STATE OF NEW YORK

8028

2023-2024 Regular Sessions

IN ASSEMBLY

September 13, 2023

Introduced by M. of A. EACHUS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the disposal of human remains which have been deemed abandoned

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

Section 1. Section 4201 of the public health law is amended by adding a new subdivision 12 to read as follows:

12. If the remains of a decedent in the possession of an undertaker, administrator, executor, authorized representative of a deceased person, corporation, company or association, or other person having in his, her or its lawful possession such remains are not acted upon within one hundred twenty days of receipt of such remains due to a lack of burial or other disposition plan made by the person in control of disposition, pursuant to paragraph (a) of subdivision two of this section, such remains shall be considered "abandoned". In such case, the undertaker, administrator, executor, authorized representative of a deceased person, corporation, company or association, or other person having in his, her or its lawful possession such remains, may dispose of such remains using traditional disposal methods such as burial, cremation, or natural organic reduction. A record of such disposition shall be made and kept by the person making such disposition. Upon disposing of such remains in the manner prescribed above, such person shall be discharged from any legal obligation or liability to the authorizing agent or any other person enumerated under paragraph (a) of subdivision two of this section in relation to such remains.

§ 2. This act shall take effect immediately.

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

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