

5627

2011-2012 Regular Sessions

I N S E N A T E

June 7, 2011

Introduced by Sen. O'MARA -- 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 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:

1 Section 1. Section 3440-a of the public health law, as amended by
2 chapter 534 of the laws of 1983, is amended to read as follows:
3 S 3440-a. Statement to be furnished by certain licensed persons,
4 funeral directors and funeral firms when funeral arrangements are made.
5 1. Every person licensed pursuant to this article, including funeral
6 directors and funeral firms, shall furnish at the time funeral arrange-
7 ments are made for the care and disposition of the body of a deceased
8 person, a written statement showing thereon the price of the funeral,
9 which shall include an itemized list of the services and merchandise to
10 be furnished for such price and a statement of the cash advances and
11 expenditures to be advanced.
12 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,
13 FUNERAL FIRMS MAY OFFER PACKAGES OF GOODS AND SERVICES, AS LONG AS THEY
14 ARE OFFERED IN ADDITION TO, AND NOT IN PLACE OF, ITEMIZED PRICES. IF A
15 PACKAGE OFFERING IS SELECTED BY THE PERSON MAKING FUNERAL ARRANGEMENTS,
16 THE CHARGES MUST BE LISTED AND PROVIDED TO THE PERSON ON AN ITEMIZATION
17 STATEMENT. PACKAGE PRICES MUST BE BROKEN DOWN AND LISTED BY THEIR COMPO-
18 NENT PARTS ON SUCH ITEMIZATION STATEMENT, EXCEPT FOR DIRECT CREMATIONS,
19 DIRECT BURIALS, FORWARDING OF REMAINS AND RECEIVING OF REMAINS. THE
20 PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY MEMORIALS AS DEFINED
21 IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTY-FOUR
22 OF THE GENERAL BUSINESS LAW.

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

LBD09538-02-1

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

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