STATE OF NEW YORK

7848--A

2021-2022 Regular Sessions

IN ASSEMBLY

May 27, 2021

Introduced by M. of A. REYES, LUNSFORD, GUNTHER, DICKENS, J. D. RIVERA, FERNANDEZ, BURDICK, SOLAGES, ENGLEBRIGHT, FALL, SEAWRIGHT, LUPARDO, FAHY, TAYLOR, SIMON, JACOBSON, JACKSON, GALEF, HEVESI, COOK -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to providing a permit for a memorial lands facility

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

Section 1. Article 9 of the environmental conservation law is amended by adding a new title 22 to read as follows:

TITLE 22

MEMORIAL LANDS FACILITY

Section 9-2201. Memorial lands facility.

§ 9-2201. Memorial lands facility.

1. Any person who operates an entity on land, other than a cemetery, that is primarily used for the respectful disposition of cremated remains shall hold a valid memorial lands facility permit issued by the department.

2. To receive a memorial lands facility permit the operator of a memorial lands facility shall file with the department and adhere to an operation plan for the maintenance of the land and the disposition of cremated remains. The operation plan shall include the following:

(a) Evidence of a conservation easement, as defined under section 49-0303 of this chapter, held by a not-for-profit conservation organization or public body;

(b) A commitment that no crematory or columbarium shall be constructed on the memorial lands facility;

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

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(c) A copy of the form contract between the memorial lands facility and the consumer that permits the disposition of cremated remains; and

(d) The rules and regulations for the memorial lands facility which governs and shall include but not be limited to, access to the land.

3. An entity holding a memorial lands facility permit is operating on "private property" for purposes of paragraph (i) of section fifteen hundred seventeen of the not-for-profit corporation law and neither the land nor the entity shall be subject to regulations pursuant to article fifteen of the not-for-profit corporation law.

4. As a condition of approval for such permit, the operator shall provide certification to the department that such activities conform with existing local zoning laws and ordinances.

5. The department is authorized to promulgate any rules and regulations as may be necessary to implement and administer the provisions of this title.

§ 2. This act shall take effect immediately.