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

10020--A

I N A S S E M B L Y

May 5, 2016

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:

Section 1. Subdivisions 1 and 2 of section 4144 of the public health law, subdivision 1 as amended by chapter 617 of the laws of 1980, paragraph (a) of subdivision 2 as amended by chapter 219 of the laws of 1972, paragraph (b) of subdivision 2 as amended by chapter 352 of the laws of 2013 and paragraph (d) of subdivision 2 as amended by chapter 267 of the laws of 1967, are amended to read as follows:

1. The body of any person whose death occurs in this state, or which shall be found dead herein shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from [the county in which the death occurred or the body was found] THIS STATE, or be temporarily held pending further disposition more than seventy-two hours after death, unless a permit for burial, removal, or other disposition thereof shall have been properly issued by the registrar of vital statistics of the registration district in which the death occurred or the body was found[, except that such a body may be removed to an adjacent county without first obtaining a permit therefor]; provided, however, that a licensed funeral director may apply for and receive such permit on behalf of any person or institution authorized by article forty-two or forty-three of this chapter to receive unclaimed cadavers or anatomical gifts.

2. (a) [Except as provided in paragraphs (b) and (c) hereof, no] NO burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him as provided in this article.

(b) [Verbal permission to remove a body of a deceased person from the 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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county within the state of New York, as provided in subdivision one of this section, shall be issued by the said registrar of vital statistics, upon request by telephone of a licensed funeral director or undertaker who holds a certificate of death signed by the attending physician or nurse practitioner, or for deaths occurring on or after the implementation date under section forty-one hundred forty-eight of this title, such certificate of death signed by the attending physician or nurse practitioner is available electronically in accordance with section forty-one hundred forty-eight of this title, showing that the death resulted from natural causes and was not a result of accidental, suicidal, homicidal or other external causes.

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

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

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

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

S 3. This act shall take effect immediately.