BE  
6 DISCHARGED FROM ANY LEGAL OBLIGATION OR LIABILITY CONCERNING THE  
7 CREMAINS. EXCEPT WITH THE EXPRESS WRITTEN PERMISSION OF THE AUTHORIZING  
8 AGENT, NO PERSON SHALL:

9 (I) DISPOSE OF CREMAINS IN A MANNER OR IN A LOCATION SO THAT THE  
10 CREMAINS ARE COMMINGLED WITH THOSE OF ANOTHER PERSON. THIS PROHIBITION  
11 SHALL NOT APPLY TO THE SCATTERING OF CREMAINS AT SEA, BY AIR, OR IN AN  
12 AREA LOCATED IN A CEMETERY AND USED EXCLUSIVELY FOR THOSE PURPOSES; AND  
13 (II) PLACE CREMAINS OF MORE THAN ONE PERSON IN THE SAME TEMPORARY  
14 CONTAINER OR URN.

15 (2) FOR THE PURPOSES OF THIS PARAGRAPH, "DILIGENT EFFORT" SHALL MEAN A  
16 REASONABLE EFFORT, AND INCLUDES A CERTIFIED LETTER, DELIVERY RECEIPT  
17 REQUESTED, MAILED TO THE NEXT OF KIN OR AUTHORIZING AGENT THAT SIGNED  
18 THE CREMATION AUTHORIZATION.

19 S 2. This act shall take effect November 11, 2010.