

CHAPTER 340

AN ACT concerning unclaimed cremains of veterans, eligible spouses of veterans, and eligible dependents of veterans and amending P.L.1983, c.385, P.L.2003, c.221, P.L.2009, c.14, and N.J.S.38A:21-5.

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

1. Section 2 of P.L.1983, c.385 (C.26:7-18.2) is amended to read as follows:

C.26:7-18.2 Disposition of unclaimed cremains.

2. a. Except as provided by subsection b. of this section, a person may dispose of the cremains of a dead human body which have not been claimed by a relative or friend of the deceased within one year from the date of cremation upon certification, to the commissioner's satisfaction, that a diligent effort has been made to identify, locate, and notify a relative or friend of the deceased within that one-year period. A diligent effort shall include a certified letter, return receipt requested, mailed to the person who authorized the cremation.

As used in this section, "cremains" means that substance which remains after the cremation of a dead human body.

b. (1) A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-32 et seq.), shall grant a qualified veterans' organization the right to receive the cremains of a veteran, or the cremains of an eligible spouse or eligible dependent of a veteran, which have not been claimed by a relative or friend of the deceased within one year after cremation upon certification, to the commissioner's satisfaction, that a diligent effort, as defined in subsection a. of this section, has been made to identify, locate, and notify a relative or friend of the deceased within that one-year period.

A qualified veterans' organization which takes possession of cremains pursuant to this section shall dispose of the cremains by scattering them at sea or by interring them on land in a dignified manner at the State-operated Brigadier General William C. Doyle Veterans' Memorial Cemetery, a State-operated veterans' memorial cemetery, a national veterans' memorial cemetery, or a local veterans' memorial cemetery if the individual is eligible for interment at those facilities.

As used in this section, "qualified veterans' organization" means a veterans' organization that qualifies as a section 501(c)(3) or 501(c)(19) tax exempt organization under the Internal Revenue Code or a federally chartered Veterans' Service Organization.

(2) Each funeral director shall promptly respond to a request from the Commissioner of the Department of Veterans Affairs for information as to whether the cremains of a veteran, or the cremains of an eligible spouse or eligible dependent of a veteran, have been claimed.

c. A funeral home or mortuary, or an agent of the funeral home or mortuary, or a funeral director, or qualified veterans' organization, shall not be liable for damages in any civil action arising out of the disposal of cremains pursuant to this section unless the damages are the result of gross negligence or willful misconduct.

2. Section 16 of P.L.2003, c.221 (C.26:8-24.1) is amended to read as follows:

C.26:8-24.1 New Jersey Electronic Death Registration System (NJ-EDRS).

16. a. The State registrar shall establish and maintain the New Jersey Electronic Death Registration System or NJ-EDRS.

(1) The system shall be fully implemented no later than 18 months after the date of enactment of P.L.2003, c.221 and shall be the required means of death registration and

certification for any death or fetal death occurring in this State, subject to any exception that may be approved by the State registrar in the case of a specific death or fetal death. All participants in the death registration process, including, but not limited to, the State registrar, local registrars, deputy registrars, alternate deputy registrars, subregistrars, the Chief State Medical Examiner, Deputy Chief State Medical Examiner, county or intercounty medical examiners, assistant county or intercounty medical examiners, funeral directors, attending physicians and resident physicians, licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to utilize the NJ-EDRS to provide the information that is required of them by statute or regulation.

(2) The State registrar may provide for a phased implementation of the system, beginning seven months after the date of enactment of P.L.2003, c.221, by requiring certain users, who are designated by the State registrar on a geographic or other basis for this purpose, to commence utilization of the system.

(3) Beginning no later than six months after the date of enactment of P.L.2003, c.221, the State registrar shall authorize and provide material support, in the form of system access, curriculum guidelines, and user registration capability and authority, to the principal trade associations or professional organizations representing persons affected by implementation of the NJ-EDRS for the purposes of providing training and education with regard to the NJ-EDRS. The State registrar may conduct such education and training, or authorize other entities to do so on his behalf; however, these activities shall not be construed as restricting the training and education activities of any affected trade association or professional organization, including the location, manner, fees, or other means of conducting those activities on the part of the association or organization.

b. The NJ-EDRS shall, at a minimum, provide for:

(1) the direct transmission of burial permit documentation to the originating funeral home in an electronic form capable of output to a local printer;

(2) an overnight mail system for the delivery of NJ-EDRS-generated death certificates by the State registrar and local registrars, the cost of which shall be chargeable to the funeral director of record;

(3) an automated notification system to alert other responsible parties to pending cases, including notification to or from alternate local registrars;

(4) a systematic electronic payment method by which all fees are taken from accounts for which funeral homes are financially responsible and distributed, as appropriate, to the State registrar or local registrars as payment for the issuance of permits, the recording of records, the making of certified copies of death certificates, or for other charges that may be incurred;

(5) a legally binding system of digital authentication in lieu of signatures for the responsible parties and a means of assuring database security that permits users to enter the system from multiple sites and includes contemporaneous and remote data security methods to protect the system from catastrophic loss or intrusions, as well as a method of data encryption for transmission;

(6) the capacity for authorized users to retrieve data comprising the death certification record;

(7) the capacity to electronically amend and correct death records;

(8) electronic notification, upon completion of the death record and issuance of a burial permit, of the decedent's name, Social Security number, and last known address and the informant to: the federal Social Security Administration, the U.S. Citizenship and Immigration Services, the Division of Medical Assistance and Health Services in the Department of Human Services, the Department of Labor and Workforce Development, and such other governmental agencies as the State registrar determines will substantially

contribute to safeguarding public benefit programs and diminish the criminal use of a decedent's name and other identifying information; and the New Jersey State Funeral Directors Association, in the case of a decedent participating in one of its funeral expense payment programs, in such a manner as to enable it to fulfill its fiduciary obligations for the payment of the decedent's final funeral and burial expenses;

(9) sufficient data documentation to meet contemporary and emerging standards and expectations of vital record archiving;

(10) continuous 24-hour-a-day technical support for all authorized users of the system; and

(11) when information submitted to the NJ-EDRS identifies a decedent as a veteran, or an eligible spouse or eligible dependent of a veteran, whose remains are cremated, electronic notification to the Department of Veterans Affairs, upon completion of the death record and issuance of the cremation permit, which electronic notification shall include, to the extent available, the decedent's: name; last known address; dates of service, including active duty, reservist, and national guard dates of service, as appropriate; date of death; and date on which the cremation permit was issued.

c. A provider of information that is required to complete a death certificate, or who is subject to the provisions of law governing the NJ-EDRS, shall not be deemed to be acting as a local registrar, deputy registrar, alternate deputy registrar, or subregistrar solely by virtue of permitting other providers of information to gain access to the NJ-EDRS by using those other providers' identifying information.

3. Section 2 of P.L.2009, c.14 (C.38A:3-2b4) is amended to read as follows:

C.38A:3-2b4 Unclaimed cremains, receipt by certain veterans' organization after one year.

2. a. (1) A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-18.2), the right to receive the cremains of a veteran, or the cremains of an eligible spouse or eligible dependent of a veteran, which have not been claimed by a relative or friend of the deceased within one year after cremation upon certification, to the satisfaction of the Commissioner of Health, that a diligent effort, as defined in subsection a. of section 2 of P.L.1983, c.385 (C.26:7-18.2), has been made to identify, locate, and notify a relative or friend of the deceased within that one-year period, as provided under section 2 of P.L.1983, c.385 (C.26:7-18.2).

A qualified veterans' organization which takes possession of cremains pursuant to this section shall dispose of the cremains by scattering them at sea or by interring them on land in a dignified manner at the State-operated Brigadier General William C. Doyle Veterans' Memorial Cemetery, a State-operated veterans' memorial cemetery, a national veterans' memorial cemetery, or a local veterans memorial cemetery, if the individual is eligible for interment at those facilities.

(2) Each funeral director shall promptly respond to a request from the Commissioner of the Department of Veterans Affairs for information as to whether the cremains of a veteran, or the cremains of an eligible spouse or eligible dependent of a veteran, have been claimed.

b. A funeral home or mortuary, or an agent of the funeral home or mortuary, or a funeral director, or qualified veterans' organization, shall not be liable for damages in any civil action arising out of the disposal of cremains pursuant to this section unless the damages are the result of gross negligence or willful misconduct.

4. N.J.S.38A:21-5 is amended to read as follows:

Functions, powers, duties, Department of Veterans Affairs commissioner.

38A:21-5. The commissioner, as head of the department, shall have all of the functions, powers, and duties heretofore vested in the Administrator of Veterans Affairs of the Department of Military and Veterans' Affairs, previously designated in N.J.S.38A:3-2, and shall have, in addition, the functions, powers, and duties vested in the commissioner by this act, N.J.S.38A:21-1 et al., or by any other law, which are as follows:

- a. Administer the work of the department;
- b. Appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11A of the New Jersey Statutes and other applicable statutes, except as herein otherwise specifically provided;
- c. Have authority to organize and maintain an administrative division and to assign to employment therein secretarial, clerical, and other assistants in the department's or the commissioner's office as the internal operations of the department may require, in accordance with Title 11A of the New Jersey Statutes;
- d. Perform, exercise, and discharge the functions, powers, and duties of the department through such divisions as may be established by this act or otherwise by law;
- e. Organize the work of the department in divisions, not inconsistent with the provisions of this act, and in bureaus and other organizational units as the commissioner may determine to be necessary for efficient and effective operation;
- f. Adopt, issue, and promulgate, in the name of the department, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement this act or as may be authorized by law;
- g. Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers, and its employees;
- h. Institute, or cause to be instituted, legal proceedings or processes as may be necessary to properly enforce and give effect to any of the commissioner's powers or duties;
- i. Coordinate the activities of the department, and the other divisions and agencies therein, in a manner designed to eliminate overlapping and duplicative functions;
- j. Integrate within the department, so far as practicable, all staff services of the department and of the other divisions and agencies therein;
- k. Have access to all relevant files and records of other State agencies and require any officer or employee therein to provide information as necessary to assist in performing the functions of the department, subject to any privacy laws;
- l. Maintain suitable headquarters for the department and such other quarters as the commissioner shall deem necessary to the proper functioning of the department;
- m. Encourage and facilitate the registration of each service member residing in New Jersey with the United States Department of Veterans Affairs or its successor agency. Registration shall take place, as appropriate, when the service member returns from deployment on federal active duty, or is discharged, or as soon as possible thereafter. The term "service member" shall mean members of the New Jersey National Guard and members of the United States Armed Forces, or a Reserve component thereof, when the information on each member is made available to the department;
- n. Develop and coordinate a volunteer-based program comprised of former service members to assist and mentor veterans who become involved with the criminal justice system, while criminal proceedings are pending and afterward, with accessing assistance to resolve the underlying problems that led or contributed to the veteran's involvement with the criminal

justice system, including, but not limited to, offering support and guidance, securing housing, employment linkages, job training, education, transportation, disability compensation claims, discharge status, health care, and other linkages available at the local, State, and federal level that can ease the challenge of reentry into civilian life. In addition, the commissioner shall develop a registry of volunteer mentors and make the registry available pursuant to P.L.2017, c.42 (C.2C:43-23 et al.);

o. Prepare and disseminate a directory of Veterans Diversion Resource Program entities currently available within New Jersey pursuant to P.L.2017, c.42 (C.2C:43-23 et al.);

p. Create a comprehensive public webpage for Gold Star family members that includes, but is not limited to, the following information: State benefits, State and county liaisons, a list of service members from New Jersey killed in action, links to other Gold Star family organizations, and such other information and resources as the commissioner deems necessary and beneficial to a Gold Star family member. A "Gold Star family member" means the spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian, or other legal custodian, whether of the whole or half blood, or by adoption, of a member of the Armed Forces of the United States or the National Guard who died while on active duty for the United States;

q. Maintain a regional network of Veteran Service Offices to assist veterans and their dependents with information and guidance in filing claims and to assist with employment, education, burial, counseling, housing, social and medical services, and other areas of concern to veterans and their families, as well as provide advice and support to veterans re-entering civilian life;

r. Perform such other functions as may be prescribed in this act or by any other law;

s. Have the authority and endeavor to provide current information to veterans and their families on State and federal veterans' programs and benefits via a mobile application that includes, but is not limited to, information regarding veterans' legal rights, benefits, medical and insurance issues, education, housing, the transition from active to civilian life, and other support assistance and resources available to veterans and their families; and

t. Use the electronic notification provided pursuant to paragraph (11) of subsection b. of section 16 of P.L.2003, c.221 (C.26:8-24.1) to transmit information to a qualified veterans' organization, as defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-18.2), who may in turn contact the funeral home to request information as to whether those cremains have been claimed. In the event a funeral home advises that the cremains of a veteran, or the cremains of an eligible spouse or eligible dependent of a veteran, have not been claimed, the funeral home may release the remains to the qualified veterans' organization consistent with the requirements of subsection b. of section 2 of P.L.1983, c.385 (C.26:7-18.2) and section 2 of P.L.2009, c.14 (C.38A:3-2b4).

5. The Commissioner of Health and the Commissioner of the Department of Veterans Affairs may each adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as shall be necessary to implement the provisions of this act.

6. This act shall take effect immediately, but shall remain inoperative until the first day of the seventh month next following enactment. The Commissioner of Health and the Commissioner of the Department of Veterans Affairs may each take any anticipatory administrative action in advance as shall be necessary to implement the provisions of this act.

Approved January 20, 2026.