ASSEMBLY, No. 3260

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:
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SYNOPSIS

Authorizes cremation of unclaimed bodies by counties and storage of unclaimed bodies by hospitals.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 9/10/2026)

AN ACT concerning the disposal of unclaimed bodies and amending N.J.S.40A:9-49 and N.J.S.40A:9-54.

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

1. N.J.S.40A:9-49 is amended to read as follows:

40A:9-49. Pursuant to section 22 of P.L.2003, c.261 (C.45:27-22), the county or intercounty medical examiner or assistant county or intercounty medical examiner, upon taking charge of unidentified or unclaimed dead bodies, shall make burial arrangements. Notwithstanding any other law, rule, or regulation to the contrary, cremation arrangements shall also be made available as an option for unclaimed bodies. If the decedent left an ascertainable estate able to pay for the burial or cremation, the cost thereof certified by the official in charge shall be payable out of such estate. If the decedent left no ascertainable estate able to pay for the burial or cremation, the cost of burial or cremation shall be borne:

a. if the decedent was an adult or emancipated child with surviving spouse, by the surviving spouse,

b. if the decedent was an unemancipated child with a surviving parent, by the surviving parent, or

c. if there is no surviving spouse or parent, as applicable, by the county.

(cf: P.L.2018, c.62, s.40)

2. N.J.S.40A:9-54 is amended to read as follows:

40A:9-54. **[**Unidentified or unclaimed dead bodies shall be viewed by the county or intercounty medical examiner or by the assistant county or intercounty medical examiner, or a regularly licensed and practicing physician deputized for that purpose by the county or intercounty medical examiner. Thereafter,**]** a. Unclaimed dead bodies shall be stored by a hospital or the medical examiner until the time when the body is claimed. If it remains unclaimed after 30 days, the body **[**shall**]** may be buried by the morgue keeper at the expense of the county, or cremated at the expense of the county.

b. Cremains shall be retained by a medical examiner's office for at least one year from the date of the cremation. After one year, the cremains may be interred.

c. If an individual makes a valid claim to a body or cremains already buried, the individual shall incur the cost of disinterment. If the medical examiner is to conduct an investigation on a body, any disinterment shall be paid for by the medical examiner.

(cf: P.L.2018, c.62, s.43)

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.

3. This act shall take effect immediately.

STATEMENT

This bill amends current law regarding unclaimed bodies. Specifically, a county is given the option under the bill to cremate an unclaimed body and is assigned responsibility for payment of the cremation. The bill also stipulates that cremains are to be retained by a medical examiner's office for at least one year from the date of the cremation. After one year, the cremains may be interred. Additionally, the bill updates current law by allowing storage of an unclaimed dead body by a hospital or medical examiner. The body may be, at the expense of the county, buried by a morgue keeper or cremated if, after 30 days, it remains unclaimed. Lastly, if an individual makes a valid claim to a body or cremains already buried, the individual is to incur the cost of disinterment. If the medical examiner is to conduct an investigation on a body, any disinterment is to be paid for by the medical examiner.