

5. Embalming table, porcelain or metal with a drainage opening in the lower end;
6. Hydro-aspirator with approved vacuum breaker, electric aspirator, or other approved aspirator;
7. Waste sink with a minimum two inch drain;
8. Wash basin with hot and cold running potable water;
9. One leakproof container for storing dirty linens;
10. For each licensee and trainee, protection, apparel and/or equipment as required by all applicable standards of the Occupational Safety and Health Administration Agency (OSHA) and N.J.A.C. 7:26-3A, the Department of Environmental Protection regulations which implement the Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.1 et seq.
11. One container of hardening compound;
12. One set metal or rubber drain tubes (large, medium, small);
13. One set metal injection tubes (large, medium, small);
14. One aneurism needle or aneurism hook;
15. One large trocar;
16. One small trocar;
17. One scalpel;
18. One pair scissors;
19. Two hemostats;
20. Two forceps;
21. One hypodermic syringe;
22. Hypodermic needles (assorted);
23. Suture needles;
24. Suture thread; and
25. An electrically-powered embalming machine.

(b) All instruments and appliances used in embalming shall be thoroughly cleansed and disinfected immediately after the conclusion of each individual case.

Amended by R.1985 d.293, effective June 17, 1985.

See: 17 N.J.R. 797(a), 17 N.J.R. 1580(a).

(b) added.

Amended by R.1994 d.523, effective October 17, 1994.

See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

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

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

Rewrote (a); in (b), substituted a reference disinfection for a reference to sterilization.

Amended by R.2002 d.76, effective March 18, 2002.

See: 33 N.J.R. 2597(a), 34 N.J.R. 1267(a).

In (a), rewrote 6, 7, and 10, deleted existing 14, recodified existing 15 as 14 and substituted "hook" for "needle", and recodified existing 16 through 25 as 15 through 24.

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 "Two" for "At least two" in 19 and added 25.

#### Case Notes

Bankruptcy court order approving sale of Chapter 11 debtor's funeral home's assets was clear and unambiguous with respect to items of personal property included in sale, as required to hold former operator of funeral home in contempt. In re Baker, Bkrcty. D.N.J. 1996, 195 B.R. 309.

#### 13:36-5.7 Potable water supply

(a) All owners and managers shall ensure that the potable water supply is not open to the danger of contamination from any source.

(b) The requirement in (a) above may be satisfied by the installation of any approved hydro-aspirator and such other devices as may be necessary to accomplish the purpose of this rule.

(c) Any infraction of this rule shall be reported immediately to the Board.

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

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

Rewrote (a); in (b), substituted "The requirements in (a) above" for "This responsibility".

#### 13:36-5.8 (Reserved)

Repealed by R.1994 d.523, effective October 17, 1994.

See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

Section was "Employment of licensed embalmer".

#### 13:36-5.9 Multiple funeral establishments in same location

(a) Any individual, partnership, limited liability partnership, corporation, limited liability company or other business entity that applies to register any additional funeral establishment(s) in a location already registered as a funeral establishment by the State of New Jersey shall comply with the registration requirements set forth in N.J.A.C. 13:36-4 and all applicable rules in this subchapter.

(b) In the event a funeral establishment has the same or similar ownership of individuals, partnerships, limited liability partnerships, corporations, limited liability companies, or other business entities as the primary funeral establishment, prices quoted and charged to consumers shall be the same for all funeral establishments in that location.

(c) No more than three funeral establishments shall operate in one facility unless, upon application, the Board in its discretion finds that permitting an additional establishment will be in the best interest of consumers.

Repealed by R.1985 d.293, effective June 17, 1985.

See: 17 N.J.R. 797(a), 17 N.J.R. 1580(a).

Section was "Branch mortuaries".

New Rule, R.1994 d.523, effective October 17, 1994.

See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

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

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

Rewrote (a) and (b).

**13:36-5.10 Display of establishment sign**

Every funeral home, except a trade service, shall display the firm name as registered in the certificate of registration on a sign located reasonably near the main entrance or clearly visible from the street and the main entrance.

Amended by R.1994 d.523, effective October 17, 1994.  
See: 26 N.J.R. 2536(a), 26 N.J.R. 4201(a).

**Cross References**

Exemption from provisions of this section, see N.J.A.C. 13:36-1.10.

**13:36-5.11 Burial preparation performed in separate room**

No embalming or other preparation for burial or disposition of a dead human body shall be performed in any funeral establishment except in a room set aside exclusively and approved by the Board for such purpose.

**13:36-5.12 Advertising**

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

“Advertisement” means any attempt, direct or indirect, by publication, dissemination, circulation or broadcast through the public media to induce any person or entity to purchase or enter into an agreement to accept mortuary or funeral services or merchandise. “Advertisement” includes business cards when business cards are used as copy in an advertisement or are published, disseminated, circulated or broadcast in the public media as defined below.

“Price reduction statement” means a statement, suggestion or implication, direct or indirect, that a service or merchandise is being offered or made available for sale at a price less than the advertiser’s routine price. The following words, terms and phrases or their substantial equivalent shall be deemed to indicate a price reduction statement: sale, discount, savings, price cut, bargain, reduced, prices slashed, clearance, regularly, usually, cut rate, originally, formerly, at cost, below cost, wholesale.

“Public media” means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, letters, billboards, aerial displays, signs, television, radio, internet and any other similar item, document, publication or device used to communicate to the general public or to a specific group. “Public media” does not include manager signs which are subject to the requirements of N.J.A.C. 13:36-5.1 or establishment signs which are subject to the requirements of N.J.A.C. 13:36-5.10.

“Testimonial” means a statement by a person referring to his or her family’s personal experience with a mortuary or licensee.

(b) All stationery shall indicate the true firm name of the mortuary as registered with the Board, the address and telephone number of the mortuary, and the name of the manager, and his or her title and license number preceded by the phrase “N.J. Lic. No. \_\_\_\_.”

(c) Advertisements shall contain the true firm name, address, and telephone number of the mortuary as registered with the Board. Advertisements shall also contain the name of the manager and the license number of the practitioner preceded by the phrase “N.J. Lic. No. \_\_\_\_.”

(d) An advertisement that makes reference to more than one registered mortuary shall comply with (c) above regarding one mortuary provided that only the municipality where the mortuary is located and the true firm name as it is registered with the Board is disclosed for any additional mortuaries listed. If an advertisement for any additional mortuary discloses any further information than the municipality where the mortuary is located and the true firm name as it is registered with the Board, the advertisement shall satisfy the requirements of (c) above.

(e) Telephone book listings of two lines or less or small novelty items where the space of advertising is limited shall disclose the municipality where the registered mortuary is located and the true firm name as it is registered with the Board.

(f) No licensee or owner of a mortuary shall cause to be published, disseminated, circulated or broadcast any advertisement which is false, fraudulent, deceptive or misleading or which misrepresents, suppresses, conceals, obscures or distorts any material fact.

(g) In addition, it shall be deceptive and misleading for any advertisement to contain the following:

1. The name of a person not licensed by the Board in connection with the name of a mortuary in any manner whatsoever, unless the unlicensed person is clearly and obviously identified in the advertisement as such by the use of the phrase “unlicensed and not qualified to make funeral arrangements, embalm or conduct funerals”. The surname of an unlicensed person may appear in the title of a mortuary as registered with the Board.

2. A price reduction statement where the advertisement or current price is in fact no less than the price at which the service or merchandise was offered for sale by the advertiser for a reasonable period of time at least 30 days prior to the advertisement. In the absence of the disclosure of the period during which an advertised price reduction will remain in effect, the period shall be deemed to be 30 days from the date of initial publication.

3. An offer of professional services or merchandise where such services or merchandise are in fact not available from the mortuary or are beyond the ability of the licensee to perform or supply.