

SENATE, No. 3610

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 16, 2023

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Allows for natural organic reduction of human remains.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning human composting and amending various
2 sections of the statutory law and supplementing P.L.2003, c.261.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 6 of P.L.1950, c.256 (C.26:7-16) is amended to read
8 as follows:

9 6. Any person who cremates or provides for the natural organic
10 reduction of any dead human body without first having received a
11 permit for burial or other final disposition issued according to the
12 laws or regulations of this or any other State shall be guilty of a
13 misdemeanor.

14 (cf: P.L.1950, c.256, s.6)

15

16 2. Section 1 of P.L.1983, c.385 (C.26:7-18.1) is amended to read
17 as follows:

18 1. No person shall cremate or provide for the natural organic
19 reduction of a dead human body unless at least 24 hours have elapsed
20 from the time of death as recorded on the death certificate to the time
21 of cremation.

22 (cf: P.L.1983, c.385, s.1)

23

24 3. Section 12 of P.L.1950, c.256 (C.26:7-22) is amended to read
25 as follows:

26 12. The Superior Court of this State is hereby vested with
27 jurisdiction and discretionary power in an action in the court brought
28 at the suit of the Attorney-General or of the State Department to
29 prevent and restrain the cremation or natural organic reduction of
30 dead human bodies by any person who has not first obtained the
31 license required by **[this act]** P.L.1950, c.256 (C.26:7-16 et seq.), or
32 to prevent and restrain the violation by any person of the provisions
33 of **[this act]** P.L.1950, c.256 (C.26:7-16 et seq.), or of any rule or
34 regulation promulgated hereunder.

35 (cf: P.L.1953, c.26, s.54)

36

37 4. Section 2 of P.L.2003, c.261 (C.45:27-2) is amended to read
38 as follows:

39 2. The following definitions, unless the context indicates
40 otherwise, apply to **[this act]** P.L.2003, c.261 (C.45:27-1 et seq.):

41 "Annual, endowed or special care" means care or maintenance of
42 an individual interment space provided for by agreement between the
43 cemetery and the owner of the space.

44 "Board" means the New Jersey Cemetery Board.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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- 1 "Burial" means disposition of human remains by placing them in
2 a grave or crypt, but does not include their temporary storage.
- 3 "Burial right" means a right for the burial of human remains in a
4 particular grave or crypt created by contract between a person and a
5 cemetery.
- 6 "Cemetery" means any land or place used or dedicated for use for
7 burial of human remains, cremation of human remains, or disposition
8 of cremated human remains.
- 9 "Cemetery company" means a person that owns, manages,
10 operates or controls a cemetery or a natural organic reduction facility,
11 directly or indirectly, but does not include a religious organization
12 that owns a cemetery which restricts burials to members of that
13 religion or their families unless the organization has obtained a
14 certificate of authority for the cemetery.
- 15 "Columbarium" means a building or structure containing niches
16 for placement of cremated human remains.
- 17 "Cremated human remains" means the recoverable bone fragments
18 and container residue resulting from the process of cremation.
- 19 "Cremation" means the process of reducing human remains to
20 bone fragments through flame, heat and vaporization.
- 21 "Crematory" means a structure containing cremation chambers
22 used to cremate human remains.
- 23 "Crypt" means an interment space in a mausoleum or other
24 structure, above or below ground.
- 25 "Embellishment" means an item contributing to beauty, comfort
26 or enhancement of a cemetery, but does not include a memorial or a
27 disposable, perishable or seasonal item.
- 28 "General maintenance charge" means a fee assessed against each
29 interment space for the general upkeep of the cemetery.
- 30 "Grave" means a place for underground disposition of human
31 remains or cremated human remains. A grave may include spaces
32 for the disposition of human remains of more than one person,
33 arranged by depth.
- 34 "Human remains" means a body, or part of a body, of a deceased
35 human being.
- 36 "Interment" means the disposition of human remains by burial in
37 a grave or crypt but does not mean the temporary storage of remains.
- 38 "Interment space" means a grave or crypt intended for the
39 interment of human remains.
- 40 "Maintenance" means all activities of a cemetery company which
41 further the care and upkeep of a cemetery, including cutting lawns,
42 and preservation and repair of drains, water lines, roads, buildings,
43 fences and other structures.
- 44 "Maintenance and preservation" means the care of the entire
45 cemetery to the extent of the income of the Maintenance and
46 Preservation Fund; it does not include providing specific care to
47 individual graves or plots.

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1 "Mausoleum" means a permanent building in a cemetery above or
2 below ground, containing crypts to be used for burial.

3 "Memorial" means a marker or monument located at a grave
4 containing the name of a deceased person or the family name of a
5 deceased person, or an effigy or other representation of a deceased
6 person buried in the grave. It does not include an embellishment.

7 "Natural organic reduction" means the contained, accelerated
8 conversion of human remains to soil.

9 "Natural organic reduction facility" means a structure, room, or
10 other space in a building or real property where natural organic
11 reduction of a human body occurs.

12 "Niche" means a space in a columbarium or mausoleum for
13 placement of cremated human remains.

14 "Path" means a course or way intended to provide pedestrian
15 access to interment spaces.

16 "Person" includes an individual, corporation, partnership,
17 association or any other public or private entity.

18 "Plot" or "lot" means an area of cemetery ground containing two
19 or more adjoining graves.

20 "Private mausoleum" means a mausoleum constructed by or for a
21 plot owner and not owned by the cemetery.

22 "Public mausoleum" means a mausoleum, built in accordance with
23 regulations of the Department of Community Affairs, owned by a
24 cemetery or cemetery company with the intention of use of interment
25 spaces in it by the general public. A mausoleum is distinguished
26 from a single or multiple vault in that it is a single integrated structure
27 assembled on the premises. It shall not consist of one or more vaults
28 constructed off the cemetery premises and installed singly or in series
29 at the cemetery premises.

30 "Roadway" means a course or way intended to provide vehicle
31 access to interment spaces.

32 "Vault" means a prefabricated outer burial case of any material,
33 designed to be installed in the ground to receive one or more burials,
34 and not a part of a public or private mausoleum or any other structure.
35 (cf: P.L.2011, c.230, s.1)

36

37 5. Section 8 of P.L.2003, c.261 (C.45:27-8) is amended to read
38 as follows:

39 8. a. The charter or certificate of incorporation of a cemetery
40 company organized after December 1, 1971 shall state in that section
41 of the charter devoted to the purposes for which the cemetery
42 company is organized one or more of the following purposes:

43 (1) The procuring and preservation of lands to be used
44 exclusively as a cemetery.

45 (2) The disposition of human remains, including maintenance and
46 operation of land and the construction of structures including
47 crematories, mausoleums, columbariums, natural organic reduction

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1 facilities and other places for human remains or cremated human
2 remains.

3 b. The stated purposes of the cemetery company shall be
4 considered by the board and may be used as a basis for its
5 determination as to whether to issue a certificate of authority.

6 c. Except as provided by section 9 of **[this act]** P.L.2003, c.261
7 (C.45:27-1 et seq.), for a cemetery company to amend its charter or
8 certificate of incorporation, it first shall have the amendment
9 approved by the board.

10 d. A cemetery company shall not be dissolved or merged without
11 the board's approval. The board shall not approve the action unless
12 it finds that the company has complied with regulations and has made
13 adequate provision for maintenance and preservation.

14 (cf: P.L.2003, c.261, s.8)

15

16 6. Section 16 of P.L.2003, c.261 (C.45:27-16) is amended to
17 read as follows:

18 16. a. A cemetery company shall:

19 (1) adopt reasonable regulations for the use, management and
20 protection of the cemetery and of all interment spaces in it and all
21 properties approved for natural organic reduction; for regulating the
22 dividing marks between graves; for prohibiting or regulating the
23 erection of structures; for preventing unsightly monuments, effigies
24 and structures within the cemetery, and for their removal;

25 (2) fix reasonable charges for interment spaces, niches, products
26 and services offered by the cemetery company; and

27 (3) keep its books, records and accounts so as to reflect the
28 conduct of its business.

29 b. A cemetery company may:

30 (1) prohibit the placement of memorials, effigies or structures on
31 parts of the cemetery and adopt reasonable regulations relating to
32 uniformity, class, composition, material, kinds and sizes of all
33 markers, monuments and other structures within the cemetery
34 provided that the regulations are not established to prevent
35 competition;

36 (2) sell adornments, embellishments, sod and plantings for use in
37 the cemetery;

38 (3) prevent the use of interment spaces or niches for purposes that
39 violate the cemetery restrictions and regulations;

40 (4) regulate the conduct of persons and prevent improper
41 assemblages in the cemetery;

42 (5) reserve to the cemetery the exclusive right to open and fill
43 graves, furnish equipment, manufacture and install foundations, set
44 and seal crypts and vaults, seal niches and install flush memorials;

45 (6) regulate or prevent the introduction of embellishments or
46 plants within the cemetery;

47 (7) prevent the interment in any interment space of human
48 remains not entitled to interment there;

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1 (8) as provided in **【this act】** P.L.2003, c.261 (C.45:27-1 et seq.),
2 make provisions for the removal at the cost of the lot owner of any
3 memorial, effigy or structure when either placed in violation of
4 cemetery company rules and regulations or when it becomes
5 dangerous or unsightly; and

6 (9) to the extent allowed by the regulations of the board, prohibit
7 the interment of human remains or the placement of any memorial
8 when there are any outstanding charges against the interment space.

9 c. A cemetery company, and any person engaged in the
10 management, operation or control of a cemetery owned by a cemetery
11 company, directly or indirectly, is specifically prohibited from
12 engaging, directly or indirectly, in any of the following activities:

13 (1) the manufacture or sale of memorials;

14 (2) the manufacture or sale of private mausoleums;

15 (3) the manufacture or sale of vaults, including vaults installed in
16 a grave before or after sale and including vaults joined with each
17 other in the ground; and

18 (4) the conduct of any funeral home or the business or profession
19 of mortuary science; provided that crematoriums operated in
20 conjunction with funeral homes prior to December 1, 1971 are
21 excepted from the provisions of this paragraph (4).

22 (cf: P.L.2003, c.261, s.16)

23

24 7. Section 19 of P.L.2003, c.261 (C.45:27-19) is amended to
25 read as follows:

26 19. a. A cemetery company shall keep a record of every interment
27 and placement of cremated human remains, which shall include the
28 date, the name and age of the person, the cause of death when shown
29 on the burial permit, the location of the burial or disposition, and the
30 name and address of the funeral director.

31 b. A record shall be kept by a cemetery company of the owner
32 of each interment space that has been conveyed by the cemetery
33 company and of each transfer of an interment space to which the
34 cemetery company has consented. A transfer of an interment space
35 or a right of burial shall not be complete or effective until it is
36 recorded on the books of the cemetery company and any fees required
37 are paid.

38 c. The instrument of conveyance of an interment space shall
39 include the actual amount paid for it and a description of the
40 interment space sufficient to identify it, including its number as it
41 appears on the cemetery map, and any other information required by
42 regulation of the board. The instrument shall show the dimensions
43 of the interment space.

44 d. A cemetery company that performs a cremation or provides
45 for natural organic reduction shall keep a record containing the
46 following information:

47 (1) the name, last residence, age, place and date of death of the
48 decedent;

- 1 (2) the name and address of the person who authorized the
2 cremation or natural organic reduction;
- 3 (3) the name and address of the funeral home from whom the
4 remains were received for cremation or natural organic reduction;
- 5 (4) the name and license number of the funeral director of the
6 funeral home who delivered the remains for cremation or natural
7 organic reduction; and
- 8 (5) the date of the cremation or of the start of the natural organic
9 reduction and the recipient of the **【cremated】** remains or, if no
10 recipient, the final disposition.
11 (cf: P.L.2011, c.230, s.3)

12
13 8. (New section) a. A cemetery company seeking the
14 approval by the board to operate a natural organic reduction facility
15 shall submit, in a form and manner as determined by the board, the
16 following:

- 17 (1) a list of the directors, employees, and members of the
18 cemetery company;
- 19 (2) a certified survey of the site and location within the county it
20 will be situated;
- 21 (3) a business plan for the operation of the natural organic
22 reduction facility to include, but not be limited to, number of
23 expected natural organic reductions per year, number of natural
24 organic reduction units, manufacture, capital costs, financing,
25 anticipated number of employees, types of services provided, and
26 pricing thereof;
- 27 (4) a description of the impact of the proposed natural organic
28 reduction facility on other natural organic reduction facilities, if any,
29 within the county;
- 30 (5) plans, designs, and related costs of any structures to be erected
31 or retrofitted for the natural organic reduction facility use; and
- 32 (6) a description of any approvals or permits required by the State
33 or locality. No natural organic reduction facility shall be approved
34 until the proper approvals or permits are obtained.

35 b. Within 35 days following receipt of information required
36 pursuant to paragraphs (1) through (6) of section a. of this section,
37 the board may request from the cemetery company any additional
38 information, documentation, or technical assistance deemed
39 necessary by the board. Information required pursuant to this section
40 shall not be deemed complete until additional information, if
41 requested by the board, is received. If additional information is not
42 requested by the board, the submission by the cemetery company
43 shall be considered complete on the 35th day after its receipt by the
44 board.

45 c. The board shall approve or deny the proposed natural organic
46 reduction facility within 90 days of the completed submission.

47 d. The board shall provide written notice of its determination to
48 the cemetery company. If the determination renders a denial, the

1 notice shall state the reasons therefor. Notice shall be made by
2 registered or certified mail addressed to the cemetery company at its
3 principal place of business.

4

5 9. (New section) a. A cemetery company that operates a natural
6 organic reduction facility shall have the following duties and
7 obligations:

8 (1) maintenance of a natural organic reduction facility in a clean,
9 orderly, and sanitary manner, with adequate ventilation and a
10 temporary storage area available to store the remains of deceased
11 human beings pending disposition by natural organic reduction, the
12 interior of which shall not be accessible to the general public; and

13 (2) maintenance of entrances and windows of the natural organic
14 reduction facility to secure privacy, including keeping:

15 (a) doors tightly closed and rigid;

16 (b) windows covered; and

17 (c) entrances locked and secured when not actively attended by
18 authorized facility personnel.

19 b. The natural organic reduction process shall be conducted in
20 privacy. No person except authorized personnel shall be admitted
21 into the reduction area, holding facility, or the temporary storage
22 facility while the remains of deceased human beings are being
23 naturally organically reduced. Authorized persons, on admittance,
24 shall comply with all rules and regulations of the cemetery company
25 and not infringe upon the privacy of the remains of deceased human
26 beings.

27 c. Authorized personnel shall include:

28 (1) licensed funeral directors, registered interns, and students
29 enrolled in a mortuary science program;

30 (2) officers of the cemetery company;

31 (3) authorized employees or authorized agents of employees of
32 the cemetery company;

33 (4) public officers acting in the discharge of their duties;

34 (5) authorized instructors of funeral directing schools;

35 (6) licensed physicians and licensees of the New Jersey Board of
36 Nursing; and

37 (7) members of the immediate family of the deceased and
38 authorized agents and designated representatives.

39 d. (1) No natural organic reduction facility shall naturally
40 organically reduce the remains of any deceased human being without
41 a permit generated pursuant to section 16 of P.L.2003, c.221 (C.26:8-
42 24.1). The permit shall constitute presumptive evidence of the
43 identity of the remains.

44 (2) From the time of the delivery of the remains to the natural
45 organic reduction facility, until the time the natural organic reduction
46 facility distributes the remains as directed, the facility shall be
47 responsible for the remains of the deceased human being.

1 (3) A natural organic reduction facility shall provide or approve
2 an authorization form to accompany the permit generated pursuant to
3 section 16 of P.L.2003, c.221 (C.26:8-24.1). The form shall be
4 signed by the next of kin or authorizing agent attesting to the
5 permission for the natural organic reduction of the deceased, and
6 disclosing to the natural organic reduction facility that the body does
7 not contain a battery, battery pack, power cell, radioactive implant,
8 or radioactive device, if any, and that these materials were removed
9 prior to the natural organic reduction process.

10 e. Upon good cause being shown rebutting the presumption of
11 the identity of the remains, the natural organic reduction shall not
12 commence until reasonable confirmation of the identity of the
13 deceased human being is made. The proof of identity may be in the
14 form of, but not limited to, an affidavit signed by a licensed
15 physician, member of the family of the deceased, or the authorized
16 agent of the family, or a court order from a court of competent
17 jurisdiction.

18 f. The natural organic reduction facility shall have a written plan
19 to assure that the identification verified through the permit generated
20 pursuant to section 16 of P.L.2003, c.221 (C.26:8-24.1) accompanies
21 the remains of the deceased human being through the natural organic
22 reduction process and until the identity of the deceased is accurately
23 and legibly inscribed on the container in which the remains are
24 temporarily placed.

25 g. (1) Upon good cause to confirm the identity of the
26 deceased, or assure no material is enclosed which may cause injury
27 to employees or the property in which the facility is located, or upon
28 reasonable demand by members of the immediate family of the
29 deceased or the authorized agent, the remains of a deceased human
30 being shall be delivered to the natural organic reduction facility in an
31 alternative container or in external wrappings sufficient to contain
32 the remains and designed to fully decompose in the natural reduction
33 process.

34 (2) The opening of alternative containers or wrappings after
35 delivery to the natural organic reduction facility shall only be
36 performed by a licensed funeral director delivering the remains of the
37 deceased. A record shall be created to list the reason for the opening,
38 the signature of the individual authorizing the opening thereof, and
39 the names of the licensed funeral director and the witness thereto of
40 the opening. The record shall be retained in a permanent file of the
41 natural organic reduction facility.

42 (3) The opening of alternative containers or wrappings shall be
43 performed in compliance with all rules and regulations intended to
44 protect the health and safety of natural organic reduction facility
45 personnel.

46 h. If the remains of the deceased human being are to be delivered
47 to a natural organic reduction facility in a casket that is not to be
48 naturally organically reduced with the deceased, disclosure thereof

1 shall be made in a timely manner by the individual making funeral
2 arrangements to the facility that, prior to the natural organic
3 reduction, the remains of the deceased shall be transferred to an
4 alternative container. An acknowledgement of the disclosure shall
5 be signed by the individual making funeral arrangements and retained
6 by the natural organic reduction facility in a permanent file.

7 i. (1) The remains of the deceased human being shall not be
8 removed from a casket, an alternative container, or wrappings in
9 which the remains are delivered to the natural organic reduction
10 facility unless explicit, signed authorization is provided by the
11 individual making funeral arrangements or by a public officer
12 discharging his or her statutory duty. The signed authorization shall
13 be retained by the natural organic reduction facility in a permanent
14 file.

15 (2) A transfer of the remains of a deceased human being to an
16 alternative container shall be conducted in privacy, with dignity and
17 respect, and by the licensed funeral director who delivered the
18 remains. The transfer shall be performed in compliance with all rules
19 and regulations intended to protect the health and safety of natural
20 organic reduction facility personnel.

21 j. It shall be unlawful to commingle the remains of more than
22 one deceased human being in a reduction container simultaneously
23 unless explicit, signed authorization is provided by the individual
24 making funeral arrangements and signed approval is granted by the
25 natural organic reduction facility. The signed authorization and
26 signed approval shall be retained by the natural organic reduction
27 facility in a permanent file.

28 k. Upon completion of the natural organic reduction of the
29 remains of the deceased human being, the cemetery company shall
30 notify the individual who made funeral arrangements or the
31 authorizing agent.

32 l. Upon completion of the natural organic reduction of the
33 remains of the deceased human being, the interior of the natural
34 organic reduction container shall be thoroughly swept or otherwise
35 cleaned so as to render the container reasonably free of all matter.
36 The contents thereof shall be placed into an individual container and
37 shall not be commingled with other remains. The permit for the
38 natural organic reduction generated pursuant to section 16 of
39 P.L.2003, c.221 (C.26:8-24.1) shall be attached to the individual
40 container in preparation of final processing.

41 (2) A magnet and sieve, or other appropriate method of
42 separation, may be used to divide the remains from unrecognizable
43 incidental or foreign material.

44 (3) The incidental and foreign material of the natural organic
45 reduction process shall be disposed of in a safe manner in compliance
46 with all rules and regulations on sanitation and byproducts.

47 (4) The remains shall be pulverized until no single fragment is
48 recognizable as skeletal tissue.

1 (5) The pulverized remains shall be transferred to a container or
2 multiple containers, if so requested in writing by the individual who
3 made funeral arrangements for the natural organic reduction or an
4 authorizing agent. The container or containers shall be of dimensions
5 suitable to contain the remains of the deceased individual who was
6 naturally organically reduced. The container or containers shall be
7 accurately and legibly labeled with the identification of the
8 individual who was natural organically reduced.

9 m. The individual who made funeral arrangements or the
10 authorizing agent shall be responsible for the final disposition of the
11 remains of the individual who was naturally organically reduced.
12 Remains shall be disposed of by:

13 (1) scattering them in a designated scattering garden or area in a
14 cemetery;

15 (2) with prior authorization of the cemetery company, by placing
16 the remains in a grave, crypt, or niche; or

17 (3) retrieval of the remains pursuant to prior authorization by the
18 individual who made funeral arrangements of the deceased, an
19 authorizing agent, or an individual specifically designated by the
20 authorizing agent.

21 n. Remains resulting from the natural organic reduction process,
22 which are scattered or interred, shall not be recoverable.

23 o. If, after 120 days after the notification of the completion of
24 the natural organic reduction, a cemetery company has not received
25 instruction from the individual who made funeral arrangements or an
26 authorizing agent on the final disposition of the remains, the
27 cemetery company shall dispose of the remains in any manner as
28 allowed pursuant to paragraphs (1) through (3) of subsection m. of
29 this section. A record of the disposition by the cemetery company
30 shall be retained in a permanent file. The individual who made the
31 funeral arrangements or the authorizing agent shall be responsible for
32 reimbursement of all reasonable expenses made by the cemetery
33 company if the disposition of the remains was performed by the
34 company.

35 p. After disposition of remains by an individual who made the
36 funeral arrangements, an authorizing agent, or the cemetery company
37 pursuant to subsection o. of this section, the cemetery company shall
38 be discharged from any legal obligation or liability concerning the
39 choice of the final disposition of the remains.

40 q. No individual shall place remains of more than one person in
41 the same temporary container or urn except with the express written
42 authorization of the individual or individuals who made funeral
43 arrangements of the deceased or an authorizing agent.

44 r. (1) An employee of a natural organic reduction facility
45 whose function is to conduct the daily operations of the cremation or
46 natural organic process shall be certified by an organization approved
47 by the board. Proof of certification shall be posted in the natural
48 organic reduction facility and available for inspection at any time.

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1 (2) A new employee of a natural organic reduction facility
2 required to be certified under this section shall be certified within one
3 year of the commencement of employment at the facility.

4 (3) An employee of a natural organic reduction facility required
5 to be certified under this section and retained as an employee prior to
6 the effective date of P.L. , c. (C.) (pending before the
7 Legislature as this bill) shall obtain certification within one year of
8 the effective date.

9 (4) Renewal of the certification shall be completed every five
10 years from the date of certification.

11 s. A natural organic reduction facility shall be subject to
12 inspection by the board. Upon inspection, a facility may be asked to
13 produce records regarding its operation and maintenance. The
14 records may include, but not be limited to, any records the facility is
15 asked to retain as part of a permanent file and any record on the
16 procedure used to identify remains.

17

18 10. This act shall take effect on the first day of the tenth month
19 next after enactment.

20

21

22

STATEMENT

23

24 This bill allows for the natural organic reduction of deceased
25 individuals. Provisions in current law addressing cremation and the
26 regulation of cemetery companies are updated under the bill to
27 incorporate the creation and regulation of natural organic reduction
28 facilities and the oversight of the organic reduction process. The bill
29 stipulates the information a cemetery company is to submit to the
30 New Jersey Cemetery Board for approval for the construction and
31 operation of a natural organic reduction facility and how a facility is
32 to manage the transfer of remains and the reduction process. The bill
33 also authorizes the board to inspect facilities.