S T A T E O F N E W Y O R K

549

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JACOBS, DINOWITZ -- Multi-Sponsored by -- M. of A. WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibited use of names in funeral directing

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

Section 1. Section 3443 of the public health law is amended to read as follows:

S 3443. Funeral directing; use of names; unlicensed persons prohibited. 1. (A) The name of any living person who has not been duly licensed and is not duly registered as specified in this article shall not be

[(a)] (I) shown or displayed upon or in any funeral establishment; or,

[(b)] (II) used alone, in, as part of, or in connection, association, combination, or together with the name or title of any person, firm, corporation or other form of enterprise engaged in funeral directing, undertaking, or embalming or maintaining a mortuary, funeral home or other similar establishment or using in connection with such name and practice, the words funeral director, mortician, undertaker, embalmer, or any other title or words of similar meaning or import on any card, sign, stationery, or other printed, engraved or written instrument or device or in any public or private announcement or advertisement; or,

[(c)] (III) used in any manner as to give or tend to give the impression that such person is licensed or practicing or entitled to practice as a funeral director, undertaker, or embalmer.

(B) NOTWITHSTANDING THE PROHIBITIONS CONTAINED IN PARAGRAPH (A) OF THIS SUBDIVISION, THE USE OF NAMES OF VOLUNTEER MEMBERS OF THE BOARD OF DIRECTORS BY FUNERAL ESTABLISHMENTS THAT ARE INCORPORATED AS NOT-FOR-PROFIT CORPORATIONS AND THAT SERVE THE GENERAL PUBLIC SHALL NOT BE PROHIBITED, PROVIDED THAT WHENEVER APPEARING, SUCH NAMES ARE IDENTI-

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

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FIED AS UNLICENSED AND UNREGISTERED INDIVIDUALS WHO SERVE VOLUNTARILY ON THE BOARD OF DIRECTORS.

2. A person who holds a license as a funeral director or undertaker and is registered as required herein may hold himself out and advertise as a funeral director, undertaker, or mortician.

S 2. This act shall take effect immediately.