

Cremation Issue Chart

NEW YORK



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
§ 203.4. Identification of deceased human beings		<p>(c) The crematory shall, by a written plan available for inspection by the Division of Cemeteries, assure that the identification of the deceased, as established by the cremation permit or subsequent confirming document, accompanies the remains of the deceased human being until the identity of the deceased is accurately and legibly inscribed on the containers in which the cremains are placed. From the time the crematory accepts delivery of the remains of a deceased human being until the time the crematory delivers the cremains as directed, the crematory shall be responsible for the remains of the deceased human being and for maintaining the identification of the remains.</p> <p>(d) If a document confirming the identity of the deceased is required, it shall be provided by the person in control of disposition and may be in the form of, but not limited to:</p> <p>(1) a signed affidavit from a licensed physician, a member of the family of the deceased human being, or the person in control of disposition; or</p> <p>(2) a court order from the State Supreme Court within the county of the crematory.</p> <p>(e) A copy of the cremation permit and the document confirming the identity of the deceased shall be retained in the permanent file of the crematory.</p>	

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ISSUE: ALTERNATIVE CONTAINER FOR CREMATION		
Law/Regulation	Is It Required?	Definition of Alternative Container
NY NPC Law 1502 Definitions		(j) The term "alternative container" or "external wrappings" means a nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of cardboard, pressed wood, composite materials (with or without an outside covering), or pouches of canvas or other material.)
ISSUE: URN		
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container
N/A		
ISSUE: AUTHORIZING AGENT		
Law/Regulation	Legal Order of Authorizing Agent	
§ 4201. Disposition of remains; responsibility therefor	<p>2. (a) The following persons in descending priority shall have the right to control the disposition of the remains of such decedent:</p> <ul style="list-style-type: none"> (i) the person designated in a written instrument executed pursuant to the provisions of this section; (ii) the decedent's surviving spouse; (ii-a) the decedent's surviving domestic partner; (iii) any of the decedent's surviving children eighteen years of age or older; (iv) either of the decedent's surviving parents; (v) any of the decedent's surviving siblings eighteen years of age or older; (vi) a guardian appointed pursuant to article seventeen or seventeen-A of the surrogate's court procedure act or article eighty-one of the mental hygiene law; (vii) any person eighteen years of age or older who would be entitled to share in the estate of the decedent as specified in section 4-1.1 of the estates, powers and trusts law, with the person closest in relationship having the highest priority; (viii) a duly appointed fiduciary of the estate of the decedent; 	

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
§ 1517. Crematory operations	<p>(i) Disposition of cremains. The authorizing agent shall be responsible for the final disposition of the cremains. Cremains must be disposed of by placing them in a grave, crypt, or niche, by scattering them in a designated scattering garden or area, or in any manner whatever on the private property of a consenting owner or by delivery to the authorizing agent or a person specifically designated by the authorizing agent. Upon completion of the cremation process, if the cemetery corporation has not been instructed to arrange for the interment, entombment, inurnment or scattering of the cremains, the cemetery corporation shall deliver the cremains to the individual specified on the cremation authorization form or the funeral firm of record.</p> <p>Registered Mail</p>