STATE OF NEW YORK

5057--A

2019-2020 Regular Sessions

IN SENATE

April 5, 2019

Introduced by Sens. JACOBS, SEWARD, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 560 of the laws of 1998, amending the not-for-profit corporation law and other laws, relating to combinations of cemetery corporations and funeral entities, and the sale of monuments and memorials, in relation to funeral entities and the operation of any crematory or crematorium

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

Section 1. Section 14 of chapter 560 of the laws of 1998, amending the not-for-profit corporation law and other laws, relating to combinations of cemetery corporations and funeral entities, and the sale of monuments and memorials, is amended to read as follows:

§ 14. **1.** The provisions of this act shall not apply to the operation of any crematory or crematorium, or act of cremation performed by a funeral entity after the effective date of this act, if the funeral entity:

a. operated such crematory or crematorium, or performed cremations prior to January 1, 1998; or

b. filed an application with the cemetery board for the operation of a crematory or crematorium prior to January 1, 1998.

2. For purposes of this section and provided that the funeral entity complies with all other applicable laws and regulations and the funeral entity and the crematory or crematorium affirmatively consent:

a. a funeral entity may transfer the right to operate a crematory or crematorium or to perform the act of cremation;

b. a crematory or crematorium operated by a funeral entity may add space or equipment to meet increased demand for crematory services

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

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including but not limited to additional retorts upon a demonstration to the board that existing crematory services within the locality served are insufficient to meet demand, such demonstration is met by a ten percent increase in cremations within the locality over a five year period, a waiting list for cremation services within the locality and use of cremation services outside of the locality including use of out-of-state cremation services, provided that the local authority which approved the creation of such crematory or crematorium first approves the addition of space or equipment upon making a determination that such addition does not adversely affect public health or welfare, and such addition does not otherwise conflict with the limitations set forth in article fifteen of the not-for-profit corporation law; and

c. a crematory or crematorium operated by a funeral entity may relocate facilities, in combination with a funeral entity or separately and any movement of facilities shall not diminish or otherwise affect the ability of the crematory or crematorium to be operated by a funeral entity, to another location within the local authority which approved the creation of the crematory or crematorium, provided that the local authority approves such relocation and the relocation does not otherwise conflict with the limitations set forth in article fifteen of the not-for-profit corporation law.

§ 2. This act shall take effect immediately.