

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:

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

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

21 § 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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