

4430--C

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 -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to limiting the release of a body to a university, college, school or institute in a city having a population of one million or more

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

1 Section 1. Section 4211 of the public health law is amended by adding
2 a new subdivision 3-a to read as follows:
3 3-A. (A) IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, NO BODY
4 OF A DECEASED PERSON SHALL BE DELIVERED OR RELEASED TO OR RECEIVED BY,
5 ANY UNIVERSITY, COLLEGE, SCHOOL OR INSTITUTE, INCLUDING ANY MORTUARY
6 SCHOOL UNLESS:
7 (I) THE PERSON AUTHORIZED TO CONTROL THE DISPOSITION OF SUCH BODY
8 UNDER SECTION FORTY-TWO HUNDRED ONE OF THIS ARTICLE CONSENTS IN WRITING
9 TO THE DELIVERY AND RELEASE OF THE BODY OF SUCH PERSON TO THE UNIVERSI-
10 TY, COLLEGE, SCHOOL OR INSTITUTE FOR THE PURPOSE OF EMBALMING,
11 DISSECTION OR AUTOPSY, PROVIDED THAT A CHIEF FISCAL OFFICER OF A COUNTY
12 OR A PUBLIC ADMINISTRATOR SHALL NOT BE AUTHORIZED TO PROVIDE SUCH
13 CONSENT; OR
14 (II) THE DECEDENT HAS THROUGH A LAWFULLY EXECUTED WRITTEN INSTRUMENT,
15 WILL OR TRUST, CONSENTED TO SUCH DELIVERY OR RELEASE;
16 (B) IN NO EVENT SHALL SUCH DELIVERY OR RELEASE FOR THE PURPOSE OF
17 EMBALMING, DISSECTION OR AUTOPSY BE AUTHORIZED WHERE THE PROVISIONS OF

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

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1 SECTION FORTY-TWO HUNDRED NINE-A OR FORTY-TWO HUNDRED TEN-C OF THIS
2 TITLE APPLY.

3 (C) THE UNIVERSITY, COLLEGE, SCHOOL, OR INSTITUTE DESIRING CUSTODY OF
4 THE BODY OF A DECEASED PERSON SHALL HAVE THE DUTY TO LOCATE AND OBTAIN
5 THE WRITTEN CONSENT OF SUCH PERSON WHO IS AUTHORIZED TO CONTROL THE
6 DISPOSITION OF SUCH BODY UNDER SECTION FORTY-TWO HUNDRED ONE OF THIS
7 ARTICLE; HOWEVER, A CHIEF FISCAL OFFICER OF A COUNTY OR A PUBLIC ADMIN-
8 ISTRATOR SHALL NOT BE AUTHORIZED TO PROVIDE SUCH CONSENT. IN THE EVENT
9 THAT SUCH BODY IS NOT DELIVERED OR RELEASED TO A UNIVERSITY, COLLEGE,
10 SCHOOL OR INSTITUTE UNDER THIS SECTION, THE BODY SHALL BE RELEASED FOR
11 BURIAL OR OTHER LAWFUL DISPOSITION CONSISTENT WITH THIS ARTICLE AND ANY
12 OTHER APPLICABLE PROVISION OF LAW.

13 (D) THE PERSON HAVING LAWFUL POSSESSION OF A BODY UNDER THIS SECTION
14 SHALL NOT BE HELD LIABLE FOR ACTIONS TAKEN REASONABLY AND IN GOOD FAITH
15 UPON PRESENTATION OF A WRITTEN CONSENT PURSUANT TO SUBPARAGRAPH (I) OF
16 PARAGRAPH (A) OF THIS SUBDIVISION OR A WRITTEN INSTRUMENT, WILL OR TRUST
17 PURSUANT TO SUBPARAGRAPH (II) OF SUCH PARAGRAPH.

18 (E) THE PROVISIONS OF THIS SECTION SHALL APPLY NOTWITHSTANDING ANY
19 INCONSISTENT PROVISION OF GENERAL, SPECIAL OR LOCAL LAW.

20 S 2. This act shall take effect on the thirtieth day after it shall
21 become a law and shall apply to the delivery and release of bodies on
22 and after such date.