STATE OF NEW YORK

6740--A

2021-2022 Regular Sessions

IN ASSEMBLY

March 29, 2021

Introduced by M. of A. CONRAD -- read once and referred 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 paragraph (b) of section fifteen hundred three of the not-for-profit corporation law, where applicable, and all other applicable laws and regulations, and the funeral entity and the crematory or crematorium affirmatively consent, a crematory or crematorium operated by a funeral entity in the town of Tonawanda that has been subject to a consent order issued by the department of environmental conservation may relocate existing operations from its location at the time of the effec-

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

LBD10239-06-1

tive date of this subdivision, to another location only within the town of Tonawanda, provided also that the local authority approves of such relocation and the relocation does not otherwise conflict with the limitations set forth in article fifteen of the not-for-profit corporation law. Any such movement of facilities shall not diminish or otherwise affect the ability of the crematory or crematorium to be operated by a funeral entity as provided in this section. Nothing in this act shall entitle any crematory or crematorium operated by a funeral entity to expand its operations or otherwise permit noncompliance with the provisions of this act.

§ 2. This act shall take effect immediately.