

STATE OF NEW YORK

3572

2023-2024 Regular Sessions

IN SENATE

February 1, 2023

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring nursing homes to designate dedicated storage spaces for the storage of the bodies of deceased persons

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

1 Section 1. The public health law is amended by adding a new section
2 2810-a to read as follows:

3 § 2810-a. Nursing home special provisions. 1. (a) Each nursing home
4 shall develop and submit to the department a plan designating a location
5 for temporary on-site storage of bodies of deceased persons who die at
6 such nursing home until those bodies can be safely transferred to appro-
7 priate parties for purposes of autopsy or disposition.

8 (b) Such plan shall include but not be limited to:

9 (i) the designation of a dedicated storage space. If a nursing home
10 does not currently have an appropriate space meeting the requirements of
11 paragraph (c) of this subdivision, the plan shall indicate how the nurs-
12 ing home will satisfy these requirements including through new
13 construction or modification of existing spaces or utilization of mobile
14 storage spaces pursuant to paragraph (d) of this subdivision;

15 (ii) identification of the maximum number of bodies of deceased
16 persons that can be safely stored within the dedicated storage space;
17 and

18 (iii) a description of the means by which the nursing home will ensure
19 that bodies of deceased persons are handled, stored, and transferred in
20 a safe and sanitary manner, including proper identification and minimiz-
21 ing the period of time for which each body is kept in the dedicated
22 storage space before transfer to other appropriate parties.

23 (c) A dedicated storage space designated for purposes of this subdivi-
24 sion shall be:

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

LBD06896-01-3

1 (i) located on or immediately adjacent to the grounds of the nursing
2 home;

3 (ii) isolated to the greatest extent practicable from public view and
4 patient or resident living and common areas, including preventing access
5 by persons other than those directly involved in storage or transport of
6 bodies of deceased persons;

7 (iii) sufficiently refrigerated for purposes of storing bodies of
8 deceased persons; and

9 (iv) of sufficient size and suitable construction to ensure lawful,
10 safe, and appropriate handling and storage of bodies of deceased
11 persons.

12 (d) If a nursing home cannot meet the requirements specified under
13 paragraph (c) of this subdivision through construction or modification
14 of existing spaces, such nursing home may designate and contract with a
15 third party to provide mobile storage spaces, provided that such mobile
16 storage spaces meet the requirements specified under paragraph (c) of
17 this subdivision.

18 (e) A storage space designated as a storage space for the bodies of
19 deceased persons pursuant to this subdivision shall not be deemed a
20 public morgue and shall not be required to store the bodies of deceased
21 persons who are not patients or residents of the nursing home.

22 (f) In addition to any other records required by law or regulation, a
23 nursing home shall maintain complete and accurate records relating to
24 storage and transfer of bodies of deceased persons for a period of five
25 years, including:

26 (i) death certificates or other documentation of declared date, time,
27 and to the extent known cause of death for each body of a deceased
28 person stored in the dedicated storage space;

29 (ii) documentation showing date and time of transfers from the dedi-
30 cated storage space to another appropriate party including identifica-
31 tion of individuals or entities who provided transport services;

32 (iii) copies of any permits or contracts relating to transfer of each
33 body of a deceased person including any contracts between the nursing
34 home and a provider of mobile storage spaces under paragraph (d) of this
35 subdivision.

36 (g) The department is authorized to inspect, at any time and without
37 prior notice, any dedicated storage space authorized under this subdivi-
38 sion.

39 (h) The commissioner shall make regulations under this section.

40 § 2. This act shall take effect on the sixtieth day after it shall
41 have become a law. Effective immediately, the commissioner of health may
42 make regulations and take other actions reasonably necessary to imple-
43 ment this act on that date.