

rangement, as defined in N.J.A.C. 13:36-11.1, or for a price quotation only;

2. The full name, legal address, date of birth, date and place of death, and sex of the deceased;
3. The name and address of the consumer making the funeral arrangements;
4. The following disclosures:
 - i. "Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below." and
 - ii. "If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below."
5. Estimated charges;
6. All charges relative to the funeral, broken down into at least the five general categories set forth in (c) below, with subtotals and grand totals as indicated;
7. Cash disbursements paid by the family; and
8. The funeral record number as required by N.J.A.C. 13:36-1.8(b).

(b) Promissory notes, contracts, payment terms, and other non-related items shall not be included on the Statement of Funeral Goods and Services Selected.

(c) All charges relative to the funeral shall be categorized as follows and the Statement of Funeral Goods and Services Selected shall contain the following information:

STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED

Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below.

CATEGORY I—PROFESSIONAL SERVICES

1. Basic Services of Funeral Director and Staff \$
 2. Embalming (including use of preparation room and sanitary care) \$
- If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below.
3. Sanitary Care, Without Embalming \$
 4. Other (Specify) \$
- Category I TOTAL \$

CATEGORY II—OTHER STAFF AND RELATED FACILITIES

1. Use of Facilities and Staff for Viewing \$
 2. Use of Facilities and Staff for Funeral Ceremony \$
 3. Use of Facilities and Staff for Memorial Service \$
 4. Use of Equipment and Staff for Graveside Service \$
 5. Use of Equipment and Staff for Funeral Service Off Premise \$
 6. Other (Specify) \$
- Category II TOTAL \$

CATEGORY III—TRANSPORTATION

1. Transfer of Remains to Funeral Home \$
 2. Use of Hearse \$
 3. Use of Limousine(s) \$
 4. Use of Flower Car(s) \$
 5. Other (Specify) \$
- Category III TOTAL \$

OPTIONAL PACKAGED SERVICES

1. Direct Cremation \$
 2. Immediate Burial \$
 3. Forwarding or Receiving Remains \$
- If an optional packaged service is selected, Categories I through III are not applicable.
- Optional Packaged Services TOTAL \$

CATEGORY IV—MERCHANDISE

1. Casket or Alternative Container Manufacturer \$
 - Model name/number
 - Type of material
 - Interior material \$
 2. Vault/Outer Burial Container Manufacturer \$
 - Model name/number
 - Type of material \$
 3. Clothing \$
 4. Urn \$
 5. Prayer Cards \$
 6. Acknowledgment Cards \$
 7. Register Book \$
 8. Other (Specify—Items may be packaged for individual items less than \$100.00 each) \$
- Category IV TOTAL \$

CATEGORY V—CASH DISBURSEMENTS (Estimated)

1. Cemetery or Crematory \$
2. Clergy and/or Church \$
3. Pallbearers \$
4. Organist and/or Soloist \$
5. Certified Copies of Death Certificate and Permit Fee \$
6. Newspaper Notices \$

7. Other (Specify) \$
 Category V TOTAL \$

TOTAL OF ESTIMATED CHARGES
 (Category I-V & Packaged Services) \$
 PACKAGE REDUCTION (If Applicable) \$
 GRAND TOTAL OF ESTIMATED CHARGES \$

IF ANY LAW, cemetery or crematory requirements have required the purchase of any of the items listed above, the law or requirement is described below:

- 1. Crematory requires container to surround the remains;
- 2. Your cemetery requires an outer burial container; or
- 3. Other: _____

REASONS FOR EMBALMING:

- Family authorized; or
- Other: _____

I have prepared the above Statement of Funeral Goods and Services Selected: I have read and received a copy of the Statement of Funeral Goods and Services Selected:

Print Name of Practitioner Print Name of Consumer Making Arrangements

Signature of Practitioner, License #, and Date Signature of Consumer Making Arrangements and Date

Relationship to Deceased
 Street Address
 City, State, Zip Code

(d) A practitioner who offers the Optional Packaged Services and has that offer accepted by a consumer shall not be required to detail the charges for Categories I through III set forth in (c) above which are then not applicable. It shall not be mandatory for practitioners to include the category of "Optional Packaged Services" on the Statement of Funeral Goods and Services Selected if they do not offer for sale the services of Direct Cremation, Immediate Burial, Forwarding of Remains and/or Receiving of Remains or to include the "Package Reduction" category, if this category is not utilized by practitioners.

(e) Immediately upon completing the Statement of Funeral Goods and Services Selected the practitioner and the consumer shall sign and date the Statement where indicated. If the consumer refuses to sign the Statement, the practitioner shall note on the signature line of the Statement that the consumer refused to sign. The practitioner shall immediately provide a copy to the person for whom the Statement was prepared.

(f) Any change, addition or deletion authorized by the purchaser after the completion of the Statement of Funeral Goods and Services Selected shall be included on the final bill.

(g) A practitioner may utilize a photocopy of the Statement of Funeral Goods and Services Selected contained in Appendix A, incorporated herein by reference, to satisfy the requirements of this section.

Amended by R.1973 d.119, effective May 1, 1973.
 See: 5 N.J.R. 115(a), 5 N.J.R. 195(a).
 Amended by R.1984 d.341, effective August 6, 1984.
 See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).
 Old text deleted, new text substituted.
 Amended by R.1987 d.243, effective June 15, 1987.
 See: 18 N.J.R. 2186(a), 19 N.J.R. 1100(b).
 Added text to (b): "except that a . . . the itemization form:" and added new (b)1.-3.
 Repeal and New Rule, R.1994 d.523, effective October 17, 1994.
 See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).
 Section was "Itemization of funeral expenses".
 Amended by R.2005 d.100, effective April 4, 2005 (operative date of October 31, 2005).
 See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).
 Rewrote the section.
 Petition for Rulemaking.
 See: 41 N.J.R. 1529(b), 2150(a), 2987(b).

Case Notes

Rule cited in support of "good faith" defense to overtime claim based upon mortuary science being a profession rather than an occupation. State v. Frech Funeral Home, 185 N.J.Super. 385, 448 A.2d 1037 (Law Div.1982).

13:36-1.10 Limited exemption for anatomical associations of a medical school established and operated by the State of New Jersey for the acceptance and disposition of human remains donated pursuant to the Uniform Anatomical Gift Act

(a) The provisions of this section shall apply to the operation, maintenance and use of mortuaries by licensed practitioners of mortuary science for the benefit of anatomical associations of medical schools established and operated by the State of New Jersey, which association is the vehicle for the acceptance and disposition of human remains donated pursuant to the Uniform Anatomical Gift Act, N.J.S.A. 26:6-57 et seq., for the purpose of medical research and education.

(b) Upon the Board's receipt of an application for registration of a mortuary at such an association as described in (a) above, the Board may exempt said association from the following provisions of this chapter:

1. N.J.A.C. 13:36-4.6, Corporation's application for registration of funeral establishment;
2. N.J.A.C. 13:36-4.7, Corporate applicant's charter;
3. N.J.A.C. 13:36-5.1, Display of "Manager" sign;
4. N.J.A.C. 13:36-5.4, Physical structure of mortuary; separation from living quarters;

5. N.J.A.C. 13:36-5.10, Display of establishment sign;
6. N.J.A.C. 13:36-5.19, Public accommodations; and
7. N.J.A.C. 13:36-6.1, Privacy of burial preparation.

(c) Factors the Board shall consider in granting these exemptions include whether the exemptions, if granted, will promote medical research and education and whether the public health, safety and welfare will be safeguarded if the exemptions are granted.

(d) The exemptions, if granted by the Board, shall be specifically identified on the certificate of registration and shall apply only to licensees of the Board who are employed by such association as described in (a) above. Unless otherwise provided by the Board, upon expiration of the certificate of registration, any exemptions granted pursuant to this section shall be invalid unless renewed by the Board upon application by said association.

(e) Any association granted such exemptions shall not charge a fee for the operation, maintenance and use of a mortuary pursuant to N.J.S.A. 45:7-61 and this chapter, except for the actual costs of shipping of cremated remains.

New Rule, R.1997 d.16, effective January 6, 1997.

See: 28 N.J.R. 4723(a), 29 N.J.R. 149(a).

Amended by R.1999 d.355, effective October 18, 1999.

See: 31 N.J.R. 2133(a), 31 N.J.R. 3126(a).

In (e), substituted a reference to cremated remains for a reference to cremains.

Amended by R.2005 d.100, effective April 4, 2005.

See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).

In (a), substituted "section" for "chapter" preceding "shall apply"; in (d), deleted "of Mortuary Science" following "licensees of the Board" in the first sentence and deleted "paragraph" preceding "section" in the second sentence.

SUBCHAPTER 2. INTERNS

13:36-2.1 Qualification for intern registration

(a) The following words and terms, when used in this section, have the following meaning, unless the context clearly indicates otherwise:

1. "Preceptor" means a duly licensed practitioner of mortuary science responsible for the supervision of an intern during the intern's practical training period.

2. "Two years of academic instruction" means the successful completion of 60 degree credits at a community or county college or one-half the credits required to complete a degree at the four-year college or university in which the student is enrolled.

3. "Three years of academic instruction" means the completion of 90 degree credits at a community or county college or four-year college or university or a combination thereof or three-quarters of the credits required to complete a degree at the four-year college or university in which the student is enrolled.