STATE OF NEW YORK

7350

2019-2020 Regular Sessions

IN ASSEMBLY

April 26, 2019

Introduced by M. of A. WOERNER -- read once and referred 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:

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

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

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

(b) commingle its funds with a funeral entity;

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

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

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

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

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

(h) engage in the sale of monuments, not including flush bronze markers, nor shall such monuments be displayed for sale on the property of a religious corporation, whether such property is located on cemetery grounds or elsewhere; or

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

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

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

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