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

4430--B

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 -- 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, in a city having a population of one million or more, 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:

Section 1. Section 4211 of the public health law is amended by adding two new subdivisions 3-a and 4-a to read as follows:

3-A. IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, NO BODY OF A DECEASED PERSON SHALL BE DELIVERED OR RELEASED TO OR RECEIVED BY, ANY UNIVERSITY, COLLEGE, SCHOOL, INSTITUTE OR MORTUARY SCHOOL:

(A) 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, INSTITUTE OR MORTUARY SCHOOL FOR THE PURPOSE OF EMBALMING, DISSECTION OR AUTOPSY. THE UNIVERSITY, COLLEGE, SCHOOL, INSTITUTE OR MORTUARY SCHOOL DESIRING CUSTODY OF THE BODY OF A DECEASED PERSON SHALL HAVE THE DUTY TO LOCATE AND OBTAIN THE WRITTEN CONSENT OF THE SPOUSE OR NEXT OF KIN OF SUCH DECEASED PERSON. IN THE EVENT THAT THE SPOUSE OR NEXT OF KIN IS NOT LOCATED, THEN IT SHALL BE PRESUMED THAT THE DECEASED PERSON AND HIS OR HER FAMILY AND NEXT OF KIN OBJECT TO EMBALMING, DISSECTION AND AUTOPSY, AND 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

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

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OF, IS CARRYING AN IDENTIFICATION CARD UPON HIS OR HER PERSON INDICATING HIS OR HER OPPOSITION TO THE EMBALMING, DISSECTION OR AUTOPSY OF HIS OR HER BODY.

4-A. IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, A BODY OF A DECEASED PERSON SHALL NOT BE DELIVERED OR RELEASED TO, OR RECEIVED BY A UNIVERSITY, COLLEGE, SCHOOL, INSTITUTE OR MORTUARY SCHOOL, UNTIL THE PROVISIONS OF SUBDIVISION THREE-A OF THIS SECTION HAVE BEEN COMPLIED WITH.

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