STATE OF NEW YORK

4646

2019-2020 Regular Sessions

IN SENATE

March 19, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the disposition of cremated remains

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

Section 1. Subdivision 4 of section 4202 of the public health law, as amended by chapter 91 of the laws of 1987, is amended to read as follows:

4. At the time of the arrangement for a funeral performed by any undertaker or funeral director, the person contracting for funeral services shall designate his **or her** intentions with respect to the disposition of the remains of the deceased in a signed declaration of intent on a form as designated by the department which shall be provided by and retained by the undertaker. Every undertaker, administrator, executor, authorized representative of a deceased person, corporation, company or association, or other person having in his**, her** or its lawful possession cremated remains, except such remains committed to his**, her** or its care for permanent interment, which remains shall not have been claimed by a relative or friend of the deceased person within one hundred twenty days from the date of cremation, may dispose of such remains by placement in a tomb, mausoleum, crypt, niche in a columbarium, burial in a cemetery, or scattering of the remains at sea or **in a designated scattering area at a regulated cemetery corporation as defined in article fifteen of the not-for-profit corporation law or** by otherwise disposing of such remains as provided by rule of the department. A record of such disposition shall be made and kept by the person making such disposition. Upon disposing of such remains in the manner prescribed above, such person shall be discharged from any legal obligation or liability in relation to such remains. **Notwithstanding any other provision of law to the contrary, at the end of this one hundred**

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

LBD10864-01-9

twenty day period where such remains have not been claimed pursuant to this subdivision, a funeral director may, only with the written consent of a regulated cemetery corporation as defined in article fifteen of the not-for-profit corporation law, dispose of the unclaimed remains by providing them to such cemetery which may seek the authorization from the authorized representative, next of kin, relative or friend of the deceased person to memorialize and inter such unclaimed remains by placement in a tomb, mausoleum, crypt, niche in a columbarium, burial in a cemetery, or scattering of the remains in a designated scattering area at such cemetery or at sea or by otherwise disposing of such remains as provided by rule of the department. If after an additional one hundred twenty days from the date of transfer of the unclaimed remains to the cemetery, the remains shall not have been claimed by the authorized representative, next of kin, relative or friend of the deceased person or such person has not otherwise directed the cemetery to memorialize or inter the unclaimed remains, the cemetery may dispose of such remains by placement in a tomb, mausoleum, crypt, niche in a columbarium, burial in a cemetery, or scattering of the remains in a designated scattering area at such cemetery or at sea or by otherwise disposing of such remains as provided by rule of the department. A record of such disposition shall be made and kept by the person making such disposition. Upon disposing of such remains in the manner prescribed above, such funeral director and cemetery corporation shall be discharged from any legal obligation or liability in relation to such remains.

§ 2. This act shall take effect immediately.