

STATE OF NEW YORK

8278

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

Introduced by M. of A. SAYEGH -- read once and referred to the Committee on Insurance

AN ACT to amend the public health law, in relation to permitting funeral directors to sell insurance

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 3445 to read as follows:

3 § 3445. Funeral directing; sale of insurance. A funeral establishment
4 may provide for the sale of insurance by a person licensed under article
5 eleven of the insurance law. Such licensed person may be a funeral
6 director.

7 § 2. Paragraph (1) of subdivision 1 of section 3450 of the public
8 health law, as amended by chapter 642 of the laws of 2019, is amended to
9 read as follows:

10 (1) has paid, given, has caused to be paid or given or offered to pay
11 or to give to any person a commission or other valuable consideration
12 for the solicitation or procurement, either directly or indirectly, of
13 funeral patronage, or has accepted any consideration (including without
14 limitation a commission, rebate, or discount or direct or indirect price
15 reduction on merchandise from the current value thereof) from any finan-
16 cial institution or trust company, or agent thereof, with whom the
17 funeral director deposits funds paid for funeral services in advance of
18 need pursuant to subdivision one of section four hundred fifty-three of
19 the general business law except that the funeral director may accept,
20 from the financial institution, trust company or agent thereof, up to
21 twenty-five hundredths of one percent of the fee authorized under para-
22 graph (b) of subdivision three of section four hundred fifty-three of
23 the general business law for administrative services provided by the
24 funeral director, or has accepted any consideration (including without
25 limitation a commission or gift) from any insurer or agent thereof, to

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

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1 sell, offer or promote the sale of any policy of insurance payable,
2 expressly or as marketed, at the death of the insured for funeral or
3 burial expenses except where the funeral director is licensed to sell
4 insurance under article eleven of the insurance law and such compen-
5 sation from the insurer or agent thereof is for the sale of insurance by
6 the funeral director;

7 § 3. This act shall take effect immediately.