

4430--A

2015-2016 Regular Sessions

I N S E N A T E

March 20, 2015

Introduced by Sens. FELDER, GOLDEN -- read twice and ordered printed, and when printed to be committed 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 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, institute or mortuary school for embalming, dissection or autopsy

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

1 Section 1. Subdivisions 3 and 4 of section 4211 of the public health
2 law, as amended by chapter 180 of the laws of 2004, are amended to read
3 as follows:
4 3. No body of a deceased person shall be delivered or released to or
5 received by, any university, college [or], school [or], institute[.]OR
6 MORTUARY SCHOOL:
7 (a) [if, within forty-eight hours after death it is desired for inter-
8 ment or other lawful disposition by relatives and in the counties of
9 Oneida, Onondaga, Oswego, Madison and Cortland, by relatives or
10 friends,] UNTIL THE SPOUSE, AND IF HE OR SHE SHALL HAVE HAD NO SPOUSE,
11 THE NEXT OF KIN OF THE DECEASED PERSON SHALL HAVE CONSENTED IN WRITING
12 TO THE DELIVERY AND RELEASE OF THE BODY OF SUCH PERSON TO THE UNIVERSI-
13 TY, COLLEGE, SCHOOL, INSTITUTE OR MORTUARY SCHOOL FOR THE PURPOSE OF
14 EMBALMING, DISSECTION OR AUTOPSY. THE UNIVERSITY, COLLEGE, SCHOOL,
15 INSTITUTE OR MORTUARY SCHOOL DESIRING CUSTODY OF THE BODY OF A DECEASED
16 PERSON SHALL HAVE THE DUTY TO LOCATE AND OBTAIN THE WRITTEN CONSENT OF
17 THE SPOUSE OR NEXT OF KIN OF SUCH DECEASED PERSON. IN THE EVENT THAT THE
18 SPOUSE OR NEXT OF KIN ARE NOT LOCATED, IT SHALL BE PRESUMED THAT THE
19 DECEASED PERSON AND HIS OR HER FAMILY AND NEXT OF KIN OBJECT TO EMBALM-
20 ING, DISSECTION AND AUTOPSY, THE BODY SHALL BE RELEASED FOR BURIAL;
21 or[,]

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

LBD09006-03-5

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

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

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

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

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