STATE OF NEW YORK

7894

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

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

AN ACT to amend the public health law, in relation to the selection of the method of disposition of remains of a decedent by a chief fiscal officer of a county or a public administrator

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

Section 1. Paragraph (c) of subdivision 2 of section 4201 of the public health law, as amended by chapter 76 of the laws of 2006, is amended to read as follows:

(c) The person in control of disposition, pursuant to this section, shall faithfully carry out the directions of the decedent to the extent lawful and practicable, including consideration of the financial capacity of the decedent's estate and other resources made available for disposition of the remains. The person in control of disposition shall also dispose of the decedent in a manner appropriate to the moral and individual beliefs and wishes of the decedent provided that such beliefs and wishes do not conflict with the directions of the decedent. The person in control of disposition may seek to recover any costs related to the disposition from the fiduciary of the decedent's estate in accordance with section eighteen hundred eleven of the surrogate's court procedure act. **Notwithstanding the provisions of this paragraph, a chief fiscal officer of a county or a public administrator, when having the right to control the disposition of the remains of such decedent pursuant to this section and acting reasonably and in good faith, may, without civil liability, select cremation or natural organic reduction as the method of disposition for such decedent. Such selection may be where the financial resources of such decedent are limited and such disposition is selected within the reasonable belief that the method is consistent with the religious practices of the decedent, provided however, that (i) no person having higher priority under this subdivision has**

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

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claimed the remains of the decedent within thirty days of the death or within ninety days if established by a county at its option, or (ii) such person having priority is known and has relinquished their right to control the decedent's final disposition.

§ 2. This act shall take effect immediately.