

# STATE OF NEW YORK

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4610

2019-2020 Regular Sessions

## IN SENATE

March 15, 2019

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Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the religious corporations law, in relation to the sale of monuments

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The fourth undesignated paragraph and the closing paragraph  
2 of section 7 of the religious corporations law, the fourth undesignated  
3 paragraph as added by chapter 560 of the laws of 1998 and the closing  
4 paragraph as amended by chapter 296 of the laws of 2018, are amended to  
5 read as follows:

6 No religious corporation owning, managing or controlling a cemetery  
7 shall, directly or indirectly:

8 (a) sell, or have, enter into or perform a lease of any of its real  
9 property dedicated to cemetery purposes or adjacent thereto to a funeral  
10 entity, or use any of its property for locating a funeral entity;

11 (b) commingle its funds with a funeral entity;

12 (c) direct or carry on its cemetery related business or affairs with a  
13 funeral entity;

14 (d) authorize control of its cemetery related business or affairs by a  
15 funeral entity;

16 (e) engage in any sale or cross-marketing of goods or services with a  
17 funeral entity;

18 (f) have, enter into or perform a management or service contract for  
19 cemetery operations with a funeral entity; ~~[ex]~~

20 (g) have, enter into or perform a management contract with any entity  
21 other than a not-for-profit cemetery or religious corporation~~[-]~~;

22 (h) engage in the sale of monuments, not including flush bronze mark-  
23 ers, nor shall such monuments be displayed for sale on the property of a

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

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1 religious corporation, whether such property is located on cemetery  
2 grounds or elsewhere; or

3 (i) authorize or permit any employee or trustee or director thereof to  
4 advertise or make known his or her relationship to such religious corpo-  
5 ration or cemetery if such person is engaged in the sale of monuments  
6 outside of his or her employment by or affiliation with the religious  
7 corporation or the cemetery.

8 Only the provisions of subparagraphs (a) [~~and~~], (b), (h) and (i) of  
9 the [~~previous~~] fourth undesignated paragraph of this section shall apply  
10 to religious corporations with thirty acres or less of real property  
11 dedicated to cemetery purposes, and only to the extent the sale or lease  
12 is of real property dedicated to cemetery purposes, and such cemeteries  
13 shall not engage in the sale of funeral home goods or services, except  
14 if such goods and services are otherwise permitted to be sold by ceme-  
15 teries. No religious corporation shall approve or authorize the  
16 construction of a mausoleum or columbarium on property owned by the  
17 religious corporation where such mausoleum or columbarium shall be the  
18 only form of interment offered for cemetery purposes unless a management  
19 contract has been entered into with an existing cemetery corporation  
20 regulated under article fifteen of the not-for-profit corporation law,  
21 that will provide operational management of the mausoleum or columbari-  
22 um, and the owner of the mausoleum or columbarium has reserved interment  
23 space and secured interment services in a cemetery regulated under this  
24 article, in order to assure continued perpetual care of the remains  
25 contained in the mausoleum or columbarium should such mausoleum or  
26 columbarium become abandoned or choose to cease operations.

27 § 2. This act shall take effect on the thirtieth day after it shall  
28 have become a law.