

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:

1 Section 1. The general business law is amended by adding a new section
2 451-a to read as follows:
3 S 451-A. PROMPT BURIAL AND INTERMENT. EACH CEMETERY CORPORATION AND
4 MUNICIPALITY OPERATING A CEMETERY SHALL PROVIDE FOR THE BURIAL AND
5 INTERMENT OF THE REMAINS OF A DECEASED HUMAN UPON THE DAY WHICH SUCH
6 REMAINS ARRIVE AT THE CEMETERY, CONSISTENT WITH THE REQUIREMENTS THERE-
7 FOR OF THE CONSCIOUS OR CULTURAL COMMUNITY OF WHICH THE DECEASED WAS A
8 PART AND ANY STATE OR LOCAL STATUTORY AND REGULATORY REQUIREMENTS, IF
9 THE REMAINS OF THE DECEASED HUMAN ARE DELIVERED TO THE CEMETERY NOT LESS
10 THAN ONE-HALF HOUR BEFORE SUNSET, PROVIDED THAT THE CEMETERY RECEIVES
11 TWO HOURS ADVANCE NOTICE. IN THE EVENT THAT A CEMETERY IS UNABLE TO
12 BURY AND INTER THE REMAINS OF A DECEASED HUMAN ON THE SAME DAY AS SUCH
13 REMAINS ARRIVE AT SUCH CEMETERY, AS REQUIRED BY THE CONSCIOUS OR
14 CULTURAL COMMUNITY OF WHICH THE DECEASED WAS A PART, AND SUCH INABILITY
15 IS THE RESULT OF THE LARGE NUMBER OF BURIALS AND INTERMENTS STILL TO BE
16 COMPLETED BY THE CEMETERY AND/OR THE LACK OF SUFFICIENT STAFF TO OPEN A
17 GRAVE IN A TIMELY MANNER, THE CEMETERY SHALL PROVIDE A LOG OR OTHER
18 WRITTEN PROOF THEREOF TO A REPRESENTATIVE OR REPRESENTATIVES OF THE
19 DECEASED. NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE IMPO-
20 SITION OF ADDITIONAL FEES FOR SUCH EXPEDITIOUS BURIAL AND INTERMENT TO
21 COMPENSATE THE OPERATOR OF THE CEMETERY FOR THE REASONABLE AND NECESSARY
22 ADDITIONAL EXPENSES INCURRED BY SUCH OPERATOR, PROVIDED, THAT SUCH ADDI-
23 TIONAL 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.

LBD10711-03-3

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

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

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