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

5724

2013-2014 Regular Sessions

I N S E N A T E

June 7, 2013

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring cemeteries to provide for the expeditious burial and interment of deceased humans consistent with the conscious or cultural community of which they were a part

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

Section 1. The general business law is amended by adding a new section 451-a to read as follows:

S 451-A. PROMPT BURIAL AND INTERMENT. EACH CEMETERY CORPORATION AND MUNICIPALITY OPERATING A CEMETERY SHALL PROVIDE FOR THE BURIAL AND INTERMENT OF THE REMAINS OF A DECEASED HUMAN UPON THE DAY WHICH SUCH REMAINS ARRIVE AT THE CEMETERY, CONSISTENT WITH THE REQUIREMENTS THEREFOR OF THE CONSCIOUS OR CULTURAL COMMUNITY OF WHICH THE DECEASED WAS A PART AND ANY STATE OR LOCAL STATUTORY AND REGULATORY REQUIREMENTS, IF THE REMAINS OF THE DECEASED HUMAN ARE DELIVERED TO THE CEMETERY NOT LESS THAN ONE-HALF HOUR BEFORE SUNSET, PROVIDED THAT THE CEMETERY RECEIVES TWO HOURS ADVANCE NOTICE. IN THE EVENT THAT A CEMETERY IS UNABLE TO BURY AND INTER THE REMAINS OF A DECEASED HUMAN ON THE SAME DAY AS SUCH REMAINS ARRIVE AT SUCH CEMETERY, AS REQUIRED BY THE CONSCIOUS OR CULTURAL COMMUNITY OF WHICH THE DECEASED WAS A PART, AND SUCH INABILITY IS THE RESULT OF THE LARGE NUMBER OF BURIALS AND INTERMENTS STILL TO BE COMPLETED BY THE CEMETERY AND/OR THE LACK OF SUFFICIENT STAFF TO OPEN A GRAVE IN A TIMELY MANNER, THE CEMETERY SHALL PROVIDE A LOG OR OTHER WRITTEN PROOF THEREOF TO A REPRESENTATIVE OR REPRESENTATIVES OF THE DECEASED. NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE IMPOSITION OF ADDITIONAL FEES FOR SUCH EXPEDITIOUS BURIAL AND INTERMENT TO COMPENSATE THE OPERATOR OF THE CEMETERY FOR THE REASONABLE AND NECESSARY ADDITIONAL EXPENSES INCURRED BY SUCH OPERATOR, PROVIDED, THAT SUCH ADDITIONAL FEES FOR LABOR SHALL BE LIMITED TO ONE AND ONE-HALF THE HOURLY

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

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RATE OF WAGES PAID TO EMPLOYEES ASSOCIATED WITH THE BURIAL AND INTERMENT FROM THE TIME OPENING A GRAVE COMMENCES UNTIL ONE-HALF HOUR AFTER THE LAST PERSON AT THE INTERMENT SERVICE HAS LEFT THE CEMETERY.

S 2. Cemeteries shall comply with the general business law as far as providing notice for annual meetings, and shall schedule meetings which shall consider the cultural schedules of the various societies.

S 3. This act shall take effect on the thirtieth day after it shall have become law.