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

4430

2015-2016 Regular Sessions

I N S E N A T E

March 20, 2015

Introduced by Sen. FELDER -- 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 requiring the consent of the spouse or next of kin of an unclaimed deceased person prior to delivery of such person to a university, college, school or institute for dissection or autopsy

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

Section 1. Subdivisions 3 and 4 of section 4211 of the public health law, as amended by chapter 180 of the laws of 2004, are amended to read as follows:

3. No body of a deceased person shall be delivered or released to or received by, any university, college or school or institute[.]:

(a) [if, within forty-eight hours after death it is desired for interment or other lawful disposition by relatives and in the counties of Oneida, Onondaga, Oswego, Madison and Cortland, by relatives or friends,] UNTIL THE SPOUSE, AND IF HE OR SHE SHALL HAVE HAD NO SPOUSE, THE NEXT OF KIN OF THE DECEASED PERSON SHALL HAVE CONSENTED IN WRITING TO THE DELIVERY AND RELEASE OF THE BODY OF SUCH PERSON TO THE UNIVERSITY, COLLEGE, SCHOOL OR INSTITUTE FOR THE PURPOSE OF DISSECTION OR AUTOPSY. IN THE EVENT THAT THE SPOUSE OR NEXT OF KIN ARE NOT LOCATED, IT SHALL BE PRESUMED THAT THE DECEASED PERSON AND HIS OR HER FAMILY AND NEXT OF KIN OBJECT TO DISSECTION AND AUTOPSY, THE BODY SHALL BE RELEASED FOR BURIAL; or[,]

(b) if prior to his or her death, the person shall have expressed a desire that his or her body be interred or otherwise lawfully disposed of, is carrying an identification card upon his or her person indicating his or her opposition to the dissection or autopsy of his or her body[, or,

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

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(c) if the deceased person is known to have a relative whose place of residence is known or can be ascertained after reasonable and diligent inquiry].

4. [(a)] A body of a deceased person shall not be delivered or released to, or received by a university, college, school or institute, [if within twenty-four hours after notice of death by the person having lawful possession, charge, custody or control to the next of kin, or in the counties of Oneida, Onondaga, Oswego, Madison and Cortland to the next of kin, or friend of the deceased person such next of kin or friend shall claim such body for interment or other lawful disposition] UNTIL THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION HAVE BEEN COMPLIED WITH.

[(b) Unless a relative or friend of the deceased person shall claim the body of the deceased person within forty-eight hours after death, or within twenty-four hours after receipt of notice of death as provided in paragraph (a) of this subdivision, the next of kin, relatives or friends, as the case may be, shall be deemed to have assented to delivery or release to, and receipt by the university, college, school or institute, of such dead body.]

S 2. This act shall take effect immediately and shall apply to the delivery and release of bodies on and after such date.