STATE OF NEW YORK

904

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the not-for-profit corporation law, in relation to cemetery disclosure forms

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

Section 1. Paragraph (o) of section 1510 of the not-for-profit corporation law, as added by a chapter of the laws of 2020 amending the not-for-profit corporation law relating to creating a cemetery disclosure form, as proposed in legislative bills numbers S.4284-A and A.3429-A, is amended to read as follows:

(o) Posting and distribution of the New York state cemetery disclosure form. (1) [~~A~~] New York state cemetery disclosure [~~form~~] forms shall be created [~~and produced~~] by the state cemetery board and shall be [~~conspicuously~~] posted [~~by any cemetery corporation as such term is defined in section fifteen hundred two of this article in each of its offices if any. A copy of such form shall be provided by the cemetery corporation to any person arranging for an interment or purchasing interment rights or any other goods or services offered by the cemetery. Additionally, the New York state cemetery disclosure form shall be posted on the web site of the department of state's division of cemeteries~~] on the website of the division of cemeteries in the department of state. Copies of such forms shall be suitably printed by the cemetery corporation and conspicuously displayed in each of its offices, if any, so that all persons visiting such place may readily see the form and inspect its contents. Physical copies of the forms shall be made available to any person inquiring about cemetery lots, goods, or services. A corporation may offer a customer the option of receiving the forms through the use of a quick response (QR) code in lieu of receiving a paper copy.

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

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(2) The New York state cemetery disclosure [~~form~~] **forms** shall be in the form and manner as prescribed by the state cemetery board, **shall** include the contact information of the New York department of state division of cemeteries, and [~~include~~] **shall contain an explanation of the rights of lot owners and family members including**, but not be limited to, the following:

(A) [~~a description of and~~] **a website address, and a hyperlink in the case of electronic copies, for** information about the regulation of cemeteries in New York, the New York department of state division of cemeteries and the state cemetery board, and a description of those types of cemeteries that are not regulated by the state cemetery board;

(B) [~~a description of~~] the process of purchasing and re-selling a burial lot, plot or part thereof;

(C) [~~a description of~~] the right to interment **and disposition options**;

(D) [~~a description of~~] inheritance rights of a burial lot, plot or part thereof;

(E) a listing of reasons that interment may be denied;

(F) [~~options regarding how remains may be disposed;~~

~~(G) a description of~~] the requirements in regards to the use of outer enclosures;

[~~(H) a description of cemetery fees and services; and~~] **(G) the rights of lot owners as members of the cemetery corporation;**

[~~(I)~~] **(H) cemeteries' duties regarding charges, prices, rules, and regulations;**

(I) the right to make burial arrangements and provide for memorialization; and

(J) any other information deemed [~~necessary~~] **appropriate**.

(3) The state cemetery board may, from time to time, update and amend the New York state cemetery disclosure form as it deems necessary.

§ 2. Paragraph (a) of section 1510 of the not-for-profit corporation law, as amended by chapter 254 of the laws of 2006, is amended to read as follows:

(a) Posting and distribution of rules, regulations, charges and prices. The rules, regulations, charges, and prices of **goods,** lots, plots or parts thereof shall be suitably printed and shall be conspicuously posted by the corporation in each of its offices**, if any, and conspicuously displayed on any website the corporation maintains or through which it conducts business**. A printed copy of **charges and** prices of **goods,** lots, plots or parts thereof shall be made available upon request by any person for up to the actual price of the printing of the copy. For each day in which the corporation fails to post **or display** the rules, regulations, charges and prices the corporation shall be subject to a penalty of twenty-five dollars which may be recovered in a civil action by the cemetery board. For each instance in which the corporation fails to make available a copy of the prices of **goods,** lots, plots, or parts thereof, to a person who [~~request~~] **requests** such copy, the corporation shall be subject to a penalty of twenty-five dollars which may be recovered in a civil action by the cemetery board. The cemetery board may waive the payment of the penalty or any part thereof.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2020 amending the not-for-profit corporation law relating to creating a cemetery disclosure form, as proposed in legislative bills numbers S.4284-A and A.3429-A, takes effect.