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

5570--A

Cal. No. 1029

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the executive law and the public health law, in relation to authorizing a veteran's close friend or family member who is reasonably familiar with such veteran's wishes to request that such veteran be buried in a veterans' cemetery

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

Section 1. The executive law is amended by adding a new section 368-a to read as follows:

S 368-A. BURIAL RIGHTS OF CERTAIN VETERANS. 1. FOR THE PURPOSES OF THIS SECTION, "AGENT IN CONTROL OF THE DISPOSITION OF REMAINS" MEANS THE PERSON RESPONSIBLE OR DESIGNATED TO CONTROL THE DISPOSITION OF A DECEASED VETERAN'S REMAINS AS DEFINED AND OUTLINED IN SECTION FORTY-TWO HUNDRED ONE OF THE PUBLIC HEALTH LAW WHO HAS KNOWLEDGE OF A VETERAN'S DESIRE TO BE BURIED IN A VETERANS' CEMETERY AND CAN PROVIDE EVIDENCE OF THE MILITARY SERVICE OF THE DECEDENT WHICH SHALL BE FURNISHED IN THE MANNER AND FORM PRESCRIBED BY THE STATE DIRECTOR.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LOCAL LAW, LAW, RULE OR REGULATION TO THE CONTRARY, ANY AGENT IN CONTROL OF THE DISPOSITION OF REMAINS MAY REQUEST THAT A DECEASED VETERAN BE BURIED IN A VETERANS' CEMETERY.

S 2. Subparagraph (ix) of paragraph (a) of subdivision 2 of section 4201 of the public health law, as amended by chapter 401 of the laws of 2007, is amended to read as follows:

(ix) a close friend or relative who is reasonably familiar with the decedent's wishes, including the decedent's religious or moral beliefs,

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

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when no one higher on this list is reasonably available, willing, or competent to act[, provided that such person has executed a written statement pursuant to subdivision seven of this section]; or

S 3. This act shall take effect immediately.