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

5021

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

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

AN ACT to amend the public health law, in relation to the alternative pricing methods in the sale and offering of funeral merchandise and services; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. Section 3440-a of the public health law, as amended by chapter 534 of the laws of 1983, is amended to read as follows:

S 3440-a. Statement to be furnished by certain licensed persons, funeral directors and funeral firms when funeral arrangements are made. 1. Every person licensed pursuant to this article, including funeral directors and funeral firms, shall furnish at the time funeral arrangements are made for the care and disposition of the body of a deceased person, a written statement showing thereon the price of the funeral, which shall include an itemized list of the services and merchandise to be furnished for such price and a statement of the cash advances and expenditures to be advanced.

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, FUNERAL FIRMS MAY OFFER PACKAGES OF GOODS AND SERVICES, AS LONG AS THEY ARE OFFERED IN ADDITION TO, AND NOT IN PLACE OF, ITEMIZED PRICES. IF A PACKAGE OFFERING IS SELECTED BY THE PERSON MAKING FUNERAL ARRANGEMENTS, THE CHARGES MUST BE LISTED AND PROVIDED TO THE PERSON ON AN ITEMIZATION STATEMENT. PACKAGE PRICES MUST BE BROKEN DOWN AND LISTED BY THEIR COMPONENT PARTS ON SUCH ITEMIZATION STATEMENT, EXCEPT FOR DIRECT CREMATIONS, DIRECT BURIALS, FORWARDING OF REMAINS AND RECEIVING OF REMAINS. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY MEMORIALS AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTY-FOUR OF THE GENERAL BUSINESS LAW.

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

LBD08639-01-9

S 2. The state consumer protection board shall cause a review of the effectiveness of the provisions of subdivision 2 of section 3440-a of the public health law. Such review shall be presented in the form of a report. A copy of the report shall be submitted on or before the three hundred sixty-fifth day after this act shall have become a law to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly. Such report shall contain, at a minimum, any legislative recommendations to improve the effectiveness of the provisions of section 3440-a of the public health law.

S 3. This act shall take effect on the sixtieth day after it shall have become a law and shall expire and be deemed repealed one year after such effective date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.