

A10166: Relates to the disposition of unclaimed cremated remains of a veteran

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Same as: [S6840A](#)

Law Section: Not-for-Profit Corporation Law

A10166 Summary

Establishes the veterans' cremains act, allowing funeral directors to grant qualified veterans' organizations the right to receive the cremains of a veteran which has not been claimed by a relative or friend of the deceased within one year after cremation.

Act: AN ACT to amend the not-for-profit corporation law, in relation to disposition of unclaimed cremated remains of a veteran

A10166 Actions

Mar 9, 2010 referred to corporations, authorities and commissions

"Same as" Actions for Bill [S6840A](#)

Feb 12, 2010 REFERRED TO VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS

Mar 4, 2010 AMEND AND RECOMMIT TO VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS

Mar 4, 2010 PRINT NUMBER 6840A

Mar 4, 2010 AMEND (T) AND RECOMMIT TO VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS

A10166 Memo

BILL NUMBER:A10166

TITLE OF BILL: An act to amend the not-for-profit corporation law, in relation to disposition of unclaimed cremated remains of a veteran

PURPOSE: To ensure the cremains (the remains of a cremated body) of veterans are properly and respectfully disposed of if not claimed, allowing for proper acknowledgement of those who have served our nation.

SUMMARY OF PROVISIONS: Section one amends article 42 of the public health law by adding a new title 3. Title 3 provides that qualified tax exempt veterans organizations or federally chartered veteran's service organization will be given the right to receive and

respectfully dispose of the cremated remains of the unclaimed bodies of veterans, if such remains have not been claimed by a relative or friend of the deceased within a designated period of one year after cremation has taken place.

JUSTIFICATION: Millions of American service men and women have fought for the United States in two World Wars, Korea, Vietnam, the Persian Gulf, the ongoing wars in Iraq and Afghanistan, and numerous other small conflicts. Those same service men and women have also carried out humanitarian relief projects on behalf of the United States in every corner of the world. Sadly, however, the remains of some of those heroes sit unclaimed and forgotten on the shelves in funeral homes, hospitals, prisons, crematories and other facilities. (See, e.g., "Abandoned cremains of veterans laid to rest," TEANECK SUBURBANITE, August 20, 2009.) It is fitting we provide a way for the remains of those lost heroes to receive the respectful and honorable interment they deserve.

In 2009, the states of New Jersey and Illinois enacted laws concerning the final disposition of the unclaimed remains- of veterans' bodies after cremation. Sadly, New York has not yet adopted a similar policy to allow the brothers and sisters in service of our fallen heroes the ability to serve their former comrades one final time. It is time New York adopts the same policy.

By allowing veteran's organizations to carry out the proper burial procedures, rather than allow the cremated remains of American veterans to lay abandoned for decades, we pay due respect to those who have served to protect the life and liberty of this nation.

LEGISLATIVE HISTORY: None. This is a new bill.

FISCAL IMPLICATIONS: No fiscal implications.

EFFECTIVE DATE: This act shall take effect November 11, 2010.

A10166 Text

S T A T E O F N E W Y O R K

10166

I N A S S E M B L Y

March 9, 2010

Introduced by M. of A. BRODSKY -- read once and referred to the
Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation
to

disposition of unclaimed cremated remains of a veteran

ASSEM- THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (j) of section 1517 of the not-for-profit
corpo-
2 ration law is relettered paragraph (k) and a new paragraph (j) is
added
3 to read as follows:
4 (J) DISPOSITION OF UNCLAIMED CREMATED REMAINS OF A VETERAN. (1)
PURSU-
5 ANT TO THE REQUIREMENTS OF PARAGRAPH (I) OF THIS SECTION, IF,
UPON
6 COMPLETION OF THE CREMATION PROCESS, THE CEMETERY CORPORATION HAS
NOT
7 BEEN INSTRUCTED TO ARRANGE FOR THE INTERMENT, ENTOMBMENT, INURNMENT
OR
8 SCATTERING OF THE CREMAINS OF AN INDIVIDUAL KNOWN TO BE A VETERAN
AND
9 PROVIDED A DILIGENT EFFORT HAS BEEN MADE TO LOCATE AND NOTIFY THE
NEXT
10 OF KIN OR AUTHORIZING AGENT THAT SIGNED THE CREMATION AUTHORIZATION
FOR
11 THE DECEASED VETERAN, AFTER A PERIOD OF ONE HUNDRED TWENTY DAYS FROM
THE
12 DATE OF THE CREMATION, WHERE THE AUTHORIZING AGENT HAS NOT
INSTRUCTED
13 THE CEMETERY CORPORATION TO ARRANGE FOR THE FINAL DISPOSITION OF
THE
14 CREMAINS OR CLAIMED THE CREMAINS, THE CEMETERY CORPORATION MAY
ALSO
15 DISPOSE OF THE CREMAINS IN ANY MANNER PERMITTED BY THIS SECTION OR
BY
16 RELINQUISHING POSSESSION OF VETERANS' CREMAINS FOR DISPOSITION BY
A
17 VETERANS' ORGANIZATION THAT QUALIFIES AS A SECTION 501(C)(3)
OR
18 501(C)(19) TAX EXEMPT ORGANIZATION UNDER THE INTERNAL REVENUE CODE, OR
A
19 FEDERALLY CHARTERED VETERANS' SERVICE ORGANIZATION. THE CEMETERY
CORPO-
20 RATION, HOWEVER, SHALL KEEP A PERMANENT RECORD IDENTIFYING THE
VETERANS'
21 ORGANIZATION RECEIVING THE REMAINS AND THE SITE DESIGNATED FOR
FINAL
22 DISPOSITION BY THE ORGANIZATION. THE METHOD OF DISPOSITION SHALL BE
MADE
23 PURSUANT TO THIS SECTION AND SHALL BE DIRECTED TO A SECTION OF A
CEME-
24 TERY CORPORATION WHERE VETERANS ARE MEMORIALIZED BY A VETERAN'S
MARKER
25 IF ELIGIBLE, A VETERANS' SECTION OF A CEMETERY CORPORATION OR A
VETER-
26 ANS' CEMETERY IF THE DECEASED VETERAN IS ELIGIBLE FOR INTERMENT IN
SUCH

27 A MANNER. SUCH INTERMENT, ENTOMBMENT, INURNMENT OR SCATTERING OF
THE
28 CREMAINS OF AN INDIVIDUAL KNOWN TO BE A VETERAN BY SUCH A
VETERANS'

EXPLANATION--Matter in ITALICS (underscored) is new; matter in
brackets

[] is old law to be omitted.

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1 ORGANIZATION SHALL OCCUR WITHIN SIXTY DAYS. THE AUTHORIZING AGENT
SHALL
2 BE RESPONSIBLE FOR REIMBURSING THE CEMETERY CORPORATION OR THE
VETERANS'
3 ORGANIZATION FOR ALL REASONABLE EXPENSES INCURRED IN DISPOSING OF
THE
4 CREMAINS. UPON DISPOSITION OF THE CREMAINS, THE CEMETERY CORPORATION
AND
5 THE VETERANS' ORGANIZATION AS DEFINED IN THIS SECTION SHALL
BE
6 DISCHARGED FROM ANY LEGAL OBLIGATION OR LIABILITY CONCERNING
THE
7 CREMAINS. EXCEPT WITH THE EXPRESS WRITTEN PERMISSION OF THE
AUTHORIZING
8 AGENT, NO PERSON SHALL:
9 (I) DISPOSE OF CREMAINS IN A MANNER OR IN A LOCATION SO THAT
THE
10 CREMAINS ARE COMMINGLED WITH THOSE OF ANOTHER PERSON. THIS
PROHIBITION
11 SHALL NOT APPLY TO THE SCATTERING OF CREMAINS AT SEA, BY AIR, OR IN
AN
12 AREA LOCATED IN A CEMETERY AND USED EXCLUSIVELY FOR THOSE PURPOSES;
AND
13 (II) PLACE CREMAINS OF MORE THAN ONE PERSON IN THE SAME
TEMPORARY
14 CONTAINER OR URN.
15 (2) FOR THE PURPOSES OF THIS PARAGRAPH, "DILIGENT EFFORT" SHALL MEAN
A
16 REASONABLE EFFORT, AND INCLUDES A CERTIFIED LETTER, DELIVERY
RECEIPT
17 REQUESTED, MAILED TO THE NEXT OF KIN OR AUTHORIZING AGENT THAT
SIGNED
18 THE CREMATION AUTHORIZATION.
19 S 2. This act shall take effect November 11, 2010.