

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

3964--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 31, 2011

Introduced by M. of A. MAGNARELLI, FINCH -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the unlawful sale of embalming fluid

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

1 Section 1. Section 3400 of the public health law is amended by adding
2 a new subdivision (l) to read as follows:
3 (L) "EMBALMING FLUID" MEANS ANY CHEMICALS OR SUBSTANCES MANUFACTURED
4 PRIMARILY FOR USE BY LICENSED FUNERAL DIRECTORS, UNDERTAKERS OR EMBAL-
5 MERS, OR REGISTERED RESIDENTS, TO PREPARE, DISINFECT OR PRESERVE, EITHER
6 HYPODERMICALLY, ARTERIALLY OR BY ANY OTHER RECOGNIZED MEANS THE BODY OF
7 A DECEASED PERSON FOR BURIAL, CREMATION OR OTHER FINAL DISPOSITION.
8 S 2. Paragraph (f) of subdivision 1 of section 3455 of the public
9 health law is relettered paragraph (g) and a new paragraph (f) is added
10 to read as follows:
11 (F) BEING A FUNERAL DIRECTOR, UNDERTAKER OR EMBALMER, OR REGISTERED
12 RESIDENT, KNOWINGLY GIVE, SELL, PERMIT TO BE SOLD, OFFER FOR SALE OR
13 DISPLAY FOR SALE, OTHER THAN FOR PURPOSES WITHIN THE GENERAL SCOPE OF
14 THEIR ACTIVITIES AS A LICENSED FUNERAL DIRECTOR, UNDERTAKER OR EMBALMER,
15 OR REGISTERED RESIDENT, EMBALMING FLUID TO ANOTHER PERSON WITH ACTUAL
16 KNOWLEDGE THAT SUCH OTHER PERSON IS NOT A LICENSED FUNERAL DIRECTOR,
17 UNDERTAKER OR EMBALMER, OR REGISTERED RESIDENT, OR ENTITY AUTHORIZED TO
18 PERFORM EMBALMING ACTIVITIES UNDER SECTION THIRTY-FOUR HUNDRED TWENTY OF
19 THIS ARTICLE OR ACTIVITIES DESCRIBED IN ARTICLE FORTY-TWO OF THIS CHAP-
20 TER; OR
21 S 3. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law.

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