

STATE OF NEW YORK

8903--A

IN SENATE

January 14, 2026

Introduced by Sens. FAHY, MATTERA, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to former patients interred at present and former state mental health hospital cemeteries

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

1 Section 1. The mental hygiene law is amended by adding a new section
2 33.26 to read as follows:

3 § 33.26 Burial records.

4 (a) To mark headstones or otherwise memorialize former patients inter-
5 red at state mental health hospital cemeteries, the department and the
6 office of mental health shall make burial records that include the
7 deceased's name, date of birth, date of death, and burial location
8 available within thirty days upon request of a qualified person, as
9 defined by section 33.16 of this article, after the death of a patient.
10 As applicable, any additional burial records information shall be
11 released in order to document the deceased's military service or family
12 relationship. Burial records of former patients of a state mental
13 health hospital who have been deceased for fifty years or more shall be
14 considered historical records and no longer confidential or subject to
15 privacy protections and shall not be considered part of a clinical
16 record pursuant to section 33.13 of this article.

17 (b) (i) For the purposes of this section, the term "state mental
18 health hospital" shall mean any state-funded institution that cares for
19 or cared for and provides or provided treatment to individuals with a
20 mental illness or with a developmental disability in the state. Such
21 term shall include, but not be limited to former asylums for the insane,
22 such as the New York State Lunatic Asylum, Utica State Hospital, Willard
23 Asylum for the Insane, Willard State Hospital, New York State Inebriate
24 Asylum, Binghamton Asylum for the Chronic Insane, Binghamton State
25 Hospital, Buffalo State Asylum for the Insane, New York State Asylum for
26 the Insane, Buffalo State Hospital, Kings Park Psychiatric Center,

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

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1 Central Islip State Hospital, Pilgrim Psychiatric Center, New York State
2 Asylum for Idiots and the Asylum for Idiots in Albany.

3 (ii) For the purposes of this section, the term "burial records" shall
4 include but not be limited to, the name, sex, date of birth, place of
5 birth, date of death, place of death, date of burial, burial location,
6 military status and military service number, and if available next of
7 kin, and previous home address of the deceased.

8 (c) No fee shall be charged for a search and report of burial records.

9 (d) Current maps showing the burial lots, roads and paths in the pres-
10 ent and former state mental health hospital cemeteries shall be main-
11 tained and publicly available.

12 (e) A sign with the name of the cemetery, phone number, and address of
13 the point of contact for information about burials shall be posted at
14 each cemetery.

15 (f) Burial records shall be retained permanently.

16 (g) In the event that cemetery property or management is transferred
17 to another entity, all burial records and cemetery maps shall be
18 included.

19 § 2. This act shall take effect immediately.