STATE OF NEW YORK

5530

2023-2024 Regular Sessions

IN SENATE

March 7, 2023

Introduced by Sens. BROUK, HARCKHAM, HELMING, STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the veterans' services law and the public health law, in relation to authorizing a veteran's close friend or family member who is reasonably familiar with such veteran's wishes to request that such veteran be buried in a veterans' cemetery

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

Section 1. The veterans' services law is amended by adding a new section 27-a to read as follows:

§ 27-a. Burial rights of certain veterans. 1. For the purposes of this section, "agent in control of the disposition of remains" means the person responsible or designated to control the disposition of a deceased veteran's remains as defined and outlined in section forty-two hundred one of the public health law who has knowledge of a veteran's desire to be buried in a veterans' cemetery and can provide evidence of the military service of the decedent which shall be furnished in the manner and form prescribed by the state commissioner.

2. Notwithstanding any other provision of local law, law, rule or regulation to the contrary, any agent in control of the disposition of remains may request that a deceased veteran be buried in a veterans' cemetery.

§ 2. Subparagraph (ix) of paragraph (a) of subdivision 2 of section 4201 of the public health law, as amended by chapter 401 of the laws of 2007, is amended to read as follows:

(ix) a close friend or relative who is reasonably familiar with the decedent's wishes, including the decedent's religious or moral beliefs, when no one higher on this list is reasonably available, willing, or competent to act[~~, provided that such person has executed a written statement pursuant to subdivision seven of this section~~]; or

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

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§ 3. This act shall take effect immediately; provided, however, that if section 2 of part PP of chapter 56 of the laws of 2022 shall not have taken effect on or before such date then this act shall take effect on the same date and in the same manner as such chapter of the laws of 2022 takes effect.