

SENATE, No. 4043

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 27, 2023

Sponsored by:

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Provides for regulation of funeral arranging.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the practice of funeral arranging and
2 supplementing P.L.1952, c.340 (C.45:7-32 et seq.) and amending
3 various parts of the statutory law.

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

7
8 1. (New section) The Legislature finds and declares that:

9 a. The statutory framework for the licensure of funeral service
10 professionals dates back almost 70 years ago to the “Mortuary
11 Science Act,” P.L.1952, c.340 (C.45:7-32 et seq.), in an era when
12 New Jersey was very different from the culturally and religiously
13 diverse State that exists today, and when consumers had far less
14 choice in all aspects of daily life, including funeral arrangements.

15 b. While prior to the enactment of the “Mortuary Science Act,”
16 funeral service professionals had options to be licensed as funeral
17 directors, embalmers, or both, the law enacted in 1952 established a
18 unified licensing system, under which licensed funeral service
19 professionals, defined as practitioners of mortuary science, must be
20 proficient in both funeral directing, otherwise known as funeral arts,
21 and embalming, known as funeral science.

22 c. While the current funeral professional licensing system
23 serves the traditional but rapidly disappearing New Jersey well, it
24 has become abundantly clear that for religious, cultural,
25 environmental, and personal philosophy reasons, a steadily
26 increasing number of funerals center around cremation or burial
27 without embalming.

28 d. The current funeral professional licensing system does not
29 recognize that some religions forbid embalming prior to burial or
30 cremation, an oversight that New Jersey’s flourishing diversity
31 makes even more pronounced.

32 e. A developing interest in “green” burials incorporating
33 environmentally-friendly measures into end-of-life rituals may also
34 reduce the prevalence of embalming.

35 f. The existing funeral professional licensing system, by
36 requiring proficiency in embalming for licensure as a funeral
37 professional, discourages entry into the funeral services profession
38 of persons who are reluctant to practice embalming but would be
39 eager to serve their communities by arranging funerals.

40 g. During the last several years, and particularly during the
41 2019 coronavirus pandemic, it has become clear that there is a
42 shortage of licensed funeral service professionals in New Jersey, a
43 problem which, in part, could be remedied by removing outmoded
44 barriers to entering the funeral services profession.

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 h. Therefore, it is in the public interest to revise the existing
2 system of funeral professional licensure to more readily
3 accommodate religious and cultural beliefs as well as to promote
4 consumer choice, by providing for, in addition to the current
5 licensure of practitioners of mortuary science, the licensure of
6 funeral arrangers.

7

8 2. Section 3 of P.L.1952, c.340 (C.45:7-34) is amended to read
9 as follows:

10 3. As used in **【this act】** P.L.1952, c.340 (C.45:7-32 et seq.):

11 (a) "Board" means the State Board of Mortuary Science of New
12 Jersey.

13 (b) "Embalming" means the disinfecting or preservation of a
14 dead human body, entirely or in part by the use of chemical
15 substances, fluids or gases in the body, or by introduction of the
16 same into the body by vascular or hypodermic injection, or by
17 direct application into the organs or cavities.

18 (c) "Funeral directing" means (1) the engaging in or conducting
19 or holding one's self out as being engaged in or conducting the
20 preparation (other than embalming) for burial or disposal and the
21 direction or supervision of burial or disposal of dead human bodies;
22 or (2) maintaining, using or operating a mortuary; or (3) in
23 connection with one's name or mortuary using the words
24 "mortician" or "funeral director" or "undertaker" or any other words
25 or title of like import or signification.

26 "Funeral directing" also means the engaging in or making, or
27 holding one's self out as being engaged in or making, funeral
28 arrangements, including at need funeral arrangements or preneed
29 funeral arrangements; or the offering or holding one's self out as
30 offering the opportunity to purchase or enroll in a prepaid funeral
31 agreement. As used in this definition, "funeral arrangements," "at
32 need funeral arrangements," "preneed funeral arrangements" and
33 "prepaid funeral agreement" shall have the same meaning as they
34 are defined in section 1 of P.L.1993, c.147 (C.45:7-82).

35 (d) "Mortuary science" means embalming and funeral directing,
36 as the same are herein defined.

37 (e) "Embalmer" means a qualified person who practices or
38 engages in embalming, as the same is herein defined.

39 (f) "Funeral director" includes "undertaker" and "mortician" and
40 means a qualified person who practices or engages in funeral
41 directing, as the same is herein defined.

42 (g) "Practitioner of mortuary science" means a qualified person
43 who practices or engages in mortuary science, as the same is herein
44 defined and who (1) shall be licensed under the provisions of **【this**
45 **act】** P.L.1952, c.340 (C.45:7-32 et seq.) as a practitioner of
46 mortuary science, or (2) holds a license as both an embalmer and a
47 funeral director under the provisions of any prior law or laws of this
48 State, or (3) holds a license as an embalmer under the provisions of

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1 any prior law or laws of this State and shall have been licensed
2 under the provisions of section 21 of P.L.1952, c.340 (C.45:7-52) as
3 a funeral director, or (4) holds a license as a funeral director under
4 the provisions of any prior law or laws of this State and shall have
5 been licensed under the provisions of section 21 of P.L.1952, c.340
6 (C.45:7-52) as an embalmer.

7 (h) "Mortuary" means any place or premises devoted to or used
8 in the care and preparation for burial, disposition, or transportation
9 of dead human bodies, or any specifically designated location or
10 address where any person or persons shall hold forth that he, she, or
11 they are engaged in the practice of mortuary science, embalming or
12 funeral directing, and shall mean and include any premises of any
13 kind whatsoever in which mortuary science in any of its branches is
14 practiced or in which more than five funerals may be conducted in
15 any calendar year, except publicly owned buildings, places of
16 worship and meeting places of fraternal organizations.

17 (i) "Registered trainee" means a person who is duly registered
18 with the board and who is engaged in the State of New Jersey in
19 learning to practice as a practitioner of mortuary science or as a
20 funeral arranger under the personal instruction and supervision of a
21 person duly licensed as a practitioner of mortuary science or as a
22 funeral arranger and who has an annual case volume as hereinafter
23 provided in section 18 of **【this act】** P.L.1952, c.340 (C.45:7-32 et
24 seq.). A person seeking licensure in funeral arranging may learn to
25 practice as a registered trainee in funeral arranging from a licensed
26 practitioner in mortuary science, provided that such training solely
27 focuses on funeral directing, or from a licensed funeral arranger.

28 (j) "Funeral arranger" means a person who practices or engages
29 in funeral directing, as defined in this section, and is licensed
30 pursuant to the provisions of P.L.1952, c.340 (C.45:7-32 et seq.).
31 (cf: P.L.1993, c.147, s.14)

32

33 3. Section 4 of P.L.1952, c.340 (C.45:7-35) is amended to read
34 as follows:

35 4. There is hereby created in the Division of Consumer Affairs
36 in the Department of Law and Public Safety a State Board of
37 Mortuary Science of New Jersey, which board shall consist of 13
38 members as follows: two shall be public members and one shall be
39 a State executive department member appointed pursuant to the
40 provisions of **【P.L.1971, c.60 (C.45:2.1 et seq.)】** section 2 of
41 P.L.1971, c.60 (C.45:1-2.2); eight members, each of whom shall be
42 a citizen of the United States and a resident of the State of New
43 Jersey, at least four of whom shall be duly licensed as a practitioner
44 of mortuary science or as a funeral arranger and shall have had a
45 minimum of five consecutive years of experience and practice as a
46 practitioner of mortuary science in this State immediately preceding
47 his appointment; at least two of whom shall be duly licensed as
48 funeral arrangers, except for the members first appointed, of whom

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1 two shall be in the funeral arranging industry and of which one
2 member shall serve for a term of four years and one member shall
3 serve for a term of three years; and two members who provide
4 services as licensed practitioners of mortuary science or licensed
5 funeral arrangers, or of which one is a licensed practitioner of
6 mortuary science and one is a licensed funeral arranger; and two
7 additional public members, one of whom shall be 62 years of age or
8 older. **【Members】** Except for one member first appointed to
9 represent funeral arranging, members of the board shall be
10 appointed annually by the Governor for a term of three years and
11 shall not serve more than two successive terms. Each member,
12 other than the State executive department member, shall hold office
13 after the expiration of his term of office until his successor shall be
14 duly appointed and qualified. Vacancies occurring by reason of the
15 expiration of term of office shall be filled by the Governor in the
16 calendar year in which any such vacancy occurs for a term of three
17 years from the year of appointment. Vacancies occurring by reason
18 of the failure or neglect of the Governor to make appointments
19 upon the expiration of terms of office as hereinabove provided and
20 vacancies occurring for any other reason whatsoever shall be filled
21 by the Governor for the unexpired term only.

22 Any member of the State Board of Mortuary Science of New
23 Jersey, other than the State executive department member, may be
24 removed from office by the Governor, for cause, upon notice and
25 opportunity to be heard.

26 The Board of Embalmers and Funeral Directors of the State of
27 New Jersey is hereby abolished and all of its functions, powers and
28 duties, except as may be inconsistent with the provisions of **【this**
29 **act】** P.L.1952, c.340 (C.45:7-34 et seq.), are hereby transferred to
30 and vested in the State Board of Mortuary Science of New Jersey
31 established hereunder. The State Board of Mortuary Science of
32 New Jersey established hereunder and its functions, powers and
33 duties shall in all respects be subject to the provisions of sections
34 30, 32, 33, 35, 37, 39 and 40 of P.L.1948, c.439 (C.52:17B-30,
35 52:17B-32, 52:17B-33, 52:17B-35, 52:17B-37, 52:17B-39 and
36 52:17B-40).

37 (cf: P.L.2003. c.10)

38

39 4. Section 7 of P.L.1952, c.340 (C.45:7-38) is amended to read
40 as follows:

41 7. The board is authorized and empowered to adopt such rules
42 and regulations, not inconsistent with this entire act or any
43 amendment or supplement which may hereafter be adopted, as shall
44 be reasonably proper and advisable for the promotion or
45 improvement of the standards of service, protection and practice to
46 be followed in the practice of mortuary science, embalming and
47 funeral directing , and funeral arranging by individuals,
48 corporations, partnerships and associations in the State of New

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1 Jersey, and for and in the interest, preservation and improvement of
2 the public health, morals, safety and welfare.

3 In addition to the powers otherwise herein granted to the board,
4 the board is specifically empowered to adopt rules and regulations
5 concerning the following:

6 (a) the manner in which a mortuary or funeral establishment is
7 conducted,

8 (b) establish minimum requirements for a preparation room and
9 as to the manner in which it shall be maintained,

10 (c) issuance of lists of licensees,

11 (d) trainees, apprentices and preceptors,

12 (e) unethical or unprofessional conduct,

13 (f) practice of mortuary science or funeral arranging by
14 individuals, corporations, partnerships and associations.

15 (cf: P.L.1960, c.184, s.4)

16

17 5. Section 10 of P.L.1952, c.340 (C.45:7-41) is amended to
18 read as follows:

19 10. The secretary shall keep a record of all proceedings of the
20 board, shall exercise and perform all duties and functions incidental
21 to his office and such other duties and functions as may be assigned
22 by the board. He shall receive such compensation for his services,
23 within the limits of available appropriations therefor, and shall give
24 such bond for the faithful performance of his duties as the board
25 may, with the approval of the Attorney-General, determine.

26 The secretary of the board shall keep a record in which shall be
27 registered the name and professional address of every person to
28 whom licenses have been granted in accordance with the provisions
29 of **【this act】** P.L.1952, c.340 (C.45:7-32 et seq.) or in accordance
30 with the provisions of prior laws of this State, the number and date
31 of such license and the date of each renewal thereof.

32 The secretary shall, whenever requested so to do, certify over the
33 seal of the board, whether the records kept by the board show or fail
34 to show a license to carry on the practice of mortuary science **【or】** ,
35 of embalming or funeral directing, or both, or of funeral arranging
36 or the issuance of any renewal of any such licenses or whether any
37 person has or has not a license in full force and effect. The fee for
38 any such certificate shall be one dollar (\$1.00). Any such
39 certificate, whether made by the secretary upon such request or for
40 use in proceedings before the board or in which the board may be a
41 party, shall be prima facie evidence of the facts therein stated.

42 In the month of January of each and every year the secretary of
43 said board shall supply to each **【licensed practitioner of mortuary**
44 **science, to each licensed embalmer and to each licensed funeral**
45 **director】** board licensee a list of all practitioners **【of mortuary**
46 **science, embalmers, and funeral directors】** holding a license under
47 **【this act】** P.L.1952, c.340 (C.45:7-32 et seq.), or under prior laws

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1 of this State, giving the names of such persons, their professional
2 address and the number and nature of their licenses.

3 (cf: P.L.1952, c.340, s.10)

4

5 6. Section 12 of P.L.1952, c.340 (C.45:7-43) is amended to
6 read as follows:

7 12. The board may, subject to the approval of the Attorney
8 General, appoint, employ or remove such assistants and employees
9 as may be necessary to carry out the provisions of **【this act】**
10 P.L.1952, c.340 (C.45:7-32 et seq.). The board may, subject to the
11 approval of the Attorney General, appoint and employ an executive
12 secretary who shall serve without term but who may be removed
13 from office by the Attorney General, for cause, upon notice and
14 opportunity to be heard at a public hearing. The duties of the
15 executive secretary shall be determined by the board and the board
16 shall fix the compensation of its executive secretary, assistants and
17 employees, subject to the approval of the Attorney General, within
18 the limits of available appropriations therefor. Such executive
19 secretary shall not be subject to the provisions of Title 11 of the
20 Revised Statutes of this State. No such executive secretary,
21 employee or assistant shall engage in the practice of mortuary
22 science, embalming **【or】** , funeral directing, or funeral arranging,
23 nor shall he in any way be connected with the work of a practitioner
24 of mortuary science, embalming **【or】** , funeral directing, or funeral
25 arranging.

26 (cf: P.L.1967, c.245, s.3)

27

28 7. Section 16 of P.L.1952, c.340 (C.45:7-47) is amended to
29 read as follows:

30 16. No person shall engage in the practice of mortuary science,
31 embalming **【or】**, funeral directing, or funeral arranging, unless he
32 shall have been duly licensed so to do, by the board, under the
33 provisions of **【this act】** P.L.1952, c.340 (C.45:7-32 et seq.), or
34 under the provisions of any prior law of this State and unless such
35 license is unrevoked and in full force and effect; provided, that this
36 shall not apply to a registered trainee working under the direct
37 supervision of a practitioner of mortuary science or of funeral
38 arranging.

39 (cf: P.L.1952, c.340, s.16)

40

41 8. Section 17 of P.L.1952, c.340 (C.45:7-48) is amended to
42 read as follows:

43 17. The board shall grant **【only a single】** a license as a
44 practitioner of mortuary science or as a funeral arranger to **【any】** an
45 applicant, and **【any】** a person shall hold a license as a practitioner
46 of mortuary science or as a funeral arranger issued under the
47 provisions of **【this act】** P.L.1952, c.340 (C.45:7-32 et seq.) before

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1 being permitted to practice mortuary science **【or】**, embalming **【or】**,
2 funeral directing , or funeral arranging in this State.

3 (cf: P.L.1960, c.184, s.6)

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5 9. Section 18 of P.L.1952, c.340 (C.45:7-49) is amended to
6 read as follows:

7 18. **【(a)】** a. Every person desiring to enter into the practice of
8 mortuary science or the practice of funeral arranging, before being
9 licensed by the board:

10 (1) **【Shall】** (a) in the case of an applicant for licensure as a
11 practitioner of mortuary science, shall have passed an examination
12 to be conducted by the board or an entity other than the board to
13 determine the qualifications and fitness of the applicant. Such
14 examination, the scope, character and content of which shall be
15 determined by the board, shall be the same for all applicants at each
16 examination, and shall include: anatomy; physiology; pathology;
17 chemistry; disinfection; hygiene; sanitary science; bacteriology;
18 dissection; the care, preservation, embalming, transportation, and
19 burial, cremation or other disposal of dead human bodies; the
20 applicable laws and rules governing vital statistics, preparation and
21 transportation for burial, cremation or other disposal of dead human
22 bodies, including those dead as a result of contagious and infectious
23 diseases; the provisions of P.L.1952, c.340 (C.45:7-32 et seq.) and
24 of the rules and regulations adopted by the board; professional
25 ethics; mortuary accounting; and such other subjects as the board
26 may determine, by rule or regulation, to be necessary, proper or
27 reasonably calculated to establish the qualifications and fitness of
28 the applicant; or

29 (b) in the case of an applicant for licensure as a funeral arranger,
30 shall have passed an examination to be conducted by the board or
31 an entity other than the board to determine the qualifications and
32 fitness of the applicant. Such examination, the scope, character and
33 content of which shall be determined by the board, shall be the
34 same for all applicants at each examination, and shall include:
35 disinfection; hygiene; sanitary science and bacteriology; the care,
36 preservation transportation and burial, cremation or other disposal
37 of dead human bodies; the applicable laws and rules governing vital
38 statistics, preparation, and transportation for burial, cremation, or
39 other disposal of dead human bodies, including those dead as a
40 result of contagious and infectious diseases; the provisions of
41 P.L.1952, c.340 (C.45:7-32 et seq.) and the rules and regulations
42 adopted by the board; professional ethics; mortuary accounting; and
43 such other subjects as determined by the board, by rule or
44 regulation, to be necessary, proper, or reasonably calculated to
45 establish the qualifications and fitness of the applicant, but shall not
46 include embalming.

47 An examination conducted by an entity other than the board shall
48 be preapproved by the board and conducted by a nationally

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1 recognized testing service that is under contract with the regulatory
2 boards of at least three other states to provide testing and grading in
3 the field of funeral service arts and funeral service science. This
4 entity may conduct the law portion of the examination as
5 enumerated above. Applicants for a license to be a practitioner of
6 mortuary science shall be required to be tested and graded by the
7 testing service in the fields of funeral arts and funeral science.
8 Applicants for a license to be a funeral arranger shall be required
9 only to be tested and graded by the testing service in the field of
10 funeral arts.

11 Such examinations shall be administered electronically or in
12 writing and shall be held at least once in each year, and oftener if
13 the board shall so determine by rule or regulation, at such times and
14 places as may be fixed by the board. In addition to the examination
15 herein provided for, the examination of each applicant for a license
16 to be a practitioner of mortuary science pursuant to this subsection
17 shall include, wherever possible, an actual demonstration on a
18 cadaver of the embalming proficiency and qualifications of the
19 applicant.

20 (2) Shall have completed **[2]** two years of practical training and
21 experience as a registered trainee in regular, steady, bona fide full-
22 time service of a grade and character satisfactory to the board, in
23 the State of New Jersey, with a person duly licensed as a
24 practitioner of mortuary science under P.L.1952, c.340 (C.45:7-32
25 et seq.), as a licensed funeral arranger pursuant to P.L.1952, c.340
26 (C.45:7-32 et seq.), or as both an embalmer and funeral director
27 under any prior law of this State and whose annual case volume
28 shall be equal to at least 25 cases, and in the case of an applicant for
29 licensure to be a practitioner of mortuary science shall have assisted
30 in embalming at least 75 bodies; and shall have satisfactorily
31 completed a minimum of **[2]** two academic years of instruction in a
32 college or university approved by the State Department of
33 Education and **[1]** one year of instruction in a school of mortuary
34 science approved by the State Board of Mortuary Science of New
35 Jersey; except that a person who has satisfactorily completed **[3]**
36 three academic years of instruction in such a college or university
37 and **[1]** one year of instruction in such an approved school of
38 mortuary science need only have completed **[1]** one year of
39 practical training and experience as a registered trainee. Not more
40 than **[1]** one trainee shall be registered at **[1]** one time in **[1]** one
41 establishment, except that **[2]** two trainees may be permitted if
42 there are **[2]** two or more licensees in the same establishment. The
43 board is authorized and empowered to prescribe rules and
44 regulations establishing minimum courses of college or university
45 instruction; to insure that each trainee receives satisfactory and
46 efficient training and experience which may provide for the periods
47 that may be credited toward the required year of training and

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1 experience, the nature, character and extent of the services to be
2 performed by the trainee, for such practical and actual experience in
3 mortuary science or in funeral arranging and assisting in the same
4 as it shall determine and for the making of such reports by the
5 trainee and by the licensee with whom the trainee is registered as
6 may be advisable and for such other qualifications in the applicant
7 as may be reasonably calculated to insure and protect the public
8 health, morals, safety and welfare;

9 (3) Shall have, upon commencing the period of training and
10 experience as provided in paragraph (2) of this subsection
11 registered as a trainee with the board, upon a form to be provided
12 by the board, and has paid to the board a registration fee of \$50.00,
13 and has received from the board a certificate as a registered trainee;

14 (4) Shall have been a resident of the State of New Jersey
15 continuously during the period of training and experience; and

16 (5) Shall have passed his or her twenty-first birthday.

17 (b) An applicant who meets the requirements of section 19 of
18 P.L.1952, c.340 (C.45:7-50) shall be admitted to the examinations
19 prescribed in paragraph (1) of subsection (a) of this section but a
20 license to enter into the practice of mortuary science or to be a
21 funeral arranger shall not be issued or granted to any such applicant
22 by the board unless and until such applicant has completed the
23 period of practical training and experience as a registered trainee
24 required by paragraph (2) of subsection (a) of this section.

25 (cf: P.L.2019, c.130)

26

27 10. Section 1 of P.L.1999, c.404 (C.45:7-49.1) is amended to
28 read as follows:

29 1. After successful completion of the law portion of the
30 examination conducted by the board pursuant to section 18 of
31 P.L.1952, c.340 (C.45:7-49), and upon payment to the board of a
32 fee and the submission of a written application on forms provided
33 by it, the board may issue, at its discretion, a practitioner of
34 mortuary science license or a license in funeral arranging to a
35 person who holds a valid license or certification issued by another
36 state or possession of the United States or the District of Columbia
37 and who has met education and experience requirements
38 substantially equivalent to the requirements of P.L.1952, c.340
39 (C.45:7-32 et seq.), and who has been engaged in the practice of
40 mortuary science or funeral arranging in that state, possession or
41 district with a valid license or certification for two years
42 immediately prior to application; except that the board may issue, at
43 its discretion, a practitioner of mortuary science license or a license
44 in funeral arranging to an applicant who does not meet the practical
45 training and experience requirements of paragraph (2) of subsection
46 a. of section 18 of P.L.1952, c.340 (C.45:7-49) but otherwise meets
47 the requirements specified in this section if the applicant has been

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1 engaged in the practice of mortuary science or funeral arranging for
2 not less than five years immediately prior to application.

3 (cf: P.L.2001, c.83)

4

5 11. Section 19 of P.L.1952, c.340 (C.45:7-50) is amended to
6 read as follows:

7 19. No person shall be examined by the board except upon
8 payment of a fee of \$50.00 for the initial examination and a fee of
9 \$25.00 for each re-examination. Each applicant, before being
10 admitted to an examination, shall first submit to the board

11 (1) evidence verified by oath and satisfactory to the board that:

12 (a) He is a citizen of the United States and has been a resident
13 of the State of New Jersey for a period of at least **【6】** six months
14 prior to the date of the examination;

15 (b) He is of good moral character and at least 21 years of age;

16 (2) a certificate from the Commissioner of Education of this
17 State showing that before entering an embalming college or college
18 of mortuary science he had obtained an academic education
19 consisting of a **【4】** four years' course of study in an approved
20 public or private high school or the equivalent thereof, he has (a)
21 satisfactorily completed a minimum of **【2】** two years of academic
22 instruction in a college or university approved by the New Jersey
23 Department of Education, satisfactorily completed a minimum of
24 **【1】** one year of academic instruction in a school of mortuary
25 science approved by the State Board of Mortuary Science; or (b)
26 satisfactorily completed a minimum of **【3】** three years of academic
27 instruction in such a college or university, satisfactorily completed
28 a minimum of **【1】** one year of academic instruction in such a
29 school of mortuary science; and

30 (3) a certificate from a licensed practitioner of mortuary science
31 or a licensed funeral arranger in the State of New Jersey that he has
32 served a **【1-year】** one-year or **【2-year】** two-year period of practical
33 training as a registered trainee under such practitioner of mortuary
34 science or a licensed funeral arranger, whichever is applicable; such
35 period of practical training as a registered trainee may be served
36 either concurrently with the college or university courses, during
37 summer vacations, or subsequent to the completion of the college or
38 academic course, at the option of the registrant.

39 (cf: P.L.1960, c.184, s.8)

40

41 12. Section 28 of P.L.1952, c.340 (C.45:7-59) is amended to
42 read as follows:

43 28. The license of any practitioner of mortuary science **【or】**, of
44 any embalmer and funeral director, or either, or funeral arranger
45 shall terminate upon his decease.

46 (cf: P.L.1960, c.184, s.11)

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1 13. Section 30 of P.L.1952, c.340 (C.45:7-61) is amended to
2 read as follows:

3 30. No person shall operate, maintain or use a mortuary within
4 this State unless:

5 (a) He, they or it shall annually register with the board in
6 accordance with the provisions of section twenty-four of this act;

7 (b) The certificate of registration issued by the board shall be
8 conspicuously displayed within the establishment;

9 (c) The licenses of the individual owner, of all partners, or of
10 the manager of the establishment in all cases where the
11 establishment is not managed by a licensed individual owner or
12 licensed partners, shall be conspicuously displayed within the
13 establishment;

14 (d) It shall be under the immediate and personal supervision,
15 direction, management, and control of a person duly licensed as a
16 practitioner of mortuary science, under the provisions of this act,
17 **【or】** of a person duly licensed as a funeral director under the
18 provisions of this act or of any prior law of this State, or of a person
19 duly licensed as a funeral arranger under the provisions of
20 P.L.1952, c.340 (C.45:7-32 et seq.); and all funeral directing shall
21 be under the immediate and personal supervision, direction,
22 management, and control of a person duly licensed as a practitioner
23 of mortuary science, under the provisions of this act, **【or】** of a
24 person duly licensed as a funeral director under the provisions of
25 this act or of any prior law of this State, or of a person duly
26 licensed as a funeral arranger under the provisions of P.L.1952,
27 c.340 (C.45:7-32 et seq.);

28 (e) Its construction, maintenance and operation shall conform to
29 the rules and regulations of the board promulgated to safeguard and
30 promote the public health, safety, morals and welfare.

31 (cf: P.L.1952, c.340, s.30)

32

33 14. Section 34 of P.L.1952, c.340 (C.45:7-65) is amended to
34 read as follows:

35 34. Every practitioner of mortuary science, embalmer **【or】**,
36 funeral director, or funeral arranger shall report to the local health
37 officer all contagious cases in which he may be called, within
38 twelve hours after death or as soon as may be after being called.

39 (cf: P.L.1952, c.340, s.34)

40

41 15. Section 17 of P.L.1960, c.184 (C.45:7-65.2) is amended to
42 read as follows:

43 17. No person shall operate, maintain, or use a branch mortuary
44 within this State unless it is under the actual personal supervision,
45 direction, management and actual control of a person who is duly
46 licensed as a practitioner of mortuary science **【or】**, as a funeral
47 director, or as a funeral arranger.

48 (cf: P.L.1960, c.184, s.17)

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13

1 16. Section 18 of P.L.1960, c.184 (C.45:7-65.3) is amended to
2 read as follows:

3 18. a. No person, firm or corporation, or solicitors, agents,
4 canvassers, employees or other persons acting on behalf of that
5 person, firm or corporation, for the purpose of selling or contracting
6 to sell or provide any service or services commonly furnished or
7 performed by an embalmer or, funeral director or funeral
8 arranger, including, but not limited to, prepaid funeral agreements
9 and the making of at need or preneed funeral arrangements, shall:

10 (1) Directly or indirectly solicit persons in hospitals, rest homes,
11 nursing homes or similar health care facilities by telephone or in
12 person without first having been specifically requested to do so by
13 that person;

14 (2) Directly or indirectly employ any agent, employee, assistant,
15 independent contractor or other person to solicit persons in
16 hospitals, rest homes, nursing homes or similar health care facilities
17 by telephone or in person without first having been specifically
18 requested to do so by that person;

19 (3) Solicit relatives of persons whose death is apparently
20 pending or whose death has recently occurred for the purpose of
21 providing any of those services for that person;

22 (4) Solicit, accept, offer to pay or pay any commission, bonus or
23 rebate in consideration of recommending or causing any person to
24 use the services of a particular funeral director or funeral arranger,
25 or the services of a particular crematory, mausoleum or cemetery;
26 or

27 (5) Solicit persons at their residences in person or by telephone
28 unless that solicitation is in response to a previous request for or
29 expression of interest in a funeral director's or a funeral arranger's
30 services made by the person solicited or by a member of that
31 person's family.

32 b. Nothing in this section shall be construed to restrict the right
33 of a funeral director or a funeral arranger, or an agent or employee
34 of the funeral director thereof, to communicate, by direct mail or
35 in any other way not specifically prohibited by this section, with
36 persons or provide them with information regarding the services of
37 the funeral director or the funeral arranger, or to solicit the business
38 of any person responding to that communication and explicitly
39 requesting further information by personal visit or telephone, or
40 otherwise initiating further discussion of those services, or to
41 provide services or information to persons in connection with
42 services previously rendered.

43 c. Nothing in this section shall be construed to prohibit general
44 advertising by a funeral director or a funeral arranger.

45 d. Nothing in this section shall be deemed to prohibit the
46 payment of commissions, bonuses or other compensation to a
47 licensed cemetery salesman for the sale of cemetery goods or
48 services.

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14

1 e. As used in this section, "at need funeral arrangements,"
2 "preneed funeral arrangements" and "prepaid funeral agreement"
3 shall have the same meaning as they are defined in section 1 of
4 P.L.1993, c.147 (C.45:7-82).
5 (cf: P.L.1993, c.147, s.15)
6

7 17. Section 1 of P.L.1979, c.201 (C.45:7-65.4) is amended to
8 read as follows:

9 1. It shall be unlawful for a funeral director or a funeral
10 arranger to place the remains of more than one deceased person or
11 stillborn infant in a coffin, casket, or other container for the purpose
12 of interment, unless other written directions have been given by the
13 decedent or a court of competent jurisdiction, or the relative or
14 relatives of the decedent in the following order:

15 (1) Surviving spouse;

16 (2) A majority of surviving children of the decedent or the
17 surviving child if one;

18 (3) The surviving parent or parents of the decedent;

19 (4) A majority of the brothers and sisters of the decedent if no
20 child or parent is living; or

21 (5) Other next of kin according to the degree of consanguinity.

22 (cf: P.L.1979, c.201, s.1)
23

24 18. Section 1 of P.L.1995, c.192 (C.45:7-72.1) is amended to
25 read as follows:

26 1. The State Board of Mortuary Science of New Jersey shall
27 require each person licensed to practice mortuary science,
28 embalming **[or]**, funeral directing, or funeral arranging, as a
29 condition for biennial license renewal pursuant to section 23 of
30 P.L.1952, c.340 (C.45:7-54), to complete any continuing education
31 requirements imposed by the board pursuant to section 2 of this act.

32 (cf: P.L.1995, c.192, s.1)
33

34 19. Section 2 of P.L.1995, c.192 (C.45:7-72.2) is amended to
35 read as follows:

36 2. a. The board shall implement a program of continuing
37 education as a condition of license renewal for licensees under its
38 jurisdiction and may, in its discretion, waive all or part of the
39 continuing education requirement for any biennial licensing period.
40 The board shall establish standards for continuing education,
41 including the subject matter and content of courses of study as
42 appropriate for persons licensed as practitioners of mortuary science
43 and persons licensed as funeral arrangers, the selection of
44 instructors, and the number and type of continuing education credits
45 required of a licensee as a condition for biennial license renewal.

46 b. The board may establish a system for reviewing and
47 approving private sponsors of continuing education courses,
48 seminars or programs which may be utilized to provide continuing

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15

1 education to licensees in satisfaction of the requirements imposed
2 by this act.

3 (cf: P.L.1995, c.192, s.2)

4

5 20. Section 42 of P.L.1952, c.340 (C.45:7-73) is amended to
6 read as follows:

7 42. The board shall report to the State Department of Health the
8 name and residence of every person to whom it may issue a license.
9 The board shall issue to each person granted a license an
10 identification card stating that the holder thereof has received a
11 license and is carrying on the practice of mortuary science, **[or]** of
12 funeral directing or embalming , or of funeral arranging. The
13 proper holder of such a card shall have the same right to carry on
14 the practice of mortuary science, or of funeral directing or
15 embalming as those whose names appear on file in the office of the
16 registrar of vital statistics in each municipality

17 (cf: P.L.1960, c.184, s.15)

18

19 21. Section 43 of P.L.1952, c.340 (C.45:7-73.1) is amended to
20 read as follows:

21 43. The board may, in its discretion, enter into an agreement
22 with the corresponding licensing authority of any other State to
23 permit a person duly registered and licensed as a practitioner of
24 mortuary science **[or]**, a funeral director, or as a funeral arranger in
25 either State to enter into the other State for the purpose of
26 removing, transporting and burying dead human bodies and
27 directing funerals in the same manner as if he were registered under
28 the laws of such other State, except that such person shall not
29 maintain an establishment, advertise or hold himself out, directly or
30 through any agent or agency or otherwise, as a practitioner of
31 mortuary science **[or]**, a funeral director, or a funeral arranger other
32 than in the State in which he is registered and licensed.

33 (cf: P.L.1967, c.245, s.4)

34

35 22. (New section) The State Board of Mortuary Science of New
36 Jersey shall, pursuant to the "Administrative Procedure Act,"
37 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any new rules and
38 regulations or amend any existing rules and regulations necessary to
39 implement the provisions of P.L. , c. (C.) (pending before
40 the Legislature as this bill).

41

42 23. This act shall take effect on the first day of the thirteenth
43 month next following enactment.

STATEMENT

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This bill amends current law by authorizing the State Board of Mortuary Science of New Jersey to license funeral arrangers. Unlike practitioners of mortuary science, who conduct both funeral directing and embalming, funeral arrangers will not be allowed to embalm but will be proficient in all aspects of funeral directing. The education, including continuing education, and examination requirements of the law are modified to allow for this new category of licensure. The bill does not change the current requirements for a person to be licensed as a practitioner of mortuary science. That class of licensure is still required to be proficient in both funeral directing and embalming.

The funeral directing industry is regulated, in large part, by the nearly-70 year old "Mortuary Science Act," (P.L.1952, c.340). Prior to the enactment of the 1952 law, the industry was regulated pursuant to P.L.1927, c.156 (repealed effectively in 1952). Under the 1927 law, the licensing board was directed to issue three separate licenses: one for embalming, one for funeral directing, and a third for both embalming and funeral directing. The 1952 law consolidated the three licenses into one, issuing thereafter a license for a practitioner of mortuary science, who must be proficient in both embalming and funeral directing.

For religious, cultural, environmental, and other personal and philosophical reasons, individuals often choose cremation or burial without embalming as an alternative to burial with embalming. Over the last several decades, the percentage of funeral services not requiring embalming has increased. This bill, by allowing funeral services not involving embalming to be provided by persons licensed by the board who are not embalmers, would facilitate the response by the funeral services' industry to New Jersey's diverse population and to societal changes.

As defined in the bill, "funeral arranging" means funeral directing, which includes (1) holding one's self out as being engaged in or conducting the preparation (other than embalming) for burial or disposal and the direction or supervision of burial or disposal of dead human bodies; (2) maintaining, using or operating a mortuary; (3) in connection with one's name or mortuary using the words "mortician" or "funeral director" or "undertaker" or any other words or title of like import or signification; or (4) engaging in or making funeral arrangements. The bill incorporates the regulation of funeral arranging into provisions of current law addressing licensure requirements and the overall oversight of the profession by the State Board of Mortuary Science of New Jersey.