

STATE OF NEW YORK

2000

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

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

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:

1 Section 1. Section 14 of chapter 560 of the laws of 1998, amending the
2 not-for-profit corporation law and other laws, relating to combinations
3 of cemetery corporations and funeral entities, and the sale of monuments
4 and memorials, is amended by adding a new subdivision 3 to read as
5 follows:

6 3. For purposes of this section and provided that the funeral entity
7 complies with all other applicable laws and regulations and the funeral
8 entity and the crematory or crematorium affirmatively consent:

9 a. a funeral entity may transfer the right to operate a crematory or
10 crematorium or to perform the act of cremation;

11 b. a crematory or crematorium operated by a funeral entity may add
12 space or equipment to meet increased demand for crematory services
13 including but not limited to additional retorts upon a demonstration to
14 the board that existing crematory services within the locality served
15 are insufficient to meet demand, such demonstration is met by a ten
16 percent increase in cremations within the locality over a five year
17 period, a waiting list for cremation services within the locality and
18 use of cremation services outside of the locality including use of out-
19 of-state cremation services; and

20 c. a crematory or crematorium operated by a funeral entity may relo-
21 cate facilities, in combination with a funeral entity or separately and
22 any movement of facilities shall not diminish or otherwise affect the

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

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1 ability of the crematory or crematorium to be operated by a funeral
2 entity, to another location within the local authority which approved
3 the creation of the crematory or crematorium, provided that the local
4 authority approves such relocation and the relocation does not otherwise
5 conflict with the limitations set forth in article fifteen of the not-
6 for-profit corporation law.

7 § 2. This act shall take effect immediately.