

STATE OF NEW YORK

7457

2025-2026 Regular Sessions

IN SENATE

April 16, 2025

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 the use of cremation or natural organic reduction as the method of disposition for certain decedents

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

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

4 (c) The person in control of disposition, pursuant to this section,
5 shall faithfully carry out the directions of the decedent to the extent
6 lawful and practicable, including consideration of the financial capacity
7 of the decedent's estate and other resources made available for
8 disposition of the remains. The person in control of disposition shall
9 also dispose of the decedent in a manner appropriate to the moral and
10 individual beliefs and wishes of the decedent provided that such beliefs
11 and wishes do not conflict with the directions of the decedent. The
12 person in control of disposition may seek to recover any costs related
13 to the disposition from the fiduciary of the decedent's estate in
14 accordance with section eighteen hundred eleven of the surrogate's court
15 procedure act. Notwithstanding the provisions of this paragraph, a chief
16 fiscal officer of a county or a public administrator, when having the
17 right to control the disposition of the remains of such decedent
18 pursuant to this section and acting reasonably and in good faith, may,
19 without civil liability, select cremation or natural organic reduction
20 as the method of disposition for a decedent where the financial
21 resources of such decedent are limited and such disposition is selected
22 with the reasonable belief that the method is consistent with the reli-
23 gious practices of the decedent, provided, that (i) no person having
24 higher priority pursuant to this subdivision has claimed the remains of

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

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1 the decedent within thirty days of their death, or not exceeding ninety
2 days if established by a county at its option, or (ii) such person
3 having priority is known and has relinquished their right to control the
4 decedent's final disposition.

5 § 2. This act shall take effect immediately.