

7543

I N S E N A T E

May 15, 2014

Introduced by Sen. MAZIARZ -- 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 death, burial and removal permits

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

1 Section 1. The public health law is amended by adding a new section
2 4142-a to read as follows:
3 S 4142-A. DEATH CERTIFICATES; UNCLAIMED CADAVERS AND ANATOMICAL
4 DONATIONS. AN INSTITUTION AUTHORIZED BY ARTICLE FORTY-TWO OR FORTY-THREE
5 OF THIS CHAPTER TO RECEIVE UNCLAIMED CADAVERS OR ANATOMICAL GIFTS THAT
6 ELECTS TO FILE DEATH CERTIFICATES, SHALL:
7 (A) OBTAIN THE PERSONAL AND STATISTICAL PARTICULARS REQUIRED FOR THE
8 CERTIFICATE OF DEATH FROM A COMPETENT PERSON ACQUAINTED WITH THE FACTS
9 AND QUALIFIED TO SUPPLY THEM AND ENTER THEM ON THE CERTIFICATE TOGETHER
10 WITH THE NAME AND ADDRESS OF HIS OR HER INFORMANT;
11 (B) PRESENT THE CERTIFICATE PROMPTLY TO ATTENDING PHYSICIAN, NURSE
12 PRACTITIONER WHO SHALL FORTHWITH CERTIFY TO THE FACTS OF DEATH, PROVIDE
13 THE MEDICAL INFORMATION REQUIRED BY THE CERTIFICATE AND SIGN THE MEDICAL
14 CERTIFICATE OF DEATH, OR TO THE CORONER OR MEDICAL EXAMINER IN THOSE
15 CASES WHERE SO REQUIRED BY THIS ARTICLE OR, WHEN A DEATH OCCURS IN A
16 HOSPITAL, EXCEPT IN THOSE CASES WHERE CERTIFICATES ARE ISSUED BY CORON-
17 ERS OR MEDICAL EXAMINERS, TO THE PERSON IN CHARGE OF SUCH HOSPITAL OR
18 HIS OR HER DESIGNATED REPRESENTATIVE, WHO SHALL OBTAIN THE MEDICAL
19 CERTIFICATE OF DEATH AS PRESCRIBED IN SECTION FORTY-ONE HUNDRED
20 FORTY-ONE-A OF THIS TITLE;
21 (C) STATE THE FACTS REQUIRED ON THE CERTIFICATE OF DEATH RELATIVE TO
22 THE DATE AND PLACE OF BURIAL, CREMATION OR REMOVAL, OVER HIS SIGNATURE
23 AND WITH HIS OR HER ADDRESS; AND
24 (D) PRIOR TO THE DISPOSITION OF THE REMAINS, FILE THE CERTIFICATE OF
25 DEATH WITH THE REGISTRAR OF THE DISTRICT IN WHICH THE DEATH OCCURRED AS
26 PROVIDED IN SECTION FORTY-ONE HUNDRED FORTY OF THIS TITLE.
27 S 2. Subdivision 2 of section 4140 of the public health law is amended
28 to read as follows:

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

LBD15223-01-4

1 2. If the certificate of death is properly executed and complete, the
2 registrar of the district in which the death occurred shall then issue a
3 burial or removal permit to the funeral director [or], undertaker, OR AN
4 INSTITUTION AUTHORIZED BY ARTICLE FORTY-TWO OR FORTY-THREE OF THIS CHAP-
5 TER TO RECEIVE UNCLAIMED CADAVERS OR ANATOMICAL GIFTS. In case the death
6 occurred from a disease which is designated in the sanitary code as a
7 communicable disease, no permit for the removal or other disposition of
8 the body shall be issued by the registrar, except to a funeral director
9 or undertaker licensed in accordance with the provisions of this chap-
10 ter, under such conditions as may be prescribed in the sanitary code.

11 S 3. Subdivision 1 and paragraphs (b), (c) and (d) of subdivision 2 of
12 section 4144 of the public health law, subdivision 1 as amended by chap-
13 ter 617 of the laws of 1980, paragraph (b) of subdivision 2 as amended
14 by chapter 352 of the laws of 2013 and paragraph (d) of subdivision 2 as
15 amended by chapter 267 of the laws of 1967, are amended to read as
16 follows:

17 1. The body of any person whose death occurs in this state, or which
18 shall be found dead herein shall not be interred, deposited in a vault
19 or tomb, cremated or otherwise disposed of, or removed from the county
20 in which the death occurred or the body was found, or be temporarily
21 held pending further disposition more than seventy-two hours after
22 death, unless a permit for burial, removal, or other disposition thereof
23 shall have been properly issued by the registrar of vital statistics of
24 the registration district in which the death occurred or the body was
25 found, except that such a body may be removed to an adjacent county
26 without first obtaining a permit therefor; provided, however, that AN
27 INSTITUTION AUTHORIZED BY ARTICLE FORTY-TWO OR FORTY-THREE OF THIS CHAP-
28 TER TO RECEIVE UNCLAIMED CADAVERS OR ANATOMICAL GIFTS MAY APPLY FOR AND
29 RECEIVE SUCH PERMIT OR a licensed funeral director may apply for and
30 receive such permit on behalf of any person or institution authorized by
31 article forty-two or forty-three of this chapter to receive unclaimed
32 cadavers or anatomical gifts.

33 (b) Verbal permission to remove a body of a deceased person from the
34 county in which death occurred or the body was found to a non-adjacent
35 county within the state of New York, as provided in subdivision one of
36 this section, shall be issued by the said registrar of vital statistics,
37 upon request by telephone of a licensed funeral director [or], undertak-
38 er OR AN INSTITUTION AUTHORIZED BY ARTICLE FORTY-TWO OR FORTY-THREE OF
39 THIS CHAPTER TO RECEIVE UNCLAIMED CADAVERS OR ANATOMICAL GIFTS who holds
40 a certificate of death signed by the attending physician or nurse prac-
41 titioner, or for deaths occurring on or after the implementation date
42 under section forty-one hundred forty-eight of this title, such certif-
43 icate of death signed by the attending physician or nurse practitioner
44 is available electronically in accordance with section forty-one hundred
45 forty-eight of this title, showing that the death resulted from natural
46 causes and was not a result of accidental, suicidal, homicidal or other
47 external causes.

48 (c) If it is not possible for the funeral director [or], undertaker OR
49 AN INSTITUTION AUTHORIZED BY ARTICLE FORTY-TWO OR FORTY-THREE OF THIS
50 CHAPTER TO RECEIVE UNCLAIMED CADAVERS OR ANATOMICAL GIFTS to communicate
51 with the registrar by telephone, verbal permission to remove a body of a
52 deceased person under the same conditions as those prescribed for the
53 registrar may be issued by the commissioner or person authorized by him.

54 (d) The funeral director [or], undertaker OR AN INSTITUTION AUTHORIZED
55 BY ARTICLE FORTY-TWO OR FORTY-THREE OF THIS CHAPTER TO RECEIVE UNCLAIMED
56 CADAVERS OR ANATOMICAL GIFTS who shall make any removal before a permit

1 is issued by the registrar, shall return the body to the registration
2 district where death occurred, whenever the coroner, medical examiner,
3 or district attorney shall request such return of the body for investi-
4 gation or post-mortem examination.

5 S 4. Paragraphs (a) and (b) of subdivision 2 and subdivision 4 of
6 section 4145 of the public health law, paragraph (a) of subdivision 2 as
7 amended by chapter 543 of the laws of 2003, paragraph (b) of subdivision
8 2 as amended by chapter 198 of the laws of 2005, are amended to read as
9 follows:

10 (a) The funeral director [or], undertaker OR AN INSTITUTION AUTHORIZED
11 BY ARTICLE FORTY-TWO OR FORTY-THREE OF THIS CHAPTER TO RECEIVE UNCLAIMED
12 CADAVERS OR ANATOMICAL GIFTS shall deliver the burial permit to the
13 person in charge of the place of burial or other disposition before
14 interring or otherwise disposing of the body or shall attach the removal
15 or transit permit to the box containing the body, when shipped by any
16 transportation company, which permit shall accompany the remains to its
17 destination, where, if within this state, it shall be delivered to the
18 person in charge of the place of burial or other disposition.

19 (b) Any person or other entity owning, operating, managing, or desig-
20 nated to receive the body of a deceased person at a place of burial,
21 cremation, or other final disposition in this state, who receives the
22 body of a deceased person, shall provide a receipt for the body to the
23 funeral director, undertaker, AN INSTITUTION AUTHORIZED BY ARTICLE
24 FORTY-TWO OR FORTY-THREE OF THIS CHAPTER TO RECEIVE UNCLAIMED CADAVERS
25 OR ANATOMICAL GIFTS or registered resident who delivered such body. Each
26 receipt shall (i) be endorsed by both such person and the funeral direc-
27 tor, undertaker or registered resident, (ii) indicate the date the body
28 was delivered, (iii) include the name of the funeral director, undertak-
29 er, AN INSTITUTION AUTHORIZED BY ARTICLE FORTY-TWO OR FORTY-THREE OF
30 THIS CHAPTER TO RECEIVE UNCLAIMED CADAVERS OR ANATOMICAL GIFTS or regis-
31 tered resident delivering the body and the registration number of such
32 funeral director, undertaker or registered resident, (iv) include the
33 name of the registered funeral firm the funeral director, undertaker, AN
34 INSTITUTION AUTHORIZED BY ARTICLE FORTY-TWO OR FORTY-THREE OF THIS CHAP-
35 TER TO RECEIVE UNCLAIMED CADAVERS OR ANATOMICAL GIFTS or registered
36 resident represents, (v) include the name of the deceased person as it
37 appears on the burial, cremation, or transit permit, and (vi) include
38 the name of the owner, operator, manager, or person in charge of the
39 place of burial, cremation, or other final disposition who received the
40 body of the deceased person. A copy of such receipt shall be retained by
41 the owner, operator, manager, or person in charge of the place of buri-
42 al, cremation, or other final disposition for a period of not less than
43 four years, and shall be made available for inspection by the division
44 of cemeteries during normal business hours. The original copy of every
45 such receipt shall be retained by the licensed funeral firm for a period
46 of not less than four years pursuant to the rules and regulations of the
47 department governing the maintenance of records.

48 4. When burying or otherwise disposing of the body of a deceased
49 person in a cemetery or burial place having no person in charge, the
50 funeral director [or], undertaker OR AN INSTITUTION AUTHORIZED BY ARTI-
51 CLE FORTY-TWO OR FORTY-THREE OF THIS CHAPTER TO RECEIVE UNCLAIMED CADAV-
52 ERS OR ANATOMICAL GIFTS shall (a) sign the burial or removal permit,
53 giving the date of burial; (b) write across the face of the permit the
54 words "No person in charge;" and (c) file the burial or removal permit
55 within three days with the registrar of the district in which the ceme-
56 tery is located.

1 S 5. Section 4212 of the public health law is amended by adding a new
2 subdivision 4 to read as follows:

3 4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INSTITUTION AUTHOR-
4 IZED BY SECTION FORTY-TWO HUNDRED ELEVEN OF THIS TITLE MAY FILE CERTIF-
5 ICATES AND PERMITS PURSUANT TO SECTIONS FORTY-ONE HUNDRED FORTY-TWO,
6 FORTY-ONE HUNDRED FORTY-FOUR AND FORTY-ONE HUNDRED FORTY-FIVE OF THIS
7 CHAPTER FOR ANY UNCLAIMED CADAVERS RECEIVED. THE INSTITUTION SHALL
8 ENSURE THE INDIVIDUALS FILING PERMITS OR TRANSPORTING CADAVERS HAVE THE
9 NECESSARY EDUCATION AND TRAINING.

10 S 6. The public health law is amended by adding a new section 4302-a
11 to read as follows:

12 S 4302-A. USING ANATOMICAL GIFTS FOR RESEARCH. NOTWITHSTANDING ANY
13 OTHER PROVISION OF LAW, AN ACCREDITED MEDICAL SCHOOL OR DENTAL SCHOOL,
14 COLLEGE OR UNIVERSITY, BANK OR STORAGE FACILITY FOR EDUCATION, RESEARCH,
15 ADVANCEMENT OF MEDICAL OR DENTAL SCIENCE, THERAPY OR TRANSPLANT AUTHOR-
16 IZED TO RECEIVE ANATOMICAL DONATIONS MAY FILE CERTIFICATES AND PERMITS
17 PURSUANT TO SECTIONS FORTY-ONE HUNDRED FORTY-TWO, FORTY-ONE HUNDRED
18 FORTY-FOUR AND FORTY-ONE HUNDRED FORTY-FIVE OF THIS CHAPTER FOR
19 DONATIONS MADE DIRECTLY TO SUCH INSTITUTION. THE INSTITUTION SHALL
20 ENSURE THE INDIVIDUALS FILING PERMITS OR TRANSPORTING CADAVERS HAVE THE
21 NECESSARY EDUCATION AND TRAINING.

22 S 7. This act shall take effect on the sixtieth day after it shall
23 have become a law.