



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Subject  
FUNERAL DIRECTING  
- General

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.  
*Commissioner*

Wendy E. Saunders  
*Chief of Staff*

February 25, 2008

Hon. James S. Alesi  
Member of the Senate  
State of New York  
905 Legislative Office Building  
Albany, NY 12247

Dear Senator Alesi:

Commissioner of Health Richard F. Daines, M.D., has asked me to respond to your January 4, 2008, letter concerning plastination and the exhibition of plastinated bodies. As described in the "briefing document" included in your letter, plastination is a process whereby the fats and water in tissue are replaced by various plastics. The tissue that has been treated in this way retains its original properties, but does not decay. Bodies that have been treated using this process have been displayed in venues in this state and the United States.

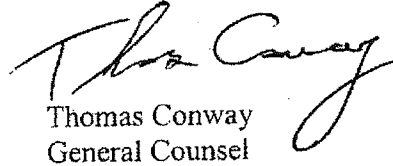
The laws and regulations administered by this agency do not expressly address plastination or the display of plastinated bodies. Public Health Law § 4200 provides that every body of a deceased person within the state shall be decently buried or incinerated within a reasonable time after death. This section also permits removal of the body of a deceased person from the state or transportation of the body of a deceased person through the state for disposition elsewhere. Public Health Law § 4215(2) recognizes that persons in possession of an unclaimed body after autopsy or dissection may retain parts of the body for scientific purposes. Part 13 of the State Sanitary Code (10 NYCRR Part 13) governs the transport of dead bodies in New York. Public Health Law Article 34 governs the practice of funeral directing. Nontransplant anatomic banks are regulated under 10 NYCRR Part 52. While all of these provisions may be read to apply to plastinated bodies, I do not believe they were intended to cover this type of exhibit. I am not aware that these laws and regulations have been applied to mummies or ancient human bones in museums. However, given a reported increase in the number of such exhibits, we will examine whether state law should be amended to address plastinated body exhibits.

We are confident that the public health can be protected during this review. Public Health Law Article 13 permits a local board of health to act to eliminate a condition that threatens public health by exercising what is commonly known as "authority to abate nuisances." That authority may be applicable if the bodies in question present a threat to public health. Article 21 of the Public Health Law also authorizes local boards of health to take actions to

prevent the introduction of communicable diseases and to prevent the spread of such diseases if they determine the bodies in question threaten to introduce or spread communicable disease. Communicable diseases are identified in 10 NYCRR §2.1.

I hope this assists you and your constituent, Mr. Pies.

Very truly yours,

  
Thomas Conway  
General Counsel

cc: Joshua C. Pies