STATE OF NEW YORK

5098

2021-2022 Regular Sessions

IN ASSEMBLY

February 11, 2021

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the general business law, in relation to the right to contract for the burial of cremains in pet cemeteries and requiring notice related thereto

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

Section 1. The general business law is amended by adding a new section 750-vv to read as follows:

§ 750-vv. Burial of cremains; notice required. 1. Pet cemetery owners and operators who allow for the burial of human cremated remains, as defined in subdivision two of section forty-two hundred two of the public health law, of pet owners with their pets may, pursuant to a written contract, charge a reasonable fee for such burial.

2. Such owners and operators shall provide a written notice to anyone seeking to bury a pet owner's cremated remains with the pet owner's pet before any contract is signed or consideration is paid for such burial. Said notice shall be in fourteen point bold type and state the following:

"THIS IS A PET CEMETERY UNDER THE GENERAL BUSINESS LAW (ARTICLE 35-C) NOT A PUBLIC CEMETERY UNDER THE NOT-FOR-PROFIT CORPORATION LAW (ARTICLE 15). WHILE HUMAN CREMATED REMAINS MAY BE BURIED IN A PET CEMETERY, SUCH CREMATED REMAINS ARE NOT COVERED BY ANY OF THE PROTECTIONS PROVIDED TO HUMAN CREMAINS UNDER THE NOT-FOR-PROFIT CORPORATION LAW."

3. Such owners and operators shall also include in any contract for burial of cremated remains of a pet owner the following language:

"Your rights and those of your family and descendants are set forth in this contract. This is a pet cemetery under the General Business Law (Article 35-C) not a public cemetery under the Not-For-Profit Corporation Law (Article 15). While human cremated remains may be buried in a pet cemetery, New York State Law provides no additional protections or

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

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legal rights not contained in this contract. New York State Law does not: protect human cremated remains buried in a pet cemetery like cremated remains in a public cemetery; guarantee that burial plots, memorials, and cremated remains disposed of on this property will be maintained or preserved; ensure that this property's current use and condition will be maintained; or ensure that this property will not be sold or transferred."

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