

**CHAPTER 9****PREPARATION, HANDLING, TRANSPORTATION,  
BURIAL AND DISINTERMENT OF  
DEAD HUMAN BODIES****Authority**

N.J.S.A. 26:1A-7, 26:6-24, 26:7-14 and 26:7-18.1 et seq.,  
particularly 26:7-18.3.

**Source and Effective Date**

R.2007 d.58, effective January 11, 2007.  
See: 38 N.J.R. 3399(a), 39 N.J.R. 389(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 9, Preparation, Handling, Transportation, Burial and Disinterment of Dead Human Bodies, expires on January 11, 2014. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 9, Preparation, Handling, Transportation, Burial and Disinterment of Dead Human Bodies, was adopted and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 9, Preparation, Handling, Transportation, Burial and Disinterment of Dead Human Bodies, was readopted as R.1991 d.130, effective February 14, 1991. See: 22 N.J.R. 3458(a), 23 N.J.R. 888(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, Preparation, Handling, Transportation, Burial and Disinterment of Dead Human Bodies, was readopted as R.1996, d.121, effective February 7, 1996. See: 27 N.J.R. 4845(a), 28 N.J.R. 1379(b). Pursuant to Executive Order No. 66(1978), Chapter 9, Preparation, Handling, Transportation, Burial and Disinterment of Dead Human Bodies, expired February 7, 2001.

Chapter 9, Preparation, Handling, Transportation, Burial and Disinterment of Dead Human Bodies, was adopted as new rules by R.2001 d.273, effective August 6, 2001. See: 33 N.J.R. 746(c), 33 N.J.R. 2679(b).

Chapter 9, Preparation, Handling, Transportation, Burial and Disinterment of Dead Human Bodies, was readopted as R.2007 d.58, effective January 11, 2007. See: Source and Effective Date. See, also, section annotations.

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**APPENDIX A****APPENDIX B****SUBCHAPTER 1. PREPARATION, HANDLING, TRANSPORTATION, BURIAL AND DISINTERMENT OF DEAD HUMAN BODIES (CHAPTER 5 OF THE STATE SANITARY CODE)****8:9-1.1 Disposition of bodies generally; emergencies**

(a) The person or persons responsible for the burial or cremation or other lawful disposition of a dead human body shall not allow the same to remain unburied or uncremated in the State of New Jersey for a period longer than 48 hours unless embalmed by arterial and cavity injection or kept refrigerated at 45 degrees Fahrenheit or below or unless authorized by the Commissioner of Health and Senior Services under conditions prescribed by him or her during the existence of an emergency declared by the Governor.

(b) A person shall not bring an unembalmed body into the State of New Jersey more than 48 hours after death unless authorized by the Commissioner of Health and Senior Services during an emergency as prescribed above.

(c) The requirements of this regulation shall not apply to bodies held as anatomical or pathological material or for the purposes of criminal investigation.

**8:9-1.2 (Reserved)****8:9-1.3 Use of precautions in the preparation or handling of a dead body and disinterred remains**

(a) As used in this chapter, "Standard Precautions" means the Standard Precautions, as excerpted from the Guideline for Isolation Precautions in Hospitals (January 1996), incorporated herein by reference, as amended and supplemented, written by Julia S. Garner, RN, MN, and the Hospital Infection Control Practices Advisory Committee, from the Public Health Service, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Atlanta, Georgia, published with the following citations in the following scientific journals: Garner JS, Hospital Infection Control Practices Advisory Committee, Guideline for isolation precautions in hospitals, *Infect. Control Hosp. Epidemiol.* 1996; 17:53-80, and *Am. J. Infect. Control* 1996; 24:24-52, and available at [http://www.cdc.gov/ncidod/dhqp/gl\\_isolation\\_standard.html](http://www.cdc.gov/ncidod/dhqp/gl_isolation_standard.html).

1. As used in the Standard Precautions, for purposes of this chapter, the term "patient" shall be construed to mean "dead body" or "disinterred remains," as applicable.

(b) In the preparation for burial, other disposition, or transportation of a dead body, and during the handling of or work with disinterred remains, all persons present as authorized pursuant to N.J.A.C. 13:36-6.1, regardless of where the handling or preparation occurs, shall adhere to the Standard Precautions.

(c) All fluids or other matters removed from such body in the process of embalming and any waste material and used disposable nonreusable equipment shall be disposed of in accordance with all applicable State, Federal and local laws and regulations governing medical and infectious waste.

Amended by R.1991 d.130, effective March 18, 1991.

See: 22 N.J.R. 3458(a), 23 N.J.R. 888(a).

Added use of precautions according to the Centers for Disease Control recommendations.

Amended by R.2007 d.58, effective February 5, 2007.

See: 38 N.J.R. 3399(a), 39 N.J.R. 389(a).

Section was "Preparation of a dead body". Rewrote the section.

#### 8:9-1.4 through 8:9-1.5 (Reserved)

#### 8:9-1.6 Transportation of certain bodies in sealed caskets

A person shall not convey or aid in conveying to a common carrier to be transported across or within this State, and a common carrier shall not accept for transportation or transport into or within this State, the body of a person who has died of any of the following diseases: smallpox, Asiatic cholera, yellow fever, typhus fever or bubonic plague unless the body is enclosed in a hermetically sealed casket and a license for such transportation has been first obtained in writing from the Department of Health and Senior Services containing the information in the form provided at chapter Appendix A, incorporated herein by reference.

Amended by R.1991 d.130, effective March 18, 1991.

See: 22 N.J.R. 3458(a), 23 N.J.R. 888(a).

Added cross-reference to 8:9-1.2.

Amended by R.1996 d.121, effective March 4, 1996.

See: 27 N.J.R. 4845(a), 28 N.J.R. 1379(b).

Amended by R.2007 d.58, effective February 5, 2007.

See: 38 N.J.R. 3399(a), 39 N.J.R. 389(a).

Substituted "containing the information in the form provided at chapter Appendix A, incorporated herein by reference" for "(N.J.S.A. 26:6-23)".

#### 8:9-1.7 Transportation of bodies generally

(a) A human body dead from causes other than those included in N.J.A.C. 8:9-1.6 shall not be transported by a common carrier unless embalmed by arterial and cavity injection and enclosed in a leak proof casket, or a leak proof box, provided, however, that embalming shall not be required if destination can be reached within 24 hours after death and provided, further, that regulation shall not apply to disinterred bodies.

(b) This regulation shall not be construed to prevent the moving of the body of any person who has died on the property of or as a result of the activities of a common carrier, to a funeral director's establishment or the home of the deceased without embalming or encasing.

Amended by R.1991 d.130, effective March 18, 1991.

See: 22 N.J.R. 3458(a), 23 N.J.R. 888(a).

In (a), added cross-reference to 8:9-1.2.

Amended by R.1996 d.121, effective March 4, 1996.

See: 27 N.J.R. 4845(a), 28 N.J.R. 1379(b).

#### 8:9-1.8 Necessity of transit permit

A dead human body shall not be transported out of the State by common carrier unless accompanied by a transit permit containing the information in the form provided at Appendix A.

Amended by R.1991 d.130, effective March 18, 1991.

See: 22 N.J.R. 3458(a), 23 N.J.R. 888(a).

Stylistic revisions.

Amended by R.2007 d.58, effective February 5, 2007.

See: 38 N.J.R. 3399(a), 39 N.J.R. 389(a).

Substituted "containing the information in" for "of" and "provided at Appendix A" for "adopted by the Department of Health and Senior Services. (N.J.S.A. 26:6-26)".

#### 8:9-1.9 Disinterments; when allowed; permits

A dead human body shall not be disinterred or removed from any grave, tomb, or burial place except by direction of a competent court of this State, or upon permit being given therefor by the local board of health having jurisdiction in the locality where the body is interred or entombed in the form provided at chapter Appendix B, incorporated herein by reference, provided, however, that no disinterment permit shall be required in the situations described at N.J.S.A. 45:27-23b and, if applicable to the entity conducting the disinterment or the location from which the disinterment is to occur, as provided at N.J.A.C. 13:44J-8.

Amended by R.1991 d.130, effective March 18, 1991.

See: 22 N.J.R. 3458(a), 23 N.J.R. 888(a).

Stylistic revisions.

Amended by R.2007 d.58, effective February 5, 2007.

See: 38 N.J.R. 3399(a), 39 N.J.R. 389(a).

Rewrote the section.

#### 8:9-1.10 Acceptance of disinterred body for transportation

A common carrier shall not accept for transportation or transport a disinterred human body unless the body is enclosed in a metal or metal-lined case sealed by heat or by use of a metal or rubber gasket, provided that a metal or metal-lined sealed case shall not be required for a body from which no fluid or offensive odor emanates.

#### 8:9-1.11 Disposal for unclaimed cremains

(a) The purpose of this section is to establish general guidelines for the purpose of assisting funeral directors in their efforts to dispose of cremains which have been left with the funeral director for at least one year after cremation and after the funeral director has made a diligent effort, pursuant to N.J.S.A. 26:7-18.2 to identify, locate, and notify a relative or friend of the deceased.

(b) Any person who has complied with the provisions of N.J.S.A. 26:7-18.2 may dispose of the cremains of a dead human body by scattering same at sea or by interring same on land in a dignified manner.

(c) A certified letter, return receipt requested, mailed to the person who authorized the cremation shall be certification satisfactory to the Commissioner.

(d) No claims shall be made by a person against any person who invokes the provisions of N.J.S.A. 26:7-18.2 or

this regulation, nor shall any liability be attendant to such invocation.

New Rule R.1986 d.39, effective February 18, 1986.  
See: 17 N.J.R. 2325(a), 18 N.J.R. 416(a).

## APPENDIX A

<b>BURIAL, CREMATION, OR TRANSIT PERMIT</b>
Name of Deceased
Place of Death (Municipality)
Date of Death
Cause of Death
Place of Disposition
Transportation by Common Carrier <input type="checkbox"/> Yes <input type="checkbox"/> No
Name of Carrier
Name and Address of Funeral Home
Date of Issue

THIS STUB TO BE KEPT BY PERSON ISSUING PERMIT.

REG-21 DEC 03		State of New Jersey <b>BURIAL, CREMATION, OR TRANSIT PERMIT</b> (See instructions on reverse side)	
City, Borough or Township		Date of Issuance	
The Certificate of Death having been filed with me as required by the laws of this State, permission is hereby given for the transportation, removal, burial, cremation, or other final disposition of the body of:			
Name of Deceased		Age	Sex
Place of Death (Municipality)		Date of Death	Time of Death <input type="checkbox"/> AM <input type="checkbox"/> PM
Cause of Death		Method of Disposition <input type="checkbox"/> Burial <input type="checkbox"/> Donation <input type="checkbox"/> Cremation <input type="checkbox"/> Entombment <input type="checkbox"/> Removal from State <input type="checkbox"/> Other (Specify):	
Proposed Place of Disposition (Place)		If Yes, Name of Carrier (City) (State)	
Transportation by Common Carrier <input type="checkbox"/> Yes <input type="checkbox"/> No		Name and Address of Funeral Home	
Signature of Registrar of Vital Statistics			

PENALTY FOR DISPOSAL WITHOUT PERMIT - \$50 TO \$100.

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