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

2087

2009-2010 Regular Sessions

I N  S E N A T E

February 11, 2009

Introduced by Sens. PARKER, KRUEGER, ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to increasing penalties for unlawful dissection, procurement, and sale of human tissue, organs or body parts

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

Section 1. Section 4210-a of the public health law, as amended by chapter 346 of the laws of 2006, is amended to read as follows:

S 4210-a. Unlawful dissection of the body of a human being. A person who makes, or causes or procures to be made, any dissection of the body of a human being, except by authority of law, or in pursuance of [a] WRITTEN permission given by the deceased, is guilty of a class E felony.

S 2. Section 4216 of the public health law, as amended by chapter 346 of the laws of 2006, is amended to read as follows:

S 4216. Body stealing. A person who removes the dead body of a human being, or any TISSUE, ORGAN OR part thereof from a grave, vault, or other place, where the same has been buried, or from a place where the same has been deposited while awaiting burial, without authority of law, with intent to sell the same, or for the purpose of dissection, or for the purpose of procuring a reward for the return of the same, or from malice or wantonness, is guilty of a class D felony.

S 3. Section 4217 of the public health law, as added by chapter 1031 of the laws of 1965, is amended to read as follows:

S 4217. Receiving stolen body of a human being. A person who purchases, or receives except for the purpose of burial, the dead body of a human being, or any part thereof, knowing that the same has been removed contrary to the last section, is guilty of a [misdemeanor] CLASS E FELONY.

S 4. Section 4218 of the public health law, as amended by chapter 346 of the laws of 2006, is amended to read as follows:

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

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S 4218. Opening graves. A person who opens a grave or other place of interment, temporary or otherwise, or a building wherein the dead body of a human being is deposited while awaiting burial, without authority of law, with intent to remove the body, or any TISSUE, ORGAN OR part thereof, for the purpose of selling it or demanding money for the same, or for the purpose of dissection, or from malice or wantonness, or with intent to steal or remove the coffin or any part thereof, or anything attached thereto, or any vestment, or other article interred, or intended to be interred with the dead body, is guilty of a class D felony.

S 5. The commissioner of health, in consultation with the transplant council as provided for in section 4361 of the public health law, and state and federal law enforcement agencies, shall promulgate regulations to increase monitoring and enforcement of the provisions of title 2 of article 42 and article 43-B of the public health law in relation to unlawful dissection, procurement, storage and sale of human tissue, organs and body parts for transplant.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.