STATE OF NEW YORK

6690

2023-2024 Regular Sessions

IN SENATE

May 5, 2023

Introduced by Sen. RIVERA -- 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 permitting a close friend to make an anatomical gift of a decedent's body

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

Section 1. Subparagraphs (ix) and (x) of paragraph (a) and paragraph (b) of subdivision 2 of section 4301 of the public health law, subparagraph (ix) and (x) of paragraph (a) as amended and paragraph (b) as added by section 1 of part B of chapter 742 of the laws of 2019, are amended to read as follows:

(ix) a guardian of the person of the decedent at the time of his or her death, [~~or~~]

(x) **a close friend as defined in subdivision four of section twenty-nine hundred ninety-four-a of this chapter, or**

(xi) any other person authorized or under the obligation to dispose of the body.

(b) If there is more than one member of a class listed in subparagraph (iv), (vi), (vii), [~~or~~] (viii)**, or (x)** of paragraph (a) of this subdivision entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or person knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

§ 2. Paragraph (b) of subdivision 2 of section 4305 of the public health law, as amended by chapter 45 of the laws of 2020, is amended to read as follows:

(b) If more than one member of a class listed in subparagraph (iv), (vi), (vii), [~~or~~] (viii)**, or (x)** of paragraph (a) of subdivision two of section forty-three hundred one of this article is reasonably available, a gift made pursuant to subdivision two of section forty-three hundred

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

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one of this article shall be amended or revoked only if a majority of the reasonably available members agree.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the commissioner of health is authorized to take any actions necessary to implement the provisions of this act on or before its effective date.