

“Licensee” means a person licensed to engage in the practice of mortuary science in the State of New Jersey and includes embalmers, funeral directors, practitioners, and practitioners of mortuary science.

“Registered mortuary” means any individual, partnership, limited liability partnership, limited liability company, corporation or other business entity issued a certificate of registration for a place or premises to be used in the care and preparation for burial, disposition, or transportation of dead human bodies in the State of New Jersey and includes funeral establishments, funeral homes and mortuaries.

“Intern” means a person registered with the Board who is engaged in learning to practice as a practitioner of mortuary science under the supervision of a Board licensee, and includes registered trainees.

“Manager” means a licensee responsible for the direction, management and control of all work emanating from a funeral establishment.

“Owner” means any individual, partnership, limited liability partnership, limited liability company, corporation or other business entity that sells or offers to sell funeral goods and funeral services to the public and holds a certificate of registration to operate a registered mortuary in the State.

Repealed by R.1984 d.341, effective August 6, 1984.  
See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).  
Section was “Office of the Board.”  
New Rule, R.2005 d.100, effective April 4, 2005.  
See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).

### 13:36-1.3 Board meetings

(a) The Board shall hold an annual meeting in May each year, or at such other time as the President may direct, at which time the President and Secretary of the Board shall be elected for the ensuing year.

(b) Special meetings of the Board may be called by the President upon reasonable notice being given to the members. In the event of unavailability of the President for illness or otherwise, three members of the Board shall have the power to call a special meeting in cases of emergency.

Amended by R.1984 d.341, effective August 6, 1984.  
See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).  
“July” changed to “May”; “five days” changed to “reasonable”.

### 13:36-1.4 Duties of Executive Director

(a) The Executive Director shall be in full charge of office administration. It shall be his or her duty to:

1. Receive complaints and answers;
2. Set and calendar cases for hearings;
3. Issue notices of hearing and statements to respondents;

4. Perform any and all duties which the Board may from time to time impose upon him or her.

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

### 13:36-1.5 Inspector’s duties

(a) The inspector shall:

1. Inspect mortuaries to ensure compliance with the provisions of the Mortuary Science Act, N.J.S.A. 45:7-32 et seq., and the rules governing the practice of mortuary science in the State set forth in this chapter;

2. Where necessary, view dead human bodies which have been placed in the care of any practitioner of mortuary science;

3. Inspect the license and registration of practitioners of mortuary science;

4. Verify employment and check credentials of all interns in training;

5. Visit any place where the practice of embalming is being conducted or where a funeral is in the process of being directed; provided, however, that such visitation shall be made in a respectful and decorous manner, as may be fitting the presence of the dead;

6. Visit any cemetery, crematory or public mausoleum for the purpose of determining whether dead human bodies entrusted to the care of a practitioner of mortuary science or funeral director are being properly disposed of according to law.

(b) The inspector shall perform such other duties as may be directed by the Board and shall report to the Board at each regular meeting and at such other times as the Board may direct.

Amended by R.1984 d.341, effective August 6, 1984.  
See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).  
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.2005 d.100, effective April 4, 2005.  
See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).  
In (a), rewrote 1.

### 13:36-1.6 Fees and charges

(a) The Board shall charge the following fees:

- |  |          |
|--|----------|
| 1. Application fee.....                                      | \$ 50.00 |
| 2. Initial license fee:                                      |          |
| i. During the first year of a biennial renewal period.....   | \$250.00 |
| ii. During the second year of a biennial renewal period..... | \$125.00 |
| 3. Initial certificate of registration for a mortuary:       |          |
| i. During the first year of a biennial renewal period.....   | \$500.00 |
| ii. During the second year of a biennial renewal period..... | \$250.00 |

4.	Licensure examination fee .....	\$125.00
5.	Practical examination fee.....	\$ 75.00
6.	Intern registration fee.....	\$ 75.00
7.	New installation inspection fee.....	\$150.00
8.	Rules and regulations.....	\$ 5.00
9.	Biennial license renewal fees:	
	i. Practitioner .....	\$250.00
	ii. Mortuary certificate of registration.....	\$500.00
	iii. Late renewal fee .....	\$100.00
	iv. Inactive paid license renewal.....	\$125.00
10.	Change of manager registration fee .....	\$ 35.00
11.	Funeral home name change fee .....	\$ 40.00
12.	Duplicate license fee.....	\$ 25.00
13.	Replacement, embossed registration certificate fee.....	\$ 25.00
14.	Reinstatement fee.....	\$150.00
15.	Verification of licensure .....	\$ 25.00

Amended by R.1974 d.281, effective October 9, 1974.

See: 6 N.J.R. 451(b).

Amended by R.1982 d.105, effective April 5, 1982.

See: 13 N.J.R. 367(c), 14 N.J.R. 346(d).

(a)2, 3, 4, and 5; fees were "\$50.00"; "\$25.00"; "\$25.00" and "\$25.00" respectively.

Amended by R.1985 d.175, effective April 15, 1985.

See: 17 N.J.R. 50(a), 17 N.J.R. 973(a).

Fees have been raised.

Amended by R.1988 d.158, effective April 18, 1988.

See: 20 N.J.R. 177(a), 20 N.J.R. 912(a).

New fees and increases.

Amended by R.1990 d.372, effective August 6, 1990.

See: 22 N.J.R. 1328(a), 22 N.J.R. 2331(b).

Added a revival fee for lapsed license and rescinded \$25.00 fee for each year license not renewed.

Amended by R.1991 d.356, effective July 15, 1991.

See: 23 N.J.R. 1063(b), 23 N.J.R. 2160(a).

Deleted (a)1, 3, 6, 8, 9; (a)1iv. Added (a)1 through 3. Redesignated existing (a)2, 4, 5, 10, 11, 12, 13, 14, 15 as (a)4, 5, 6, 8, 9, 10, 11, 12, 13 with fee changes. Changed fee in (a)7. Redesignated existing (a)1iv as (a)9iv with fee change. Added (a)9v, (a)14 and 15.

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.118, effective April 5, 1999.

See: 30 N.J.R. 4319(a), 31 N.J.R. 881(b).

In (a), increased fees in 1 through 3, and rewrote 9.

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), rewrote 9iii, added 9iv and rewrote 14.

### 13:36-1.7 (Reserved)

Repealed by R.1984 d.341, effective August 6, 1984.

See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).

Section was "Amendments."

### 13:36-1.8 Recordkeeping

(a) The registered mortuary shall maintain full, accurate records of all funerals which it conducts or in which it participates in any manner, except as provided in N.J.A.C. 13:36-4.13.

(b) Funeral records shall be kept, electronically or otherwise, on an annualized basis for seven years and each funeral shall be designated by a number assigned consecutively at the time funeral arrangements are made. The information on such

records shall be recorded after the completion of each funeral. The oldest six years of information shall be maintained in such a manner so as to be retrievable and readable within two weeks. The most recent one year of information shall be immediately retrievable and readable.

(c) Such records shall include the following if applicable:

1. The Statement of Funeral Goods and Services Selected;

2. The name and location of the cemetery in which burial was made or the name and location of the crematorium where appropriate, and the charges made by the cemetery or crematorium;

3. The name and address of any church, synagogue and/or clergy who participated in the funeral service and who received any offering or honorarium, and the amount thereof, if paid by the funeral home;

4. The name and license number of the practitioner or intern who provided embalming and/or sanitary care services;

5. Date of disposition;

6. The final bill;

7. A copy of the completed New Jersey Death Certificate, if the death occurred in the State, or if the death occurred outside of the State, a copy of the burial or transit papers or other final disposition documents; and

8. A copy of the disinterment permit.

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).

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.2002 d.76, effective March 18, 2002.

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

Rewrote (a); in (c), inserted new 4, and recodified existing 4 and 5 as 5 and 6.

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

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

Rewrote the section.

### 13:36-1.9 Statement of Funeral Goods and Services Selected

(a) When making preneed and/or at need funeral arrangements, as defined in N.J.A.C. 13:36-11.1, the practitioner shall compile a Statement of Funeral Goods and Services Selected. The statement shall be on a pre-printed, single-sided sheet of paper that is at least 8½ inches by 11 inches, but no more than 8½ inches by 14 inches, and shall include at least the following information:

1. The full name of the funeral home, address, telephone number, manager's name, title and license number, and funeral file number, and whether the statement is being completed for an at need arrangement or a preneed ar-

Rewrote the section.

### 13:36-4.9 Participation of unlicensed persons

(a) No unlicensed person shall actively participate in any capacity in the actual funeral arrangements, preservation or disposal of dead human bodies, except that interns may participate in such activities pursuant to the provisions of N.J.S.A. 45:7-47.

(b) No unlicensed person shall actively participate in any capacity in the actual preparation of dead human bodies except for the following:

1. Interns;
2. Persons who perform religious and/or ritual preparations; and
3. Unlicensed persons who perform tasks on behalf of the registered mortuary for which a license is not required.

(c) The use by an unlicensed person of the words "mortician," "funeral director," "undertaker," or any other words or title of the like import or significance, including, but not limited to, "consultant," "counselor" or "provider" in connection with the offering of any funeral services or merchandise, shall constitute unlicensed practice pursuant to N.J.S.A. 45:7-47.

Amended by R.1984 d.341, effective August 6, 1984.  
See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).

Deleted text "financially interested in the corporation in any manner whatsoever".

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); inserted a new (b); and recodified former (b) as (c), and substituted a reference to unlicensed practices for a reference to deceptive practices.

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) and (b)1, substituted references to interns for references to duly registered interns.

### 13:36-4.10 (Reserved)

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

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

In (a), added a reference to fees provided in N.J.A.C. 13:36-1.6 at the end.

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

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

Section was "Partnership's application for registration of funeral establishment".

### 13:36-4.11 Trade names

(a) An application for registration of a funeral establishment operated under a trade name or other assumed name must be accompanied by a certified copy of the trade name certificate as filed in the county clerk's office.

(b) Application for registration of a funeral establishment must be accompanied by an affidavit by the applicant setting

forth the true full names, residences and residence telephone numbers of any and all persons having a proprietary or financial interest in the business.

(c) The trade name firm shall forward to the Board the name of the full-time manager in charge. The manager shall also forward to the Board an affidavit stating he or she accepts said position.

(d) Whenever an individual licensed owner conducts a funeral establishment under his or her own surname, then such use of the surname shall not be considered a trade name.

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.2005 d.100, effective April 4, 2005.

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

In (d), substituted "a funeral" for "an" preceding "establishment".

### 13:36-4.12 Death of sole proprietor

(a) The practice of a mortuary establishment shall cease and the certificate of registration shall become void upon the death of a sole proprietor and shall not be renewed unless the executor or administrator of the estate or the deceased owner's heir or heirs informs the Board within 30 days of the death of the owner of their intention to continue the mortuary practice and to apply for a new certificate of registration. Such notice shall be in writing and conform with the following requirements:

1. It shall state the practice shall be under the direct supervision of a licensed practitioner of mortuary science who shall serve as the manager or the licensee in charge as provided in N.J.A.C. 13:36-4.8(c), whichever is applicable, and shall contain the name of the licensee selected.

2. The firm may operate under the supervision of a licensee in charge for a period not longer than 60 days to secure the services of a full-time licensed manager; provided, however, upon making a further request, the Board may grant an extension of time during which the licensee in charge may serve.

3. The manager shall simultaneously submit to the Board an affidavit stating his or her willingness to act in such capacity.

4. When the firm is to be operated under an estate, a trade name certificate certified by the county clerk shall be submitted with the notice. This rule shall not apply to corporate firms.

(b) Upon request from the Board, the executor or administrator of the estate shall furnish to the Board a copy of the preneed ledger maintained pursuant to N.J.A.C. 13:36-11.16 within 30 days of the owner's death.

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.1998 d.15, effective January 5, 1998.

See: 29 N.J.R. 3110(a), 30 N.J.R. 90(a).

Inserted (b).

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

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

In (a), inserted "of the death of the owner" following "days" in the introductory paragraph; and in (b), substituted "Upon request from the Board," for "Prior to operating pursuant to (a) above" at the beginning.

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).

### 13:36-4.13 Use of a registered mortuary owned by another

(a) A person who owns a New Jersey registered mortuary may use another New Jersey registered mortuary without obtaining a certificate of registration or complying with new funeral home installation requirements up to three times per calendar year. The owner of a New Jersey registered mortuary may permit the owner of another New Jersey registered mortuary to use his or her mortuary up to three times per calendar year. The Board may waive these three times per calendar year limitations upon receipt of an application showing good cause for the waiver.

(b) All parties involved in such a special use agreement shall immediately forward written notice to the Board before each use of the establishment. This notice shall include the following information:

1. Title and address of the firm being used and the name of the manager;
2. The name and address of the firm using the establishment and the name of the licensee in charge;
3. Name of decedent; and
4. The exact date(s) the establishment is to be used.

(c) The name of the establishment using the facility is not to be inserted in obituary and death notices unless the name of the firm registered at that location is also inserted.

New Rule, R.1985 d.293, effective June 17, 1985.

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

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).

### 13:36-4.14 Active or inactive status; unauthorized practice as professional misconduct

(a) A licensee may, upon application to the Board, renew his or her license by choosing inactive status. A licensee choosing inactive status shall be provided with the option of choosing either inactive paid or inactive unpaid status. A licensee choosing inactive paid status shall remit to the Board the inactive fee set forth at N.J.A.C. 13:36-1.6 which shall entitle the licensee to obtain all printed information disseminated by the Board to all active licensees. A licensee choosing inactive unpaid status shall not be required to remit a fee to the Board and shall not be entitled to obtain any printed information disseminated by the Board to active licensees.

(b) A licensee electing to renew his or her license as inactive shall not engage in the practice of mortuary science for the entire biennial registration period.

(c) A licensee who elects inactive paid or inactive unpaid status shall remain inactive for the entire biennial period unless the Board permits the inactive licensee to return to active status upon submission of evidence to the Board of having completed the continuing education requirements set forth at N.J.A.C. 13:36-10.11(b) and upon submission of a renewal application and the renewal fee for the current biennial registration period as set forth in N.J.A.C. 13:36-1.6.

(d) Any inactive licensee who engages in the practice of mortuary science shall be deemed to be practicing without a license and shall be deemed to have engaged in professional misconduct.

(e) Any licensee or registrant of the Board who permits, solicits, assists, aids, abets, or knowingly acquiesces in the unauthorized practice of mortuary science by an inactive licensee shall be deemed to have engaged in professional misconduct.

New Rule, R.1997 d.514, effective December 1, 1997.

See: 29 N.J.R. 4072(a), 29 N.J.R. 5071(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) through (c).

### 13:36-4.15 Licensure by credentials

(a) The Board shall issue a license to engage in the practice of mortuary science to any person who holds a valid license or certification to practice mortuary science issued by another state or possession of the United States, or the District of Columbia, provided that the applicant has met education and experience requirements substantially equivalent to the requirements set forth at N.J.A.C. 13:36-3.1, has satisfied the requirement of (c) below, and submits the following:

1. A completed application documenting and certifying the applicant's education and experience;
2. The fee set forth at N.J.A.C. 13:36-1.6(a)1;
3. A certification verifying that the applicant has been actively engaged in the practice of mortuary science for at least two years immediately preceding the submission of the application;
4. A certification from the licensing authority in each jurisdiction in which the applicant has been licensed or certified verifying the applicant's licensure status; and
5. A certification from the licensing authority in each jurisdiction in which the applicant has been licensed or certified documenting any final or pending public disciplinary action taken against the applicant.

shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion. An advertiser shall be able to substantiate any objective, verifiable statement of fact appearing in a testimonial, and the failure to do so, if required by the Board, may be deemed occupational misconduct.

1. The name of a person not licensed by the Board when appearing in any testimonial for a mortuary shall be accompanied by the following: "unlicensed and not qualified to make funeral arrangements, embalm or conduct a funeral". The surname of an unlicensed person may appear in the title of a mortuary as registered with the Board.

(i) An advertisement which refers to or sets forth a price shall disclose all services or merchandise which will be provided for that price. The name of the manufacturer and the model number of any casket which will be included for that price also shall be disclosed in the advertisement. Where a price is advertised, no additional charges shall be made for the advertised service or disposition unless the advertisement includes a specific delineation of additional services or merchandise which may be necessary.

(j) The responsibility for the form and content of any advertisement shall be joint and several among all licensees who are principals, partners, or officers of the mortuary identified in the advertisement.

(k) An advertisement may include the name of an inactive licensee as defined in N.J.A.C. 13:36-4.14 provided that the inactive licensee is not held out as the manager.

(l) A copy of each printed advertisement and a video or audio tape recording of each broadcast advertisement shall be retained by the licensee for a period of three years from the date of initial publication or dissemination. Each such copy or tape shall be made available for review upon request by the Board.

Amended by R.1981 d.349, effective September 10, 1981.

See: 13 N.J.R. 368(a), 13 N.J.R. 609(a).

Section substantially amended.

As amended, R.1982 d.404, eff. November 15, 1982.

See: 14 N.J.R. 898(a), 14 N.J.R. 1309(d).

In (g) deleted requirement that license number be included in advertisement.

Administrative Correction to (d)1 and 2.

See: 21 N.J.R. 1830(a).

Amended by R.1993 d.76, effective February 16, 1993.

See: 24 N.J.R. 3016(a), 25 N.J.R. 709(b).

Deleted (d)1 and added new (d); revised (d)6; added new (e); redesignated existing (e) through (h) as (f) through (i) without change.

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.1998 d.180, effective April 6, 1998.

See: 29 N.J.R. 5182(a), 30 N.J.R. 1297(a).

Added new (c), (d) and (e); recodified former (c) through (g) as (f) through (j); deleted former (h); added a new (k); and recodified former (i) as (l).

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

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

Rewrote (a) and (c).

Amended by R.2003 d.166, effective April 21, 2003 (operative October 21, 2003).

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), deleted "Licensee" and substituted "Price reduction statement" for "Prior reduction statement"; substituted references to mortuary for references to facility and deleted references to licensee in charge throughout.

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 (b).

### 13:36-5.13 (Reserved)

Administrative Correction.

See: 21 N.J.R. 1830(a).

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

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

Section was "Transfer of funeral establishment to new location".

### 13:36-5.14 Discontinuation of business or bankruptcy

(a) When a mortuary is permanently closed for business, the manager shall immediately:

1. Surrender the mortuary's Certificate of Registration to the Board;
2. Remove all signs from the exterior of the closed mortuary;
3. Discontinue all advertising and notify the Board as to the disposition of the mortuary's telephone service;
4. Furnish the Board with a copy of the preneed ledger required pursuant to N.J.A.C. 13:36-11.16(a); and
5. Submit to the Board a copy of the notice sent to all preneed purchasers regarding the discontinuation as required pursuant to N.J.A.C. 13:36-11.19, and proof of service of such notice to consumers.

(b) When a mortuary files for any form of bankruptcy, the manager shall, within 10 days of such filing, furnish the Board and the trustee in bankruptcy with a copy of the preneed ledger required pursuant to N.J.A.C. 13:36-11.16(a), and upon request, with all other records required pursuant to N.J.A.C. 13:36-11.16.

Repeal and New Rule, R.1998 d.15, effective January 5, 1998.

See: 29 N.J.R. 3110(a), 30 N.J.R. 90(a).

Section was "Discontinuation of business".

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), rewrote 3 and added 5; deleted references to licensee in charge throughout.

### 13:36-5.15 Unlicensed persons in funeral directing or embalming practice

A licensed practitioner of mortuary science shall not permit any unlicensed person to engage in or take charge of the activities for which a license to engage in the practice of mortuary science is required by the provisions of the Mortuary Science Act, set forth at N.J.S.A. 45:7-32 et seq.

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.2005 d.100, effective April 4, 2005.  
See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).  
Rewrote the section.

### 13:36-5.16 Notice of absence from practice

In cases where a licensed practitioner of mortuary science in charge of an establishment intends to remain away from his or her establishment or practice for a period in excess of 30 days, he or she shall so notify the Board and furnish it with the name of the licensed employee who will remain in charge.

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

### 13:36-5.17 Removal of human remains; authorization

No person shall remove human remains from any residence or institution without first securing authorization consenting to the removal from the next of kin or a person legally entitled to grant said authorization.

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).

### 13:36-5.18 Disposition of human remains

(a) Whenever human remains are entrusted to the care of a licensed practitioner of mortuary science for a disposition, the practitioner shall conform to the requirements of N.J.A.C. 13:36-9.5, 9.6 and 9.7 and shall not remove any part or dispose of the remains in any manner whatsoever except as permitted by law and as authorized by the person legally entitled to grant said authorization.

(b) Viscera shall be treated in the same manner as the remains and shall be disposed of with the remains.

Amended by R.1984 d.341, effective August 6, 1984.  
See: 16 N.J.R. 505(a), 16 N.J.R. 2143(b).  
Changed cross-reference.  
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).

In (a), substituted a reference to human remains for a reference to dead human remains.

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 "to the requirements of" for "with" preceding "N.J.A.C. 8:9"; rewrote (b).

### 13:36-5.19 Use of registered mortuary in organ and tissue recovery

(a) A registered mortuary shall not be used as a site for recovering organs and/or tissues from a decedent.

(b) A licensed funeral director who permits a registered mortuary to be used as a site for recovering organs and/or tissues from a decedent shall be deemed to have engaged in professional misconduct and shall be subject to disciplinary action pursuant to N.J.S.A. 45:1-21 et seq.

(c) Nothing contained in this section shall preclude the use of a registered mortuary for the purpose of conducting examinations to determine the cause and/or manner of death of a decedent.

(d) Nothing in this section shall preclude a licensed funeral director from providing a lock of the decedent's hair to a member of the decedent's immediate family prior to the final disposition of remains.

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

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

Section was "Public accommodations".

New Rule, R.2008 d.40, effective March 3, 2008.

See: 39 N.J.R. 1638(a), 40 N.J.R. 1355(b).

Section was "Reserved".

### 13:36-5.20 (Reserved)

New Rule, R.1993 d.76, effective February 16, 1993.

See: 24 N.J.R. 3016(a), 25 N.J.R. 709(b).

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

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

Section was "Referral fees".

### 13:36-5.21 Disclosure of ownership information

(a) The registered mortuary shall disclose on all general price lists, casket price lists, and outer burial container price lists, required pursuant to N.J.A.C. 13:36-9.5, 9.6 and 9.7, whether any owner of the registered mortuary also owns 50 percent or greater interest in any other registered mortuary within the State. For purposes of this section, "person" means any individual, partnership, limited liability partnership, limited liability company, corporation or other business entity.

(b) If disclosure of ownership information is required, the following statement shall appear on all required price lists: "A person who owns 50 percent or greater interest in this registered mortuary also owns 50 percent or greater interest in the following registered mortuaries in the State of New Jersey:". This disclosure shall include the municipality in which the registered mortuary is located and the mortuary's true firm name as registered with the Board.

New Rule, R.2003 d.166, effective April 21, 2003 (operative October 21, 2003).

See: 34 N.J.R. 1315(a), 35 N.J.R. 1675(a).

## SUBCHAPTER 6. EMBALMING PROCEDURE

### 13:36-6.1 Privacy of burial preparation

(a) The preparation for burial or other disposition of all dead human bodies shall be performed in privacy. No one shall be permitted to be present in the embalming, operating or preparation room while a dead human body is being embalmed, washed, or otherwise prepared for burial or other disposition except the following:

1. Licensed practitioners of mortuary science and their employees;
2. Duly authorized instructors of funeral directing schools;
3. Interns;
4. Public officials or representatives in the discharge of their duties;
5. Duly accredited doctors or nurses;

6. Members of the immediate family of the deceased and their designated representatives; and
7. Persons who perform religious and/or ritual preparations.

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).  
In (a), rewrote 3, and added 7.  
Amended by R.2005 d.100, effective April 4, 2005.  
See: 36 N.J.R. 4651(a), 37 N.J.R. 1036(b).