

ASSEMBLY, No. 4085

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 18, 2024

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman JULIO MARENCO

District 33 (Hudson)

SYNOPSIS

Allows for natural organic reduction and controlled supervised decomposition of human remains.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/15/2024)

1 AN ACT concerning the natural organic reduction of human remains
2 and amending and supplementing P.L.1952, c.340.

3

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

6

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

9 3. As used in this act:

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

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

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

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

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

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

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

41 (g) "Practitioner of mortuary science" means a qualified person
42 who practices or engages in mortuary science, as the same is herein
43 defined and who (1) shall be licensed under the provisions of **[this**
44 **act]** section 19 of P.L.1952, c.340 (C.45:7-50) as a practitioner of
45 mortuary science, or (2) holds a license as both an embalmer and a

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.

1 funeral director under the provisions of any prior law or laws of this
2 State, or (3) holds a license as an embalmer under the provisions of
3 any prior law or laws of this State and shall have been licensed
4 under the provisions of section **【21 of P.L.1952, c.340 (C.45:7-52)】**
5 18 of P.L.1952, c.340 (C.45:7-49) as a funeral director, or (4) holds
6 a license as a funeral director under the provisions of any prior law
7 or laws of this State and shall have been licensed under the
8 provisions of section **【21 of P.L.1952, c.340 (C.45:7-52)】** 18 of
9 P.L.1952, c.340 (C.45:7-49) as an embalmer.

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

20 (i) "Registered trainee" means a person who is duly registered
21 with the board and who is engaged in the State of New Jersey in
22 learning to practice as a practitioner of mortuary science under the
23 personal instruction and supervision of a person duly licensed as a
24 practitioner of mortuary science and who has an annual case volume
25 as hereinafter provided in section 18 of **【this act】** P.L.1952, c.340
26 (C.45:7-49).

27 (j) "Natural organic reduction" or "controlled supervised
28 decomposition" means the contained, accelerated conversion of
29 human remains into a soil-like product.

30 (k) "Natural organic reduction facility" means a secure
31 structure, room, or other space within a registered mortuary, or on
32 registered mortuary property devoted to the process of natural
33 organic reduction of a human body.

34 (cf: P.L.1993, c.147, s.14)

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36 2. Section 7 of P.L.1952, c.340 (C.45:7-38) is amended to read
37 as follows:

38 The board is authorized and empowered to adopt such rules and
39 regulations, not inconsistent with this entire act or any amendment
40 or supplement which may hereafter be adopted, as shall be
41 reasonably proper and advisable for the promotion or improvement
42 of the standards of service, protection and practice to be followed in
43 the practice of mortuary science, embalming, natural organic
44 reduction, and funeral directing by individuals, corporations,
45 partnerships and associations in the State of New Jersey, and for
46 and in the interest, preservation and improvement of the public
47 health, morals, safety and welfare.

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

- 4 (a) the manner in which a mortuary or funeral establishment is
5 conducted,
- 6 (b) establish minimum requirements for a preparation room and
7 as to the manner in which it shall be maintained,
- 8 (c) issuance of lists of licensees,
- 9 (d) trainees, apprentices and preceptors,
- 10 (e) unethical or unprofessional conduct,
- 11 (f) practice of mortuary science by individuals, corporations,
12 partnerships and associations,
- 13 (g) establish minimum requirements for a natural organic
14 reduction facility and as to the manner in which it shall be
15 maintained, and the minimum requirements for the process for
16 conducting natural organic reduction.

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

18

19 3. Section 24 of P.L.1952, c.340 (C.45:7-55) is amended to
20 read as follows:

21 24. Every individual, partnership, or corporation which operates
22 or maintains within this State a mortuary or natural organic
23 reduction facility, or which in the usual and regular course of his or
24 its practice makes use of a mortuary or natural organic reduction
25 facility owned, operated, or maintained by another shall annually
26 apply to the board for a certificate of registration for each mortuary
27 and natural organic reduction facility operated, maintained, or used
28 by the applicant and shall report under oath any facts requested by
29 the board, and such individual, partnership, or corporation shall pay
30 an annual registration fee of \$25.00 for each such mortuary or
31 natural organic reduction facility. Upon verification of the
32 statements thus reported and the receipt of the requisite fee, the
33 board shall issue a certificate of registration which shall bear date of
34 January 1 for the year of issue and shall expire on December 31 of
35 such year. No mortuary shall be operated, maintained, or used at
36 any location by any person, firm or corporation at any location not
37 specified in a certificate of registration issued under this section.

38 (cf: P.L.1967, c.245, s.2)

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40 4. (New section) No person shall operate, maintain, or use a
41 natural organic reduction facility within this State unless:

- 42 a. the individual, partnership, or corporation annually
43 registered with the board in accordance with the provisions of
44 section 24 of P.L.1952, c.340 (C.45:7-55);
- 45 b. the certificate of registration issued by the board shall be
46 conspicuously displayed within the natural organic reduction
47 facility;

- 1 c. the license of the natural organic reduction operator of the
2 natural organic reduction facility, shall be conspicuously displayed
3 within the facility;
- 4 d. the facility shall be under the immediate and personal
5 supervision, direction, management, and control of a person duly
6 licensed as a practitioner of mortuary science, under the provisions
7 of P.L.1952, c. 340 (C.45:7-32 et seq.), or of a person duly licensed
8 as a funeral director under the provisions of P.L.1952, c. 340
9 (C.45:7-32 et seq.) or of any prior law of this State; and all natural
10 organic reduction shall be under the immediate and personal
11 supervision, direction, management, and control of a person duly
12 licensed as a practitioner of mortuary science, under the provisions
13 of P.L.1952, c. 340 (C.45:7-32 et seq.), or of a person duly licensed
14 as a funeral director under the provisions of P.L.1952, c. 340
15 (C.45:7-32 et seq.) or of any prior law of this State; and
- 16 e. the construction, maintenance and operation of the facility
17 shall conform to the rules and regulations of the board promulgated
18 to safeguard and promote public health, safety, morals and welfare.
19
- 20 5. This act shall take effect on the first day of the 10th month
21 next, except that the director may take any anticipatory
22 administrative action in advance as shall be necessary for the
23 implementation of this act.

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STATEMENT

27 This bill allows for the natural organic reduction or controlled
28 supervised decomposition of deceased individuals. Provisions in
29 current law addressing embalming and funeral directing are updated
30 under the bill to incorporate the creation and regulation of natural
31 organic reduction facilities and the oversight of the organic
32 reduction process. The bill stipulates the information a mortuary
33 company is to submit to the New Jersey State Board of Mortuary
34 Science for approval for the construction and operation of a natural
35 organic reduction facility and how a facility is to manage the
36 transfer of remains and the reduction process. The bill also
37 authorizes the board to create regulations and inspect facilities.