

# STATE OF NEW YORK

2850

2023-2024 Regular Sessions

## IN ASSEMBLY

January 27, 2023

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

AN ACT to amend the public health law, in relation to the disposition of  
cremated remains

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

1 Section 1. Subdivision 4 of section 4202 of the public health law, as  
2 amended by chapter 91 of the laws of 1987, is amended to read as  
3 follows:  
4 4. At the time of the arrangement for a funeral performed by any  
5 undertaker or funeral director, the person contracting for funeral  
6 services shall designate his or her intentions with respect to the  
7 disposition of the remains of the deceased in a signed declaration of  
8 intent on a form as designated by the department which shall be provided  
9 by and retained by the undertaker. Every undertaker, administrator,  
10 executor, authorized representative of a deceased person, corporation,  
11 company or association, or other person having in his, her or its lawful  
12 possession cremated remains, except such remains committed to his, her  
13 or its care for permanent interment, which remains shall not have been  
14 claimed by a relative or friend of the deceased person within one  
15 hundred twenty days from the date of cremation, may dispose of such  
16 remains by placement in a tomb, mausoleum, crypt, niche in a columbari-  
17 um, burial in a cemetery, or scattering of the remains at sea or in a  
18 designated scattering area at a regulated cemetery corporation as  
19 defined in article fifteen of the not-for-profit corporation law or by  
20 otherwise disposing of such remains as provided by rule of the depart-  
21 ment. A record of such disposition shall be made and kept by the person  
22 making such disposition. Upon disposing of such remains in the manner  
23 prescribed above, such person shall be discharged from any legal obli-  
24 gation or liability in relation to such remains. Notwithstanding any  
25 other provision of law to the contrary, at the end of this one hundred

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

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1 twenty day period where such remains have not been claimed pursuant to  
2 this subdivision, a funeral director may, only with the written consent  
3 of a regulated cemetery corporation as defined in article fifteen of the  
4 not-for-profit corporation law, dispose of the unclaimed remains by  
5 providing them to such cemetery which may seek the authorization from  
6 the authorized representative, next of kin, relative or friend of the  
7 deceased person to memorialize and inter such unclaimed remains by  
8 placement in a tomb, mausoleum, crypt, niche in a columbarium, burial in  
9 a cemetery, or scattering of the remains in a designated scattering area  
10 at such cemetery or at sea or by otherwise disposing of such remains as  
11 provided by rule of the department. If after an additional one hundred  
12 twenty days from the date of transfer of the unclaimed remains to the  
13 cemetery, the remains shall not have been claimed by the authorized  
14 representative, next of kin, relative or friend of the deceased person  
15 or such person has not otherwise directed the cemetery to memorialize or  
16 inter the unclaimed remains, the cemetery may dispose of such remains by  
17 placement in a tomb, mausoleum, crypt, niche in a columbarium, burial in  
18 a cemetery, or scattering of the remains in a designated scattering area  
19 at such cemetery or at sea or by otherwise disposing of such remains as  
20 provided by rule of the department. A record of such disposition shall  
21 be made and kept by the person making such disposition. Upon disposing  
22 of such remains in the manner prescribed above, such funeral director  
23 and cemetery corporation shall be discharged from any legal obligation  
24 or liability in relation to such remains.

25 § 2. This act shall take effect immediately.