

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

Authority

N.J.S.A. 26:1A-7.

Source and Effective Date

R.2001 d.273, effective August 6, 2001.
 See: 33 N.J.R. 746(c), 33 N.J.R. 2679(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 9, Preparation, Handling, Transportation, Burial and Disinterment of Dead Human Bodies, expires on February 2, 2007. See: 38 N.J.R. 3399(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: Source and Effective Date.

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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 Preparation of a dead body

In the preparation for burial or transportation of a dead body, the funeral director, the embalmer and assistants shall use universal precautions according to the Centers for Disease Control recommendations (see Morbidity and Mortality Weekly Reports, Volume 38, S-6, June 23, 1989, available from the Centers for Disease Control, Atlanta, Georgia 30333), incorporated herein by reference, which shall include taking due care to prevent any spread of infection in the handling of such body during transportation, in preparation and during embalming, and after contact with such body, and shall disinfect their hands and remove any soiled clothing. All instruments, gloves, coverings and utensils used in embalming or in handling the body shall be disinfected immediately after being used. All fluids or other matters removed from such body in the process of embalming 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.

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. (N.J.S.A. 26:6-23)

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).

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 of the form adopted by the Department of Health and Senior Services. (N.J.S.A. 26:6-26)

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.

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 (N.J.S.A. 26:6-37), provided, however, that no disinterment permit shall be required for a transfer subsequent to a period of storage prior to final entombment or interment in accordance with N.J.A.C. 3:41-7.4.

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.

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).