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I N   A S S E M B L Y

May 5, 2016

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Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to burial and removal permits; and to repeal subdivision 7 of section 4144 of such law relating thereto

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

- 1     Section 1. Subdivisions 1 and 2 of section 4144 of the public health  
2 law, subdivision 1 as amended by chapter 617 of the laws of 1980, para-  
3 graph (a) of subdivision 2 as amended by chapter 219 of the laws of  
4 1972, paragraph (b) of subdivision 2 as amended by chapter 352 of the  
5 laws of 2013 and paragraph (d) of subdivision 2 as amended by chapter  
6 267 of the laws of 1967, are amended to read as follows:  
7     1. The body of any person whose death occurs in this state, or which  
8 shall be found dead herein shall not be interred, deposited in a vault  
9 or tomb, cremated or otherwise disposed of, or removed from [the county  
10 in which the death occurred or the body was found] THIS STATE, or be  
11 temporarily held pending further disposition more than seventy-two hours  
12 after death, unless a permit for burial, removal, or other disposition  
13 thereof shall have been properly issued by the registrar of vital  
14 statistics of the registration district in which the death occurred or  
15 the body was found[, except that such a body may be removed to an adja-  
16 cent county without first obtaining a permit therefor]; provided, howev-  
17 er, that a licensed funeral director may apply for and receive such  
18 permit on behalf of any person or institution authorized by article  
19 forty-two or forty-three of this chapter to receive unclaimed cadavers  
20 or anatomical gifts.  
21     2. (a) [Except as provided in paragraphs (b) and (c) hereof, no] NO  
22 burial or removal permit shall be issued by any registrar until, wherev-  
23 er practicable, a complete and satisfactory certificate of death has  
24 been filed with him as provided in this article.  
25     (b) [Verbal permission to remove a body of a deceased person from the  
26 county in which death occurred or the body was found to a non-adjacent

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

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1 county within the state of New York, as provided in subdivision one of  
2 this section, shall be issued by the said registrar of vital statistics,  
3 upon request by telephone of a licensed funeral director or undertaker  
4 who holds a certificate of death signed by the attending physician or  
5 nurse practitioner, or for deaths occurring on or after the implementa-  
6 tion date under section forty-one hundred forty-eight of this title,  
7 such certificate of death signed by the attending physician or nurse  
8 practitioner is available electronically in accordance with section  
9 forty-one hundred forty-eight of this title, showing that the death  
10 resulted from natural causes and was not a result of accidental,  
11 suicidal, homicidal or other external causes.

12 (c) If it is not possible for the funeral director or undertaker to  
13 communicate with the registrar by telephone, verbal permission to remove  
14 a body of a deceased person under the same conditions as those  
15 prescribed for the registrar may be issued by the commissioner or person  
16 authorized by him.

17 (d)] The funeral director or undertaker who shall make any removal  
18 before a permit is issued by the registrar, shall return the body to the  
19 registration district where death occurred, whenever the coroner,  
20 medical examiner, or district attorney shall request such return of the  
21 body for investigation or post-mortem examination.

22 (C) EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION, THE EXISTING  
23 GENERAL DUTIES OF, AND REMUNERATION RECEIVED BY, LOCAL REGISTRARS IN  
24 ACCEPTING AND FILING CERTIFICATES OF DEATH AND ISSUING BURIAL AND  
25 REMOVAL PERMITS PURSUANT TO ANY STATUTE OR REGULATION SHALL BE MAIN-  
26 TAINED, AND NOT ALTERED OR ABRIDGED IN ANY WAY BY THIS SECTION.

27 S 2. Subdivision 7 of section 4144 of the public health law is  
28 REPEALED.

29 S 3. This act shall take effect immediately.