

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:

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; ~~[-]~~

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
24 religious corporation, whether such property is located on cemetery
25 grounds or elsewhere; or

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

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

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

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