

10595

I N A S S E M B L Y

April 8, 2010

Introduced by M. of A. CASTELLI -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to recognizing as an acceptable written instrument for disposition of remains for service members, the federal form DD93

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

1 Section 1. Subdivision 3 of section 4201 of the public health law, as  
2 amended by chapter 76 of the laws of 2006, is amended to read as  
3 follows:

4 3. The written instrument referred to in paragraph (a) of subdivision  
5 two of this section:

6 (A) may be in substantially the following form, and must be signed and  
7 dated by the decedent and the agent and properly witnessed:

8 APPOINTMENT OF AGENT TO CONTROL DISPOSITION OF REMAINS

9 I, \_\_\_\_\_  
10 (Your name and address)

11 being of sound mind, willfully and voluntarily make known my desire  
12 that, upon my death, the disposition of my remains shall be controlled  
13 by \_\_\_\_\_ .

14 (name of agent)

15 With respect to that subject only, I hereby appoint such person as my  
16 agent with respect to the disposition of my remains.

17 SPECIAL DIRECTIONS:

18 Set forth below are any special directions limiting the power granted to  
19 my agent as well as any instructions or wishes desired to be followed in  
20 the disposition of my remains:

21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_

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

LBD16775-01-0

1 \_\_\_\_\_  
2 \_\_\_\_\_

3 Indicate below if you have entered into a pre-funded pre-need agree-  
4 ment subject to section four hundred fifty-three of the general business  
5 law for funeral merchandise or service in advance of need:

6  No, I have not entered into a pre-funded pre-need agreement subject  
7 to section four hundred fifty-three of the general business law.

8  Yes, I have entered into a pre-funded pre-need agreement subject to  
9 section four hundred fifty-three of the general business law.

10 \_\_\_\_\_  
11 (Name of funeral firm with which you entered into a pre-funded pre-need  
12 funeral agreement to provide merchandise and/or services)

13 AGENT:

14 Name: \_\_\_\_\_

15 Address: \_\_\_\_\_

16 Telephone Number: \_\_\_\_\_

17 SUCCESSORS:

18 If my agent dies, resigns, or is unable to act, I hereby appoint the  
19 following persons (each to act alone and successively, in the order  
20 named) to serve as my agent to control the disposition of my remains as  
21 authorized by this document:

22 1. First Successor

23 Name: \_\_\_\_\_

24 Address: \_\_\_\_\_

25 Telephone Number: \_\_\_\_\_

26 2. Second Successor

27 Name: \_\_\_\_\_

28 Address: \_\_\_\_\_

29 Telephone Number: \_\_\_\_\_

30 DURATION:

31 This appointment becomes effective upon my death.

32 PRIOR APPOINTMENT REVOKED:

33 I hereby revoke any prior appointment of any person to control the  
34 disposition of my remains.

35 Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

36 \_\_\_\_\_

37 (Signature of person making the appointment)

38 Statement by witness (must be 18 or older)

39 I declare that the person who executed this document is personally known  
40 to me and appears to be of sound mind and acting of his or her free  
41 will. He or she signed (or asked another to sign for him or her) this  
42 document in my presence.

43 Witness 1: \_\_\_\_\_ (signature)

1 Address: \_\_\_\_\_

2 Witness 2: \_\_\_\_\_ (signature)

3 Address: \_\_\_\_\_

4 ACCEPTANCE AND ASSUMPTION BY AGENT:

5 1. I have no reason to believe there has been a revocation of this  
6 appointment to control disposition of remains.

7 2. I hereby accept this appointment.

8 Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

9 \_\_\_\_\_

10 (Signature of agent)

11 (B) FOR MEMBERS OF THE ARMED FORCES, MAY BE A FEDERAL FORM DD93  
12 (RECORD OF EMERGENCY DATA), SETTING FORTH A SERVICE MEMBER'S DESIGNATION  
13 OF A PERSON AUTHORIZED TO DIRECT DISPOSITION OF HUMAN REMAINS, REQUIRED  
14 PURSUANT TO THE REQUIREMENTS OF SECTION FIVE HUNDRED SIXTY-FOUR OF THE  
15 NATIONAL DEFENSE AUTHORIZATION ACT OF 2008, PUBLIC LAW 109-163 OF THE  
16 ONE HUNDRED NINTH CONGRESS.

17 S 2. This act shall take effect immediately.