

ASSEMBLY, No. 4216

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 2, 2024

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

SYNOPSIS

Allows for operation of crematories at locations not situated on cemetery grounds or funeral home properties; provides for issuance of permits for certain crematories.

CURRENT VERSION OF TEXT

As introduced.



A4216 KARABINCHAK, STANLEY

2

1 AN ACT concerning the location of crematories, amending
2 P.L.2011, c.230 and P.L.2013, c.194, and amending and
3 supplementing P.L.2003, c.261.

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

7
8 1. Section 2 of P.L.2003, c.261 (C.45:27-2) is amended to read
9 as follows:

10 2. "Annual, endowed or special care" means care or
11 maintenance of an individual interment space provided for by
12 agreement between the cemetery and the owner of the space.

13 "Board" means the New Jersey Cemetery and Crematory Board.

14 "Burial" means disposition of human remains by placing them in
15 a grave or crypt, but does not include their temporary storage.

16 "Burial right" means a right for the burial of human remains in a
17 particular grave or crypt created by contract between a person and a
18 cemetery.

19 "Cemetery" means any land or place used or dedicated for use
20 for burial of human remains, cremation of human remains, or
21 disposition of cremated human remains.

22 "Cemetery company" means a person that owns, manages,
23 operates or controls a cemetery, directly or indirectly, but does not
24 include a religious organization that owns a cemetery which
25 restricts burials to members of that religion or their families unless
26 the organization has obtained a certificate of authority for the
27 cemetery.

28 "Columbarium" means a building or structure containing niches
29 for placement of cremated human remains.

30 "Cremated human remains" means the recoverable bone
31 fragments and container residue resulting from the process of
32 cremation.

33 "Cremation" means the process of reducing human remains to
34 bone fragments through flame, heat and vaporization.

35 "Cremation company" means a person that owns, manages,
36 operates or controls a crematory, directly or indirectly, that is a
37 stand-alone facility located on property owned or leased by the
38 cremation company and that is separate and apart from a cemetery
39 and funeral home.

40 "Crematory" means a structure containing cremation chambers
41 used to cremate human remains.

42 "Crypt" means an interment space in a mausoleum or other
43 structure, above or below ground.

44 "Embellishment" means an item contributing to beauty, comfort
45 or enhancement of a cemetery, but does not include a memorial or a
46 disposable, perishable or seasonal item.

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 "General maintenance charge" means a fee assessed against each
2 interment space for the general upkeep of the cemetery.

3 "Grave" means a place for underground disposition of human
4 remains or cremated human remains. A grave may include spaces
5 for the disposition of human remains of more than one person,
6 arranged by depth.

7 "Human remains" means a body, or part of a body, of a deceased
8 human being.

9 "Interment" means the disposition of human remains by burial in
10 a grave or crypt but does not mean the temporary storage of
11 remains.

12 "Interment space" means a grave or crypt intended for the
13 interment of human remains.

14 "Maintenance" means all activities of a cemetery company which
15 further the care and upkeep of a cemetery, including cutting lawns,
16 and preservation and repair of drains, water lines, roads, buildings,
17 fences and other structures.

18 "Maintenance and preservation" means the care of the entire
19 cemetery to the extent of the income of the Maintenance and
20 Preservation Fund; it does not include providing specific care to
21 individual graves or plots.

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

24 "Memorial" means a marker or monument located at a grave
25 containing the name of a deceased person or the family name of a
26 deceased person, or an effigy or other representation of a deceased
27 person buried in the grave. It does not include an embellishment.

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

30 "Path" means a course or way intended to provide pedestrian
31 access to interment spaces.

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

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

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

38 "Public mausoleum" means a mausoleum, built in accordance
39 with regulations of the Department of Community Affairs, owned
40 by a cemetery or cemetery company with the intention of use of
41 interment spaces in it by the general public. A mausoleum is
42 distinguished from a single or multiple vault in that it is a single
43 integrated structure assembled on the premises. It shall not consist
44 of one or more vaults constructed off the cemetery premises and
45 installed singly or in series at the cemetery premises.

46 "Roadway" means a course or way intended to provide vehicle
47 access to interment spaces.

1 "Vault" means a prefabricated outer burial case of any material,
2 designed to be installed in the ground to receive one or more
3 burials, and not a part of a public or private mausoleum or any other
4 structure.

5 (cf: P.L.2011, c.230, s.1)

6

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

9 4. a. The board shall administer the provisions of **【this act】**
10 P.L.2003, c.261 (C.45:27-1 et seq.) and shall have general
11 supervision and regulation of, and jurisdiction and control over, all
12 cemetery companies and their property, all crematory companies,
13 property rights, equipment and facilities so far as may be necessary
14 to carry out the provisions of **【this act】** P.L.2003, c.261 (C.45:27-1
15 et seq.).

16 b. The board shall adopt regulations to carry out the purposes
17 of **【this act】** P.L.2003, c.261 (C.45:27-1 et seq.). Regulations shall
18 be adopted in accordance with the "Administrative Procedure Act,"
19 P.L.1968, c.410 (C.52:14B-1 et seq.). **【This act】** P.L.2003, c.261
20 (C.45:27-1 et seq.) and the regulations shall be enforced in
21 accordance with P.L.1978, c.73 (C.45:1-14 et seq.) and the "Penalty
22 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

23 c. The board may adjust charges and fees as provided by
24 section 2 of P.L.1974, c.46 (C.45:1-3.2) to defray the proper
25 expenses of administration of **【this act】** P.L.2003, c.261 (C.45:27-
26 1 et seq.).

27 d. Nothing in **【this act】** P.L.2003, c.261 (C.45:27-1 et seq.)
28 shall affect any of the powers regarding cemeteries heretofore
29 exercised by the Attorney General.

30 e. Nothing in **【this act】** P.L.2003, c.261 (C.45:27-1 et seq.)
31 shall authorize the board to establish the prices at which graves or
32 crypts may be sold or the charges made for services rendered by
33 cemetery companies or the charges made for services rendered by
34 crematory companies.

35 f. The board may institute an action in the Superior Court for
36 injunctive or other relief or for appointment of a receiver to enforce
37 **【this act】** P.L.2003, c.261 (C.45:27-1 et seq.) or regulations
38 established under it.

39 (cf: P.L.2003, c.261, s.4)

40

41 3. Section 5 of P.L.2003, c.261 (C.45:27-5) is amended to read
42 as follows:

43 5. The Attorney General and the board shall be served with
44 notice of any action or proceeding by or against a cemetery
45 company or a crematory company and may intervene in the action
46 or proceeding to protect the public interest.

47 (cf: P.L.2003, c.261, s.5)

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

3 6. a. A cemetery established after December 1, 1971 shall be
4 owned or operated only by a governmental entity, a religious
5 corporation or organization or by a cemetery company organized in
6 accordance with **【this act】** P.L.2003, c.261 (C.45:27-1 et seq.).

7 b. A crematory established after the effective date of
8 P.L. , c. (C.) (pending before the Legislature as this bill)
9 shall be owned or operated only by a governmental entity, a
10 religious corporation or organization or by a crematory company
11 organized in accordance with P.L.2003, c.261 (C.45:27-1 et seq.).
12 (cf: P.L.2003, c.261, s.6)

13

14 5. Section 7 of P.L.2003, c.261 (C.45:27-7) is amended to read
15 as follows:

16 7. a. A cemetery company organized in accordance with **【this**
17 **act】** P.L.2003, c.261 (C.45:27-1 et seq.) after December 1, 1971
18 shall not operate a cemetery and a crematory company organized in
19 accordance with P.L. , c. (C.) (pending before the
20 Legislature as this bill) shall not operate a crematory unless the
21 company is a nonprofit corporation, including a cultural nonprofit
22 corporation, organized and operated in compliance with Title 15A
23 of the New Jersey Statutes and has been issued a certificate of
24 authority to do so by the board.

25 b. The application for a certificate of authority by a cemetery
26 company or a crematory company shall be made in writing under
27 oath in the form established by the board. Public notice of an
28 application shall be provided in the agenda of the board for the first
29 meeting of the board following receipt of the application. All
30 applications shall be subject to public access. The application shall
31 contain the information that the board requires to determine:

32 (1) the necessity for the services the applicant seeks to provide,
33 considering present or future public need and convenience, land or
34 territorial qualifications; and

35 (2) the applicant's fitness and ability to: perform proposed
36 services; conform to this act and to board requirements; and comply
37 with health protection regulations of the New Jersey Department of
38 Health and Senior Services, the New Jersey Department of
39 Environmental Protection, or a local health authority.

40 c. The application fee and all other fees required pursuant to
41 **【this act】** P.L.2003, c.261 (C.45:27-1 et seq.) shall be set by the
42 board by regulation. The application fee shall not be required from
43 any cemetery company that existed before December 1, 1971,
44 which no longer has cemetery land to sell, and exists solely for
45 maintenance and preservation of the cemetery.

46 d. The board shall not act on an application for 60 days after
47 receipt of an application, and shall only act after public notice of the
48 application has been provided. If the board receives a written

1 objection to the application, it shall hold a hearing on notice to the
2 objector and the applicant before it acts on the application.

3 e. A cemetery company organized prior to December 1, 1971
4 shall not continue to operate a cemetery unless the company has
5 been issued a certificate of authority by the board. The board shall
6 grant the company a certificate of authority preserving any rights
7 and obligations of its charter subject to applicable law and
8 regulations.

9 (cf: P.L.2003, c.261, s.7)

10

11 6. Section 18 of P.L.2003, c.261 (C.45:27-18) is amended to
12 read as follows:

13 18. a. Before conducting any business with the public, a
14 cemetery company and a crematory company shall file with the
15 board the name and address of the **[cemetery]** company and a copy
16 of its regulations and its charges for services. New and amended
17 regulations and changes in charges for services shall be filed before
18 they take effect. Each filing shall be accompanied by the filing fee
19 set by regulation.

20 b. The rules, regulations and charges for services shall be
21 suitably printed and shall be conspicuously posted by the cemetery
22 company in each of its public offices and on cemetery grounds or,
23 in the case of a crematory company, in each of its public offices.

24 (cf: P.L.2003, c.261, s.18)

25

26 7. Section 22 of P.L.2003, c.261 (C.45:27-22) is amended to
27 read as follows:

28 22. a. If a decedent, in a will as defined in N.J.S.3B:1-2,
29 appoints a person to control the funeral and disposition of the
30 human remains, the funeral and disposition shall be in accordance
31 with the instructions of the person so appointed. A person so
32 appointed shall not have to be executor of the will. The funeral and
33 disposition may occur prior to probate of the will, in accordance
34 with section 40 of P.L.2003, c.261 (C.3B:10-21.1).

35 On or after the effective date of P.L.2019, c.187, a decedent may
36 appoint a person to control the funeral and disposition of the human
37 remains in writing, and if a decedent so appoints a person it shall be
38 in the presence of no less than two witnesses, on a form approved
39 by the board. The written form appointing a person to control the
40 funeral and disposition shall include the signatures of the decedent
41 and witnesses, and shall be notarized. Nothing in this section shall
42 be construed as prohibiting a decedent from appointing a person to
43 control the funeral and disposition on the form approved by the
44 board who is also named as the executor of the decedent's will.

45 The appointment of a person to control the funeral and
46 disposition of the human remains made in the most recently dated
47 and properly executed will as defined in N.J.S.3B:1-2 or board

1 approved form as provided by P.L.2019, c.187 shall supersede any
2 similar appointment made in any previously executed document.

3 A person appointed or in a priority class with a right to control
4 the funeral and disposition of the human remains under this
5 subsection shall have the right to relinquish control of the funeral
6 and disposition. Whenever a person relinquishes control pursuant
7 to this subsection, the right to control the funeral and disposition of
8 the human remains shall transfer to the next available priority class
9 as enumerated in this subsection.

10 No officer, partner, member, shareholder, owner, representative,
11 or employee of the funeral home, cemetery, or crematory providing
12 any goods or services related to the decedent's funeral and
13 disposition of the human remains shall be the person appointed by
14 the decedent, under this subsection, to control the funeral and
15 disposition, unless that person is a relative of the decedent.

16 In the case of an active duty service member who died while on
17 active duty in any branch or component of the United States Armed
18 Forces, including the New Jersey National Guard called to federal
19 active duty, the person designated by the decedent as authorized to
20 direct disposition, as listed on the decedent's United States
21 Department of Defense Record of Emergency Data, DD Form 93, or
22 its successor form, shall be the person appointed to control the
23 funeral and disposition of the remains of the decedent.

24 If the decedent has not appointed a person to control the funeral
25 and disposition of the remains, or the United States Department of
26 Defense Record of Emergency Data, DD Form 93, or its successor
27 form, is not applicable, the right to control the funeral and
28 disposition of the human remains shall be in the following order of
29 priority class, unless other directions have been given by a court of
30 competent jurisdiction:

31 (1) The surviving spouse of the decedent or the surviving civil
32 union or domestic partner.

33 (2) A majority of the surviving adult children of the decedent.

34 (3) The surviving parent or parents of the decedent.

35 (4) A majority of the brothers and sisters of the decedent.

36 (5) Other next of kin of the decedent according to the degree of
37 consanguinity.

38 (6) If there are no known living relatives, a cemetery or a
39 crematory may rely on the written authorization of any other person
40 acting on behalf of the decedent.

41 The right to control the funeral and disposition of the remains
42 shall be granted to the next available priority class, as enumerated
43 in this subsection, if the decedent had a temporary or permanent
44 restraining order issued pursuant to P.L.1991, c.261 (C.2C:25-
45 17 et seq.) against the person or persons in the highest priority
46 class, or the person or persons in the highest priority class are
47 charged with the intentional killing of the decedent.

1 If the decedent has not appointed a person to control the funeral
2 and disposition of the human remains, or the United States
3 Department of Defense Record of Emergency Data, DD Form 93, or
4 its successor form, is not applicable, the person or persons in the
5 highest priority class of the right to control the funeral and
6 disposition shall exercise the right to control within 72 hours after
7 the decedent's death. If the person or persons in the highest priority
8 class fail to exercise the right to control within 72 hours after the
9 decedent's death, or if the person or persons in the highest priority
10 class are unable to be notified after a reasonable attempt to notify
11 within 72 hours after the decedent's death, the right to control the
12 funeral and disposition shall transfer to the person or persons in the
13 next highest priority class, as enumerated in this subsection. If the
14 person or persons who would otherwise retain the right to control
15 the funeral and disposition are deemed medically incapable or
16 medically incapacitated by a licensed physician, the right to control
17 shall transfer to the person or persons in the next highest priority
18 class, as enumerated in this subsection.

19 If more than one person is deemed to have equal right to control
20 the funeral and disposition of the human remains, a majority of the
21 persons with the equal right to control is required to authorize the
22 funeral and disposition. In instances where the parents of the
23 decedent retain the right to control the funeral and disposition, both
24 parents are required to authorize the funeral and disposition, if both
25 parents are living and both parents are able to be notified after a
26 reasonable attempt to notify. If only one parent is living or if only
27 one parent is notified after a reasonable attempt to notify both
28 parents, the authorization of one parent shall be sufficient to
29 proceed with a funeral and disposition.

30 Notwithstanding any law, rule, or regulation to the contrary, the
31 divorce, annulment, or dissolution of a marriage, civil union, or
32 domestic partnership shall remove the right of control of the funeral
33 and disposition of the human remains from the former spouse or
34 former partner of the decedent, unless the former spouse or partner
35 serves as an other interested party.

36 For purposes of this subsection:

37 "Domestic partner" means a domestic partner as defined in
38 section 3 of P.L.2003, c.246 (C.26:8A-3).

39 "Reasonable attempt to notify" shall mean a good faith effort to
40 contact the person or persons with the right to control the funeral
41 and disposition via correspondence sent by registered mail or
42 electronic mail to his or her last known address, or a telephone call
43 placed to the last known telephone number, by a family member,
44 personal representative of the decedent, or any other interested
45 party. If a reasonable attempt to notify is unsuccessful, the person
46 or persons assuming the right to control the funeral and disposition
47 shall attest in writing that a good faith effort was made to contact
48 any person or persons with a higher priority right to control.

1 b. A cemetery or a crematory may permit the disposition of
2 human remains on the authorization of a funeral director handling
3 arrangements for the decedent, or on the written authorization of a
4 person who claims to be, and is believed to be, a person who has the
5 right to control the disposition. The cemetery or the crematory shall
6 not be liable for disposition pursuant to this authorization unless it
7 had reasonable notice that the person did not have the right to
8 control the disposition.

9 c. A cemetery shall not bury human remains of more than one
10 person in a grave unless:

11 (1) directions have been given for the burials in accordance with
12 this section on behalf of all persons so buried; or

13 (2) the rights to be buried in the grave were sold by the
14 cemetery with explicit provision allowing separate sales of rights to
15 burial at different depths in the grave.

16 d. A person who signs an authorization for the funeral and
17 disposition of human remains warrants the truth of the facts stated,
18 the identity of the person whose remains are disposed and the
19 authority to order the disposition. The person shall be liable for
20 damages caused by a false statement or breach of warranty. A
21 cemetery, crematory, or funeral director shall not be liable for
22 disposition in accordance with the authorization unless it had
23 reasonable notice that the representations were untrue or that the
24 person lacked the right to control the disposition.

25 e. An action against a cemetery company or a crematory
26 company relating to the disposition of human remains left in its
27 temporary custody may not be brought more than one year from the
28 date of delivery of the remains to the cemetery company or
29 crematory company unless otherwise provided by a written
30 contract.

31 (cf: P.L.2019, c.187, s.1)

32
33 8. Section 25 of P.L.2003, c.261 (C.45:27-25) is amended to
34 read as follows:

35 25. a. A cemetery or a crematory shall not be established or
36 enlarged in any municipality without first obtaining the consent of
37 the municipality by resolution.

38 b. No more than five cemeteries may be established in any one
39 municipality, and not more than 3% of the area of any municipality
40 shall be devoted to cemetery purposes.

41 c. A cemetery shall not be established or expanded to exceed
42 250 acres at any one location.

43 d. The governing body of a municipality, by resolution, may
44 waive the limitations of subsection b. or c. of this section if it finds
45 that there is a public need for additional cemetery lands and that it
46 is in the public interest to waive them.

1 e. A cemetery company shall not dedicate additional land to
2 cemetery purposes and a crematory company shall not enlarge a
3 crematory, without board approval.

4 (cf: P.L.2003, c.261, s.25)

5

6 9. Section 26 of P.L.2003, c.261 (C.45:27-26) is amended to
7 read as follows:

8 26. If the board approves, a cemetery company or a crematory
9 company may issue certificates with a fixed face value and a
10 specified interest rate to pay for land acquired for cemetery
11 purposes or for crematory purposes, for the initial improvements to
12 that land, and for subsequent capital improvements. The board
13 shall review the dollar amount and terms of the certificates so as to
14 assure the financial soundness of the cemetery company or the
15 crematory company.

16 (cf: P.L.2003, c.261, s.26)

17

18 10. Section 35 of P.L.2003, c.261 (C.45:27-35) is amended to
19 read as follows:

20 35. a. A license from the board is required for any natural
21 person to be compensated to act as a cemetery salesperson for
22 interment spaces in cemeteries operated by cemetery companies or
23 for goods or services provided by cemetery companies, or for any
24 natural person to be compensated to act as a crematory salesperson
25 for goods and services provided by crematory companies.

26 (1) Each salesperson license shall state the name and address of
27 each cemetery company or each crematory company with which the
28 salesperson is associated.

29 (2) A salesperson shall produce the license for inspection when
30 requested during sales activities, and shall retain possession of the
31 license until it expires or is canceled, revoked or suspended.

32 (3) A copy of the license shall be posted by the cemetery
33 company or the crematory company in each of its offices.

34 b. No municipality of this State shall require a licensed
35 salesperson to obtain a municipal license to sell interment spaces or
36 cemetery goods or services, or to sell crematory goods or services.

37 c. The following may sell cemetery property without a
38 cemetery salesperson license, or sell crematory goods and services
39 without a crematory salesperson license:

40 (1) **[The]** For cemeteries, the owner of an interest in an
41 interment space, or a person acting for the owner, making an
42 occasional sale of the interment space;

43 (2) An officer, manager or employee of a cemetery company or
44 a crematory company engaging in sales activities whose primary
45 responsibility is other than sales activities; or

46 (3) A receiver, trustee in bankruptcy or other person acting
47 under court order for a trustee selling under a deed of trust.

48 (cf: P.L.2003, c.261, s.35)

1 11. Section 36 of P.L.2003, c.261 (C.45:27-36) is amended to
2 read as follows:

3 36. A cemetery salesperson license and a crematory salesperson
4 license shall be issued or renewed for a period established by the
5 board by regulation.

6 (cf: P.L.2003, c.261, s.36)

7

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

10 37. a. An applicant for a cemetery salesperson license or a
11 crematory salesperson license shall file a written application on the
12 form prescribed by the board. The application fee prescribed by the
13 board by regulation shall accompany the application.

14 b. The board shall investigate the qualifications of each
15 applicant for a cemetery salesperson license or a crematory
16 salesperson license and shall issue a salesperson license if:

17 (1) the board finds that the applicant is 18 years or older, of
18 good moral character, and has not been convicted of a crime which
19 would allow the board to deny the application pursuant to P.L.1968,
20 c.282 (C.2A:168A-1 et seq.);

21 (2) the application complies with the regulations;

22 (3) the applicant paid the license fee prescribed by regulation;
23 and

24 (4) the applicant is not barred from making cemetery sales or
25 crematory sales by other employment.

26 c. The board, upon receipt of a completed application form and
27 appropriate fees, and prior to receipt of the criminal history
28 background check, may issue a temporary license valid for 60 days
29 which the board may extend for additional periods not exceeding 30
30 days each.

31 (cf: P.L.2003, c.261, s.37)

32

33 13. Section 5 of P.L.2011, c.230 (C.45:27-40) is amended to
34 read as follows:

35 5. A crematory **【shall】** may be located **【only】** on:

36 a. dedicated cemetery property not exclusively devoted to:

37 (1) the operation of a crematory; or

38 (2) the operation of a crematory and the disposition of cremated
39 remains**【**. This section shall not apply to a crematorium operated in
40 conjunction with a funeral home**】**;

41 b. property owned or leased by a cremation company; or

42 c. property owned or leased by a funeral home that operates a
43 crematory pursuant to paragraph 4 of subsection c. of section 16 of
44 P.L. 2003, c.261 (C.45:27-16).

45 (cf: P.L.2011, c.230, s.5)

46

47 14. Section 1 of P.L.2013, c.194 (C.45:27-41) is amended to
48 read as follows:

1 1. a. The board shall establish a registry of cemetery
2 companies and crematory companies that voluntarily agree to be
3 included in a list of **【cemetery】** companies for whom payment for
4 burial expenses and cremation services available for recipients of
5 Work First New Jersey pursuant to P.L.1997, c.38 (C.44:10-
6 55 et seq.) and Supplemental Security Income pursuant to title III of
7 Pub.L.92-603 (42 U.S.C. s.1381 et seq.), and certain other persons
8 specified to be eligible for such payments pursuant to
9 N.J.A.C.10:90-8.1 et seq., is sufficient for the purchase of an
10 interment space and for any services rendered by the cemetery
11 company, or is sufficient for the purchase of goods and services
12 rendered by the cremation company. The board shall make the
13 registry available to the public on the board's internet website and,
14 by request, to members of the public by other means.

15 b. Any cemetery company or crematory company may
16 volunteer to be included in the registry established pursuant to
17 subsection a. of this section, and the board shall include any
18 cemetery company and crematory company in the registry that
19 elects to be included, provided the **【cemetery】** company agrees to
20 accept any allowance or payment for burial expenses or cremation
21 services available for recipients of Work First New Jersey pursuant
22 to P.L.1997, c.38 (C.44:10-55 et seq.) and Supplemental Security
23 Income pursuant to title III of Pub.L.92-603 (42 U.S.C. s.1381 et
24 seq.), and certain other persons specified to be eligible for such
25 payments pursuant to N.J.A.C.10:90-8.1 et seq., as full payment for
26 the purchase of interment space and for any services rendered by
27 the cemetery company, or for the purchase of goods and services
28 rendered by the cremation company. If, after electing to be
29 included in the registry, a cemetery company or crematory company
30 requests to be removed from the registry, the board shall remove the
31 **【cemetery】** company from the registry.

32 c. If a cemetery company elects to participate in the registry
33 and accept payment pursuant to subsection b. of this section, the
34 acceptance of that payment shall not: (1) entitle any person related
35 to the decedent, or otherwise responsible for the interment of the
36 decedent, to membership in the cemetery company or voting rights
37 attendant thereto, as provided in section 10 of P.L.2003, c.261
38 (C.45:27-10); (2) require the cemetery company to use an interment
39 space in violation of any religious restrictions on the use of that
40 space; or (3) permit any person related to the decedent, or otherwise
41 responsible for the interment of the decedent, to select the particular
42 interment space in which the human remains will be interred.
43 (cf: P.L.2013, c.194, s.1)

44

45 15. (New section) a. The board shall offer 12 permits to be
46 distributed through an application process, as determined by the board,
47 for the operation of a crematory that is exempt from the provisions of

1 P.L.2003, c.261 (C.45:27-1 et seq.) and P.L.2011, c.230 (C.45:27-39 et
2 seq.). Each permit shall provide for the operation of one crematory.

3 b. The permits shall be equitably distributed across the State.
4

5 16. (New section) a. Every crematory company, other than a
6 municipality, shall file an annual report with the board within 120
7 days after the close of the crematory company's fiscal year. The
8 report shall be filed by the crematory company in a form established
9 by the board.

10 b. Every crematory company shall also file such other financial
11 information as required by the board by regulation.

12 c. If the report filed is inadequate to apprise the board of the
13 information it requires to administer the provisions of
14 P.L. , c. (C.) (pending before the Legislature as this bill)
15 effectively, it shall request a supplemental report and it may order
16 an investigation of the operations of the crematory company.
17 Officers and employees of a cemetery company shall exhibit the
18 company's books, papers and securities to the board when requested
19 and otherwise facilitate any examination of the company. Any
20 officer or employee of a crematory company may be required to
21 testify under oath as to the conditions and affairs of the crematory
22 company.

23 d. The board, for good cause, may grant reasonable extensions
24 for filing annual reports.
25

26 17. (New section) a. A crematory company shall:

27 (1) adopt reasonable regulations for the use, management, and
28 protection of the crematory;

29 (2) fix reasonable charges for goods and services offered by the
30 company; and

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

33 b. A crematory company, and any person engaged in the
34 management, operation or control of a crematory owned by a
35 crematory company, directly or indirectly, is specifically prohibited
36 from engaging, directly or indirectly, in any of the following
37 activities:

38 (1) the manufacture or sale of urns or other goods used as a
39 vessel for cremains; and

40 (2) the conduct of any funeral home or the business or
41 profession of mortuary science.
42

43 18. (New section) A crematory company shall keep a record
44 containing the information required pursuant to subsection d. of
45 section 19 of P.L.2003, c.261 (C.45:27-19).

1 19. (New section) Tax exemptions applicable to cemeteries
2 pursuant to subsections a. and b. of section 20 of P.L.2003, c.261
3 (C.45:27-20) shall also apply to crematory companies.

4
5 20. This act shall take effect immediately.

6
7
8 STATEMENT

9
10 This bill amends current law by allowing for the construction of
11 crematories as stand-alone facilities separate and apart from
12 cemeteries and funeral homes. Presently, New Jersey only allows
13 crematories to be located on cemetery property or to operate as
14 facilities that work in conjunction with funeral homes in existence
15 prior to December 1, 1971. Under this bill, a governmental entity, a
16 religious corporation or organization, or a cremation company,
17 defined in the bill as “a person that owns, manages, operates or
18 controls a crematory, directly or indirectly, that is a stand-alone
19 facility located on property owned or leased by the cremation
20 company and that is separate and apart from a cemetery and funeral
21 home,” is allowed to open and operate a crematory.

22 The bill incorporates crematories and crematory companies into
23 certain provisions of law that currently only apply to cemeteries.
24 This includes provisions:

25 1) to allow crematories to be owned or operated only by a
26 governmental entity, a religious corporation or organization, or a
27 cremation company;

28 2) to require cremation companies to be formed as nonprofits,
29 including cultural nonprofits, in compliance with Title 15A of the
30 New Jersey Statutes;

31 3) to require a crematory company to file with the New Jersey
32 Cemetery Board the paperwork showing the name and address of
33 the company;

34 4) to mandate that a crematory company print and
35 conspicuously post its regulations and charges for services;

36 5) on the disposition of human remains;

37 6) to allow for the establishment and enlargement of a
38 crematory in a municipality only through the consent of the
39 municipality by resolution;

40 7) to require board approval if a crematory company seeks to
41 enlarge a crematory;

42 8) to allow a crematory company to make initial improvements
43 and subsequent capital improvements upon the land it owns, if
44 approved by the board;

45 9) to require licensure for any natural person who is
46 compensated to act as a crematory salesperson for goods and
47 services provided by a crematory company;

1 10) to establish that a crematory may be located on cemetery
2 property, on property owned or leased by a funeral home created
3 prior to December 1, 1971 and on property owned or leased by a
4 crematory company; and
5 11) to allow crematory companies to be included on the registry
6 maintained by the board.
7 New provisions in the bill require the New Jersey Cemetery
8 Board to offer 12 permits for distribution, through an application
9 process, for the operation of a crematory. The applications
10 approved by the board will be for crematories exempt from current
11 statutory requirements regarding crematories. Additionally, the bill
12 requires a crematory company to file an annual report with the
13 board within 120 days after the close of the company's fiscal year.
14 Crematory companies are required to establish rules and regulations
15 addressing the use, management, and protection of the crematory.
16 Crematory companies are prohibited from manufacturing or selling
17 urns or other goods used as a vessel for cremains and from being
18 involved in the conduct of any funeral home or of the business or
19 profession of mortuary science. Crematory companies are also
20 required to maintain records of each cremation performed by the
21 company, including the name of the cremated party and the party
22 who authorized the cremation, and will be exempt from several
23 taxes of which cemeteries are also exempt, including real estate
24 taxes, rates or assessment on personal property taxes on lands and
25 equipment dedicated to crematory purposes.