

S1635 (SCS/1R)

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TECHNICAL REVIEW OF BILL:	No	
COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes Commerce Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No	
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P.L. 2025, CHAPTER 52, *approved May 8, 2025*
Assembly Committee Substitute (*Second Reprint*) for
Assembly, No. 3940

1 AN ACT concerning the practice of funeral directing and
2 embalming, and supplementing P.L.1952, c.340 (C.45:7-32 et
3 seq.) and amending 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 in funeral services
10 dates back to the “Mortuary Science Act,” P.L.1952, c.340 (C.45:7-
11 32 et seq.), in an era when New Jersey was very different from the
12 culturally and religiously diverse State that exists today, when
13 consumers had far less choice in all aspects of daily life, including
14 funerals.

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

21 c. While the current licensing system serves the State’s
22 traditional but declining demographic well, for religious, cultural,
23 environmental, and philosophical reasons, an increasing number of
24 funerals center around disposition without embalming.

25 d. The existing licensing system, requiring proficiency in
26 embalming for licensure as a practitioner of mortuary science, may
27 be one of several reasons that discourage entry into funeral service
28 by persons who are reluctant to practice embalming but would be
29 eager to serve their communities.

30 e. The current multiple tests and examinations required for
31 licensure are also discouraging entry into the field, by requiring an
32 applicant to successfully complete studies and test out of an
33 approved program, then to be reassessed on a standardized
34 nationally recognized exam in funeral arts and sciences, then to
35 successfully pass another examination specific to New Jersey

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted September 26, 2024.

²Senate SBA committee amendments adopted March 17, 2025.

1 jurisprudence, and finally to demonstrate embalming proficiency on
2 human remains.

3 f. During the last several years, particularly since the COVID
4 19 pandemic, there has been a shortage of mortuary practitioners in
5 New Jersey, a problem which, in part, could be remedied by
6 removing outmoded barriers to entering the profession.

7 g. Therefore, it is in the public interest to revise the existing
8 system of licensure to accommodate religious, cultural,
9 environmental, and philosophical beliefs more readily as well as to
10 promote consumer choice, by providing for, a delineation of the all-
11 encompassing licensure of practitioners of mortuary science into
12 "Practitioner of Mortuary and Embalming Science" and
13 "Practitioner of Mortuary Science."
14

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

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

18 (a) "Board" means the State Board of Mortuary Science of New
19 Jersey.

20 (b) "Embalming" means the disinfecting or preservation of a
21 dead human body, entirely or in part by the use of chemical
22 substances, fluids or gases in the body, or by introduction of the
23 same into the body by vascular or hypodermic injection, or by
24 direct application into the organs or cavities.

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

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

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

44 (e) **["Embalmer"** means a qualified person who practices or
45 engages in embalming, as the same is herein defined**]** "Mortuary
46 science" means funeral directing as the same is herein defined.

1 (f) **["Funeral director"** includes "undertaker" and "mortician"
2 and means a qualified person who practices or engages in funeral
3 directing, as the same is herein defined.

4 (g) **["Practitioner of mortuary and embalming science"** means a
5 qualified person who practices or engages in mortuary and
6 embalming science, as the same is herein defined and who (1) shall
7 be licensed under the provisions of **[this act]** P.L.1952, c.340
8 (C.45:7-32 et seq.) as a practitioner of mortuary and embalming
9 science, or (2) holds a license as both an embalmer and a funeral
10 director under the provisions of any prior law or laws of this State,
11 or (3) holds a license as an embalmer under the provisions of any
12 prior law or laws of this State and shall have been licensed under
13 the provisions of section 21 of P.L.1952, c.340 (C.45:7-52) as a
14 funeral director, or (4) holds a license as a funeral director under the
15 provisions of any prior law or laws of this State and shall have been
16 licensed under the provisions of section 21 of P.L.1952, c.340
17 (C.45:7-52) as an embalmer.

18 (g) "Practitioner of mortuary science" means a person who
19 practices or engages in funeral directing and is licensed pursuant to
20 the provisions of P.L.1952, c.340 (C.45:7-32 et seq.).

21 (h) "Mortuary" means any place or premises devoted to or used
22 in the care and preparation for burial, disposition, or transportation
23 of dead human bodies, or any specifically designated location or
24 address where any person or persons shall hold forth that he, she, or
25 they are engaged in the practice of mortuary science, embalming or
26 funeral directing, and shall mean and include any premises of any
27 kind whatsoever in which mortuary science in any of its branches is
28 practiced or in which more than five funerals may be conducted in
29 any calendar year, except publicly owned buildings, places of
30 worship and meeting places of fraternal organizations.

31 (i) "Registered ¹**[trainee]** intern¹" means a person who is duly
32 registered with the board and who is engaged in the State of New
33 Jersey in learning to practice as a practitioner of mortuary and
34 embalming science or as a practitioner of mortuary science under
35 the personal instruction and supervision of a person duly licensed as
36 a practitioner of mortuary and embalming science or as a
37 practitioner of mortuary science, as appropriate, and who has an
38 annual case volume as hereinafter provided in section 18 of **[this**
39 **act]** P.L.1952, c.340 (C.45:7-49). A person seeking licensure as a
40 practitioner of mortuary science may learn to practice as a
41 registered ¹**[trainee]** intern¹ in mortuary science from a licensed
42 practitioner in mortuary and embalming science, provided that such
43 training solely focuses on funeral directing.

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

45

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

1 4. There is hereby created in the Division of Consumer Affairs
2 in the Department of Law and Public Safety a State Board of
3 Mortuary Science of New Jersey, which board shall consist of 13
4 members as follows: two shall be public members and one shall be
5 a State executive department member appointed pursuant to the
6 provisions of **【P.L.1971, c.60 (C.45:2.1 et seq.)】** section 2 of
7 P.L.1971, c.60 (C.45:1-2.2); eight members, each of whom shall be
8 a citizen of the United States and a resident of the State of New
9 Jersey, duly licensed as a practitioner of mortuary and embalming
10 science or as a practitioner of mortuary science, as appropriate, and
11 shall have had a minimum of five consecutive years of experience
12 and practice as a practitioner of mortuary science in this State
13 immediately preceding his appointment; and two additional public
14 members, one of whom shall be 62 years of age or older. Members
15 of the board shall be appointed annually by the Governor for a term
16 of three years and shall not serve more than two successive terms.
17 Each member, other than the State executive department member,
18 shall hold office after the expiration of his term of office until his
19 successor shall be duly appointed and qualified. Vacancies
20 occurring by reason of the expiration of term of office shall be
21 filled by the Governor in the calendar year in which any such
22 vacancy occurs for a term of three years from the year of
23 appointment. Vacancies occurring by reason of the failure or
24 neglect of the Governor to make appointments upon the expiration
25 of terms of office as hereinabove provided and vacancies occurring
26 for any other reason whatsoever shall be filled by the Governor for
27 the unexpired term only.

28 Any member of the State Board of Mortuary Science of New
29 Jersey, other than the State executive department member, may be
30 removed from office by the Governor, for cause, upon notice and
31 opportunity to be heard.

32 The Board of Embalmers and Funeral Directors of the State of
33 New Jersey is hereby abolished and all of its functions, powers and
34 duties, except as may be inconsistent with the provisions of **【this**
35 **act】** P.L.1952, c.340 (C.45:7-32 et seq.), are hereby transferred to
36 and vested in the State Board of Mortuary Science of New Jersey
37 established hereunder. The State Board of Mortuary Science of
38 New Jersey established hereunder and its functions, powers and
39 duties shall in all respects be subject to the provisions of sections
40 30, 32, 33, 35, 37, 39 and 40 of P.L.1948, c.439 (C.52:17B-30,
41 52:17B-32, 52:17B-33, 52:17B-35, 52:17B-37, 52:17B-39 and
42 52:17B-40).

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

44

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

1 7. The board is authorized and empowered to adopt such rules
2 and regulations, not inconsistent with this entire act or any
3 amendment or supplement which may hereafter be adopted, as shall
4 be reasonably proper and advisable for the promotion or
5 improvement of the standards of service, protection and practice to
6 be followed in the practice of mortuary science, embalming and
7 funeral directing, by individuals, corporations, partnerships and
8 associations in the State of New Jersey, and for and in the interest,
9 preservation and improvement of the public health, morals, safety
10 and welfare.

11 In addition to the powers otherwise herein granted to the board,
12 the board is specifically empowered to adopt rules and regulations
13 concerning the following:

14 (a) the manner in which a mortuary or funeral establishment is
15 conducted,

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

18 (c) issuance of lists of licensees,

19 (d) ¹ **["trainees"] interns¹**, apprentices and preceptors,

20 (e) unethical or unprofessional conduct,

21 (f) practice of mortuary science or mortuary and embalming
22 science by individuals, corporations, partnerships and associations.

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

24

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

27 10. The secretary shall keep a record of all proceedings of the
28 board, shall exercise and perform all duties and functions incidental
29 to his office and such other duties and functions as may be assigned
30 by the board. He shall receive such compensation for his services,
31 within the limits of available appropriations therefor, and shall give
32 such bond for the faithful performance of his duties as the board
33 may, with the approval of the Attorney-General, determine.

34 The secretary of the board shall keep a record in which shall be
35 registered the name and professional address of every person to
36 whom licenses have been granted in accordance with the provisions
37 of **["this act"]** P.L.1952, c.340 (C.45:7-32 et seq.) or in accordance
38 with the provisions of prior laws of this State, the number and date
39 of such license and the date of each renewal thereof.

40 The secretary shall, whenever requested so to do, certify over the
41 seal of the board, whether the records kept by the board show or fail
42 to show a license to carry on the practice of mortuary science or **["of**
43 **embalming or funeral directing, or both"]** mortuary and embalming
44 science, or the issuance of any renewal of any such licenses or
45 whether any person has or has not a license in full force and effect.
46 The fee for any such certificate shall be one dollar (\$1.00). Any
47 such certificate, whether made by the secretary upon such request or

1 for use in proceedings before the board or in which the board may
2 be a party, shall be prima facie evidence of the facts therein stated.
3 In the month of January of each and every year the secretary of
4 said board shall supply to each licensed practitioner of mortuary
5 science~~[],~~ and to each licensed ~~embalmer and to each licensed~~
6 ~~funeral director]~~ practitioner of mortuary and embalming science a
7 list of all practitioners ~~[of mortuary science, embalmers, and~~
8 ~~funeral directors]~~ holding a license under ~~[this act]~~ P.L.1952,
9 c.340 (C.45:7-32 et seq.), or under prior laws of this State, giving
10 the names of such persons, their professional address and the
11 number and nature of their licenses.
12 (cf: P.L.1952, c.340, s.10)
13

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

16 12. The board may, subject to the approval of the Attorney
17 General, appoint, employ or remove such assistants and employees
18 as may be necessary to carry out the provisions of ~~[this act]~~
19 P.L.1952, c.340, (C.45:7-32 et seq.). The board may, subject to the
20 approval of the Attorney General, appoint and employ an executive
21 secretary who shall serve without term but who may be removed
22 from office by the Attorney General, for cause, upon notice and
23 opportunity to be heard at a public hearing. The duties of the
24 executive secretary shall be determined by the board and the board
25 shall fix the compensation of its executive secretary, assistants and
26 employees, subject to the approval of the Attorney General, within
27 the limits of available appropriations therefor. Such executive
28 secretary shall not be subject to the provisions of Title 11 of the
29 Revised Statutes of this State. No such executive secretary,
30 employee or assistant shall engage in the practice of mortuary
31 science~~[], embalming or funeral directing,]~~ or mortuary and
32 embalming science nor shall he in any way be connected with the
33 work of a practitioner of mortuary science~~[], embalming or funeral~~
34 ~~directing]~~ or mortuary and embalming science.
35 (cf: P.L.1967, c.245, s.3)
36

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

39 16. No person shall engage in the practice of mortuary science~~[],~~
40 ~~embalming or funeral directing,]~~ or mortuary and embalming
41 science unless he shall have been duly licensed so to do, by the
42 board, under the provisions of ~~[this act]~~ P.L.1952, c.340, (C.45:7-
43 32 et seq.) or under the provisions of any prior law of this State and
44 unless such license is unrevoked and in full force and effect;
45 provided, that this shall not apply to a registered ¹~~trainee]~~ intern¹
46 working under the direct supervision of a practitioner of mortuary
47 science or of mortuary and embalming science. No person licensed

1 as a practitioner of mortuary science shall engage in the practice of
2 embalming.

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

4

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

7 17. The board shall grant **【only a single】** a license as a
8 practitioner of mortuary science or of mortuary and embalming
9 science to **【any】** an applicant, and **【any】** a person shall hold a
10 license as a practitioner of mortuary science or of mortuary and
11 embalming science issued under the provisions of **【this act】**
12 P.L.1952, c.340 (C.45:7-32 et seq.) before being permitted to
13 practice mortuary science or **【embalming or funeral directing】** or
14 mortuary and embalming science in this State.

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

16

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

19 18. **【(a)】** a. Every person desiring to enter into the practice of
20 mortuary science or the practice of mortuary and embalming
21 science, before being licensed by the board:

22 (1) **【Shall】** (a) in the case of an applicant for licensure as a
23 practitioner of mortuary and embalming science, shall have passed
24 an examination to be 【conducted】 developed and administered by
25 the board or an entity other than the board to determine the
26 qualifications and fitness of the applicant. Such examination, the
27 scope, character and content of which shall be determined by the
28 board, shall be the same for all applicants at each examination, and
29 shall include: anatomy; physiology; pathology; chemistry;
30 disinfection; hygiene; sanitary science; ¹**【bacteriology; dissection】**
31 microbiology¹; New Jersey law and rules governing the care,
32 preservation, embalming, transportation, and burial, cremation or
33 other disposal of dead human bodies; the applicable laws and rules
34 governing vital statistics, preparation and transportation for burial,
35 cremation or other disposal of dead human bodies, including those
36 dead as a result of contagious and infectious diseases; the
37 provisions of P.L.1952, c.340 (C.45:7-32 et seq.) and of the rules
38 and regulations adopted by the board; professional ethics;
39 **【mortuary accounting;】** and such other subjects as the board may
40 determine, by rule or regulation, to be necessary, proper or
41 reasonably calculated to establish the qualifications and fitness of
42 the applicant; or

43 (b) in the case of an applicant for licensure as a practitioner of
44 mortuary science, shall have passed an examination to be developed
45 and administered by the board or an entity other than the board to
46 determine the qualifications and fitness of the applicant. Such
47 examination, the scope, character and content of which shall be

1 determined by the board, shall be the same for all applicants at each
2 examination, and shall include: New Jersey law and rules governing
3 the burial, cremation or other disposal and care of dead human
4 bodies; the applicable laws and rules governing vital statistics,
5 preparation, and transportation for burial, cremation, or other
6 disposal of dead human bodies, including those dead as a result of
7 contagious and infectious diseases; the provisions of P.L.1952,
8 c.340 (C.45:7-32 et seq.) and the rules and regulations adopted by
9 the board; professional ethics; and such other subjects as
10 determined by the board, by rule or regulation, to be necessary,
11 proper, or reasonably calculated to establish the qualifications and
12 fitness of the applicant, but shall not include embalming. ²Nothing
13 in P.L.1952, c.340 (C.45:7-32 et seq.) or any rule or regulation
14 adopted pursuant thereto shall require a candidate for licensure to
15 complete the National Board Exam or any successor examination
16 thereof, administered by the International Conference of Funeral
17 Service Examining Boards.

18 (c)² An examination conducted by an entity other than the board
19 **[shall] ²[may] shall²** be preapproved by the board and conducted
20 by a **[nationally]** recognized testing service **[that is under contract**
21 **with the regulatory boards of at least three other states]** to provide
22 testing and grading in the field of funeral service arts **[and],** funeral
23 service science**]. This entity may conduct], and the law portion of**
24 the examination as enumerated above.

25 Such examinations shall be administered electronically or in
26 writing and shall be held at least once in each year, and oftener if
27 the board shall so determine by rule or regulation, at such times and
28 places as may be fixed by the board. **[In addition to the examination**
29 **herein provided for, the examination of each applicant shall include,**
30 **wherever possible, an actual demonstration on a cadaver of the**
31 **embalming proficiency and qualifications of the applicant]**
32 ²**[Nothing in P.L.1952, c.340 (C.45:7-32 et seq.) or any rule or**
33 **regulation adopted pursuant thereto shall require a candidate for**
34 **licensure to complete the National Board Exam or any successor**
35 **examination thereof, administered by the International Conference**
36 **of Funeral Service Examining Boards]** For an applicant for
37 licensure as a practitioner of mortuary and embalming science, in
38 addition to the examination herein provided for, the examination of
39 each applicant shall include, wherever possible, an actual
40 demonstration on a cadaver of the embalming proficiency and
41 qualifications of the applicant².

42 (2) Shall have completed **[2]** two years of practical training and
43 experience as a registered ¹**[trainee] intern¹** in regular, steady, bona
44 fide full-time service of a grade and character satisfactory to the
45 board, in the State of New Jersey, with a person duly licensed as a
46 practitioner of mortuary science or a practitioner of mortuary and

1 embalming science under P.L.1952, c.340 (C.45:7-32 et seq.) **[**or as
2 both an embalmer and funeral director under any prior law of this
3 State**]** and whose annual case volume shall be equal to at least 25
4 cases, and in the case of an applicant for licensure to be a
5 practitioner of mortuary and embalming science, shall have assisted
6 in embalming at least **[75] 50** bodies; and shall have satisfactorily
7 completed a minimum of **[2] two** academic years of instruction in a
8 college or university approved by the State Department of
9 Education and **[1] one** year of instruction in a ¹**[**school of mortuary
10 science**]** program of funeral service education¹ approved by the
11 State Board of Mortuary Science of New Jersey; except that a
12 person who has satisfactorily completed **[3] three** academic years
13 of instruction in such a college or university and **[1] one** year of
14 instruction in such an approved ¹**[**school of mortuary science**]**
15 program of funeral service education¹ need only have completed
16 **[1] one** year of practical training and experience as a registered
17 ¹**[**trainee**]** intern¹. Not more than **[1] one** ¹**[**trainee**]** intern¹ shall
18 be registered at **[1] one** time in **[1] one** establishment, except that
19 **[2] two** ¹**[**trainees**]** interns¹ may be permitted if there are **[2] two**
20 or more licensees in the same establishment. The board is
21 authorized and empowered to prescribe rules and regulations
22 establishing minimum courses of college or university instruction;
23 to insure that each ¹**[**trainee**]** intern¹ receives satisfactory and
24 efficient training and experience which may provide for the periods
25 that may be credited toward the required year of training and
26 experience, the nature, character and extent of the services to be
27 performed by the ¹**[**trainee**]** intern¹, for such practical and actual
28 experience in mortuary science or in mortuary and embalming
29 science and assisting in the same as it shall determine and for the
30 making of such reports by the ¹**[**trainee**]** intern¹ and by the licensee
31 with whom the ¹**[**trainee**]** intern¹ is registered as may be advisable
32 and for such other qualifications in the applicant as may be
33 reasonably calculated to insure and protect the public health,
34 morals, safety and welfare;

35 (3) Shall have, upon commencing the period of training and
36 experience as provided in paragraph (2) of this subsection
37 registered as ¹**[**a trainee**]** an intern¹ with the board, upon a form to
38 be provided by the board, and has paid to the board a registration
39 fee of \$50.00, and has received from the board a certificate as a
40 registered ¹**[**trainee**]** intern¹; ¹**and**¹

41 (4) Shall have ¹**[**been a resident of the State of New Jersey
42 continuously during the period of training and experience; and

43 (5) Shall have¹ passed his or her ¹**[**twenty-first**]** 18th¹
44 birthday.

45 ¹**[**(b)**]** b.¹ An applicant who meets the requirements of section
46 19 of P.L.1952, c.340 (C.45:7-50) shall be admitted to the

1 examinations prescribed in paragraph (1) of subsection ¹~~[(a)] a.~~¹ of
2 this section but a license to enter into the practice of mortuary
3 science or the practice of mortuary and embalming science shall not
4 be issued or granted to any such applicant by the board unless and
5 until such applicant has completed the period of practical training
6 and experience as a registered ¹~~[trainee]~~ intern¹ required by
7 paragraph (2) of subsection ¹~~[(a)] a.~~¹ of this section.

8 ¹~~[(c)] c.~~¹ Any individual licensed as a practitioner of mortuary
9 science prior to the enactment of P.L. , c. (C.) (pending
10 before the Legislature as this bill) shall be subject to the licensing
11 requirements established pursuant to P.L. , c. (C.) (pending
12 before the Legislature as this bill) and shall be issued a practitioner
13 of mortuary and embalming science license in subsequent renewals.
14 (cf: P.L.2019, c.130, s.1)

15
16 10. Section 1 of P.L.1999, c.404 (C.45:7-49.1) is amended to
17 read as follows:

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

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

42
43 11. Section 19 of P.L.1952, c.340 (C.45:7-50) is amended to
44 read as follows:

45 19. No person shall be examined by the board except upon
46 payment of a fee ¹~~[of \$50.00]~~¹ for the initial examination and ¹~~[a]~~
47 another¹ fee ¹~~[of \$25.00]~~¹ for each re-examination. Each

1 applicant, before being admitted to an examination, shall first
2 submit to the board

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

4 (a) He is a citizen of the United States ¹and has been a resident
5 of the State of New Jersey¹ for a period of at least **[6]** six months
6 prior to the date of the examination;

7 (b) He is of good moral character and at least ¹**[21]** 18¹ years of
8 age;

9 (2) a certificate from the Commissioner of Education of this
10 State showing that ¹before entering an embalming college or
11 college of mortuary science] prior to licensure and upon completion
12 of an approved program of funeral service education,¹ he had
13 obtained an academic education consisting of a **[4]** four years'
14 course of study in an approved public or private high school or the
15 equivalent thereof, he has (a) satisfactorily completed a minimum
16 of **[2]** two years of academic instruction in a college or university
17 approved by the New Jersey Department of Education,
18 satisfactorily completed a minimum of **[1]** one year of academic
19 instruction in a ¹school of mortuary science] program of funeral
20 service education¹ approved by the State Board of Mortuary
21 Science; or (b) satisfactorily completed a minimum of **[3]** three
22 years of academic instruction in such a college or university,
23 satisfactorily completed a minimum of **[1]** one year of academic
24 instruction in such a ¹school of mortuary science] program of
25 funeral service education¹; and

26 (3) a certificate from a licensed practitioner of mortuary
27 science or a licensed practitioner of mortuary and embalming
28 science, as appropriate, in the State of New Jersey that he has
29 served a **[1-year]** one-year or **[2-year]** two-year period of practical
30 training as a registered ¹trainee] intern¹ under such practitioner of
31 mortuary science or licensed practitioner of mortuary and
32 embalming science, whichever is applicable; such period of
33 practical training as a registered ¹trainee] intern¹ may be served
34 either concurrently with the college or university courses, during
35 summer vacations, or subsequent to the completion of the college or
36 academic course, at the option of the registrant.

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

38

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

41 28. The license of any practitioner of mortuary science or[, of
42 any embalmer and funeral director, or either,] or practitioner of
43 mortuary and embalming science shall terminate upon his decease.

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

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】~~ 24 of ~~【this~~
7 ~~act】~~ P.L.1952, c.340 (C.45:7-55);

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

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

15 (d) It shall be under the immediate and personal supervision,
16 direction, management, and control of a person duly licensed as a
17 practitioner of mortuary and embalming science~~【~~, under the
18 provisions of this act, or of a person duly licensed as a funeral
19 director~~】~~ under the provisions of ~~【this act】~~ P.L.1952, c.340
20 (C.45:7-32 et seq.) or of any prior law of this State, or of a person
21 duly licensed as a practitioner of mortuary science under the
22 provisions of P.L.1952, c.340 (C.45:70-32 et seq.) or P.L. , c.
23 (C.) (pending before the Legislature as this bill); and all
24 funeral directing shall be under the immediate and personal
25 supervision, direction, management, and control of a person duly
26 licensed as a practitioner of mortuary and embalming science,
27 under the provisions of ~~【this act, or of a person duly licensed as a~~
28 ~~funeral director under the provisions of this act】~~ P.L.1952, c.340
29 (C.45:7-32 et seq.) or of any prior law of this State, or of a person
30 duly licensed as a practitioner of mortuary science under the
31 provisions of P.L.1952, c.340 (C.45:7-32 et seq.);

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

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

36

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

39 34. Every practitioner of mortuary science~~【~~, embalmer or
40 funeral director~~】~~ or practitioner of mortuary and embalming science
41 shall report to the local health officer all contagious cases in which
42 he may be called, within twelve hours after death or as soon as may
43 be after being called.

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

45

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

1 17. No person shall operate, maintain, or use a branch mortuary
2 within this State unless it is under the actual personal supervision,
3 direction, management and actual control of a person who is duly
4 licensed as a practitioner of mortuary and embalming science [or as
5 a funeral director].

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

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

10 18. a. No person, firm or corporation, or solicitors, agents,
11 canvassers, employees or other persons acting on behalf of that
12 person, firm or corporation, for the purpose of selling or contracting
13 to sell or provide any service or services commonly furnished or
14 performed by [an embalmer or funeral director] a practitioner of
15 mortuary and embalming science or of mortuary science, including,
16 but not limited to, prepaid funeral agreements and the making of at
17 need or preneed funeral arrangements, shall:

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

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

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

30 (4) Solicit, accept, offer to pay or pay any commission, bonus
31 or rebate in consideration of recommending or causing any person
32 to use the services of a particular [funeral director] practitioner of
33 mortuary and embalming science or a practitioner of mortuary
34 science, or the services of a particular crematory, mausoleum or
35 cemetery; or

36 (5) Solicit persons at their residences in person or by telephone
37 unless that solicitation is in response to a previous request for or
38 expression of interest in [a funeral director's] services of a
39 practitioner of mortuary and embalming science or practitioner of
40 mortuary science made by the person solicited or by a member of
41 that person's family.

42 b. Nothing in this section shall be construed to restrict the right
43 of a [funeral director] practitioner of mortuary and embalming
44 science or practitioner of mortuary science or an agent or employee
45 of the [the funeral director] practitioner of mortuary and
46 embalming science or practitioner of mortuary science, to
47 communicate, by direct mail or in any other way not specifically

1 prohibited by this section, with persons or provide them with
2 information regarding the services of the **【funeral director】**
3 practitioner of mortuary and embalming science or practitioner of
4 mortuary science, or to solicit the business of any person
5 responding to that communication and explicitly requesting further
6 information by personal visit or telephone, or otherwise initiating
7 further discussion of those services, or to provide services or
8 information to persons in connection with services previously
9 rendered.

10 c. Nothing in this section shall be construed to prohibit general
11 advertising by a **【funeral director】** practitioner of mortuary and
12 embalming science or practitioner of mortuary science.

13 d. Nothing in this section shall be deemed to prohibit the
14 payment of commissions, bonuses or other compensation to a
15 licensed cemetery salesman for the sale of cemetery goods or
16 services.

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

22
23 17. Section 1 of P.L.1979, c.201 (C.45:7-65.4) is amended to
24 read as follows:

25 1. It shall be unlawful for a **【funeral director】** practitioner of
26 mortuary and embalming science or practitioner of mortuary
27 science to place the remains of more than one deceased person or
28 stillborn infant in a coffin, casket, or other container for the purpose
29 of interment, unless other written directions have been given by the
30 decedent or a court of competent jurisdiction, or the relative or
31 relatives of the decedent in the following order:

- 32 (1) Surviving spouse;
33 (2) A majority of surviving children of the decedent or the
34 surviving child if one;
35 (3) The surviving parent or parents of the decedent;
36 (4) A majority of the brothers and sisters of the decedent if no
37 child or parent is living; or
38 (5) Other next of kin according to the degree of consanguinity.
39 (cf: P.L.1979, c.201, s.1)

40
41 18. Section 1 of P.L.1995, c.192 (C.45:7-72.1) is amended to
42 read as follows:

43 1. The State Board of Mortuary Science of New Jersey shall
44 require each person licensed to practice mortuary science**【,**
45 **embalming or funeral directing】** or mortuary and embalming
46 science, as a condition for biennial license renewal pursuant to
47 section 23 of P.L.1952, c.340 (C.45:7-54), to complete any

1 continuing education requirements imposed by the board pursuant
2 to section 2 of **[this act]** P.L.1995, c.192 (C.45:7-72.2).

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

4

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

7 2. a. The board shall implement a program of continuing
8 education as a condition of license renewal for licensees under its
9 jurisdiction and may, in its discretion, waive all or part of the
10 continuing education requirement for any biennial licensing period.
11 The board shall establish standards for continuing education,
12 including the subject matter and content of courses of study as
13 appropriate for persons licensed as practitioners of mortuary and
14 embalming science and persons licensed as practitioners of
15 mortuary science, the selection of instructors, and the number and
16 type of continuing education credits required of a licensee as a
17 condition for biennial license renewal.

18 b. The board may establish a system for reviewing and
19 approving private sponsors of continuing education courses,
20 seminars or programs which may be utilized to provide continuing
21 education to licensees in satisfaction of the requirements imposed
22 by **[this act]** P.L.1995, c.192 (C.45:72.1 et seq.).

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

24

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

27 42. The board shall report to the State Department of Health the
28 name and residence of every person to whom it may issue a license.
29 ²**[**The board shall issue to each person granted a license an
30 identification card stating that the holder thereof has received a
31 license and is carrying on the practice of mortuary science **[**, or of
32 funeral directing or embalming**]** or of mortuary and embalming
33 science. The proper holder of such a card shall have the same right
34 to carry on the practice of mortuary science**[**, or of funeral directing
35 or embalming**]** or of mortuary and embalming science as those
36 whose names appear on file in the office of the registrar of vital
37 statistics in each municipality.**]**²

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

39

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

42 43. The board may, in its discretion, enter into an agreement
43 with the corresponding licensing authority of any other State to
44 permit a person duly registered and licensed as a practitioner of
45 mortuary science or **[a funeral director]** as a practitioner of
46 mortuary and embalming science in either State to enter into the
47 other State for the purpose of removing, transporting and burying

1 dead human bodies and directing funerals in the same manner as if
2 he were registered under the laws of such other State, except that
3 such person shall not maintain an establishment, advertise or hold
4 himself out, directly or through any agent or agency or otherwise,
5 as a practitioner of mortuary science or a **【funeral director】**
6 practitioner of mortuary and embalming science other than in the
7 State in which he is registered and licensed.
8 (cf: P.L.1967, c.245, s.4)
9

10 22. Section 41 of P.L.2003, c.261 (C.45:7-95) is amended to
11 read as follows:

12 41. A **【funeral director】** practitioner of mortuary and embalming
13 science or practitioner of mortuary science may permit the funeral,
14 disinterment or disposition of human remains on the written
15 authorization of a person who claims to be, and is believed to be, a
16 person who has the right to control the funeral, disinterment or
17 disposition as provided by sections 22 and 23 of P.L.2003, c.261
18 (C.45:27-22 and C.45:27-23). A cemetery or **【funeral director】**
19 practitioner of mortuary and embalming science or practitioner of
20 mortuary science shall not be liable for the funeral, disinterment or
21 disposition pursuant to this authorization unless it had reasonable
22 notice that the person did not have the right to control the funeral,
23 disinterment or disposition. If there are no known living relatives, a
24 **【funeral director】** practitioner of mortuary and embalming science
25 or practitioner of mortuary science may rely on the written
26 authorization of any person acting in good faith on behalf of the
27 decedent.

28 A person who signs an authorization for the funeral, disinterment
29 or disposition of human remains warrants the truth of the facts
30 stated, the identity of the person whose remains are disposed, and
31 the authority to order the funeral, disinterment or disposition. A
32 cemetery or **【funeral director】** practitioner of mortuary and
33 embalming science or practitioner of mortuary science shall not be
34 liable for the funeral, disinterment or disposition in accordance with
35 the authorization unless it had reasonable notice that the
36 representations were untrue or that the person lacked the right to
37 control the funeral, disinterment or disposition.
38 (cf: P.L.2003, c.261, s.41)
39

40 23. (New section) The State Board of Mortuary Science of New
41 Jersey shall, pursuant to the “Administrative Procedure Act,”
42 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any new rules and
43 regulations or amend any existing rules and regulations necessary to
44 implement the provisions of P.L. , c. (C.) (pending before
45 the Legislature as this bill).

1 24. This act shall take effect on the first day of the ²**[thirteenth]**
2 18th² month next following enactment.

3

4

5

6

7 Modifies regulation of mortuary science and establishes
8 oversight of mortuary and embalming science.

CHAPTER 52

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

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

C.45:7-32.1 Findings, declarations related to the Mortuary Science Act.

1. The Legislature finds and declares that:

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

b. While prior to the enactment of the “Mortuary Science Act,” individuals had options to be licensed as funeral directors, embalmers, or both, the law enacted in 1952 established a unified licensing system, under which licensed funeral service professionals, defined as practitioners of mortuary science, were to be proficient in both funeral arts and funeral science.

c. While the current licensing system serves the State’s traditional but declining demographic well, for religious, cultural, environmental, and philosophical reasons, an increasing number of funerals center around disposition without embalming.

d. The existing licensing system, requiring proficiency in embalming for licensure as a practitioner of mortuary science, may be one of several reasons that discourage entry into funeral service by persons who are reluctant to practice embalming, but would be eager to serve their communities.

e. The current multiple tests and examinations required for licensure are also discouraging entry into the field by requiring an applicant to successfully complete studies and test out of an approved program, then to be reassessed on a standardized nationally recognized exam in funeral arts and sciences, then to successfully pass another examination specific to New Jersey jurisprudence, and finally to demonstrate embalming proficiency on human remains.

f. During the last several years, particularly since the COVID 19 pandemic, there has been a shortage of mortuary practitioners in New Jersey, a problem which, in part, could be remedied by removing outmoded barriers to entering the profession.

g. Therefore, it is in the public interest to revise the existing system of licensure to accommodate religious, cultural, environmental, and philosophical beliefs more readily as well as to promote consumer choice by providing for a delineation of the all-encompassing licensure of practitioners of mortuary science into “Practitioner of Mortuary and Embalming Science” and “Practitioner of Mortuary Science.”

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

C.45:7-34 Definitions.

3. As used in P.L.1952, c.340 (C.45:7-32 et seq.):

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

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

(c) "Funeral directing" means (1) the engaging in or conducting or 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; or (2) maintaining, using or operating a mortuary; or (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.

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

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

(e) "Mortuary science" means funeral directing as the same is herein defined.

(f) "Practitioner of mortuary and embalming science" means a qualified person who practices or engages in mortuary and embalming science, as the same is herein defined and who (1) shall be licensed under the provisions of P.L.1952, c.340 (C.45:7-32 et seq.) as a practitioner of mortuary and embalming science, or (2) holds a license as both an embalmer and a funeral director under the provisions of any prior law or laws of this State, or (3) holds a license as an embalmer under the provisions of any prior law or laws of this State and shall have been licensed under the provisions of section 21 of P.L.1952, c.340 (C.45:7-52) as a funeral director, or (4) holds a license as a funeral director under the provisions of any prior law or laws of this State and shall have been licensed under the provisions of section 21 of P.L.1952, c.340 (C.45:7-52) as an embalmer.

(g) "Practitioner of mortuary science" means a person who practices or engages in funeral directing and is licensed pursuant to the provisions of P.L.1952, c.340 (C.45:7-32 et seq.).

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

(i) "Registered intern" means a person who is duly registered with the board and who is engaged in the State of New Jersey in learning to practice as a practitioner of mortuary and embalming science or as a practitioner of mortuary science under the personal instruction and supervision of a person duly licensed as a practitioner of mortuary and embalming science or as a practitioner of mortuary science, as appropriate, and who has an annual case volume as hereinafter provided in section 18 of P.L.1952, c.340 (C.45:7-49). A person seeking licensure as a practitioner of mortuary science may learn to practice as a registered intern in mortuary science from a licensed practitioner in mortuary and embalming science, provided that such training solely focuses on funeral directing.

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

C.45:7-35 State Board of Mortuary Science of New Jersey created.

4. There is hereby created in the Division of Consumer Affairs in the Department of Law and Public Safety a State Board of Mortuary Science of New Jersey, which board shall consist of 13 members as follows: two shall be public members and one shall be a State executive

department member appointed pursuant to the provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2); eight members, each of whom shall be a citizen of the United States and a resident of the State of New Jersey, duly licensed as a practitioner of mortuary and embalming science or as a practitioner of mortuary science, as appropriate, and shall have had a minimum of five consecutive years of experience and practice as a practitioner of mortuary science in this State immediately preceding his appointment; and two additional public members, one of whom shall be 62 years of age or older. Members of the board shall be appointed annually by the Governor for a term of three years and shall not serve more than two successive terms. Each member, other than the State executive department member, shall hold office after the expiration of his term of office until his successor shall be duly appointed and qualified. Vacancies occurring by reason of the expiration of term of office shall be filled by the Governor in the calendar year in which any such vacancy occurs for a term of three years from the year of appointment. Vacancies occurring by reason of the failure or neglect of the Governor to make appointments upon the expiration of terms of office as hereinabove provided and vacancies occurring for any other reason whatsoever shall be filled by the Governor for the unexpired term only.

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

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

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

C.45:7-38 Rules and regulations.

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

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

- (a) the manner in which a mortuary or funeral establishment is conducted,
- (b) establish minimum requirements for a preparation room and as to the manner in which it shall be maintained,
- (c) issuance of lists of licensees,
- (d) interns, apprentices and preceptors,
- (e) unethical or unprofessional conduct,
- (f) practice of mortuary science or mortuary and embalming science by individuals, corporations, partnerships and associations.

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

C.45:7-41 Secretary's duties; compensation; bond.

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

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

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

In the month of January of each and every year the secretary of said board shall supply to each licensed practitioner of mortuary science and to each licensed practitioner of mortuary and embalming science a list of all practitioners holding a license under P.L.1952, c.340 (C.45:7-32 et seq.), or under prior laws of this State, giving the names of such persons, their professional address and the number and nature of their licenses.

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

C.45:7-43 Assistants and employees of board; executive secretary.

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

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

C.45:7-47 License required.

16. No person shall engage in the practice of mortuary science or mortuary and embalming science unless he shall have been duly licensed so to do, by the board, under the provisions of P.L.1952, c.340, (C.45:7-32 et seq.) or under the provisions of any prior law of this State and

unless such license is unrevoked and in full force and effect; provided, that this shall not apply to a registered intern working under the direct supervision of a practitioner of mortuary science or of mortuary and embalming science. No person licensed as a practitioner of mortuary science shall engage in the practice of embalming.

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

C.45:7-48 Only a single license to be issued to any applicant.

17. The board shall grant a license as a practitioner of mortuary science or of mortuary and embalming science to an applicant, and a person shall hold a license as a practitioner of mortuary science or of mortuary and embalming science issued under the provisions of P.L.1952, c.340 (C.45:7-32 et seq.) before being permitted to practice mortuary science or mortuary and embalming science in this State.

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

C.45:7-49 Examination; qualifications of applicants; training and experience.

18. a. Every person desiring to enter into the practice of mortuary science or the practice of mortuary and embalming science, before being licensed by the board:

(1) (a) in the case of an applicant for licensure as a practitioner of mortuary and embalming science, shall have passed an examination to be developed and administered by the board or an entity other than the board to determine the qualifications and fitness of the applicant. Such examination, the scope, character and content of which shall be determined by the board, shall be the same for all applicants at each examination, and shall include: anatomy; physiology; pathology; chemistry; disinfection; hygiene; sanitary science; microbiology; New Jersey law and rules governing the care, preservation, embalming, transportation, and burial, cremation or other disposal of dead human bodies; the applicable laws and rules governing vital statistics, preparation and transportation for burial, cremation or other disposal of dead human bodies, including those dead as a result of contagious and infectious diseases; the provisions of P.L.1952, c.340 (C.45:7-32 et seq.) and of the rules and regulations adopted by the board; professional ethics; and such other subjects as the board may determine, by rule or regulation, to be necessary, proper or reasonably calculated to establish the qualifications and fitness of the applicant; or

(b) in the case of an applicant for licensure as a practitioner of mortuary science, shall have passed an examination to be developed and administered by the board or an entity other than the board to determine the qualifications and fitness of the applicant. Such examination, the scope, character and content of which shall be determined by the board, shall be the same for all applicants at each examination, and shall include: New Jersey law and rules governing the burial, cremation or other disposal and care of dead human bodies; the applicable laws and rules governing vital statistics, preparation, and transportation for burial, cremation, or other disposal of dead human bodies, including those dead as a result of contagious and infectious diseases; the provisions of P.L.1952, c.340 (C.45:7-32 et seq.) and the rules and regulations adopted by the board; professional ethics; and such other subjects as determined by the board, by rule or regulation, to be necessary, proper, or reasonably calculated to establish the qualifications and fitness of the applicant, but shall not include embalming. Nothing in P.L.1952, c.340 (C.45:7-32 et seq.) or any rule or regulation adopted pursuant thereto shall require a candidate for licensure to complete the National Board Exam or any successor

examination thereof, administered by the International Conference of Funeral Service Examining Boards.

(c) An examination conducted by an entity other than the board shall be preapproved by the board and conducted by a recognized testing service to provide testing and grading in the field of funeral service arts, funeral service science, and the law portion of the examination as enumerated above.

Such examinations shall be administered electronically or in writing and shall be held at least once in each year, and oftener if the board shall so determine by rule or regulation, at such times and places as may be fixed by the board. For an applicant for licensure as a practitioner of mortuary and embalming science, in addition to the examination herein provided for, the examination of each applicant shall include, wherever possible, an actual demonstration on a cadaver of the embalming proficiency and qualifications of the applicant.

(2) Shall have completed two years of practical training and experience as a registered intern in regular, steady, bona fide full-time service of a grade and character satisfactory to the board, in the State of New Jersey, with a person duly licensed as a practitioner of mortuary science or a practitioner of mortuary and embalming science under P.L.1952, c.340 (C.45:7-32 et seq.) and whose annual case volume shall be equal to at least 25 cases, and in the case of an applicant for licensure to be a practitioner of mortuary and embalming science, shall have assisted in embalming at least 50 bodies; and shall have satisfactorily completed a minimum of two academic years of instruction in a college or university approved by the State Department of Education and one year of instruction in a program of funeral service education approved by the State Board of Mortuary Science of New Jersey; except that a person who has satisfactorily completed three academic years of instruction in such a college or university and one year of instruction in such an approved program of funeral service education need only have completed one year of practical training and experience as a registered intern. Not more than one intern shall be registered at one time in one establishment, except that two interns may be permitted if there are two or more licensees in the same establishment. The board is authorized and empowered to prescribe rules and regulations establishing minimum courses of college or university instruction; to insure that each intern receives satisfactory and efficient training and experience which may provide for the periods that may be credited toward the required year of training and experience, the nature, character and extent of the services to be performed by the intern, for such practical and actual experience in mortuary science or in mortuary and embalming science and assisting in the same as it shall determine and for the making of such reports by the intern and by the licensee with whom the intern is registered as may be advisable and for such other qualifications in the applicant as may be reasonably calculated to insure and protect the public health, morals, safety and welfare;

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

(4) Shall have passed his or her 18th birthday.

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

c. Any individual licensed as a practitioner of mortuary science prior to the enactment of P.L.2025, c.52 (C.45:7-32.1 et al.) shall be subject to the licensing requirements established pursuant to P.L.2025, c.52 (C.45:7-32.1 et al.) and shall be issued a practitioner of mortuary and embalming science license in subsequent renewals.

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

C.45:7-49.1 Issuance of license to out-of-State practitioners of mortuary science; conditions.

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

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

C.45:7-50 Examination fees; evidence of qualifications.

19. No person shall be examined by the board except upon payment of a fee for the initial examination and another fee for each re-examination. Each applicant, before being admitted to an examination, shall first submit to the board:

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

(a) He is a citizen of the United States for a period of at least six months prior to the date of the examination;

(b) He is of good moral character and at least 18 years of age;

(2) a certificate from the Commissioner of Education of this State showing that prior to licensure and upon completion of an approved program of funeral service education, he had obtained an academic education consisting of a four years' course of study in an approved public or private high school or the equivalent thereof, he has (a) satisfactorily completed a minimum of two years of academic instruction in a college or university approved by the New Jersey Department of Education, satisfactorily completed a minimum of one year of academic instruction in a program of funeral service education approved by the State Board of Mortuary Science; or (b) satisfactorily completed a minimum of three years of academic instruction in such a college or university, satisfactorily completed a minimum of one year of academic instruction in such a program of funeral service education; and

(3) a certificate from a licensed practitioner of mortuary science or a licensed practitioner of mortuary and embalming science, as appropriate, in the State of New Jersey that he has served a one-year or two-year period of practical training as a registered intern under such

practitioner of mortuary science or licensed practitioner of mortuary and embalming science, whichever is applicable; such period of practical training as a registered intern may be served either concurrently with the college or university courses, during summer vacations, or subsequent to the completion of the college or academic course, at the option of the registrant.

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

C.45:7-59 Death of licensee.

28. The license of any practitioner of mortuary science or practitioner of mortuary and embalming science shall terminate upon his decease.

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

C.45:7-61 Operating and maintaining mortuary; conditions.

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

(a) He, they or it shall annually register with the board in accordance with the provisions of section 24 of P.L.1952, c.340 (C.45:7-55);

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

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

(d) It shall be under the immediate and personal supervision, direction, management, and control of a person duly licensed as a practitioner of mortuary and embalming science under the provisions of P.L.1952, c.340 (C.45:7-32 et seq.) or of any prior law of this State, or of a person duly licensed as a practitioner of mortuary science under the provisions of P.L.1952, c.340 (C.45:70-32 et seq.) or P.L.2025, c.52 (C.45:7-32.1 et al.); and all funeral directing shall be under the immediate and personal supervision, direction, management, and control of a person duly licensed as a practitioner of mortuary and embalming science, under the provisions of P.L.1952, c.340 (C.45:7-32 et seq.) or of any prior law of this State, or of a person duly licensed as a practitioner of mortuary science under the provisions of P.L.1952, c.340 (C.45:7-32 et seq.);

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

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

C.45:7-65 Contagious diseases; report to local health officer.

34. Every practitioner of mortuary science or practitioner of mortuary and embalming science shall report to the local health officer all contagious cases in which he may be called, within twelve hours after death or as soon as may be after being called.

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

C.45:7-65.2 Branch mortuaries.

17. No person shall operate, maintain, or use a branch mortuary within this State unless it is under the actual personal supervision, direction, management and actual control of a person who is duly licensed as a practitioner of mortuary and embalming science.

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

C.45:7-65.3 Solicitation forbidden.

18. a. No person, firm or corporation, or solicitors, agents, canvassers, employees or other persons acting on behalf of that person, firm or corporation, for the purpose of selling or contracting to sell or provide any service or services commonly furnished or performed by a practitioner of mortuary and embalming science or of mortuary science, including, but not limited to, prepaid funeral agreements and the making of at need or preneed funeral arrangements, shall:

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

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

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

(4) Solicit, accept, offer to pay or pay any commission, bonus or rebate in consideration of recommending or causing any person to use the services of a particular practitioner of mortuary and embalming science or a practitioner of mortuary science, or the services of a particular crematory, mausoleum or cemetery; or

(5) Solicit persons at their residences in person or by telephone unless that solicitation is in response to a previous request for or expression of interest in services of a practitioner of mortuary and embalming science or practitioner of mortuary science made by the person solicited or by a member of that person's family.

b. Nothing in this section shall be construed to restrict the right of a practitioner of mortuary and embalming science or practitioner of mortuary science or an agent or employee of the practitioner of mortuary and embalming science or practitioner of mortuary science, to communicate, by direct mail or in any other way not specifically prohibited by this section, with persons or provide them with information regarding the services of the practitioner of mortuary and embalming science or practitioner of mortuary science, or to solicit the business of any person responding to that communication and explicitly requesting further information by personal visit or telephone, or otherwise initiating further discussion of those services, or to provide services or information to persons in connection with services previously rendered.

c. Nothing in this section shall be construed to prohibit general advertising by a practitioner of mortuary and embalming science or practitioner of mortuary science.

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

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

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

C.45:7-65.4 Placement of remains in coffin, casket or other container of more than one deceased person; exception.

1. It shall be unlawful for a practitioner of mortuary and embalming science or practitioner of mortuary science to place the remains of more than one deceased person or stillborn infant in a coffin, casket, or other container for the purpose of interment, unless other written directions have been given by the decedent or a court of competent jurisdiction, or the relative or relatives of the decedent in the following order:

- (1) Surviving spouse;
- (2) A majority of surviving children of the decedent or the surviving child if one;
- (3) The surviving parent or parents of the decedent;
- (4) A majority of the brothers and sisters of the decedent if no child or parent is living; or
- (5) Other next of kin according to the degree of consanguinity.

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

C.45:7-72.1 Continuing education requirements.

1. The State Board of Mortuary Science of New Jersey shall require each person licensed to practice mortuary science or mortuary and embalming science, as a condition for biennial license renewal pursuant to section 23 of P.L.1952, c.340 (C.45:7-54), to complete any continuing education requirements imposed by the board pursuant to section 2 of P.L.1995, c.192 (C.45:7-72.2).

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

C.45:7-72.2 Regulation of continuing education.

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

b. The board may establish a system for reviewing and approving private sponsors of continuing education courses, seminars or programs which may be utilized to provide continuing education to licensees in satisfaction of the requirements imposed by P.L.1995, c.192 (C.45:72.1 et seq.).

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

C.45:7-73 Report of names of licensees to State Department of Health; identification cards.

42. The board shall report to the State Department of Health the name and residence of every person to whom it may issue a license.

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

C.45:7-73.1 Agreements with other states for purpose of removing, transporting and burying bodies.

43. The board may, in its discretion, enter into an agreement with the corresponding licensing authority of any other State to permit a person duly registered and licensed as a

practitioner of mortuary science or as a practitioner of mortuary and embalming science in either State to enter into the other State for the purpose of removing, transporting and burying dead human bodies and directing funerals in the same manner as if he were registered under the laws of such other State, except that such person shall not maintain an establishment, advertise or hold himself out, directly or through any agent or agency or otherwise, as a practitioner of mortuary science or a practitioner of mortuary and embalming science other than in the State in which he is registered and licensed.

22. Section 41 of P.L.2003, c.261 (C.45:7-95) is amended to read as follows:

C.45:7-95 Funeral, disinterment, disposition of remains; written authorization.

41. A practitioner of mortuary and embalming science or practitioner of mortuary science may permit the funeral, disinterment or disposition of human remains on the written authorization of a person who claims to be, and is believed to be, a person who has the right to control the funeral, disinterment or disposition as provided by sections 22 and 23 of P.L.2003, c.261 (C.45:27-22 and C.45:27-23). A cemetery or practitioner of mortuary and embalming science or practitioner of mortuary science shall not be liable for the funeral, disinterment or disposition pursuant to this authorization unless it had reasonable notice that the person did not have the right to control the funeral, disinterment or disposition. If there are no known living relatives, a practitioner of mortuary and embalming science or practitioner of mortuary science may rely on the written authorization of any person acting in good faith on behalf of the decedent.

A person who signs an authorization for the funeral, disinterment or disposition of human remains warrants the truth of the facts stated, the identity of the person whose remains are disposed, and the authority to order the funeral, disinterment or disposition. A cemetery or practitioner of mortuary and embalming science or practitioner of mortuary science shall not be liable for the funeral, disinterment or disposition in accordance with the authorization unless it had reasonable notice that the representations were untrue or that the person lacked the right to control the funeral, disinterment or disposition.

23. The State Board of Mortuary Science of New Jersey shall, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any new rules and regulations or amend any existing rules and regulations necessary to implement the provisions of P.L.2025, c.52 (C.45:7-32.1 et al.).

24. This act shall take effect on the first day of the 18th month next following enactment.

Approved May 8, 2025.

ASSEMBLY, No. 3940

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 4, 2024

Sponsored by:

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

SYNOPSIS

Provides for regulation of funeral arranging.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/10/2024)

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.

45 h. Therefore, it is in the public interest to revise the existing
46 system of funeral professional licensure to more readily

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 accommodate religious and cultural beliefs as well as to promote
2 consumer choice, by providing for, in addition to the current
3 licensure of practitioners of mortuary science, the licensure of
4 funeral arrangers.

5

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

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

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

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

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

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

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

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

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

40 (g) "Practitioner of mortuary science" means a qualified person
41 who practices or engages in mortuary science, as the same is herein
42 defined and who (1) shall be licensed under the provisions of **【this**
43 **act】** P.L.1952, c.340 (C.45:7-32 et seq.) as a practitioner of
44 mortuary science, or (2) holds a license as both an embalmer and a
45 funeral director under the provisions of any prior law or laws of this
46 State, or (3) holds a license as an embalmer under the provisions of
47 any prior law or laws of this State and shall have been licensed
48 under the provisions of section 21 of P.L.1952, c.340 (C.45:7-52) as

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

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

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

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

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

30

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

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

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

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

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

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

36

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

39 7. The board is authorized and empowered to adopt such rules
40 and regulations, not inconsistent with this entire act or any
41 amendment or supplement which may hereafter be adopted, as shall
42 be reasonably proper and advisable for the promotion or
43 improvement of the standards of service, protection and practice to
44 be followed in the practice of mortuary science, embalming and
45 funeral directing , and funeral arranging by individuals,
46 corporations, partnerships and associations in the State of New
47 Jersey, and for and in the interest, preservation and improvement of
48 the public 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 or funeral arranging by
12 individuals, corporations, partnerships and associations.
13 (cf: P.L.1960, c.184, s.4)
14

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

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

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

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

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

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

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

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

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

23

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

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

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

36

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

39 17. The board shall grant **【only a single】** a license as a
40 practitioner of mortuary science or as a funeral arranger to **【any】** an
41 applicant, and **【any】** a person shall hold a license as a practitioner
42 of mortuary science or as a funeral arranger issued under the
43 provisions of **【this act】** P.L.1952, c.340 (C.45:7-32 et seq.) before
44 being permitted to practice mortuary science **【or】**, embalming **【or】**,
45 funeral directing , or funeral arranging in this State.

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

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

3 18. **[(a)] a.** Every person desiring to enter into the practice of
4 mortuary science or the practice of funeral arranging, before being
5 licensed by the board:

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

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

43 An examination conducted by an entity other than the board shall
44 be preapproved by the board and conducted by a nationally
45 recognized testing service that is under contract with the regulatory
46 boards of at least three other states to provide testing and grading in
47 the field of funeral service arts and funeral service science. This
48 entity may conduct the law portion of the examination as

1 enumerated above. Applicants for a license to be a practitioner of
2 mortuary science shall be required to be tested and graded by the
3 testing service in the fields of funeral arts and funeral science.
4 Applicants for a license to be a funeral arranger shall be required
5 only to be tested and graded by the testing service in the field of
6 funeral arts.

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

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

1 trainee and by the licensee with whom the trainee is registered as
2 may be advisable and for such other qualifications in the applicant
3 as may be reasonably calculated to insure and protect the public
4 health, morals, safety and welfare;

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

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

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

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

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

22

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

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

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

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

3 19. No person shall be examined by the board except upon
4 payment of a fee of \$50.00 for the initial examination and a fee of
5 \$25.00 for each re-examination. Each applicant, before being
6 admitted to an examination, shall first submit to the board

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

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

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

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

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

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

36

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

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

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

43

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

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

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

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

5 (c) The licenses of the individual owner, of all partners, or of
6 the manager of the establishment in all cases where the
7 establishment is not managed by a licensed individual owner or
8 licensed partners, shall be conspicuously displayed within the
9 establishment;

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

24 (e) Its construction, maintenance and operation shall conform to
25 the rules and regulations of the board promulgated to safeguard and
26 promote the public health, safety, morals and welfare.
27 (cf: P.L.1952, c.340, s.30)

28
29 14. Section 34 of P.L.1952, c.340 (C.45:7-65) is amended to
30 read as follows:

31 34. Every practitioner of mortuary science, embalmer **[or]**,
32 funeral director, or funeral arranger shall report to the local health
33 officer all contagious cases in which he may be called, within
34 twelve hours after death or as soon as may be after being called.
35 (cf: P.L.1952, c.340, s.34)

36
37 15. Section 17 of P.L.1960, c.184 (C.45:7-65.2) is amended to
38 read as follows:

39 17. No person shall operate, maintain, or use a branch mortuary
40 within this State unless it is under the actual personal supervision,
41 direction, management and actual control of a person who is duly
42 licensed as a practitioner of mortuary science **[or]**, as a funeral
43 director, or as a funeral arranger.
44 (cf: P.L.1960, c.184, s.17)

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

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

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

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

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

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

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

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

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

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

47 e. As used in this section, "at need funeral arrangements,"
48 "preneed funeral arrangements" and "prepaid funeral agreement"

1 shall have the same meaning as they are defined in section 1 of
2 P.L.1993, c.147 (C.45:7-82).

3 (cf: P.L.1993, c.147, s.15)

4

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

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

13 (1) Surviving spouse;

14 (2) A majority of surviving children of the decedent or the
15 surviving child if one;

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

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

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

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

21

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

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

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

31

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

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

44 b. The board may establish a system for reviewing and
45 approving private sponsors of continuing education courses,
46 seminars or programs which may be utilized to provide continuing
47 education to licensees in satisfaction of the requirements imposed

1 by this act.
2 (cf: P.L.1995, c.192, s.2)

3
4 20. Section 42 of P.L.1952, c.340 (C.45:7-73) is amended to
5 read as follows:

6 42. The board shall report to the State Department of Health the
7 name and residence of every person to whom it may issue a license.
8 The board shall issue to each person granted a license an
9 identification card stating that the holder thereof has received a
10 license and is carrying on the practice of mortuary science, **[or]** of
11 funeral directing or embalming , or of funeral arranging. The
12 proper holder of such a card shall have the same right to carry on
13 the practice of mortuary science, or of funeral directing or
14 embalming as those whose names appear on file in the office of the
15 registrar of vital statistics in each municipality
16 (cf: P.L.1960, c.184, s.15)

17
18 21. Section 43 of P.L.1952, c.340 (C.45:7-73.1) is amended to
19 read as follows:

20 43. The board may, in its discretion, enter into an agreement
21 with the corresponding licensing authority of any other State to
22 permit a person duly registered and licensed as a practitioner of
23 mortuary science **[or]**, a funeral director, or as a funeral arranger in
24 either State to enter into the other State for the purpose of
25 removing, transporting and burying dead human bodies and
26 directing funerals in the same manner as if he were registered under
27 the laws of such other State, except that such person shall not
28 maintain an establishment, advertise or hold himself out, directly or
29 through any agent or agency or otherwise, as a practitioner of
30 mortuary science **[or]**, a funeral director, or a funeral arranger other
31 than in the State in which he is registered and licensed.
32 (cf: P.L.1967, c.245, s.4)

33
34 22. (New section) The State Board of Mortuary Science of New
35 Jersey shall, pursuant to the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any new rules and
37 regulations or amend any existing rules and regulations necessary to
38 implement the provisions of P.L. , c. (C.) (pending before
39 the Legislature as this bill).

40
41 23. This act shall take effect on the first day of the thirteenth
42 month next following enactment.

43
44

45 STATEMENT

46
47 This bill amends current law by authorizing the State Board of
48 Mortuary Science of New Jersey to license funeral arrangers.

1 Unlike practitioners of mortuary science, who conduct both funeral
2 directing and embalming, funeral arrangers will not be allowed to
3 embalm but will be proficient in all aspects of funeral directing.
4 The education, including continuing education, and examination
5 requirements of the law are modified to allow for this new category
6 of licensure. The bill does not change the current requirements for
7 a person to be licensed as a practitioner of mortuary science. That
8 class of licensure is still required to be proficient in both funeral
9 directing and embalming.

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

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

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

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3940

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED MAY 13, 2024

Sponsored by:

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex and Hudson)

Co-Sponsored by:

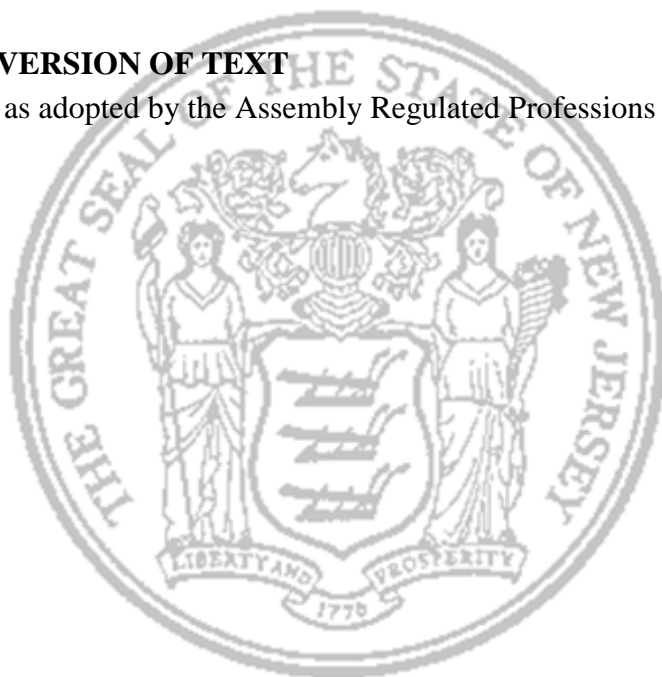
Assemblywoman Bagolie

SYNOPSIS

Modifies regulation of mortuary science and establishes oversight of mortuary and embalming science.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Regulated Professions Committee.



(Sponsorship Updated As Of: 9/26/2024)

1 AN ACT concerning the practice of funeral directing and
2 embalming, and supplementing P.L.1952, c.340 (C.45:7-32 et
3 seq.) and amending 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 in funeral services
10 dates back to the “Mortuary Science Act,” P.L.1952, c.340 (C.45:7-
11 32 et seq.), in an era when New Jersey was very different from the
12 culturally and religiously diverse State that exists today, when
13 consumers had far less choice in all aspects of daily life, including
14 funerals.

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

21 c. While the current licensing system serves the State’s
22 traditional but declining demographic well, for religious, cultural,
23 environmental, and philosophical reasons, an increasing number of
24 funerals center around disposition without embalming.

25 d. The existing licensing system, requiring proficiency in
26 embalming for licensure as a practitioner of mortuary science, may
27 be one of several reasons that discourage entry into funeral service
28 by persons who are reluctant to practice embalming but would be
29 eager to serve their communities.

30 e. The current multiple tests and examinations required for
31 licensure are also discouraging entry into the field, by requiring an
32 applicant to successfully complete studies and test out of an
33 approved program, then to be reassessed on a standardized
34 nationally recognized exam in funeral arts and sciences, then to
35 successfully pass another examination specific to New Jersey
36 jurisprudence, and finally to demonstrate embalming proficiency on
37 human remains.

38 f. During the last several years, particularly since the COVID
39 19 pandemic, there has been a shortage of mortuary practitioners in
40 New Jersey, a problem which, in part, could be remedied by
41 removing outmoded barriers to entering the profession.

42 g. Therefore, it is in the public interest to revise the existing
43 system of licensure to accommodate religious, cultural,
44 environmental, and philosophical beliefs more readily as well as to
45 promote consumer choice, by providing for, a delineation of the all-

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 encompassing licensure of practitioners of mortuary science into
2 “Practitioner of Mortuary and Embalming Science” and
3 “Practitioner of Mortuary Science.”
4

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

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

8 (a) "Board" means the State Board of Mortuary Science of New
9 Jersey.

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

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

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

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

34 (e) **【"Embalmer"** means a qualified person who practices or
35 engages in embalming, as the same is herein defined **】** “Mortuary
36 science” means funeral directing as the same is herein defined.

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

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

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

7 (g) "Practitioner of mortuary science" means a person who
8 practices or engages in funeral directing and is licensed pursuant to
9 the provisions of P.L.1952, c.340 (C.45:7-32 et seq.).

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 and embalming
23 science or as a practitioner of mortuary science under the personal
24 instruction and supervision of a person duly licensed as a
25 practitioner of mortuary and embalming science or as a practitioner
26 of mortuary science, as appropriate, and who has an annual case
27 volume as hereinafter provided in section 18 of **【this act】** P.L.1952,
28 c.340 (C.45:7-49). A person seeking licensure as a practitioner of
29 mortuary science may learn to practice as a registered trainee in
30 mortuary science from a licensed practitioner in mortuary and
31 embalming science, provided that such training solely focuses on
32 funeral directing.

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

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

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

1 immediately preceding his appointment; and two additional public
2 members, one of whom shall be 62 years of age or older. Members
3 of the board shall be appointed annually by the Governor for a term
4 of three years and shall not serve more than two successive terms.
5 Each member, other than the State executive department member,
6 shall hold office after the expiration of his term of office until his
7 successor shall be duly appointed and qualified. Vacancies
8 occurring by reason of the expiration of term of office shall be
9 filled by the Governor in the calendar year in which any such
10 vacancy occurs for a term of three years from the year of
11 appointment. Vacancies occurring by reason of the failure or
12 neglect of the Governor to make appointments upon the expiration
13 of terms of office as hereinabove provided and vacancies occurring
14 for any other reason whatsoever shall be filled by the Governor for
15 the unexpired term only.

16 Any member of the State Board of Mortuary Science of New
17 Jersey, other than the State executive department member, may be
18 removed from office by the Governor, for cause, upon notice and
19 opportunity to be heard.

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

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

32

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

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

45 In addition to the powers otherwise herein granted to the board,
46 the board is specifically empowered to adopt rules and regulations
47 concerning the following:

- 1 (a) the manner in which a mortuary or funeral establishment is
2 conducted,
3 (b) establish minimum requirements for a preparation room and
4 as to the manner in which it shall be maintained,
5 (c) issuance of lists of licensees,
6 (d) trainees, apprentices and preceptors,
7 (e) unethical or unprofessional conduct,
8 (f) practice of mortuary science or mortuary and embalming
9 science by individuals, corporations, partnerships and associations.
10 (cf: P.L.1960, c.184, s.4)

11
12 5. Section 10 of P.L.1952, c.340 (C.45:7-41) is amended to
13 read as follows:

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

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

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

37 In the month of January of each and every year the secretary of
38 said board shall supply to each licensed practitioner of mortuary
39 science**【,】** and to each licensed **【embalmer and to each licensed**
40 **funeral director】** practitioner of mortuary and embalming science a
41 list of all practitioners **【of mortuary science, embalmers, and**
42 **funeral directors】** holding a license under **【this act】** P.L.1952,
43 c.340 (C.45:7-32 et seq.), or under prior laws of this State, giving
44 the names of such persons, their professional address and the
45 number and nature of their licenses.

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

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

3 12. The board may, subject to the approval of the Attorney
4 General, appoint, employ or remove such assistants and employees
5 as may be necessary to carry out the provisions of **[this act]**
6 P.L.1952, c.340, (C.45:7-32 et seq.). The board may, subject to the
7 approval of the Attorney General, appoint and employ an executive
8 secretary who shall serve without term but who may be removed
9 from office by the Attorney General, for cause, upon notice and
10 opportunity to be heard at a public hearing. The duties of the
11 executive secretary shall be determined by the board and the board
12 shall fix the compensation of its executive secretary, assistants and
13 employees, subject to the approval of the Attorney General, within
14 the limits of available appropriations therefor. Such executive
15 secretary shall not be subject to the provisions of Title 11 of the
16 Revised Statutes of this State. No such executive secretary,
17 employee or assistant shall engage in the practice of mortuary
18 science**[, embalming or funeral directing,]** or mortuary and
19 embalming science nor shall he in any way be connected with the
20 work of a practitioner of mortuary science**[, embalming or funeral**
21 **directing]** or mortuary and embalming science.
22 (cf: P.L.1967, c.245, s.3)

23
24 7. Section 16 of P.L.1952, c.340 (C.45:7-47) is amended to
25 read as follows:

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

38
39 8. Section 17 of P.L.1952, c.340 (C.45:7-48) is amended to
40 read as follows:

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

1 practice mortuary science or **【embalming or funeral directing】** or
2 mortuary and embalming science in this State.

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

4

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 mortuary and embalming
9 science, before being licensed by the board:

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

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

1 An examination conducted by an entity other than the board
2 **【shall】** may be preapproved by the board and conducted by a
3 **【nationally】** recognized testing service **【that is under contract with**
4 **the regulatory boards of at least three other states】** to provide
5 testing and grading in the field of funeral service arts **【and】**, funeral
6 service science**【. This entity may conduct】**, and the law portion of
7 the examination as enumerated above.

8 Such examinations shall be administered electronically or in
9 writing and shall be held at least once in each year, and oftener if
10 the board shall so determine by rule or regulation, at such times and
11 places as may be fixed by the board. **【In addition to the examination**
12 **herein provided for, the examination of each applicant shall include,**
13 **wherever possible, an actual demonstration on a cadaver of the**
14 **embalming proficiency and qualifications of the applicant】** Nothing
15 in P.L.1952, c.340 (C.45:7-32 et seq.) or any rule or regulation
16 adopted pursuant thereto shall require a candidate for licensure to
17 complete the National Board Exam or any successor examination
18 thereof, administered by the International Conference of Funeral
19 Service Examining Boards.

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 or a practitioner of mortuary and
25 embalming science under P.L.1952, c.340 (C.45:7-32 et seq.) **【or as**
26 **both an embalmer and funeral director under any prior law of this**
27 **State】** and whose annual case volume shall be equal to at least 25
28 cases, and in the case of an applicant for licensure to be a
29 practitioner of mortuary and embalming science, shall have assisted
30 in embalming at least **【75】** 50 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

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

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

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

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

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

27 (c) Any individual licensed as a practitioner of mortuary science
28 prior to the enactment of P.L. , c. (C.) (pending before the
29 Legislature as this bill) shall be subject to the licensing
30 requirements established pursuant to P.L. , c. (C.) (pending
31 before the Legislature as this bill) and shall be issued a practitioner
32 of mortuary and embalming science license in subsequent renewals.

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

34
35 10. Section 1 of P.L.1999, c.404 (C.45:7-49.1) is amended to
36 read as follows:

37 1. After successful completion of the law portion of the
38 examination conducted by the board pursuant to section 18 of
39 P.L.1952, c.340 (C.45:7-49), and upon payment to the board of a
40 fee and the submission of a written application on forms provided
41 by it, the board may issue, at its discretion, a practitioner of
42 mortuary science license or a practitioner of mortuary and
43 embalming science license to a person who holds a valid license or
44 certification issued by another state or possession of the United
45 States or the District of Columbia and who has met education and
46 experience requirements substantially equivalent to the
47 requirements of P.L.1952, c.340 (C.45:7-32 et seq.), and who has
48 been engaged in the practice of mortuary science or mortuary and

1 embalming science in that state, possession or district with a valid
2 license or certification for two years immediately prior to
3 application; except that the board may issue, at its discretion, a
4 practitioner of mortuary science license or a practitioner of
5 mortuary and embalming science license to an applicant who does
6 not meet the practical training and experience requirements of
7 paragraph (2) of subsection a. of section 18 of P.L.1952, c.340
8 (C.45:7-49) but otherwise meets the requirements specified in this
9 section if the applicant has been engaged in the practice of mortuary
10 science or the practice of mortuary and embalming science for not
11 less than five years immediately prior to application.
12 (cf: P.L.2001, c.83)

13

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

16 19. No person shall be examined by the board except upon
17 payment of a fee of \$50.00 for the initial examination and a fee of
18 \$25.00 for each re-examination. Each applicant, before being
19 admitted to an examination, shall first submit to the board

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

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

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

25 (2) a certificate from the Commissioner of Education of this
26 State showing that before entering an embalming college or college
27 of mortuary science he had obtained an academic education
28 consisting of a **【4】** four years' course of study in an approved
29 public or private high school or the equivalent thereof, he has (a)
30 satisfactorily completed a minimum of **【2】** two years of academic
31 instruction in a college or university approved by the New Jersey
32 Department of Education, satisfactorily completed a minimum of
33 **【1】** one year of academic instruction in a school of mortuary
34 science approved by the State Board of Mortuary Science; or (b)
35 satisfactorily completed a minimum of **【3】** three years of academic
36 instruction in such a college or university, satisfactorily completed
37 a minimum of **【1】** one year of academic instruction in such a
38 school of mortuary science; and

39 (3) a certificate from a licensed practitioner of mortuary
40 science or a licensed practitioner of mortuary and embalming
41 science, as appropriate, in the State of New Jersey that he has
42 served a **【1-year】** one-year or **【2-year】** two-year period of practical
43 training as a registered trainee under such practitioner of mortuary
44 science or licensed practitioner of mortuary and embalming science,
45 whichever is applicable; such period of practical training as a
46 registered trainee may be served either concurrently with the
47 college or university courses, during summer vacations, or

1 subsequent to the completion of the college or academic course, at
2 the option of the registrant.
3 (cf: P.L.1960, c.184, s.8)

4
5 12. Section 28 of P.L.1952, c.340 (C.45:7-59) is amended to
6 read as follows:

7 28. The license of any practitioner of mortuary science or **【**, of
8 any embalmer and funeral director, or either, **】** or practitioner of
9 mortuary and embalming science shall terminate upon his decease.
10 (cf: P.L.1960, c.184, s.11)

11
12 13. Section 30 of P.L.1952, c.340 (C.45:7-61) is amended to
13 read as follows:

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

16 (a) He, they or it shall annually register with the board in
17 accordance with the provisions of section **【twenty-four】** 24 of **【this**
18 **act】** P.L.1952, c.340 (C.45:7-55);

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

21 (c) The licenses of the individual owner, of all partners, or of
22 the manager of the establishment in all cases where the
23 establishment is not managed by a licensed individual owner or
24 licensed partners, shall be conspicuously displayed within the
25 establishment;

26 (d) It shall be under the immediate and personal supervision,
27 direction, management, and control of a person duly licensed as a
28 practitioner of mortuary and embalming science**【**, under the
29 provisions of this act, or of a person duly licensed as a funeral
30 director**】** under the provisions of **【this act】** P.L.1952, c.340
31 (C.45:7-32 et seq.) or of any prior law of this State, or of a person
32 duly licensed as a practitioner of mortuary science under the
33 provisions of P.L.1952, c.340 (C.45:70-32 et seq.) or P.L. , c.
34 (C.) (pending before the Legislature as this bill); and all
35 funeral directing shall be under the immediate and personal
36 supervision, direction, management, and control of a person duly
37 licensed as a practitioner of mortuary and embalming science,
38 under the provisions of **【this act, or of a person duly licensed as a**
39 **funeral director under the provisions of this act】** P.L.1952, c.340
40 (C.45:7-32 et seq.) or of any prior law of this State, or of a person
41 duly licensed as a practitioner of mortuary science under the
42 provisions of P.L.1952, c.340 (C.45:7-32 et seq.);

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

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

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

3 34. Every practitioner of mortuary science **【**, embalmer or
4 funeral director **】** or practitioner of mortuary and embalming science
5 shall report to the local health officer all contagious cases in which
6 he may be called, within twelve hours after death or as soon as may
7 be after being called.
8 (cf: P.L.1952, c.340, s.34)
9

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

12 17. No person shall operate, maintain, or use a branch mortuary
13 within this State unless it is under the actual personal supervision,
14 direction, management and actual control of a person who is duly
15 licensed as a practitioner of mortuary and embalming science **【**or as
16 a funeral director **】**.
17 (cf: P.L.1960, c.184, s.17)
18

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

21 18. a. No person, firm or corporation, or solicitors, agents,
22 canvassers, employees or other persons acting on behalf of that
23 person, firm or corporation, for the purpose of selling or contracting
24 to sell or provide any service or services commonly furnished or
25 performed by **【an embalmer or funeral director】** a practitioner of
26 mortuary and embalming science or of mortuary science, including,
27 but not limited to, prepaid funeral agreements and the making of at
28 need or preneed funeral arrangements, shall:

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

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

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

41 (4) Solicit, accept, offer to pay or pay any commission, bonus
42 or rebate in consideration of recommending or causing any person
43 to use the services of a particular **【funeral director】** practitioner of
44 mortuary and embalming science or a practitioner of mortuary
45 science, or the services of a particular crematory, mausoleum or
46 cemetery; or

1 (5) Solicit persons at their residences in person or by telephone
2 unless that solicitation is in response to a previous request for or
3 expression of interest in **【a funeral director's】** services of a
4 practitioner of mortuary and embalming science or practitioner of
5 mortuary science made by the person solicited or by a member of
6 that person's family.

7 b. Nothing in this section shall be construed to restrict the right
8 of a **【funeral director】** practitioner of mortuary and embalming
9 science or practitioner of mortuary science or an agent or employee
10 of the **【the funeral director】** practitioner of mortuary and
11 embalming science or practitioner of mortuary science, to
12 communicate, by direct mail or in any other way not specifically
13 prohibited by this section, with persons or provide them with
14 information regarding the services of the **【funeral director】**
15 practitioner of mortuary and embalming science or practitioner of
16 mortuary science, or to solicit the business of any person
17 responding to that communication and explicitly requesting further
18 information by personal visit or telephone, or otherwise initiating
19 further discussion of those services, or to provide services or
20 information to persons in connection with services previously
21 rendered.

22 c. Nothing in this section shall be construed to prohibit general
23 advertising by a **【funeral director】** practitioner of mortuary and
24 embalming science or practitioner of mortuary science.

25 d. Nothing in this section shall be deemed to prohibit the
26 payment of commissions, bonuses or other compensation to a
27 licensed cemetery salesman for the sale of cemetery goods or
28 services.

29 e. As used in this section, "at need funeral arrangements,"
30 "preneed funeral arrangements" and "prepaid funeral agreement"
31 shall have the same meaning as they are defined in section 1 of
32 P.L.1993, c.147 (C.45:7-82).

33 (cf: P.L.1993, c.147, s.15)

34
35 17. Section 1 of P.L.1979, c.201 (C.45:7-65.4) is amended to
36 read as follows:

37 1. It shall be unlawful for a **【funeral director】** practitioner of
38 mortuary and embalming science or practitioner of mortuary
39 science to place the remains of more than one deceased person or
40 stillborn infant in a coffin, casket, or other container for the purpose
41 of interment, unless other written directions have been given by the
42 decedent or a court of competent jurisdiction, or the relative or
43 relatives of the decedent in the following order:

44 (1) Surviving spouse;

45 (2) A majority of surviving children of the decedent or the
46 surviving child if one;

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

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

3 (5) Other next of kin according to the degree of consanguinity.
4 (cf: P.L.1979, c.201, s.1)

5

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

8 1. The State Board of Mortuary Science of New Jersey shall
9 require each person licensed to practice mortuary science【,
10 embalming or funeral directing】 or mortuary and embalming
11 science, as a condition for biennial license renewal pursuant to
12 section 23 of P.L.1952, c.340 (C.45:7-54), to complete any
13 continuing education requirements imposed by the board pursuant
14 to section 2 of 【this act】 P.L.1995, c.192 (C.45:7-72.2).
15 (cf: P.L.1995, c.192, s.1)

16

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

19 2. a. The board shall implement a program of continuing
20 education as a condition of license renewal for licensees under its
21 jurisdiction and may, in its discretion, waive all or part of the
22 continuing education requirement for any biennial licensing period.
23 The board shall establish standards for continuing education,
24 including the subject matter and content of courses of study as
25 appropriate for persons licensed as practitioners of mortuary and
26 embalming science and persons licensed as practitioners of
27 mortuary science, the selection of instructors, and the number and
28 type of continuing education credits required of a licensee as a
29 condition for biennial license renewal.

30 b. The board may establish a system for reviewing and
31 approving private sponsors of continuing education courses,
32 seminars or programs which may be utilized to provide continuing
33 education to licensees in satisfaction of the requirements imposed
34 by 【this act】 P.L.1995, c.192 (C.45:72.1 et seq.).

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

36

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

39 42. The board shall report to the State Department of Health the
40 name and residence of every person to whom it may issue a license.
41 The board shall issue to each person granted a license an
42 identification card stating that the holder thereof has received a
43 license and is carrying on the practice of mortuary science【, or of
44 funeral directing or embalming】 or of mortuary and embalming
45 science. The proper holder of such a card shall have the same right
46 to carry on the practice of mortuary science【, or of funeral directing
47 or embalming】 or of mortuary and embalming science as those

1 whose names appear on file in the office of the registrar of vital
2 statistics in each municipality.
3 (cf: P.L.1960, c.184, s.15)
4

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

7 43. The board may, in its discretion, enter into an agreement
8 with the corresponding licensing authority of any other State to
9 permit a person duly registered and licensed as a practitioner of
10 mortuary science or **【a funeral director】** as a practitioner of
11 mortuary and embalming science in either State to enter into the
12 other State for the purpose of removing, transporting and burying
13 dead human bodies and directing funerals in the same manner as if
14 he were registered under the laws of such other State, except that
15 such person shall not maintain an establishment, advertise or hold
16 himself out, directly or through any agent or agency or otherwise,
17 as a practitioner of mortuary science or a **【funeral director】**
18 practitioner of mortuary and embalming science other than in the
19 State in which he is registered and licensed.

20 (cf: P.L.1967, c.245, s.4)
21

22 22. Section 41 of P.L.2003, c.261 (C.45:7-95) is amended to
23 read as follows:

24 41. A **【funeral director】** practitioner of mortuary and embalming
25 science or practitioner of mortuary science may permit the funeral,
26 disinterment or disposition of human remains on the written
27 authorization of a person who claims to be, and is believed to be, a
28 person who has the right to control the funeral, disinterment or
29 disposition as provided by sections 22 and 23 of P.L.2003, c.261
30 (C.45:27-22 and C.45:27-23). A cemetery or **【funeral director】**
31 practitioner of mortuary and embalming science or practitioner of
32 mortuary science shall not be liable for the funeral, disinterment or
33 disposition pursuant to this authorization unless it had reasonable
34 notice that the person did not have the right to control the funeral,
35 disinterment or disposition. If there are no known living relatives, a
36 **【funeral director】** practitioner of mortuary and embalming science
37 or practitioner of mortuary science may rely on the written
38 authorization of any person acting in good faith on behalf of the
39 decedent.

40 A person who signs an authorization for the funeral, disinterment
41 or disposition of human remains warrants the truth of the facts
42 stated, the identity of the person whose remains are disposed, and
43 the authority to order the funeral, disinterment or disposition. A
44 cemetery or **【funeral director】** practitioner of mortuary and
45 embalming science or practitioner of mortuary science shall not be
46 liable for the funeral, disinterment or disposition in accordance with
47 the authorization unless it had reasonable notice that the

1 representations were untrue or that the person lacked the right to
2 control the funeral, disinterment or disposition.

3 (cf: P.L.2003, c.261, s.41)

4

5 23. (New section) The State Board of Mortuary Science of New
6 Jersey shall, pursuant to the “Administrative Procedure Act,”
7 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any new rules and
8 regulations or amend any existing rules and regulations necessary to
9 implement the provisions of P.L. , c. (C.) (pending before
10 the Legislature as this bill).

11

12 24. This act shall take effect on the first day of the thirteenth
13 month next following enactment.

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3940

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED MAY 13, 2024

Sponsored by:

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Co-Sponsored by:

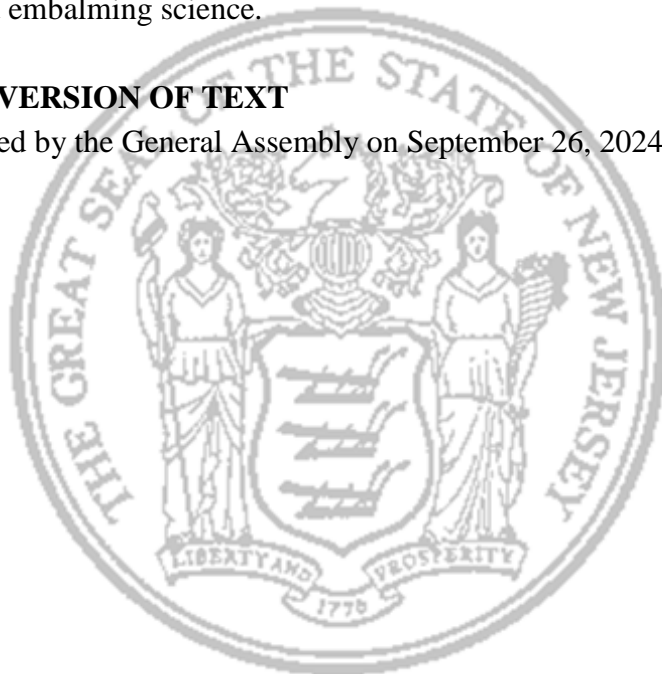
Assemblywoman Bagolie

SYNOPSIS

Modifies regulation of mortuary science and establishes oversight of mortuary and embalming science.

CURRENT VERSION OF TEXT

As amended by the General Assembly on September 26, 2024.



(Sponsorship Updated As Of: 10/28/2024)

1 AN ACT concerning the practice of funeral directing and
2 embalming, and supplementing P.L.1952, c.340 (C.45:7-32 et
3 seq.) and amending 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 in funeral services
10 dates back to the “Mortuary Science Act,” P.L.1952, c.340 (C.45:7-
11 32 et seq.), in an era when New Jersey was very different from the
12 culturally and religiously diverse State that exists today, when
13 consumers had far less choice in all aspects of daily life, including
14 funerals.

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

21 c. While the current licensing system serves the State’s
22 traditional but declining demographic well, for religious, cultural,
23 environmental, and philosophical reasons, an increasing number of
24 funerals center around disposition without embalming.

25 d. The existing licensing system, requiring proficiency in
26 embalming for licensure as a practitioner of mortuary science, may
27 be one of several reasons that discourage entry into funeral service
28 by persons who are reluctant to practice embalming but would be
29 eager to serve their communities.

30 e. The current multiple tests and examinations required for
31 licensure are also discouraging entry into the field, by requiring an
32 applicant to successfully complete studies and test out of an
33 approved program, then to be reassessed on a standardized
34 nationally recognized exam in funeral arts and sciences, then to
35 successfully pass another examination specific to New Jersey
36 jurisprudence, and finally to demonstrate embalming proficiency on
37 human remains.

38 f. During the last several years, particularly since the COVID
39 19 pandemic, there has been a shortage of mortuary practitioners in
40 New Jersey, a problem which, in part, could be remedied by
41 removing outmoded barriers to entering the profession.

42 g. Therefore, it is in the public interest to revise the existing
43 system of licensure to accommodate religious, cultural,
44 environmental, and philosophical beliefs more readily as well as to

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted September 26, 2024.

1 promote consumer choice, by providing for, a delineation of the all-
2 encompassing licensure of practitioners of mortuary science into
3 “Practitioner of Mortuary and Embalming Science” and
4 “Practitioner of Mortuary Science.”

5

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

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

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

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

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

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

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

35 (e) **["Embalmer"** means a qualified person who practices or
36 engages in embalming, as the same is herein defined] “Mortuary
37 science” means funeral directing as the same is herein defined.

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

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

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

8 (g) "Practitioner of mortuary science" means a person who
9 practices or engages in funeral directing and is licensed pursuant to
10 the provisions of P.L.1952, c.340 (C.45:7-32 et seq.).

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

21 (i) "Registered ¹**【trainee】 intern¹**" means a person who is duly
22 registered with the board and who is engaged in the State of New
23 Jersey in learning to practice as a practitioner of mortuary and
24 embalming science or as a practitioner of mortuary science under
25 the personal instruction and supervision of a person duly licensed as
26 a practitioner of mortuary and embalming science or as a
27 practitioner of mortuary science, as appropriate, and who has an
28 annual case volume as hereinafter provided in section 18 of **【this**
29 **act】** P.L.1952, c.340 (C.45:7-49). A person seeking licensure as a
30 practitioner of mortuary science may learn to practice as a
31 registered ¹**【trainee】 intern¹** in mortuary science from a licensed
32 practitioner in mortuary and embalming science, provided that such
33 training solely focuses on funeral directing.

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

35

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

38 4. There is hereby created in the Division of Consumer Affairs
39 in the Department of Law and Public Safety a State Board of
40 Mortuary Science of New Jersey, which board shall consist of 13
41 members as follows: two shall be public members and one shall be
42 a State executive department member appointed pursuant to the
43 provisions of **【P.L.1971, c.60 (C.45:2.1 et seq.)】** section 2 of
44 P.L.1971, c.60 (C.45:1-2.2); eight members, each of whom shall be
45 a citizen of the United States and a resident of the State of New
46 Jersey, duly licensed as a practitioner of mortuary and embalming
47 science or as a practitioner of mortuary science, as appropriate, and

1 shall have had a minimum of five consecutive years of experience
2 and practice as a practitioner of mortuary science in this State
3 immediately preceding his appointment; and two additional public
4 members, one of whom shall be 62 years of age or older. Members
5 of the board shall be appointed annually by the Governor for a term
6 of three years and shall not serve more than two successive terms.
7 Each member, other than the State executive department member,
8 shall hold office after the expiration of his term of office until his
9 successor shall be duly appointed and qualified. Vacancies
10 occurring by reason of the expiration of term of office shall be
11 filled by the Governor in the calendar year in which any such
12 vacancy occurs for a term of three years from the year of
13 appointment. Vacancies occurring by reason of the failure or
14 neglect of the Governor to make appointments upon the expiration
15 of terms of office as hereinabove provided and vacancies occurring
16 for any other reason whatsoever shall be filled by the Governor for
17 the unexpired term only.

18 Any member of the State Board of Mortuary Science of New
19 Jersey, other than the State executive department member, may be
20 removed from office by the Governor, for cause, upon notice and
21 opportunity to be heard.

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

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

34

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

37 7. The board is authorized and empowered to adopt such rules
38 and regulations, not inconsistent with this entire act or any
39 amendment or supplement which may hereafter be adopted, as shall
40 be reasonably proper and advisable for the promotion or
41 improvement of the standards of service, protection and practice to
42 be followed in the practice of mortuary science, embalming and
43 funeral directing, by individuals, corporations, partnerships and
44 associations in the State of New Jersey, and for and in the interest,
45 preservation and improvement of the public health, morals, safety
46 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) ¹ **["trainees"]** interns¹, apprentices and preceptors,
10 (e) unethical or unprofessional conduct,
11 (f) practice of mortuary science or mortuary and embalming
12 science by individuals, corporations, partnerships and associations.
13 (cf: P.L.1960, c.184, s.4)

14
15 5. Section 10 of P.L.1952, c.340 (C.45:7-41) is amended to
16 read as follows:

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

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

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

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

1 the names of such persons, their professional address and the
2 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 mortuary and
23 embalming science nor shall he in any way be connected with the
24 work of a practitioner of mortuary science**[, embalming or funeral**
25 **directing]** or mortuary and embalming science.

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 mortuary and embalming
32 science unless he shall have been duly licensed so to do, by the
33 board, under the provisions of **[this act]** P.L.1952, c.340, (C.45:7-
34 32 et seq.) or under the provisions of any prior law of this State and
35 unless such license is unrevoked and in full force and effect;
36 provided, that this shall not apply to a registered ¹**[trainee]** intern¹
37 working under the direct supervision of a practitioner of mortuary
38 science or of mortuary and embalming science. No person licensed
39 as a practitioner of mortuary science shall engage in the practice of
40 embalming.

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

42

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

45 17. The board shall grant **[only a single]** a license as a
46 practitioner of mortuary science or of mortuary and embalming
47 science to **[any]** an applicant, and **[any]** a person shall hold a

1 license as a practitioner of mortuary science or of mortuary and
2 embalming science issued under the provisions of **【this act】**
3 P.L.1952, c.340 (C.45:7-32 et seq.) before being permitted to
4 practice mortuary science or **【embalming or funeral directing】** or
5 mortuary and embalming science in this State.

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

7

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

10 18. **【(a)】** a. Every person desiring to enter into the practice of
11 mortuary science or the practice of mortuary and embalming
12 science, before being licensed by the board:

13 (1) **【Shall】** (a) in the case of an applicant for licensure as a
14 practitioner of mortuary and embalming science, shall have passed
15 an examination to be **【conducted】** developed and administered
16 the board or an entity other than the board to determine the
17 qualifications and fitness of the applicant. Such examination, the
18 scope, character and content of which shall be determined by the
19 board, shall be the same for all applicants at each examination, and
20 shall include: anatomy; physiology; pathology; chemistry;
21 disinfection; hygiene; sanitary science; ¹**【bacteriology; dissection】**
22 microbiology¹; New Jersey law and rules governing the care,
23 preservation, embalming, transportation, and burial, cremation or
24 other disposal of dead human bodies; the applicable laws and rules
25 governing vital statistics, preparation and transportation for burial,
26 cremation or other disposal of dead human bodies, including those
27 dead as a result of contagious and infectious diseases; the
28 provisions of P.L.1952, c.340 (C.45:7-32 et seq.) and of the rules
29 and regulations adopted by the board; professional ethics;
30 **【mortuary accounting;】** and such other subjects as the board may
31 determine, by rule or regulation, to be necessary, proper or
32 reasonably calculated to establish the qualifications and fitness of
33 the applicant; or

34 (b) in the case of an applicant for licensure as a practitioner of
35 mortuary science, shall have passed an examination to be developed
36 and administered by the board or an entity other than the board to
37 determine the qualifications and fitness of the applicant. Such
38 examination, the scope, character and content of which shall be
39 determined by the board, shall be the same for all applicants at each
40 examination, and shall include: New Jersey law and rules governing
41 the burial, cremation or other disposal and care of dead human
42 bodies; the applicable laws and rules governing vital statistics,
43 preparation, and transportation for burial, cremation, or other
44 disposal of dead human bodies, including those dead as a result of
45 contagious and infectious diseases; the provisions of P.L.1952,
46 c.340 (C.45:7-32 et seq.) and the rules and regulations adopted by
47 the board; professional ethics; and such other subjects as

1 determined by the board, by rule or regulation, to be necessary,
2 proper, or reasonably calculated to establish the qualifications and
3 fitness of the applicant, but shall not include embalming.

4 An examination conducted by an entity other than the board
5 **[shall]** may be preapproved by the board and conducted by a
6 **[nationally]** recognized testing service **[that is under contract with**
7 **the regulatory boards of at least three other states]** to provide
8 testing and grading in the field of funeral service arts **[and],** funeral
9 service science**].** This entity may conduct**],** and the law portion of
10 the examination as enumerated above.

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 shall include,**
16 **wherever possible, an actual demonstration on a cadaver of the**
17 **embalming proficiency and qualifications of the applicant]** Nothing
18 in P.L.1952, c.340 (C.45:7-32 et seq.) or any rule or regulation
19 adopted pursuant thereto shall require a candidate for licensure to
20 complete the National Board Exam or any successor examination
21 thereof, administered by the International Conference of Funeral
22 Service Examining Boards.

23 (2) Shall have completed **[2]** two years of practical training and
24 experience as a registered ¹**[trainee]** intern¹ in regular, steady, bona
25 fide full-time service of a grade and character satisfactory to the
26 board, in the State of New Jersey, with a person duly licensed as a
27 practitioner of mortuary science or a practitioner of mortuary and
28 embalming science under P.L.1952, c.340 (C.45:7-32 et seq.) **[or as**
29 **both an embalmer and funeral director under any prior law of this**
30 **State]** and whose annual case volume shall be equal to at least 25
31 cases, and in the case of an applicant for licensure to be a
32 practitioner of mortuary and embalming science, shall have assisted
33 in embalming at least **[75]** 50 bodies; and shall have satisfactorily
34 completed a minimum of **[2]** two academic years of instruction in a
35 college or university approved by the State Department of
36 Education and **[1]** one year of instruction in a ¹**[school of mortuary**
37 **science]** program of funeral service education¹ approved by the
38 State Board of Mortuary Science of New Jersey; except that a
39 person who has satisfactorily completed **[3]** three academic years
40 of instruction in such a college or university and **[1]** one year of
41 instruction in such an approved ¹**[school of mortuary science]**
42 program of funeral service education¹ need only have completed
43 **[1]** one year of practical training and experience as a registered
44 ¹**[trainee]** intern¹. Not more than **[1]** one ¹**[trainee]** intern¹ shall
45 be registered at **[1]** one time in **[1]** one establishment, except that
46 **[2]** two ¹**[trainees]** interns¹ may be permitted if there are **[2]** two

1 or more licensees in the same establishment. The board is
2 authorized and empowered to prescribe rules and regulations
3 establishing minimum courses of college or university instruction;
4 to insure that each ¹['trainee] intern¹ receives satisfactory and
5 efficient training and experience which may provide for the periods
6 that may be credited toward the required year of training and
7 experience, the nature, character and extent of the services to be
8 performed by the ¹['trainee] intern¹, for such practical and actual
9 experience in mortuary science or in mortuary and embalming
10 science and assisting in the same as it shall determine and for the
11 making of such reports by the ¹['trainee] intern¹ and by the licensee
12 with whom the ¹['trainee] intern¹ is registered as may be advisable
13 and for such other qualifications in the applicant as may be
14 reasonably calculated to insure and protect the public health,
15 morals, safety and welfare;

16 (3) Shall have, upon commencing the period of training and
17 experience as provided in paragraph (2) of this subsection
18 registered as ¹['a trainee] an intern¹ with the board, upon a form to
19 be provided by the board, and has paid to the board a registration
20 fee of \$50.00, and has received from the board a certificate as a
21 registered ¹['trainee] intern¹; ¹and¹

22 (4) Shall have ¹['been a resident of the State of New Jersey
23 continuously during the period of training and experience; and

24 (5) Shall have¹ passed his or her ¹['twenty-first] 18th¹
25 birthday.

26 ¹['(b)] b.¹ An applicant who meets the requirements of section
27 19 of P.L.1952, c.340 (C.45:7-50) shall be admitted to the
28 examinations prescribed in paragraph (1) of subsection ¹['(a)] a.¹ of
29 this section but a license to enter into the practice of mortuary
30 science or the practice of mortuary and embalming science shall not
31 be issued or granted to any such applicant by the board unless and
32 until such applicant has completed the period of practical training
33 and experience as a registered ¹['trainee] intern¹ required by
34 paragraph (2) of subsection ¹['(a)] a.¹ of this section.

35 ¹['(c)] c.¹ Any individual licensed as a practitioner of mortuary
36 science prior to the enactment of P.L. , c. (C.) (pending
37 before the Legislature as this bill) shall be subject to the licensing
38 requirements established pursuant to P.L. , c. (C.) (pending
39 before the Legislature as this bill) and shall be issued a practitioner
40 of mortuary and embalming science license in subsequent renewals.
41 (cf: P.L.2019, c.130, s.1)

42
43 10. Section 1 of P.L.1999, c.404 (C.45:7-49.1) is amended to
44 read as follows:

45 1. After successful completion of the law portion of the
46 examination conducted by the board pursuant to section 18 of
47 P.L.1952, c.340 (C.45:7-49), and upon payment to the board of a

1 fee and the submission of a written application on forms provided
2 by it, the board may issue, at its discretion, a practitioner of
3 mortuary science license or a practitioner of mortuary and
4 embalming science license to a person who holds a valid license or
5 certification issued by another state or possession of the United
6 States or the District of Columbia and who has met education and
7 experience requirements substantially equivalent to the
8 requirements of P.L.1952, c.340 (C.45:7-32 et seq.), and who has
9 been engaged in the practice of mortuary science or mortuary and
10 embalming science in that state, possession or district with a valid
11 license or certification for two years immediately prior to
12 application; except that the board may issue, at its discretion, a
13 practitioner of mortuary science license or a practitioner of
14 mortuary and embalming science license to an applicant who does
15 not meet the practical training and experience requirements of
16 paragraph (2) of subsection a. of section 18 of P.L.1952, c.340
17 (C.45:7-49) but otherwise meets the requirements specified in this
18 section if the applicant has been engaged in the practice of mortuary
19 science or the practice of mortuary and embalming science for not
20 less than five years immediately prior to application.
21 (cf: P.L.2001, c.83)

22

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

25 19. No person shall be examined by the board except upon
26 payment of a fee ¹**【of \$50.00】**¹ for the initial examination and ¹**【a**
27 **another¹** fee ¹**【of \$25.00】**¹ for each re-examination. Each
28 applicant, before being admitted to an examination, shall first
29 submit to the board

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

31 (a) He is a citizen of the United States ¹**【and has been a resident**
32 **of the State of New Jersey¹】** for a period of at least **【6】** six months
33 prior to the date of the examination;

34 (b) He is of good moral character and at least ¹**【21】** 18¹ years of
35 age;

36 (2) a certificate from the Commissioner of Education of this
37 State showing that ¹**【before entering an embalming college or**
38 **college of mortuary science】** prior to licensure and upon completion
39 of an approved program of funeral service education,¹ he had
40 obtained an academic education consisting of a **【4】** four years'
41 course of study in an approved public or private high school or the
42 equivalent thereof, he has (a) satisfactorily completed a minimum
43 of **【2】** two years of academic instruction in a college or university
44 approved by the New Jersey Department of Education,
45 satisfactorily completed a minimum of **【1】** one year of academic
46 instruction in a ¹**【school of mortuary science】** program of funeral
47 service education¹ approved by the State Board of Mortuary

1 Science; or (b) satisfactorily completed a minimum of **[3] three**
2 years of academic instruction in such a college or university,
3 satisfactorily completed a minimum of **[1] one** year of academic
4 instruction in such a **¹[school of mortuary science] program of**
5 **funeral service education**¹; and

6 (3) a certificate from a licensed practitioner of mortuary
7 science or a licensed practitioner of mortuary and embalming
8 science, as appropriate, in the State of New Jersey that he has
9 served a **[1-year] one-year** or **[2-year] two-year** period of practical
10 training as a registered **¹[trainee] intern**¹ under such practitioner of
11 mortuary science or licensed practitioner of mortuary and
12 embalming science, whichever is applicable; such period of
13 practical training as a registered **¹[trainee] intern**¹ may be served
14 either concurrently with the college or university courses, during
15 summer vacations, or subsequent to the completion of the college or
16 academic course, at the option of the registrant.

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

18

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

21 28. The license of any practitioner of mortuary science or **[**, of
22 any embalmer and funeral director, or either, **]** or practitioner of
23 mortuary and embalming science shall terminate upon his decease.

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

25

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

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

30 (a) He, they or it shall annually register with the board in
31 accordance with the provisions of section **[twenty-four] 24** of **[this**
32 **act] P.L.1952, c.340 (C.45:7-55)**;

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

35 (c) The licenses of the individual owner, of all partners, or of
36 the manager of the establishment in all cases where the
37 establishment is not managed by a licensed individual owner or
38 licensed partners, shall be conspicuously displayed within the
39 establishment;

40 (d) It shall be under the immediate and personal supervision,
41 direction, management, and control of a person duly licensed as a
42 practitioner of mortuary and embalming science**[**, under the
43 provisions of this act, or of a person duly licensed as a funeral
44 director **]** under the provisions of **[this act] P.L.1952, c.340**
45 **(C.45:7-32 et seq.)** or of any prior law of this State, or of a person
46 duly licensed as a practitioner of mortuary science under the
47 provisions of P.L.1952, c.340 (C.45:70-32 et seq.) or P.L. , c.

1 (C. _____) (pending before the Legislature as this bill); and all
2 funeral directing shall be under the immediate and personal
3 supervision, direction, management, and control of a person duly
4 licensed as a practitioner of mortuary and embalming science,
5 under the provisions of **【this act, or of a person duly licensed as a**
6 **funeral director under the provisions of this act】** P.L.1952, c.340
7 (C.45:7-32 et seq.) or of any prior law of this State, or of a person
8 duly licensed as a practitioner of mortuary science under the
9 provisions of P.L.1952, c.340 (C.45:7-32 et seq.);

10 (e) Its construction, maintenance and operation shall conform to
11 the rules and regulations of the board promulgated to safeguard and
12 promote the public health, safety, morals and welfare.
13 (cf: P.L.1952, c.340, s.30)

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

17 34. Every practitioner of mortuary science**【, embalmer or**
18 **funeral director】** or practitioner of mortuary and embalming science
19 shall report to the local health officer all contagious cases in which
20 he may be called, within twelve hours after death or as soon as may
21 be after being called.
22 (cf: P.L.1952, c.340, s.34)

23
24 15. Section 17 of P.L.1960, c.184 (C.45:7-65.2) is amended to
25 read as follows:

26 17. No person shall operate, maintain, or use a branch mortuary
27 within this State unless it is under the actual personal supervision,
28 direction, management and actual control of a person who is duly
29 licensed as a practitioner of mortuary and embalming science **【or as**
30 **a funeral director】**.
31 (cf: P.L.1960, c.184, s.17)

32
33 16. Section 18 of P.L.1960, c.184 (C.45:7-65.3) is amended to
34 read as follows:

35 18. a. No person, firm or corporation, or solicitors, agents,
36 canvassers, employees or other persons acting on behalf of that
37 person, firm or corporation, for the purpose of selling or contracting
38 to sell or provide any service or services commonly furnished or
39 performed by **【an embalmer or funeral director】** a practitioner of
40 mortuary and embalming science or of mortuary science, including,
41 but not limited to, prepaid funeral agreements and the making of at
42 need or preneed funeral arrangements, shall:

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

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

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

9 (4) Solicit, accept, offer to pay or pay any commission, bonus
10 or rebate in consideration of recommending or causing any person
11 to use the services of a particular **【funeral director】** practitioner of
12 mortuary and embalming science or a practitioner of mortuary
13 science, or the services of a particular crematory, mausoleum or
14 cemetery; or

15 (5) Solicit persons at their residences in person or by telephone
16 unless that solicitation is in response to a previous request for or
17 expression of interest in **【a funeral director's】** services of a
18 practitioner of mortuary and embalming science or practitioner of
19 mortuary science made by the person solicited or by a member of
20 that person's family.

21 b. Nothing in this section shall be construed to restrict the right
22 of a **【funeral director】** practitioner of mortuary and embalming
23 science or practitioner of mortuary science or an agent or employee
24 of the **【the funeral director】** practitioner of mortuary and
25 embalming science or practitioner of mortuary science, to
26 communicate, by direct mail or in any other way not specifically
27 prohibited by this section, with persons or provide them with
28 information regarding the services of the **【funeral director】**
29 practitioner of mortuary and embalming science or practitioner of
30 mortuary science, or to solicit the business of any person
31 responding to that communication and explicitly requesting further
32 information by personal visit or telephone, or otherwise initiating
33 further discussion of those services, or to provide services or
34 information to persons in connection with services previously
35 rendered.

36 c. Nothing in this section shall be construed to prohibit general
37 advertising by a **【funeral director】** practitioner of mortuary and
38 embalming science or practitioner of mortuary science.

39 d. Nothing in this section shall be deemed to prohibit the
40 payment of commissions, bonuses or other compensation to a
41 licensed cemetery salesman for the sale of cemetery goods or
42 services.

43 e. As used in this section, "at need funeral arrangements,"
44 "preneed funeral arrangements" and "prepaid funeral agreement"
45 shall have the same meaning as they are defined in section 1 of
46 P.L.1993, c.147 (C.45:7-82).

47 (cf: P.L.1993, c.147, s.15)

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

3 1. It shall be unlawful for a **【funeral director】** practitioner of
4 mortuary and embalming science or practitioner of mortuary
5 science to place the remains of more than one deceased person or
6 stillborn infant in a coffin, casket, or other container for the purpose
7 of interment, unless other written directions have been given by the
8 decedent or a court of competent jurisdiction, or the relative or
9 relatives of the decedent in the following order:

10 (1) Surviving spouse;

11 (2) A majority of surviving children of the decedent or the
12 surviving child if one;

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

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

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

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

18

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

21 1. The State Board of Mortuary Science of New Jersey shall
22 require each person licensed to practice mortuary science**【,**
23 **embalming or funeral directing】** or mortuary and embalming
24 science, as a condition for biennial license renewal pursuant to
25 section 23 of P.L.1952, c.340 (C.45:7-54), to complete any
26 continuing education requirements imposed by the board pursuant
27 to section 2 of **【this act】** P.L.1995, c.192 (C.45:7-72.2).

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

29

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

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

43 b. The board may establish a system for reviewing and
44 approving private sponsors of continuing education courses,
45 seminars or programs which may be utilized to provide continuing
46 education to licensees in satisfaction of the requirements imposed

1 by **[this act]** P.L.1995, c.192 (C.45:72.1 et seq.).
2 (cf: P.L.1995, c.192, s.2)

3
4 20. Section 42 of P.L.1952, c.340 (C.45:7-73) is amended to
5 read as follows:

6 42. The board shall report to the State Department of Health the
7 name and residence of every person to whom it may issue a license.
8 The board shall issue to each person granted a license an
9 identification card stating that the holder thereof has received a
10 license and is carrying on the practice of mortuary science**],** or of
11 funeral directing or embalming**]** or of mortuary and embalming
12 science. The proper holder of such a card shall have the same right
13 to carry on the practice of mortuary science**],** or of funeral directing
14 or embalming**]** or of mortuary and embalming science as those
15 whose names appear on file in the office of the registrar of vital
16 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]** as a practitioner of
25 mortuary and embalming science in either State to enter into the
26 other State for the purpose of removing, transporting and burying
27 dead human bodies and directing funerals in the same manner as if
28 he were registered under the laws of such other State, except that
29 such person shall not maintain an establishment, advertise or hold
30 himself out, directly or through any agent or agency or otherwise,
31 as a practitioner of mortuary science or a **[funeral director]**
32 practitioner of mortuary and embalming science other than in the
33 State in which he is registered and licensed.
34 (cf: P.L.1967, c.245, s.4)

35
36 22. Section 41 of P.L.2003, c.261 (C.45:7-95) is amended to
37 read as follows:

38 41. A **[funeral director]** practitioner of mortuary and embalming
39 science or practitioner of mortuary science may permit the funeral,
40 disinterment or disposition of human remains on the written
41 authorization of a person who claims to be, and is believed to be, a
42 person who has the right to control the funeral, disinterment or
43 disposition as provided by sections 22 and 23 of P.L.2003, c.261
44 (C.45:27-22 and C.45:27-23). A cemetery or **[funeral director]**
45 practitioner of mortuary and embalming science or practitioner of
46 mortuary science shall not be liable for the funeral, disinterment or
47 disposition pursuant to this authorization unless it had reasonable

1 notice that the person did not have the right to control the funeral,
2 disinterment or disposition. If there are no known living relatives, a
3 **【funeral director】** practitioner of mortuary and embalming science
4 or practitioner of mortuary science may rely on the written
5 authorization of any person acting in good faith on behalf of the
6 decedent.

7 A person who signs an authorization for the funeral, disinterment
8 or disposition of human remains warrants the truth of the facts
9 stated, the identity of the person whose remains are disposed, and
10 the authority to order the funeral, disinterment or disposition. A
11 cemetery or **【funeral director】** practitioner of mortuary and
12 embalming science or practitioner of mortuary science shall not be
13 liable for the funeral, disinterment or disposition in accordance with
14 the authorization unless it had reasonable notice that the
15 representations were untrue or that the person lacked the right to
16 control the funeral, disinterment or disposition.

17 (cf: P.L.2003, c.261, s.41)

18

19 23. (New section) The State Board of Mortuary Science of New
20 Jersey shall, pursuant to the “Administrative Procedure Act,”
21 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any new rules and
22 regulations or amend any existing rules and regulations necessary to
23 implement the provisions of P.L. , c. (C.) (pending before
24 the Legislature as this bill).

25

26 24. This act shall take effect on the first day of the thirteenth
27 month next following enactment.

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3940

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED MAY 13, 2024

Sponsored by:

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Bagolie, Senators Singer and Wimberly

SYNOPSIS

Modifies regulation of mortuary science and establishes oversight of mortuary and embalming science.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on March 17, 2025, with amendments.



(Sponsorship Updated As Of: 3/24/2025)

1 AN ACT concerning the practice of funeral directing and
2 embalming, and supplementing P.L.1952, c.340 (C.45:7-32 et
3 seq.) and amending 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 in funeral services
10 dates back to the “Mortuary Science Act,” P.L.1952, c.340 (C.45:7-
11 32 et seq.), in an era when New Jersey was very different from the
12 culturally and religiously diverse State that exists today, when
13 consumers had far less choice in all aspects of daily life, including
14 funerals.

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

21 c. While the current licensing system serves the State’s
22 traditional but declining demographic well, for religious, cultural,
23 environmental, and philosophical reasons, an increasing number of
24 funerals center around disposition without embalming.

25 d. The existing licensing system, requiring proficiency in
26 embalming for licensure as a practitioner of mortuary science, may
27 be one of several reasons that discourage entry into funeral service
28 by persons who are reluctant to practice embalming but would be
29 eager to serve their communities.

30 e. The current multiple tests and examinations required for
31 licensure are also discouraging entry into the field, by requiring an
32 applicant to successfully complete studies and test out of an
33 approved program, then to be reassessed on a standardized
34 nationally recognized exam in funeral arts and sciences, then to
35 successfully pass another examination specific to New Jersey
36 jurisprudence, and finally to demonstrate embalming proficiency on
37 human remains.

38 f. During the last several years, particularly since the COVID
39 19 pandemic, there has been a shortage of mortuary practitioners in
40 New Jersey, a problem which, in part, could be remedied by
41 removing outmoded barriers to entering the profession.

42 g. Therefore, it is in the public interest to revise the existing
43 system of licensure to accommodate religious, cultural,
44 environmental, and philosophical beliefs more readily as well as to

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted September 26, 2024.

²Senate SBA committee amendments adopted March 17, 2025.

1 promote consumer choice, by providing for, a delineation of the all-
2 encompassing licensure of practitioners of mortuary science into
3 “Practitioner of Mortuary and Embalming Science” and
4 “Practitioner of Mortuary Science.”

5

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

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

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

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

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

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

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

35 (e) **["Embalmer"** means a qualified person who practices or
36 engages in embalming, as the same is herein defined] “Mortuary
37 science” means funeral directing as the same is herein defined.

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

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

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

8 (g) "Practitioner of mortuary science" means a person who
9 practices or engages in funeral directing and is licensed pursuant to
10 the provisions of P.L.1952, c.340 (C.45:7-32 et seq.).

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

21 (i) "Registered ¹**【trainee】 intern¹**" means a person who is duly
22 registered with the board and who is engaged in the State of New
23 Jersey in learning to practice as a practitioner of mortuary and
24 embalming science or as a practitioner of mortuary science under
25 the personal instruction and supervision of a person duly licensed as
26 a practitioner of mortuary and embalming science or as a
27 practitioner of mortuary science, as appropriate, and who has an
28 annual case volume as hereinafter provided in section 18 of **【this**
29 **act】** P.L.1952, c.340 (C.45:7-49). A person seeking licensure as a
30 practitioner of mortuary science may learn to practice as a
31 registered ¹**【trainee】 intern¹** in mortuary science from a licensed
32 practitioner in mortuary and embalming science, provided that such
33 training solely focuses on funeral directing.

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

35

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

38 4. There is hereby created in the Division of Consumer Affairs
39 in the Department of Law and Public Safety a State Board of
40 Mortuary Science of New Jersey, which board shall consist of 13
41 members as follows: two shall be public members and one shall be
42 a State executive department member appointed pursuant to the
43 provisions of **【P.L.1971, c.60 (C.45:2.1 et seq.)】** section 2 of
44 P.L.1971, c.60 (C.45:1-2.2); eight members, each of whom shall be
45 a citizen of the United States and a resident of the State of New
46 Jersey, duly licensed as a practitioner of mortuary and embalming
47 science or as a practitioner of mortuary science, as appropriate, and

1 shall have had a minimum of five consecutive years of experience
2 and practice as a practitioner of mortuary science in this State
3 immediately preceding his appointment; and two additional public
4 members, one of whom shall be 62 years of age or older. Members
5 of the board shall be appointed annually by the Governor for a term
6 of three years and shall not serve more than two successive terms.
7 Each member, other than the State executive department member,
8 shall hold office after the expiration of his term of office until his
9 successor shall be duly appointed and qualified. Vacancies
10 occurring by reason of the expiration of term of office shall be
11 filled by the Governor in the calendar year in which any such
12 vacancy occurs for a term of three years from the year of
13 appointment. Vacancies occurring by reason of the failure or
14 neglect of the Governor to make appointments upon the expiration
15 of terms of office as hereinabove provided and vacancies occurring
16 for any other reason whatsoever shall be filled by the Governor for
17 the unexpired term only.

18 Any member of the State Board of Mortuary Science of New
19 Jersey, other than the State executive department member, may be
20 removed from office by the Governor, for cause, upon notice and
21 opportunity to be heard.

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

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

34

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

37 7. The board is authorized and empowered to adopt such rules
38 and regulations, not inconsistent with this entire act or any
39 amendment or supplement which may hereafter be adopted, as shall
40 be reasonably proper and advisable for the promotion or
41 improvement of the standards of service, protection and practice to
42 be followed in the practice of mortuary science, embalming and
43 funeral directing, by individuals, corporations, partnerships and
44 associations in the State of New Jersey, and for and in the interest,
45 preservation and improvement of the public health, morals, safety
46 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) ¹ **["trainees"]** interns¹, apprentices and preceptors,
10 (e) unethical or unprofessional conduct,
11 (f) practice of mortuary science or mortuary and embalming
12 science by individuals, corporations, partnerships and associations.
13 (cf: P.L.1960, c.184, s.4)

14
15 5. Section 10 of P.L.1952, c.340 (C.45:7-41) is amended to
16 read as follows:

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

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

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

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

1 the names of such persons, their professional address and the
2 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 mortuary and
23 embalming science nor shall he in any way be connected with the
24 work of a practitioner of mortuary science**[, embalming or funeral**
25 **directing]** or mortuary and embalming science.

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 mortuary and embalming
32 science unless he shall have been duly licensed so to do, by the
33 board, under the provisions of **[this act]** P.L.1952, c.340, (C.45:7-
34 32 et seq.) or under the provisions of any prior law of this State and
35 unless such license is unrevoked and in full force and effect;
36 provided, that this shall not apply to a registered ¹**[trainee]** intern¹
37 working under the direct supervision of a practitioner of mortuary
38 science or of mortuary and embalming science. No person licensed
39 as a practitioner of mortuary science shall engage in the practice of
40 embalming.

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

42

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

45 17. The board shall grant **[only a single]** a license as a
46 practitioner of mortuary science or of mortuary and embalming
47 science to **[any]** an applicant, and **[any]** a person shall hold a

1 license as a practitioner of mortuary science or of mortuary and
2 embalming science issued under the provisions of **【this act】**
3 P.L.1952, c.340 (C.45:7-32 et seq.) before being permitted to
4 practice mortuary science or **【embalming or funeral directing】** or
5 mortuary and embalming science in this State.

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

7

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

10 18. **【(a)】** a. Every person desiring to enter into the practice of
11 mortuary science or the practice of mortuary and embalming
12 science, before being licensed by the board:

13 (1) **【Shall】** (a) in the case of an applicant for licensure as a
14 practitioner of mortuary and embalming science, shall have passed
15 an examination to be **【conducted】** developed and administered
16 the board or an entity other than the board to determine the
17 qualifications and fitness of the applicant. Such examination, the
18 scope, character and content of which shall be determined by the
19 board, shall be the same for all applicants at each examination, and
20 shall include: anatomy; physiology; pathology; chemistry;
21 disinfection; hygiene; sanitary science; ¹**【bacteriology; dissection】**
22 microbiology¹; New Jersey law and rules governing the care,
23 preservation, embalming, transportation, and burial, cremation or
24 other disposal of dead human bodies; the applicable laws and rules
25 governing vital statistics, preparation and transportation for burial,
26 cremation or other disposal of dead human bodies, including those
27 dead as a result of contagious and infectious diseases; the
28 provisions of P.L.1952, c.340 (C.45:7-32 et seq.) and of the rules
29 and regulations adopted by the board; professional ethics;
30 **【mortuary accounting;】** and such other subjects as the board may
31 determine, by rule or regulation, to be necessary, proper or
32 reasonably calculated to establish the qualifications and fitness of
33 the applicant; or

34 (b) in the case of an applicant for licensure as a practitioner of
35 mortuary science, shall have passed an examination to be developed
36 and administered by the board or an entity other than the board to
37 determine the qualifications and fitness of the applicant. Such
38 examination, the scope, character and content of which shall be
39 determined by the board, shall be the same for all applicants at each
40 examination, and shall include: New Jersey law and rules governing
41 the burial, cremation or other disposal and care of dead human
42 bodies; the applicable laws and rules governing vital statistics,
43 preparation, and transportation for burial, cremation, or other
44 disposal of dead human bodies, including those dead as a result of
45 contagious and infectious diseases; the provisions of P.L.1952,
46 c.340 (C.45:7-32 et seq.) and the rules and regulations adopted by
47 the board; professional ethics; and such other subjects as

1 determined by the board, by rule or regulation, to be necessary,
2 proper, or reasonably calculated to establish the qualifications and
3 fitness of the applicant, but shall not include embalming. ²Nothing
4 in P.L.1952, c.340 (C.45:7-32 et seq.) or any rule or regulation
5 adopted pursuant thereto shall require a candidate for licensure to
6 complete the National Board Exam or any successor examination
7 thereof, administered by the International Conference of Funeral
8 Service Examining Boards.

9 (c)² An examination conducted by an entity other than the board
10 **[shall]** ²**[may]** shall² be preapproved by the board and conducted
11 by a **[nationally]** recognized testing service **[that is under contract**
12 **with the regulatory boards of at least three other states]** to provide
13 testing and grading in the field of funeral service arts **[and]**, funeral
14 service science**].** This entity may conduct**],** and the law portion of
15 the examination as enumerated above.

16 Such examinations shall be administered electronically or in
17 writing and shall be held at least once in each year, and oftener if
18 the board shall so determine by rule or regulation, at such times and
19 places as may be fixed by the board. **[In addition to the examination**
20 **herein provided for, the examination of each applicant shall include,**
21 **wherever possible, an actual demonstration on a cadaver of the**
22 **embalming proficiency and qualifications of the applicant]**
23 ²**[Nothing in P.L.1952, c.340 (C.45:7-32 et seq.) or any rule or**
24 **regulation adopted pursuant thereto shall require a candidate for**
25 **licensure to complete the National Board Exam or any successor**
26 **examination thereof, administered by the International Conference**
27 **of Funeral Service Examining Boards]** For an applicant for
28 licensure as a practitioner of mortuary and embalming science, in
29 addition to the examination herein provided for, the examination of
30 each applicant shall include, wherever possible, an actual
31 demonstration on a cadaver of the embalming proficiency and
32 qualifications of the applicant².

33 (2) Shall have completed **[2]** two years of practical training and
34 experience as a registered ¹**[trainee]** intern¹ in regular, steady, bona
35 fide full-time service of a grade and character satisfactory to the
36 board, in the State of New Jersey, with a person duly licensed as a
37 practitioner of mortuary science or a practitioner of mortuary and
38 embalming science under P.L.1952, c.340 (C.45:7-32 et seq.) **[or as**
39 **both an embalmer and funeral director under any prior law of this**
40 **State]** and whose annual case volume shall be equal to at least 25
41 cases, and in the case of an applicant for licensure to be a
42 practitioner of mortuary and embalming science, shall have assisted
43 in embalming at least **[75]** 50 bodies; and shall have satisfactorily
44 completed a minimum of **[2]** two academic years of instruction in a
45 college or university approved by the State Department of
46 Education and **[1]** one year of instruction in a ¹**[school of mortuary**

1 science] program of funeral service education¹ approved by the
 2 State Board of Mortuary Science of New Jersey; except that a
 3 person who has satisfactorily completed [3] three academic years
 4 of instruction in such a college or university and [1] one year of
 5 instruction in such an approved ¹[school of mortuary science]
 6 program of funeral service education¹ need only have completed
 7 [1] one year of practical training and experience as a registered
 8 ¹[trainee] intern¹. Not more than [1] one ¹[trainee] intern¹ shall
 9 be registered at [1] one time in [1] one establishment, except that
 10 [2] two ¹[trainees] interns¹ may be permitted if there are [2] two
 11 or more licensees in the same establishment. The board is
 12 authorized and empowered to prescribe rules and regulations
 13 establishing minimum courses of college or university instruction;
 14 to insure that each ¹[trainee] intern¹ receives satisfactory and
 15 efficient training and experience which may provide for the periods
 16 that may be credited toward the required year of training and
 17 experience, the nature, character and extent of the services to be
 18 performed by the ¹[trainee] intern¹, for such practical and actual
 19 experience in mortuary science or in mortuary and embalming
 20 science and assisting in the same as it shall determine and for the
 21 making of such reports by the ¹[trainee] intern¹ and by the licensee
 22 with whom the ¹[trainee] intern¹ is registered as may be advisable
 23 and for such other qualifications in the applicant as may be
 24 reasonably calculated to insure and protect the public health,
 25 morals, safety and welfare;

26 (3) Shall have, upon commencing the period of training and
 27 experience as provided in paragraph (2) of this subsection
 28 registered as ¹[a trainee] an intern¹ with the board, upon a form to
 29 be provided by the board, and has paid to the board a registration
 30 fee of \$50.00, and has received from the board a certificate as a
 31 registered ¹[trainee] intern¹; ¹and¹

32 (4) Shall have ¹[been a resident of the State of New Jersey
 33 continuously during the period of training and experience; and

34 (5) Shall have¹ passed his or her ¹[twenty-first] 18th¹
 35 birthday.

36 ¹[(b)] b.¹ An applicant who meets the requirements of section
 37 19 of P.L.1952, c.340 (C.45:7-50) shall be admitted to the
 38 examinations prescribed in paragraph (1) of subsection ¹[(a)] a.¹ of
 39 this section but a license to enter into the practice of mortuary
 40 science or the practice of mortuary and embalming science shall not
 41 be issued or granted to any such applicant by the board unless and
 42 until such applicant has completed the period of practical training
 43 and experience as a registered ¹[trainee] intern¹ required by
 44 paragraph (2) of subsection ¹[(a)] a.¹ of this section.

45 ¹[(c)] c.¹ Any individual licensed as a practitioner of mortuary
 46 science prior to the enactment of P.L. , c. (C.) (pending

1 before the Legislature as this bill) shall be subject to the licensing
2 requirements established pursuant to P.L. , c. (C.) (pending
3 before the Legislature as this bill) and shall be issued a practitioner
4 of mortuary and embalming science license in subsequent renewals.
5 (cf: P.L.2019, c.130, s.1)

6
7 10. Section 1 of P.L.1999, c.404 (C.45:7-49.1) is amended to
8 read as follows:

9 1. After successful completion of the law portion of the
10 examination conducted by the board pursuant to section 18 of
11 P.L.1952, c.340 (C.45:7-49), and upon payment to the board of a
12 fee and the submission of a written application on forms provided
13 by it, the board may issue, at its discretion, a practitioner of
14 mortuary science license or a practitioner of mortuary and
15 embalming science license to a person who holds a valid license or
16 certification issued by another state or possession of the United
17 States or the District of Columbia and who has met education and
18 experience requirements substantially equivalent to the
19 requirements of P.L.1952, c.340 (C.45:7-32 et seq.), and who has
20 been engaged in the practice of mortuary science or mortuary and
21 embalming science in that state, possession or district with a valid
22 license or certification for two years immediately prior to
23 application; except that the board may issue, at its discretion, a
24 practitioner of mortuary science license or a practitioner of
25 mortuary and embalming science license to an applicant who does
26 not meet the practical training and experience requirements of
27 paragraph (2) of subsection a. of section 18 of P.L.1952, c.340
28 (C.45:7-49) but otherwise meets the requirements specified in this
29 section if the applicant has been engaged in the practice of mortuary
30 science or the practice of mortuary and embalming science for not
31 less than five years immediately prior to application.

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

33

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

36 19. No person shall be examined by the board except upon
37 payment of a fee ¹**【of \$50.00】**¹ for the initial examination and ¹**【a**
38 **another¹** fee ¹**【of \$25.00】**¹ for each re-examination. Each
39 applicant, before being admitted to an examination, shall first
40 submit to the board

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

42 (a) He is a citizen of the United States ¹**【and has been a resident**
43 **of the State of New Jersey¹】**¹ for a period of at least **【6】** six months
44 prior to the date of the examination;

45 (b) He is of good moral character and at least ¹**【21】** 18¹ years of
46 age;

1 (2) a certificate from the Commissioner of Education of this
2 State showing that ¹~~["before entering an embalming college or~~
3 ~~college of mortuary science]~~ prior to licensure and upon completion
4 of an approved program of funeral service education,¹ he had
5 obtained an academic education consisting of a ~~["4] four~~ years'
6 course of study in an approved public or private high school or the
7 equivalent thereof, he has (a) satisfactorily completed a minimum
8 of ~~["2] two~~ years of academic instruction in a college or university
9 approved by the New Jersey Department of Education,
10 satisfactorily completed a minimum of ~~["1] one~~ year of academic
11 instruction in a ¹~~["school of mortuary science]~~ program of funeral
12 service education¹ approved by the State Board of Mortuary
13 Science; or (b) satisfactorily completed a minimum of ~~["3] three~~
14 years of academic instruction in such a college or university,
15 satisfactorily completed a minimum of ~~["1] one~~ year of academic
16 instruction in such a ¹~~["school of mortuary science]~~ program of
17 funeral service education¹; and

18 (3) a certificate from a licensed practitioner of mortuary
19 science or a licensed practitioner of mortuary and embalming
20 science, as appropriate, in the State of New Jersey that he has
21 served a ~~["1-year] one-year or ["2-year] two-year~~ period of practical
22 training as a registered ¹~~["trainee] intern~~¹ under such practitioner of
23 mortuary science or licensed practitioner of mortuary and
24 embalming science, whichever is applicable; such period of
25 practical training as a registered ¹~~["trainee] intern~~¹ may be served
26 either concurrently with the college or university courses, during
27 summer vacations, or subsequent to the completion of the college or
28 academic course, at the option of the registrant.

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

30

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

33 28. The license of any practitioner of mortuary science or~~["~~, of
34 any embalmer and funeral director, or either,~~"]~~ or practitioner of
35 mortuary and embalming science shall terminate upon his decease.

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

37

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

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

42 (a) He, they or it shall annually register with the board in
43 accordance with the provisions of section ~~["twenty-four] 24~~ of ~~["this~~
44 ~~act] 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 establishment;

1 (c) The licenses of the individual owner, of all partners, or of
2 the manager of the establishment in all cases where the
3 establishment is not managed by a licensed individual owner or
4 licensed partners, shall be conspicuously displayed within the
5 establishment;

6 (d) It shall be under the immediate and personal supervision,
7 direction, management, and control of a person duly licensed as a
8 practitioner of mortuary and embalming science【, under the
9 provisions of this act, or of a person duly licensed as a funeral
10 director】 under the provisions of 【this act】 P.L.1952, c.340
11 (C.45:7-32 et seq.) or of any prior law of this State, or of a person
12 duly licensed as a practitioner of mortuary science under the
13 provisions of P.L.1952, c.340 (C.45:70-32 et seq.) or P.L. , c.
14 (C.) (pending before the Legislature as this bill); and all
15 funeral directing shall be under the immediate and personal
16 supervision, direction, management, and control of a person duly
17 licensed as a practitioner of mortuary and embalming science,
18 under the provisions of 【this act, or of a person duly licensed as a
19 funeral director under the provisions of this act】 P.L.1952, c.340
20 (C.45:7-32 et seq.) or of any prior law of this State, or of a person
21 duly licensed as a practitioner of mortuary science under the
22 provisions of P.L.1952, c.340 (C.45:7-32 et seq.);

23 (e) Its construction, maintenance and operation shall conform to
24 the rules and regulations of the board promulgated to safeguard and
25 promote the public health, safety, morals and welfare.
26 (cf: P.L.1952, c.340, s.30)

27
28 14. Section 34 of P.L.1952, c.340 (C.45:7-65) is amended to
29 read as follows:

30 34. Every practitioner of mortuary science【, embalmer or
31 funeral director】 or practitioner of mortuary and embalming science
32 shall report to the local health officer all contagious cases in which
33 he may be called, within twelve hours after death or as soon as may
34 be after being called.

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

36
37 15. Section 17 of P.L.1960, c.184 (C.45:7-65.2) is amended to
38 read as follows:

39 17. No person shall operate, maintain, or use a branch mortuary
40 within this State unless it is under the actual personal supervision,
41 direction, management and actual control of a person who is duly
42 licensed as a practitioner of mortuary and embalming science 【or as
43 a funeral director】.

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

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

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

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

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

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

21 (4) Solicit, accept, offer to pay or pay any commission, bonus
22 or rebate in consideration of recommending or causing any person
23 to use the services of a particular **[funeral director]** practitioner of
24 mortuary and embalming science or a practitioner of mortuary
25 science, or the services of a particular crematory, mausoleum or
26 cemetery; 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]** services of a
30 practitioner of mortuary and embalming science or practitioner of
31 mortuary science made by the person solicited or by a member of
32 that person's family.

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

1 c. Nothing in this section shall be construed to prohibit general
2 advertising by a **【funeral director】** practitioner of mortuary and
3 embalming science or practitioner of mortuary science.

4 d. Nothing in this section shall be deemed to prohibit the
5 payment of commissions, bonuses or other compensation to a
6 licensed cemetery salesman for the sale of cemetery goods or
7 services.

8 e. As used in this section, "at need funeral arrangements,"
9 "preneed funeral arrangements" and "prepaid funeral agreement"
10 shall have the same meaning as they are defined in section 1 of
11 P.L.1993, c.147 (C.45:7-82).

12 (cf: P.L.1993, c.147, s.15)

13
14 17. Section 1 of P.L.1979, c.201 (C.45:7-65.4) is amended to
15 read as follows:

16 1. It shall be unlawful for a **【funeral director】** practitioner of
17 mortuary and embalming science or practitioner of mortuary
18 science to place the remains of more than one deceased person or
19 stillborn infant in a coffin, casket, or other container for the purpose
20 of interment, unless other written directions have been given by the
21 decedent or a court of competent jurisdiction, or the relative or
22 relatives of the decedent in the following order:

23 (1) Surviving spouse;

24 (2) A majority of surviving children of the decedent or the
25 surviving child if one;

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

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

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

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

31
32 18. Section 1 of P.L.1995, c.192 (C.45:7-72.1) is amended to
33 read as follows:

34 1. The State Board of Mortuary Science of New Jersey shall
35 require each person licensed to practice mortuary science**【,**
36 **embalming or funeral directing】** or mortuary and embalming
37 science, as a condition for biennial license renewal pursuant to
38 section 23 of P.L.1952, c.340 (C.45:7-54), to complete any
39 continuing education requirements imposed by the board pursuant
40 to section 2 of **【this act】** P.L.1995, c.192 (C.45:7-72.2).

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

42
43 19. Section 2 of P.L.1995, c.192 (C.45:7-72.2) is amended to
44 read as follows:

45 2. a. The board shall implement a program of continuing
46 education as a condition of license renewal for licensees under its
47 jurisdiction and may, in its discretion, waive all or part of the

1 continuing education requirement for any biennial licensing period.
2 The board shall establish standards for continuing education,
3 including the subject matter and content of courses of study as
4 appropriate for persons licensed as practitioners of mortuary and
5 embalming science and persons licensed as practitioners of
6 mortuary science, the selection of instructors, and the number and
7 type of continuing education credits required of a licensee as a
8 condition for biennial license renewal.

9 b. The board may establish a system for reviewing and
10 approving private sponsors of continuing education courses,
11 seminars or programs which may be utilized to provide continuing
12 education to licensees in satisfaction of the requirements imposed
13 by **[this act]** P.L.1995, c.192 (C.45:72.1 et seq.).

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

15

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

18 42. The board shall report to the State Department of Health the
19 name and residence of every person to whom it may issue a license.

20 ²**[The board shall issue to each person granted a license an**
21 **identification card stating that the holder thereof has received a**
22 **license and is carrying on the practice of mortuary science [, or of**
23 **funeral directing or embalming] or of mortuary and embalming**
24 **science. The proper holder of such a card shall have the same right**
25 **to carry on the practice of mortuary science [, or of funeral directing**
26 **or embalming] or of mortuary and embalming science as those**
27 **whose names appear on file in the office of the registrar of vital**
28 **statistics in each municipality.]²**

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

30

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

33 43. The board may, in its discretion, enter into an agreement
34 with the corresponding licensing authority of any other State to
35 permit a person duly registered and licensed as a practitioner of
36 mortuary science or **[a funeral director]** as a practitioner of
37 mortuary and embalming science in either State to enter into the
38 other State for the purpose of removing, transporting and burying
39 dead human bodies and directing funerals in the same manner as if
40 he were registered under the laws of such other State, except that
41 such person shall not maintain an establishment, advertise or hold
42 himself out, directly or through any agent or agency or otherwise,
43 as a practitioner of mortuary science or a **[funeral director]**
44 practitioner of mortuary and embalming science other than in the
45 State in which he is registered and licensed.

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

1 22. Section 41 of P.L.2003, c.261 (C.45:7-95) is amended to
2 read as follows:

3 41. A **【funeral director】** practitioner of mortuary and embalming
4 science or practitioner of mortuary science may permit the funeral,
5 disinterment or disposition of human remains on the written
6 authorization of a person who claims to be, and is believed to be, a
7 person who has the right to control the funeral, disinterment or
8 disposition as provided by sections 22 and 23 of P.L.2003, c.261
9 (C.45:27-22 and C.45:27-23). A cemetery or **【funeral director】**
10 practitioner of mortuary and embalming science or practitioner of
11 mortuary science shall not be liable for the funeral, disinterment or
12 disposition pursuant to this authorization unless it had reasonable
13 notice that the person did not have the right to control the funeral,
14 disinterment or disposition. If there are no known living relatives, a
15 **【funeral director】** practitioner of mortuary and embalming science
16 or practitioner of mortuary science may rely on the written
17 authorization of any person acting in good faith on behalf of the
18 decedent.

19 A person who signs an authorization for the funeral, disinterment
20 or disposition of human remains warrants the truth of the facts
21 stated, the identity of the person whose remains are disposed, and
22 the authority to order the funeral, disinterment or disposition. A
23 cemetery or **【funeral director】** practitioner of mortuary and
24 embalming science or practitioner of mortuary science shall not be
25 liable for the funeral, disinterment or disposition in accordance with
26 the authorization unless it had reasonable notice that the
27 representations were untrue or that the person lacked the right to
28 control the funeral, disinterment or disposition.

29 (cf: P.L.2003, c.261, s.41)

30

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

37

38 24. This act shall take effect on the first day of the ²**【thirteenth】**
39 18th² month next following enactment.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 3940

STATE OF NEW JERSEY

DATED: MAY 13, 2024

The Assembly Regulated Professions Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3940.

This bill amends current law by creating licensure for mortuary and embalming science and licensure for mortuary science. Both types of licensee would be overseen by the State Board of Mortuary Science of New Jersey. Under the bill, a practitioner of mortuary and embalming science would provide services under what is currently recognized as mortuary science. The bill provides that a practitioner of mortuary science would solely provide funeral directing services.

The education, including continuing education, and examination requirements, as well as other provisions of the law, are modified to incorporate this update to the mortuary science licensure to be regulated by the board. The bill does not change the current requirements of mortuary science for a person to be licensed as what is now known as a practitioner of mortuary and embalming 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 “Mortuary Science Act.” Prior to the enactment of that 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 were to be proficient in both embalming and funeral directing.

For religious, cultural, environmental, and philosophical reasons, an increasing number of funerals center around disposition without embalming. 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.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3940**

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 17, 2025

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Committee Substitute for Assembly Bill No. 3940 (1R).

As amended and reported, this bill updates current law by creating licensure for mortuary and embalming science and licensure for mortuary science. Both types of licensee would be overseen by the State Board of Mortuary Science of New Jersey. Under the bill, a practitioner of mortuary and embalming science would provide services under what is currently recognized as mortuary science. The bill provides that a practitioner of mortuary science would solely provide funeral directing services.

The education, including continuing education, and examination requirements, as well as other provisions of the law, are modified to incorporate this update to the mortuary science licensure to be regulated by the board. This also includes updates to qualifications for licensure, including by not requiring a person to be a resident of New Jersey, lowering the age to eighteen to qualify, and whenever possible, an actual demonstration on a cadaver as part of the examination. However, for a person to be licensed as what is now known as a practitioner of mortuary and embalming science, the requirement remains that that class of licensure still be proficient in both funeral directing and embalming. Additionally, updates are made to certain terminology, including references to “trainees” changed to “interns” and “school of mortuary science” to “program of funeral service education.”

The funeral directing industry is regulated, in large part, by the “Mortuary Science Act.” Prior to the enactment of that 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 were to be proficient in both embalming and funeral directing.

For religious, cultural, environmental, and philosophical reasons, an increasing number of funerals center around disposition without embalming. 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.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require a demonstration for an applicant for licensure as a practitioner of mortuary and embalming science, wherever possible, an actual demonstration on a cadaver of the embalming proficiency and qualifications of the applicant;

(2) remove a requirement for an identification card; and

(3) update the effective date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the establishment of a two-license system for 1) mortuary and embalming science and 2) for mortuary science, both overseen by the Board of Mortuary Science in the Division of Consumer Affairs, will increase annual State expenditures and revenues by indeterminate amounts.

The OLS notes that the bill will potentially increase the number of licenses regulated by the Board of Mortuary Science, thereby increasing annual State expenditures and revenue collections from the administration and collection of application fees and licensure fees. Further, the OLS anticipates expenditures and revenues related to enforcement of the new mortuary science license.

STATEMENT TO

**ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3940**

with Assembly Floor Amendments
(Proposed by Assemblyman STANLEY)

ADOPTED: SEPTEMBER 26, 2024

This floor amendment:

- (1) updates references to “trainees” as “interns;”
- (2) changes certain requirements for individuals seeking to practice in mortuary science, including the name of the type of instruction to be received by individuals to be “funeral service education;”
- (3) changes certain requirements to sit for the examination required in statute; and
- (4) eliminates residency in the State of New Jersey as a requirement for candidates for licensure or to sit for the examination.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 3940

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: OCTOBER 15, 2024

SUMMARY

- Synopsis:** Modifies regulation of mortuary science and establishes oversight of mortuary and embalming science.
- Type of Impact:** Annual State revenue and expenditure increases.
- Agencies Affected:** Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Expenditure Increase	Indeterminate
Annual State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates the establishment of a bifurcated licensure for 1) mortuary and embalming science and 2) for mortuary science, both overseen by the Board of Mortuary Science in the Division of Consumer Affairs, will increase annual State expenditures and revenues by indeterminate amounts.
- The OLS notes that the bill will potentially increase the number of licenses regulated by the Board of Mortuary Science, thereby increasing annual State expenditures and revenue collections from the administration and collection of application fees and licensure fees. Further, the OLS anticipates expenditures and revenues related to enforcement of the new mortuary science license.

BILL DESCRIPTION

This bill amends current law to create a licensure for mortuary and embalming science and a separate licensure for mortuary science. Both types of licenses would be overseen by the State Board of Mortuary Science of New Jersey.

Under the bill, a practitioner of mortuary and embalming science would provide services under what is currently recognized as mortuary science. The bill provides that a practitioner of mortuary science would solely provide funeral directing services. The education, including continuing education, and examination requirements, as well as other provisions of the law, are modified to incorporate this update to the mortuary science licensure to be regulated by the board. This also includes updates to qualifications for licensure, including no longer requiring a person to be a resident of New Jersey and lowering the age to eighteen to qualify. However, for a person to be licensed as what is now known as a practitioner of mortuary and embalming science, the requirement remains that this class of licensure still be proficient in both funeral directing and embalming.

The funeral directing industry is regulated, in large part, by the Mortuary Science Act. Prior to the enactment of that 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. However, the Mortuary Science Act consolidated the three licenses into one, issuing thereafter a license for a practitioner of mortuary science, who were to be proficient in both embalming and funeral directing. This bill expands the one license into two pathways.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates the establishment of a bifurcated licensure for 1) mortuary and embalming science and 2) for mortuary science overseen by the Board of Mortuary Science in the Division of Consumer Affairs will increase annual State expenditures and revenues by indeterminate amounts. The OLS notes that the bill will potentially increase the number of licenses regulated by the Board of Mortuary Science thereby increasing annual State expenditures and revenue collections from the administration and collection of application fees and licensure fees. Removal of the specific dollar amounts for the cost of sitting for an initial examination and any re-examination may also increase annual State revenue collections as it allows the board to establish through rules and regulations the costs of the examinations and re-examinations, which may result in an increase in the fee and associated State revenues.

According to testimony provided during the May 13, 2024, New Jersey Assembly Regulatory Professions committee, the bill maintains the current licensure of mortuary and embalming science and adds a separate licensure pathway for mortuary science, eliminating the embalming requirements. It was indicated during the hearing that this bifurcation of the licenses may increase the number of individuals who seek licensure who are currently not interested, for personal or religious reasons, in the embalming processes of funeral directing.

State Expenditure Impacts: The OLS expects the establishment of the licensure pathway for mortuary science to result in additional license applications and renewals, thereby increasing administrative and enforcement expenditures to the Division of Consumer Affairs. The OLS, however, has no information on the number of individuals that will apply for the new practitioner of mortuary science license or the marginal regulatory cost per applicant, given that the cost will depend on operating decisions by the board.

State Revenue Impacts: The new practitioner of mortuary science license and potential increases in the costs of initial examinations and any re-examinations are anticipated to generate additional revenue from the licenses and renewals. The number of individuals who would apply for the new license is unknown. Currently, the board has discretion in the setting of license fees, fines, and penalties. In the absence of information on these amounts, the OLS cannot project the magnitude of the associated annual State revenue gain.

Mortuary Science Background: According to the FY 2025 Governor's Budget, in FY 2023 there were 2,335 mortuary science licenses in force in New Jersey and 2,396 mortuary science licenses in force in FY 2022. The current practitioner application fee is \$50 and the initial license and biennial renewal are \$350.

The bill indicates that for religious, cultural, environmental, and philosophical reasons, an increasing number of funerals center around disposition without embalming. 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 service industry to New Jersey's diverse population and to societal changes.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE
[Second Reprint]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3940
STATE OF NEW JERSEY
221st LEGISLATURE

DATED: MARCH 25, 2025

SUMMARY

- Synopsis:** Modifies regulation of mortuary science and establishes oversight of mortuary and embalming science.
- Type of Impact:** Annual State revenue and expenditure increases.
- Agencies Affected:** Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Expenditure Increase	Indeterminate
Annual State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates the establishment of a two-license system for 1) mortuary and embalming science and 2) for mortuary science, both overseen by the Board of Mortuary Science in the Division of Consumer Affairs, will increase annual State expenditures and revenues by indeterminate amounts.
- The OLS notes that the bill will potentially increase the number of licenses regulated by the Board of Mortuary Science, thereby increasing annual State expenditures and revenue collections from the administration and collection of application fees and licensure fees. Further, the OLS anticipates expenditures and revenues related to enforcement of the new mortuary science license.

BILL DESCRIPTION

This bill amends current law to create a licensure for mortuary and embalming science and a separate licensure for mortuary science. Both types of licenses would be overseen by the State Board of Mortuary Science of New Jersey.

Under the bill, a practitioner of mortuary and embalming science would provide services under what is currently recognized as mortuary science. The bill provides that a practitioner of mortuary science would solely provide funeral directing services. The education, including continuing education, and examination requirements, as well as other provisions of the law, are modified to incorporate this update to the mortuary science licensure to be regulated by the board. This also includes updates to qualifications for licensure, including no longer requiring a person to be a resident of New Jersey and lowering the age to eighteen to qualify. However, for a person to be licensed as what is now known as a practitioner of mortuary and embalming science, the requirement remains that this class of licensure still be proficient in both funeral directing and embalming.

The funeral directing industry is regulated, in large part, by the Mortuary Science Act. Prior to the enactment of that 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. However, the Mortuary Science Act consolidated the three licenses into one, issuing thereafter a license for a practitioner of mortuary science, who were to be proficient in both embalming and funeral directing. This bill provides two options in which to obtain a license.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates the establishment of a two-license system for 1) mortuary and embalming science and 2) for mortuary science overseen by the Board of Mortuary Science in the Division of Consumer Affairs will increase annual State expenditures and revenues by indeterminate amounts. The OLS notes that the bill will potentially increase the number of licenses regulated by the Board of Mortuary Science thereby increasing annual State expenditures and revenue collections from the administration and collection of application fees and licensure fees. Removal of the specific dollar amounts for the cost of sitting for an initial examination and any re-examination may also increase annual State revenue collections as it allows the board to establish through rules and regulations the costs of the examinations and re-examinations, which may result in an increase in the fee and associated State revenues.

According to testimony provided during the May 13, 2024, New Jersey Assembly Regulatory Professions committee, the bill maintains the current licensure, to now be known as licensure in of mortuary and embalming science, and adds a separate licensure pathway for mortuary science, eliminating the embalming requirements. It was indicated during the hearing that this two-license system might increase the number of individuals who seek licensure who are currently not interested, for personal or religious reasons, in the embalming processes of funeral directing.

State Expenditure Impacts: The OLS expects the establishment of the licensure pathway for mortuary science to result in additional license applications and renewals, thereby increasing administrative and enforcement expenditures to the Division of Consumer Affairs. The OLS, however, has no information on the number of individuals that will apply for the new practitioner of mortuary science license or the marginal regulatory cost per applicant, given that the cost will depend on operating decisions by the board.

State Revenue Impacts: The new practitioner of mortuary science license and potential increases in the costs of initial examinations and any re-examinations are anticipated to generate additional revenue from the licenses and renewals. The number of individuals who would apply for the new license is unknown. Currently, the board has discretion in the setting of license fees, fines, and penalties. In the absence of information on these amounts, the OLS cannot project the magnitude of the associated annual State revenue gain.

Mortuary Science Background: According to the FY 2026 Governor's Budget, in FY 2024 there were 2,339 mortuary science licenses in force in New Jersey and 2,335 mortuary science licenses in force in FY 2023. The current practitioner application fee is \$50 and the initial license and biennial renewal are \$350.

The bill indicates that for religious, cultural, environmental, and philosophical reasons, an increasing number of funerals center around disposition without embalming. 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 service industry to New Jersey's diverse population and to societal changes.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1635

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Provides for regulation of funeral arranging.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/10/2024)

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.

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

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

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

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

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

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)

4

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

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

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

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)

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)

- 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.

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

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.

44

45

STATEMENT

46

47 This bill amends current law by authorizing the State Board of
48 Mortuary Science of New Jersey to license funeral arrangers.

1 Unlike practitioners of mortuary science, who conduct both funeral
2 directing and embalming, funeral arrangers will not be allowed to
3 embalm but will be proficient in all aspects of funeral directing.
4 The education, including continuing education, and examination
5 requirements of the law are modified to allow for this new category
6 of licensure. The bill does not change the current requirements for
7 a person to be licensed as a practitioner of mortuary science. That
8 class of licensure is still required to be proficient in both funeral
9 directing and embalming.

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

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

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

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1635

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED OCTOBER 10, 2024

Sponsored by:

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senators Singer and Wimberly

SYNOPSIS

Modifies regulation of mortuary science and establishes oversight of mortuary and embalming science.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Commerce Committee.



(Sponsorship Updated As Of: 3/17/2025)

1 AN ACT concerning the practice of funeral directing and
2 embalming, and supplementing P.L.1952, c.340 (C.45:7-32 et
3 seq.) and amending 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 in funeral services
10 dates back to the “Mortuary Science Act,” P.L.1952, c.340 (C.45:7-
11 32 et seq.), in an era when New Jersey was very different from the
12 culturally and religiously diverse State that exists today, when
13 consumers had far less choice in all aspects of daily life, including
14 funerals.

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

21 c. While the current licensing system serves the State’s
22 traditional but declining demographic well, for religious, cultural,
23 environmental, and philosophical reasons, an increasing number of
24 funerals center around disposition without embalming.

25 d. The existing licensing system, requiring proficiency in
26 embalming for licensure as a practitioner of mortuary science, may
27 be one of several reasons that discourage entry into funeral service
28 by persons who are reluctant to practice embalming but would be
29 eager to serve their communities.

30 e. The current multiple tests and examinations required for
31 licensure are also discouraging entry into the field, by requiring an
32 applicant to successfully complete studies and test out of an
33 approved program, then to be reassessed on a standardized
34 nationally recognized exam in funeral arts and sciences, then to
35 successfully pass another examination specific to New Jersey
36 jurisprudence, and finally to demonstrate embalming proficiency on
37 human remains.

38 f. During the last several years, particularly since the COVID
39 19 pandemic, there has been a shortage of mortuary practitioners in
40 New Jersey, a problem which, in part, could be remedied by
41 removing outmoded barriers to entering the profession.

42 g. Therefore, it is in the public interest to revise the existing
43 system of licensure to accommodate religious, cultural,
44 environmental, and philosophical beliefs more readily as well as to
45 promote consumer choice, by providing for, a delineation of the all-

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 encompassing licensure of practitioners of mortuary science into
2 “Practitioner of Mortuary and Embalming Science” and
3 “Practitioner of Mortuary Science.”
4

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

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

8 (a) "Board" means the State Board of Mortuary Science of New
9 Jersey.

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

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

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

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

34 (e) **["Embalmer"** means a qualified person who practices or
35 engages in embalming, as the same is herein defined] “Mortuary
36 science” means funeral directing as the same is herein defined.

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

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

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

7 (g) "Practitioner of mortuary science" means a person who
8 practices or engages in funeral directing and is licensed pursuant to
9 the provisions of P.L.1952, c.340 (C.45:7-32 et seq.).

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】** intern" means a person who is duly
21 registered with the board and who is engaged in the State of New
22 Jersey in learning to practice as a practitioner of mortuary and
23 embalming science or as a practitioner of mortuary science under
24 the personal instruction and supervision of a person duly licensed as
25 a practitioner of mortuary and embalming science or as a
26 practitioner of mortuary science, as appropriate, and who has an
27 annual case volume as hereinafter provided in section 18 of **【this**
28 **act】** P.L.1952, c.340 (C.45:7-49). A person seeking licensure as a
29 practitioner of mortuary science may learn to practice as a
30 registered intern in mortuary science from a licensed practitioner in
31 mortuary and embalming science, provided that such training solely
32 focuses on funeral directing.

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

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

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

1 immediately preceding his appointment; and two additional public
2 members, one of whom shall be 62 years of age or older. Members
3 of the board shall be appointed annually by the Governor for a term
4 of three years and shall not serve more than two successive terms.
5 Each member, other than the State executive department member,
6 shall hold office after the expiration of his term of office until his
7 successor shall be duly appointed and qualified. Vacancies
8 occurring by reason of the expiration of term of office shall be
9 filled by the Governor in the calendar year in which any such
10 vacancy occurs for a term of three years from the year of
11 appointment. Vacancies occurring by reason of the failure or
12 neglect of the Governor to make appointments upon the expiration
13 of terms of office as hereinabove provided and vacancies occurring
14 for any other reason whatsoever shall be filled by the Governor for
15 the unexpired term only.

16 Any member of the State Board of Mortuary Science of New
17 Jersey, other than the State executive department member, may be
18 removed from office by the Governor, for cause, upon notice and
19 opportunity to be heard.

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

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

32

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

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

45 In addition to the powers otherwise herein granted to the board,
46 the board is specifically empowered to adopt rules and regulations
47 concerning the following:

- 1 (a) the manner in which a mortuary or funeral establishment is
2 conducted,
3 (b) establish minimum requirements for a preparation room and
4 as to the manner in which it shall be maintained,
5 (c) issuance of lists of licensees,
6 (d) **【trainees】** interns, apprentices and preceptors,
7 (e) unethical or unprofessional conduct,
8 (f) practice of mortuary science or mortuary and embalming
9 science by individuals, corporations, partnerships and associations.
10 (cf: P.L.1960, c.184, s.4)

11
12 5. Section 10 of P.L.1952, c.340 (C.45:7-41) is amended to
13 read as follows:

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

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

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

37 In the month of January of each and every year the secretary of
38 said board shall supply to each licensed practitioner of mortuary
39 science**【,】** and to each licensed **【embalmer and to each licensed**
40 **funeral director】** practitioner of mortuary and embalming science a
41 list of all practitioners **【of mortuary science, embalmers, and**
42 **funeral directors】** holding a license under **【this act】** P.L.1952, c.340
43 (C.45:7-32 et seq.), or under prior laws of this State, giving the
44 names of such persons, their professional address and the number
45 and nature of their licenses.
46 (cf: P.L.1952, c.340, s.10)

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

3 12. The board may, subject to the approval of the Attorney
4 General, appoint, employ or remove such assistants and employees
5 as may be necessary to carry out the provisions of **[this act]**
6 P.L.1952, c.340, (C.45:7-32 et seq.). The board may, subject to the
7 approval of the Attorney General, appoint and employ an executive
8 secretary who shall serve without term but who may be removed
9 from office by the Attorney General, for cause, upon notice and
10 opportunity to be heard at a public hearing. The duties of the
11 executive secretary shall be determined by the board and the board
12 shall fix the compensation of its executive secretary, assistants and
13 employees, subject to the approval of the Attorney General, within
14 the limits of available appropriations therefor. Such executive
15 secretary shall not be subject to the provisions of Title 11 of the
16 Revised Statutes of this State. No such executive secretary,
17 employee or assistant shall engage in the practice of mortuary
18 science**[, embalming or funeral directing,]** or mortuary and
19 embalming science nor shall he in any way be connected with the
20 work of a practitioner of mortuary science**[, embalming or funeral**
21 **directing]** or mortuary and embalming science.
22 (cf: P.L.1967, c.245, s.3)

23
24 7. Section 16 of P.L.1952, c.340 (C.45:7-47) is amended to
25 read as follows:

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

38
39 8. Section 17 of P.L.1952, c.340 (C.45:7-48) is amended to
40 read as follows:

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

1 practice mortuary science or **【embalming or funeral directing】** or
2 mortuary and embalming science in this State.

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

4

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 mortuary and embalming
9 science, before being licensed by the board:

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

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

1 An examination conducted by an entity other than the board
2 **【shall】** may be preapproved by the board and conducted by a
3 **【nationally】** recognized testing service **【that is under contract with**
4 **the regulatory boards of at least three other states】** to provide
5 testing and grading in the field of funeral service arts **【and】**, funeral
6 service science**【. This entity may conduct】**, and the law portion of
7 the examination as enumerated above.

8 Such examinations shall be administered electronically or in
9 writing and shall be held at least once in each year, and oftener if
10 the board shall so determine by rule or regulation, at such times and
11 places as may be fixed by the board. **【In addition to the examination**
12 **herein provided for, the examination of each applicant shall include,**
13 **wherever possible, an actual demonstration on a cadaver of the**
14 **embalming proficiency and qualifications of the applicant】** Nothing
15 in P.L.1952, c.340 (C.45:7-32 et seq.) or any rule or regulation
16 adopted pursuant thereto shall require a candidate for licensure to
17 complete the National Board Exam or any successor examination
18 thereof, administered by the International Conference of Funeral
19 Service Examining Boards.

20 (2) Shall have completed **【2】** two years of practical training and
21 experience as a registered **【trainee】** intern in regular, steady, bona
22 fide full-time service of a grade and character satisfactory to the
23 board, in the State of New Jersey, with a person duly licensed as a
24 practitioner of mortuary science or a practitioner of mortuary and
25 embalming science under P.L.1952, c.340 (C.45:7-32 et seq.) **【or as**
26 **both an embalmer and funeral director under any prior law of this**
27 **State】** and whose annual case volume shall be equal to at least 25
28 cases, and in the case of an applicant for licensure to be a
29 practitioner of mortuary and embalming science, shall have assisted
30 in embalming at least **【75】** 50 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】** program of funeral service education need only
39 have completed **【1】** one year of practical training and experience as
40 a registered **【trainee】** intern. Not more than **【1 trainee】** one intern
41 shall be registered at **【1】** one time in **【1】** one establishment, except
42 that **【2 trainees】** two interns may be permitted if there are **【2】** two
43 or more licensees in the same establishment. The board is
44 authorized and empowered to prescribe rules and regulations
45 establishing minimum courses of college or university instruction;
46 to insure that each **【trainee】** intern receives satisfactory and

1 efficient training and experience which may provide for the periods
2 that may be credited toward the required year of training and
3 experience, the nature, character and extent of the services to be
4 performed by the **【trainee】 intern**, for such practical and actual
5 experience in mortuary science or in mortuary and embalming
6 science and assisting in the same as it shall determine and for the
7 making of such reports by the **【trainee】 intern** and by the licensee
8 with whom the **【trainee】 intern** is registered as may be advisable
9 and for such other qualifications in the applicant as may be
10 reasonably calculated to insure and protect the public health,
11 morals, safety and welfare;

12 (3) Shall have, upon commencing the period of training and
13 experience as provided in paragraph (2) of this subsection
14 registered as **【a trainee】 an intern** with the board, upon a form to be
15 provided by the board, and has paid to the board a registration fee
16 of \$50.00, and has received from the board a certificate as a
17 registered **【trainee】 intern**; and

18 (4) Shall have **【been a resident of the State of New Jersey**
19 **continuously during the period of training and experience; and**

20 (5) Shall have **【passed his or her 【twenty-first】 18th** birthday.

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

30 c. Any individual licensed as a practitioner of mortuary science
31 prior to the enactment of P.L. , c. (C.) (pending before the
32 Legislature as this bill) shall be subject to the licensing
33 requirements established pursuant to P.L. , c. (C.) (pending
34 before the Legislature as this bill) and shall be issued a practitioner
35 of mortuary and embalming science license in subsequent renewals.
36 (cf: P.L.2019, c.130)

37

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

40 1. After successful completion of the law portion of the
41 examination conducted by the board pursuant to section 18 of
42 P.L.1952, c.340 (C.45:7-49), and upon payment to the board of a
43 fee and the submission of a written application on forms provided
44 by it, the board may issue, at its discretion, a practitioner of
45 mortuary science license or a practitioner of mortuary and
46 embalming science license to a person who holds a valid license or
47 certification issued by another state or possession of the United

1 States or the District of Columbia and who has met education and
2 experience requirements substantially equivalent to the
3 requirements of P.L.1952, c.340 (C.45:7-32 et seq.), and who has
4 been engaged in the practice of mortuary science or mortuary and
5 embalming science in that state, possession or district with a valid
6 license or certification for two years immediately prior to
7 application; except that the board may issue, at its discretion, a
8 practitioner of mortuary science license or a practitioner of
9 mortuary and embalming science license to an applicant who does
10 not meet the practical training and experience requirements of
11 paragraph (2) of subsection a. of section 18 of P.L.1952, c.340
12 (C.45:7-49) but otherwise meets the requirements specified in this
13 section if the applicant has been engaged in the practice of mortuary
14 science or the practice of mortuary and embalming science for not
15 less than five years immediately prior to application.
16 (cf: P.L.2001, c.83)

17

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

20 19. No person shall be examined by the board except upon
21 payment of a fee **【of \$50.00】** for the initial examination and **【a】**
22 another fee **【of \$25.00】** for each re-examination. Each applicant,
23 before being admitted to an examination, shall first submit to the
24 board

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

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

29 (b) He is of good moral character and at least **【21】** 18 years of
30 age;

31 (2) a certificate from the Commissioner of Education of this
32 State showing that **【before entering an embalming college or**
33 **college of mortuary science】** prior to licensure and upon completion
34 of an approved program of funeral service education, he had
35 obtained an academic education consisting of a **【4】** four years'
36 course of study in an approved public or private high school or the
37 equivalent thereof, he has (a) satisfactorily completed a minimum
38 of **【2】** two years of academic instruction in a college or university
39 approved by the New Jersey Department of Education,
40 satisfactorily completed a minimum of **【1】** one year of academic
41 instruction in a **【school of mortuary science】** program of funeral
42 service education approved by the State Board of Mortuary Science;
43 or (b) satisfactorily completed a minimum of **【3】** three years of
44 academic instruction in such a college or university, satisfactorily
45 completed a minimum of **【1】** one year of academic instruction in
46 such a **【school of mortuary science】** program of funeral service
47 education; and

1 (3) a certificate from a licensed practitioner of mortuary
2 science or a licensed practitioner of mortuary and embalming
3 science, as appropriate, in the State of New Jersey that he has
4 served a [1-year] one-year or [2-year] two-year period of practical
5 training as a registered [trainee] intern under such practitioner of
6 mortuary science or licensed practitioner of mortuary and
7 embalming science, whichever is applicable; such period of
8 practical training as a registered [trainee] intern may be served
9 either concurrently with the college or university courses, during
10 summer vacations, or subsequent to the completion of the college or
11 academic course, at the option of the registrant.

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

13

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

16 28. The license of any practitioner of mortuary science or[, of
17 any embalmer and funeral director, or either,] or practitioner of
18 mortuary and embalming science shall terminate upon his decease.

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

20

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

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

25 (a) He, they or it shall annually register with the board in
26 accordance with the provisions of section [twenty-four] 24 of [this
27 act] P.L.1952, c.340 (C.45:7-55);

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

30 (c) The licenses of the individual owner, of all partners, or of
31 the manager of the establishment in all cases where the
32 establishment is not managed by a licensed individual owner or
33 licensed partners, shall be conspicuously displayed within the
34 establishment;

35 (d) It shall be under the immediate and personal supervision,
36 direction, management, and control of a person duly licensed as a
37 practitioner of mortuary and embalming science[, under the
38 provisions of this act, or of a person duly licensed as a funeral
39 director] under the provisions of [this act] P.L.1952, c.340
40 (C.45:7-32 et seq.) or of any prior law of this State, or of a person
41 duly licensed as a practitioner of mortuary science under the
42 provisions of P.L.1952, c.340 (C.45:70-32 et seq.) or P.L. _____, c.
43 (C. _____) (pending before the Legislature as this bill); and all
44 funeral directing shall be under the immediate and personal
45 supervision, direction, management, and control of a person duly
46 licensed as a practitioner of mortuary and embalming science, under
47 the provisions of [this act, or of a person duly licensed as a funeral

1 director under the provisions of this act] P.L.1952, c.340 (C.45:7-
2 32 et seq.) or of any prior law of this State, or of a person duly
3 licensed as a practitioner of mortuary science under the provisions
4 of P.L.1952, c.340 (C.45:7-32 et seq.);

5 (e) Its construction, maintenance and operation shall conform to
6 the rules and regulations of the board promulgated to safeguard and
7 promote the public health, safety, morals and welfare.
8 (cf: P.L.1952, c.340, s.30)

9
10 14. Section 34 of P.L.1952, c.340 (C.45:7-65) is amended to
11 read as follows:

12 34. Every practitioner of mortuary science[, embalmer or
13 funeral director] or practitioner of mortuary and embalming science
14 shall report to the local health officer all contagious cases in which
15 he may be called, within twelve hours after death or as soon as may
16 be after being called.
17 (cf: P.L.1952, c.340, s.34)

18
19 15. Section 17 of P.L.1960, c.184 (C.45:7-65.2) is amended to
20 read as follows:

21 17. No person shall operate, maintain, or use a branch mortuary
22 within this State unless it is under the actual personal supervision,
23 direction, management and actual control of a person who is duly
24 licensed as a practitioner of mortuary and embalming science [or as
25 a funeral director].
26 (cf: P.L.1960, c.184, s.17)

27
28 16. Section 18 of P.L.1960, c.184 (C.45:7-65.3) is amended to
29 read as follows:

30 18. a. No person, firm or corporation, or solicitors, agents,
31 canvassers, employees or other persons acting on behalf of that
32 person, firm or corporation, for the purpose of selling or contracting
33 to sell or provide any service or services commonly furnished or
34 performed by [an embalmer or funeral director] a practitioner of
35 mortuary and embalming science or of mortuary science, including,
36 but not limited to, prepaid funeral agreements and the making of at
37 need or preneed funeral arrangements, shall:

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

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

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

4 (4) Solicit, accept, offer to pay or pay any commission, bonus
5 or rebate in consideration of recommending or causing any person
6 to use the services of a particular **【funeral director】** practitioner of
7 mortuary and embalming science or a practitioner of mortuary
8 science, or the services of a particular crematory, mausoleum or
9 cemetery; or

10 (5) Solicit persons at their residences in person or by telephone
11 unless that solicitation is in response to a previous request for or
12 expression of interest in **【a funeral director's】** services of a
13 practitioner of mortuary and embalming science or practitioner of
14 mortuary science made by the person solicited or by a member of
15 that person's family.

16 b. Nothing in this section shall be construed to restrict the right
17 of a **【funeral director】** practitioner of mortuary and embalming
18 science or practitioner of mortuary science or an agent or employee
19 of the **【the funeral director】** practitioner of mortuary and
20 embalming science or practitioner of mortuary science, to
21 communicate, by direct mail or in any other way not specifically
22 prohibited by this section, with persons or provide them with
23 information regarding the services of the **【funeral director】**
24 practitioner of mortuary and embalming science or practitioner of
25 mortuary science, or to solicit the business of any person
26 responding to that communication and explicitly requesting further
27 information by personal visit or telephone, or otherwise initiating
28 further discussion of those services, or to provide services or
29 information to persons in connection with services previously
30 rendered.

31 c. Nothing in this section shall be construed to prohibit general
32 advertising by a **【funeral director】** practitioner of mortuary and
33 embalming science or practitioner of mortuary science.

34 d. Nothing in this section shall be deemed to prohibit the
35 payment of commissions, bonuses or other compensation to a
36 licensed cemetery salesman for the sale of cemetery goods or
37 services.

38 e. As used in this section, "at need funeral arrangements,"
39 "preneed funeral arrangements" and "prepaid funeral agreement"
40 shall have the same meaning as they are defined in section 1 of
41 P.L.1993, c.147 (C.45:7-82).

42 (cf: P.L.1993, c.147, s.15)

43

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

46 1. It shall be unlawful for a **【funeral director】** practitioner of
47 mortuary and embalming science or practitioner of mortuary

1 science to place the remains of more than one deceased person or
2 stillborn infant in a coffin, casket, or other container for the purpose
3 of interment, unless other written directions have been given by the
4 decedent or a court of competent jurisdiction, or the relative or
5 relatives of the decedent in the following order:

6 (1) Surviving spouse;

7 (2) A majority of surviving children of the decedent or the
8 surviving child if one;

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

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

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

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

14
15 18. Section 1 of P.L.1995, c.192 (C.45:7-72.1) is amended to
16 read as follows:

17 1. The State Board of Mortuary Science of New Jersey shall
18 require each person licensed to practice mortuary science[,
19 embalming or funeral directing] or mortuary and embalming
20 science, as a condition for biennial license renewal pursuant to
21 section 23 of P.L.1952, c.340 (C.45:7-54), to complete any
22 continuing education requirements imposed by the board pursuant
23 to section 2 of [this act] P.L.1995, c.192 (C.45:7-72.2).

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

25
26 19. Section 2 of P.L.1995, c.192 (C.45:7-72.2) is amended to
27 read as follows:

28 2. a. The board shall implement a program of continuing
29 education as a condition of license renewal for licensees under its
30 jurisdiction and may, in its discretion, waive all or part of the
31 continuing education requirement for any biennial licensing period.
32 The board shall establish standards for continuing education,
33 including the subject matter and content of courses of study as
34 appropriate for persons licensed as practitioners of mortuary and
35 embalming science and persons licensed as practitioners of
36 mortuary science, the selection of instructors, and the number and
37 type of continuing education credits required of a licensee as a
38 condition for biennial license renewal.

39 b. The board may establish a system for reviewing and
40 approving private sponsors of continuing education courses,
41 seminars or programs which may be utilized to provide continuing
42 education to licensees in satisfaction of the requirements imposed
43 by [this act] P.L.1995, c.192 (C.45:72.1 et seq.).

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

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

1 42. The board shall report to the State Department of Health the
2 name and residence of every person to whom it may issue a license.
3 The board shall issue to each person granted a license an
4 identification card stating that the holder thereof has received a
5 license and is carrying on the practice of mortuary science~~], or of~~
6 funeral directing or embalming~~]~~ or of mortuary and embalming
7 science. The proper holder of such a card shall have the same right
8 to carry on the practice of mortuary science~~], or of funeral directing~~
9 or embalming~~]~~ or of mortuary and embalming science as those
10 whose names appear on file in the office of the registrar of vital
11 statistics in each municipality.
12 (cf: P.L.1960, c.184, s.15)

13
14 21. Section 43 of P.L.1952, c.340 (C.45:7-73.1) is amended to
15 read as follows:

16 43. The board may, in its discretion, enter into an agreement
17 with the corresponding licensing authority of any other State to
18 permit a person duly registered and licensed as a practitioner of
19 mortuary science or ~~]~~ as a practitioner of
20 mortuary and embalming science in either State to enter into the
21 other State for the purpose of removing, transporting and burying
22 dead human bodies and directing funerals in the same manner as if
23 he were registered under the laws of such other State, except that
24 such person shall not maintain an establishment, advertise or hold
25 himself out, directly or through any agent or agency or otherwise,
26 as a practitioner of mortuary science or a ~~]~~ practitioner of mortuary and embalming science
27 other than in the
28 State in which he is registered and licensed.
29 (cf: P.L.1967, c.245, s.4)

30
31 22. Section 41 of P.L.2003, c.261 (C.45:7-95) is amended to
32 read as follows:

33 41. A ~~]~~ practitioner of mortuary and embalming
34 science or practitioner of mortuary science may permit the funeral,
35 disinterment or disposition of human remains on the written
36 authorization of a person who claims to be, and is believed to be, a
37 person who has the right to control the funeral, disinterment or
38 disposition as provided by sections 22 and 23 of P.L.2003, c.261
39 (C.45:27-22 and C.45:27-23). A cemetery or ~~]~~ practitioner of mortuary and embalming science
40 or practitioner of mortuary science shall not be liable for the funeral, disinterment or
41 disposition pursuant to this authorization unless it had reasonable
42 notice that the person did not have the right to control the funeral,
43 disinterment or disposition. If there are no known living relatives, a
44 ~~]~~ practitioner of mortuary and embalming science
45 or practitioner of mortuary science may rely on the written
46

1 authorization of any person acting in good faith on behalf of the
2 decedent.

3 A person who signs an authorization for the funeral, disinterment
4 or disposition of human remains warrants the truth of the facts
5 stated, the identity of the person whose remains are disposed, and
6 the authority to order the funeral, disinterment or disposition. A
7 cemetery or **【funeral director】** practitioner of mortuary and
8 embalming science or practitioner of mortuary science shall not be
9 liable for the funeral, disinterment or disposition in accordance with
10 the authorization unless it had reasonable notice that the
11 representations were untrue or that the person lacked the right to
12 control the funeral, disinterment or disposition.
13 (cf: P.L.2003, c.261, s.41)

14
15 23. (New section) The State Board of Mortuary Science of New
16 Jersey shall, pursuant to the “Administrative Procedure Act,”
17 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any new rules and
18 regulations or amend any existing rules and regulations necessary to
19 implement the provisions of P.L. , c. (C.) (pending before
20 the Legislature as this bill).

21
22 24. This act shall take effect on the first day of the thirteenth
23 month next following enactment.

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1635

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED OCTOBER 10, 2024

Sponsored by:

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

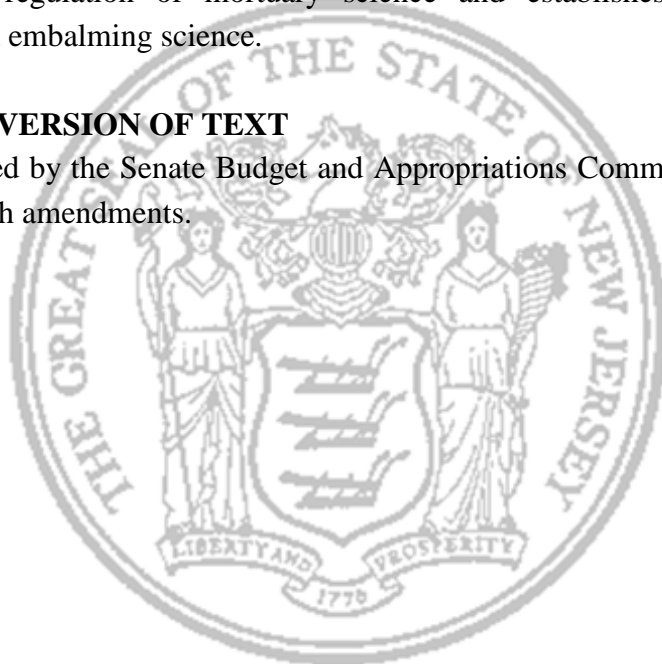
Senators Singer and Wimberly

SYNOPSIS

Modifies regulation of mortuary science and establishes oversight of mortuary and embalming science.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on March 17, 2025, with amendments.



(Sponsorship Updated As Of: 3/17/2025)

1 **AN ACT** concerning the practice of funeral directing and
2 embalming, and supplementing P.L.1952, c.340 (C.45:7-32 et
3 seq.) and amending 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 in funeral services
10 dates back to the “Mortuary Science Act,” P.L.1952, c.340 (C.45:7-
11 32 et seq.), in an era when New Jersey was very different from the
12 culturally and religiously diverse State that exists today, when
13 consumers had far less choice in all aspects of daily life, including
14 funerals.

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

21 c. While the current licensing system serves the State’s
22 traditional but declining demographic well, for religious, cultural,
23 environmental, and philosophical reasons, an increasing number of
24 funerals center around disposition without embalming.

25 d. The existing licensing system, requiring proficiency in
26 embalming for licensure as a practitioner of mortuary science, may
27 be one of several reasons that discourage entry into funeral service
28 by persons who are reluctant to practice embalming but would be
29 eager to serve their communities.

30 e. The current multiple tests and examinations required for
31 licensure are also discouraging entry into the field, by requiring an
32 applicant to successfully complete studies and test out of an
33 approved program, then to be reassessed on a standardized
34 nationally recognized exam in funeral arts and sciences, then to
35 successfully pass another examination specific to New Jersey
36 jurisprudence, and finally to demonstrate embalming proficiency on
37 human remains.

38 f. During the last several years, particularly since the COVID
39 19 pandemic, there has been a shortage of mortuary practitioners in
40 New Jersey, a problem which, in part, could be remedied by
41 removing outmoded barriers to entering the profession.

42 g. Therefore, it is in the public interest to revise the existing
43 system of licensure to accommodate religious, cultural,
44 environmental, and philosophical beliefs more readily as well as to

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted March 17, 2025.

1 promote consumer choice, by providing for, a delineation of the all-
2 encompassing licensure of practitioners of mortuary science into
3 “Practitioner of Mortuary and Embalming Science” and
4 “Practitioner of Mortuary Science.”

5

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

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

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

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

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

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

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

35 (e) **["Embalmer"** means a qualified person who practices or
36 engages in embalming, as the same is herein defined] “Mortuary
37 science” means funeral directing as the same is herein defined.

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

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

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

8 (g) "Practitioner of mortuary science" means a person who
9 practices or engages in funeral directing and is licensed pursuant to
10 the provisions of P.L.1952, c.340 (C.45:7-32 et seq.).

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

21 (i) "Registered **trainee** intern" means a person who is duly
22 registered with the board and who is engaged in the State of New
23 Jersey in learning to practice as a practitioner of mortuary and
24 embalming science or as a practitioner of mortuary science under
25 the personal instruction and supervision of a person duly licensed as
26 a practitioner of mortuary and embalming science or as a
27 practitioner of mortuary science, as appropriate, and who has an
28 annual case volume as hereinafter provided in section 18 of **this**
29 **act** P.L.1952, c.340 (C.45:7-49). A person seeking licensure as a
30 practitioner of mortuary science may learn to practice as a
31 registered intern in mortuary science from a licensed practitioner in
32 mortuary and embalming science, provided that such training solely
33 focuses on funeral directing.

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

35

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

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

1 and practice as a practitioner of mortuary science in this State
2 immediately preceding his appointment; and two additional public
3 members, one of whom shall be 62 years of age or older. Members
4 of the board shall be appointed annually by the Governor for a term
5 of three years and shall not serve more than two successive terms.
6 Each member, other than the State executive department member,
7 shall hold office after the expiration of his term of office until his
8 successor shall be duly appointed and qualified. Vacancies
9 occurring by reason of the expiration of term of office shall be
10 filled by the Governor in the calendar year in which any such
11 vacancy occurs for a term of three years from the year of
12 appointment. Vacancies occurring by reason of the failure or
13 neglect of the Governor to make appointments upon the expiration
14 of terms of office as hereinabove provided and vacancies occurring
15 for any other reason whatsoever shall be filled by the Governor for
16 the unexpired term only.

17 Any member of the State Board of Mortuary Science of New
18 Jersey, other than the State executive department member, may be
19 removed from office by the Governor, for cause, upon notice and
20 opportunity to be heard.

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

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

33

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

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

46 In addition to the powers otherwise herein granted to the board,
47 the board is specifically empowered to adopt rules and regulations
48 concerning the following:

- 1 (a) the manner in which a mortuary or funeral establishment is
2 conducted,
3 (b) establish minimum requirements for a preparation room and
4 as to the manner in which it shall be maintained,
5 (c) issuance of lists of licensees,
6 (d) **【trainees】** interns, apprentices and preceptors,
7 (e) unethical or unprofessional conduct,
8 (f) practice of mortuary science or mortuary and embalming
9 science by individuals, corporations, partnerships and associations.
10 (cf: P.L.1960, c.184, s.4)

11
12 5. Section 10 of P.L.1952, c.340 (C.45:7-41) is amended to
13 read as follows:

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

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

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

37 In the month of January of each and every year the secretary of
38 said board shall supply to each licensed practitioner of mortuary
39 science**【,】** and to each licensed **【embalmer and to each licensed**
40 **funeral director】** practitioner of mortuary and embalming science a
41 list of all practitioners **【of mortuary science, embalmers, and**
42 **funeral directors】** holding a license under **【this act】** P.L.1952,
43 c.340 (C.45:7-32 et seq.), or under prior laws of this State, giving
44 the names of such persons, their professional address and the
45 number and nature of their licenses.

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

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

3 12. The board may, subject to the approval of the Attorney
4 General, appoint, employ or remove such assistants and employees
5 as may be necessary to carry out the provisions of **[this act]**
6 P.L.1952, c.340, (C.45:7-32 et seq.). The board may, subject to the
7 approval of the Attorney General, appoint and employ an executive
8 secretary who shall serve without term but who may be removed
9 from office by the Attorney General, for cause, upon notice and
10 opportunity to be heard at a public hearing. The duties of the
11 executive secretary shall be determined by the board and the board
12 shall fix the compensation of its executive secretary, assistants and
13 employees, subject to the approval of the Attorney General, within
14 the limits of available appropriations therefor. Such executive
15 secretary shall not be subject to the provisions of Title 11 of the
16 Revised Statutes of this State. No such executive secretary,
17 employee or assistant shall engage in the practice of mortuary
18 science**[, embalming or funeral directing,]** or mortuary and
19 embalming science nor shall he in any way be connected with the
20 work of a practitioner of mortuary science**[, embalming or funeral**
21 **directing]** or mortuary and embalming science.
22 (cf: P.L.1967, c.245, s.3)

23
24 7. Section 16 of P.L.1952, c.340 (C.45:7-47) is amended to
25 read as follows:

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

38
39 8. Section 17 of P.L.1952, c.340 (C.45:7-48) is amended to
40 read as follows:

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

1 practice mortuary science or **[embalming or funeral directing]** or
2 mortuary and embalming science in this State.

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

4

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 mortuary and embalming
9 science, before being licensed by the board:

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

31 (b) in the case of an applicant for licensure as a practitioner of
32 mortuary science, shall have passed an examination to be developed
33 and administered by the board or an entity other than the board to
34 determine the qualifications and fitness of the applicant. Such
35 examination, the scope, character and content of which shall be
36 determined by the board, shall be the same for all applicants at each
37 examination, and shall include: New Jersey law and rules governing
38 the burial, cremation or other disposal and care of dead human
39 bodies; the applicable laws and rules governing vital statistics,
40 preparation, and transportation for burial, cremation, or other
41 disposal of dead human bodies, including those dead as a result of
42 contagious and infectious diseases; the provisions of P.L.1952,
43 c.340 (C.45:7-32 et seq.) and the rules and regulations adopted by
44 the board; professional ethics; and such other subjects as
45 determined by the board, by rule or regulation, to be necessary,
46 proper, or reasonably calculated to establish the qualifications and
47 fitness of the applicant, but shall not include embalming. ¹Nothing

1 in P.L.1952, c.340 (C.45:7-32 et seq.) or any rule or regulation
2 adopted pursuant thereto shall require a candidate for licensure to
3 complete the National Board Exam or any successor examination
4 thereof, administered by the International Conference of Funeral
5 Service Examining Boards.

6 (c)¹ An examination conducted by an entity other than the board
7 **[shall]** ¹**[may]** shall¹ be preapproved by the board and conducted
8 by a **[nationally]** recognized testing service **[that is under contract**
9 **with the regulatory boards of at least three other states]** to provide
10 testing and grading in the field of funeral service arts **[and]**, funeral
11 service science¹. This entity may conduct¹, and the law portion of
12 the examination as enumerated above.

13 Such examinations shall be administered electronically or in
14 writing and shall be held at least once in each year, and oftener if
15 the board shall so determine by rule or regulation, at such times and
16 places as may be fixed by the board. **[In addition to the examination**
17 **herein provided for, the examination of each applicant shall include,**
18 **wherever possible, an actual demonstration on a cadaver of the**
19 **embalming proficiency and qualifications of the applicant]**
20 ¹**[Nothing in P.L.1952, c.340 (C.45:7-32 et seq.) or any rule or**
21 **regulation adopted pursuant thereto shall require a candidate for**
22 **licensure to complete the National Board Exam or any successor**
23 **examination thereof, administered by the International Conference**
24 **of Funeral Service Examining Boards]** For an applicant for
25 licensure as a practitioner of mortuary and embalming science, in
26 addition to the examination herein provided for, the examination of
27 each applicant shall include, wherever possible, an actual
28 demonstration on a cadaver of the embalming proficiency and
29 qualifications of the applicant¹.

30 (2) Shall have completed **[2]** two years of practical training and
31 experience as a registered **[trainee]** intern in regular, steady, bona
32 fide full-time service of a grade and character satisfactory to the
33 board, in the State of New Jersey, with a person duly licensed as a
34 practitioner of mortuary science or a practitioner of mortuary and
35 embalming science under P.L.1952, c.340 (C.45:7-32 et seq.) **[or as**
36 **both an embalmer and funeral director under any prior law of this**
37 **State]** and whose annual case volume shall be equal to at least 25
38 cases, and in the case of an applicant for licensure to be a
39 practitioner of mortuary and embalming science, shall have assisted
40 in embalming at least **[75]** 50 bodies; and shall have satisfactorily
41 completed a minimum of **[2]** two academic years of instruction in a
42 college or university approved by the State Department of
43 Education and **[1]** one year of instruction in a ¹**[school of mortuary**
44 **science]** program of funeral service education¹ approved by the
45 State Board of Mortuary Science of New Jersey; except that a
46 person who has satisfactorily completed **[3]** three academic years

1 of instruction in such a college or university and **[1]** one year of
2 instruction in such an approved **[school of mortuary science]**
3 program of funeral service education need only have completed **[1]**
4 one year of practical training and experience as a registered
5 **[trainee]** intern. Not more than **[1 trainee]** one intern shall be
6 registered at **[1]** one time in **[1]** one establishment, except that **[2**
7 **trainees]** two interns may be permitted if there are **[2]** two or more
8 licensees in the same establishment. The board is authorized and
9 empowered to prescribe rules and regulations establishing minimum
10 courses of college or university instruction; to insure that each
11 **[trainee]** intern receives satisfactory and efficient training and
12 experience which may provide for the periods that may be credited
13 toward the required year of training and experience, the nature,
14 character and extent of the services to be performed by the
15 **[trainee]** intern, for such practical and actual experience in
16 mortuary science or in mortuary and embalming science and
17 assisting in the same as it shall determine and for the making of
18 such reports by the **[trainee]** intern and by the licensee with whom
19 the **[trainee]** intern is registered as may be advisable and for such
20 other qualifications in the applicant as may be reasonably calculated
21 to insure and protect the public health, morals, safety and welfare;

22 (3) Shall have, upon commencing the period of training and
23 experience as provided in paragraph (2) of this subsection
24 registered as **[a trainee]** an intern with the board, upon a form to be
25 provided by the board, and has paid to the board a registration fee
26 of \$50.00, and has received from the board a certificate as a
27 registered **[trainee]** intern; and

28 (4) Shall have **[been a resident of the State of New Jersey**
29 **continuously during the period of training and experience; and**

30 (5) Shall have **[passed his or her]** twenty-first] 18th birthday.

31 **[(b)]** b. An applicant who meets the requirements of section
32 19 of P.L.1952, c.340 (C.45:7-50) shall be admitted to the
33 examinations prescribed in paragraph (1) of subsection **[(a)]** a. of
34 this section but a license to enter into the practice of mortuary
35 science or the practice of mortuary and embalming science shall not
36 be issued or granted to any such applicant by the board unless and
37 until such applicant has completed the period of practical training
38 and experience as a registered **[trainee]** intern required by
39 paragraph (2) of subsection **[(a)]** a. of this section.

40 c. Any individual licensed as a practitioner of mortuary science
41 prior to the enactment of P.L. , c. (C.) (pending before the
42 Legislature as this bill) shall be subject to the licensing
43 requirements established pursuant to P.L. , c. (C.) (pending
44 before the Legislature as this bill) and shall be issued a practitioner
45 of mortuary and embalming science license in subsequent renewals.
46 (cf: P.L.2019, c.130, s.1)

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

3 1. After successful completion of the law portion of the
4 examination conducted by the board pursuant to section 18 of
5 P.L.1952, c.340 (C.45:7-49), and upon payment to the board of a
6 fee and the submission of a written application on forms provided
7 by it, the board may issue, at its discretion, a practitioner of
8 mortuary science license or a practitioner of mortuary and
9 embalming science license to a person who holds a valid license or
10 certification issued by another state or possession of the United
11 States or the District of Columbia and who has met education and
12 experience requirements substantially equivalent to the
13 requirements of P.L.1952, c.340 (C.45:7-32 et seq.), and who has
14 been engaged in the practice of mortuary science or mortuary and
15 embalming science in that state, possession or district with a valid
16 license or certification for two years immediately prior to
17 application; except that the board may issue, at its discretion, a
18 practitioner of mortuary science license or a practitioner of
19 mortuary and embalming science license to an applicant who does
20 not meet the practical training and experience requirements of
21 paragraph (2) of subsection a. of section 18 of P.L.1952, c.340
22 (C.45:7-49) but otherwise meets the requirements specified in this
23 section if the applicant has been engaged in the practice of mortuary
24 science or the practice of mortuary and embalming science for not
25 less than five years immediately prior to application.
26 (cf: P.L.2001, c.83)

27
28 11. Section 19 of P.L.1952, c.340 (C.45:7-50) is amended to
29 read as follows:

30 19. No person shall be examined by the board except upon
31 payment of a fee **【of \$50.00】** for the initial examination and **【a】**
32 another fee **【of \$25.00】** for each re-examination. Each applicant,
33 before being admitted to an examination, shall first submit to the
34 board

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

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

39 (b) He is of good moral character and at least **【21】** 18 years of
40 age;

41 (2) a certificate from the Commissioner of Education of this
42 State showing that **【before entering an embalming college or**
43 **college of mortuary science】** prior to licensure and upon completion
44 of an approved program of funeral service education, he had
45 obtained an academic education consisting of a **【4】** four years'
46 course of study in an approved public or private high school or the
47 equivalent thereof, he has (a) satisfactorily completed a minimum

1 of **[2]** two years of academic instruction in a college or university
2 approved by the New Jersey Department of Education,
3 satisfactorily completed a minimum of **[1]** one year of academic
4 instruction in a **[school of mortuary science]** program of funeral
5 service education approved by the State Board of Mortuary Science;
6 or (b) satisfactorily completed a minimum of **[3]** three years of
7 academic instruction in such a college or university, satisfactorily
8 completed a minimum of **[1]** one year of academic instruction in
9 such a **[school of mortuary science]** program of funeral service
10 education; and

11 (3) a certificate from a licensed practitioner of mortuary
12 science or a licensed practitioner of mortuary and embalming
13 science, as appropriate, in the State of New Jersey that he has
14 served a **[1-year]** one-year or **[2-year]** two-year period of practical
15 training as a registered **[trainee]** intern under such practitioner of
16 mortuary science or licensed practitioner of mortuary and
17 embalming science, whichever is applicable; such period of
18 practical training as a registered **[trainee]** intern may be served
19 either concurrently with the college or university courses, during
20 summer vacations, or subsequent to the completion of the college or
21 academic course, at the option of the registrant.

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

23

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

26 28. The license of any practitioner of mortuary science or **[,** of
27 any embalmer and funeral director, or either, **]** or practitioner of
28 mortuary and embalming science shall terminate upon his decease.

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

30

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

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

35 (a) He, they or it shall annually register with the board in
36 accordance with the provisions of section **[twenty-four]** 24 of **[this**
37 **act]** P.L.1952, c.340 (C.45:7-55);

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

40 (c) The licenses of the individual owner, of all partners, or of
41 the manager of the establishment in all cases where the
42 establishment is not managed by a licensed individual owner or
43 licensed partners, shall be conspicuously displayed within the
44 establishment;

45 (d) It shall be under the immediate and personal supervision,
46 direction, management, and control of a person duly licensed as a
47 practitioner of mortuary and embalming science **[,** under the

1 provisions of this act, or of a person duly licensed as a funeral
2 director] under the provisions of [this act] P.L.1952, c.340
3 (C.45:7-32 et seq.) or of any prior law of this State, or of a person
4 duly licensed as a practitioner of mortuary science under the
5 provisions of P.L.1952, c.340 (C.45:70-32 et seq.) or P.L. , c.
6 (C.) (pending before the Legislature as this bill); and all
7 funeral directing shall be under the immediate and personal
8 supervision, direction, management, and control of a person duly
9 licensed as a practitioner of mortuary and embalming science, under
10 the provisions of [this act, or of a person duly licensed as a funeral
11 director under the provisions of this act] P.L.1952, c.340 (C.45:7-
12 32 et seq.) or of any prior law of this State, or of a person duly
13 licensed as a practitioner of mortuary science under the provisions
14 of P.L.1952, c.340 (C.45:7-32 et seq.);

15 (e) Its construction, maintenance and operation shall conform to
16 the rules and regulations of the board promulgated to safeguard and
17 promote the public health, safety, morals and welfare.
18 (cf: P.L.1952, c.340, s.30)

19

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

22 34. Every practitioner of mortuary science[, embalmer or
23 funeral director] or practitioner of mortuary and embalming science
24 shall report to the local health officer all contagious cases in which
25 he may be called, within twelve hours after death or as soon as may
26 be after being called.

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

28

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

31 17. No person shall operate, maintain, or use a branch mortuary
32 within this State unless it is under the actual personal supervision,
33 direction, management and actual control of a person who is duly
34 licensed as a practitioner of mortuary and embalming science [or as
35 a funeral director].

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

37

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

40 18. a. No person, firm or corporation, or solicitors, agents,
41 canvassers, employees or other persons acting on behalf of that
42 person, firm or corporation, for the purpose of selling or contracting
43 to sell or provide any service or services commonly furnished or
44 performed by [an embalmer or funeral director] a practitioner of
45 mortuary and embalming science or of mortuary science, including,
46 but not limited to, prepaid funeral agreements and the making of at
47 need or preneed funeral arrangements, shall:

- 1 (1) Directly or indirectly solicit persons in hospitals, rest homes,
2 nursing homes or similar health care facilities by telephone or in
3 person without first having been specifically requested to do so by
4 that person;
- 5 (2) Directly or indirectly employ any agent, employee, assistant,
6 independent contractor or other person to solicit persons in
7 hospitals, rest homes, nursing homes or similar health care facilities
8 by telephone or in person without first having been specifically
9 requested to do so by that person;
- 10 (3) Solicit relatives of persons whose death is apparently
11 pending or whose death has recently occurred for the purpose of
12 providing any of those services for that person;
- 13 (4) Solicit, accept, offer to pay or pay any commission, bonus or
14 rebate in consideration of recommending or causing any person to
15 use the services of a particular **【funeral director】** practitioner of
16 mortuary and embalming science or a practitioner of mortuary
17 science, or the services of a particular crematory, mausoleum or
18 cemetery; or
- 19 (5) Solicit persons at their residences in person or by telephone
20 unless that solicitation is in response to a previous request for or
21 expression of interest in **【a funeral director's】** services of a
22 practitioner of mortuary and embalming science or practitioner of
23 mortuary science made by the person solicited or by a member of
24 that person's family.
- 25 b. Nothing in this section shall be construed to restrict the right
26 of a **【funeral director】** practitioner of mortuary and embalming
27 science or practitioner of mortuary science or an agent or employee
28 of the **【the funeral director】** practitioner of mortuary and
29 embalming science or practitioner of mortuary science, to
30 communicate, by direct mail or in any other way not specifically
31 prohibited by this section, with persons or provide them with
32 information regarding the services of the **【funeral director】**
33 practitioner of mortuary and embalming science or practitioner of
34 mortuary science, or to solicit the business of any person
35 responding to that communication and explicitly requesting further
36 information by personal visit or telephone, or otherwise initiating
37 further discussion of those services, or to provide services or
38 information to persons in connection with services previously
39 rendered.
- 40 c. Nothing in this section shall be construed to prohibit general
41 advertising by a **【funeral director】** practitioner of mortuary and
42 embalming science or practitioner of mortuary science.
- 43 d. Nothing in this section shall be deemed to prohibit the
44 payment of commissions, bonuses or other compensation to a
45 licensed cemetery salesman for the sale of cemetery goods or
46 services.

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】** practitioner of
10 mortuary and embalming science or practitioner of mortuary
11 science to place the remains of more than one deceased person or
12 stillborn infant in a coffin, casket, or other container for the purpose
13 of interment, unless other written directions have been given by the
14 decedent or a court of competent jurisdiction, or the relative or
15 relatives of the decedent in the following order:

- 16 (1) Surviving spouse;
- 17 (2) A majority of surviving children of the decedent or the
18 surviving child if one;
- 19 (3) The surviving parent or parents of the decedent;
- 20 (4) A majority of the brothers and sisters of the decedent if no
21 child or parent is living; or
- 22 (5) Other next of kin according to the degree of consanguinity.

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

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

27 1. The State Board of Mortuary Science of New Jersey shall
28 require each person licensed to practice mortuary science**【,**
29 embalming or funeral directing**】** or mortuary and embalming
30 science, as a condition for biennial license renewal pursuant to
31 section 23 of P.L.1952, c.340 (C.45:7-54), to complete any
32 continuing education requirements imposed by the board pursuant
33 to section 2 of **【this act】** P.L.1995, c.192 (C.45:7-72.2).

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

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

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

1 b. The board may establish a system for reviewing and
2 approving private sponsors of continuing education courses,
3 seminars or programs which may be utilized to provide continuing
4 education to licensees in satisfaction of the requirements imposed
5 by **[this act]** P.L.1995, c.192 (C.45:72.1 et seq.).

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

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

10 42. The board shall report to the State Department of Health the
11 name and residence of every person to whom it may issue a license.

12 **¹[The board shall issue to each person granted a license an
13 identification card stating that the holder thereof has received a
14 license and is carrying on the practice of mortuary science], or of
15 funeral directing or embalming] or of mortuary and embalming
16 science. The proper holder of such a card shall have the same right
17 to carry on the practice of mortuary science], or of funeral directing
18 or embalming] or of mortuary and embalming science as those
19 whose names appear on file in the office of the registrar of vital
20 statistics in each municipality.]¹**

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

22
23 21. Section 43 of P.L.1952, c.340 (C.45:7-73.1) is amended to
24 read as follows:

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

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

39
40 22. Section 41 of P.L.2003, c.261 (C.45:7-95) is amended to
41 read as follows:

42 41. A **[funeral director]** practitioner of mortuary and embalming
43 science or practitioner of mortuary science may permit the funeral,
44 disinterment or disposition of human remains on the written
45 authorization of a person who claims to be, and is believed to be, a
46 person who has the right to control the funeral, disinterment or
47 disposition as provided by sections 22 and 23 of P.L.2003, c.261

1 (C.45:27-22 and C.45:27-23). A cemetery or **【funeral director】**
2 practitioner of mortuary and embalming science or practitioner of
3 mortuary science shall not be liable for the funeral, disinterment or
4 disposition pursuant to this authorization unless it had reasonable
5 notice that the person did not have the right to control the funeral,
6 disinterment or disposition. If there are no known living relatives, a
7 **【funeral director】** practitioner of mortuary and embalming science
8 or practitioner of mortuary science may rely on the written
9 authorization of any person acting in good faith on behalf of the
10 decedent.

11 A person who signs an authorization for the funeral, disinterment
12 or disposition of human remains warrants the truth of the facts
13 stated, the identity of the person whose remains are disposed, and
14 the authority to order the funeral, disinterment or disposition. A
15 cemetery or **【funeral director】** practitioner of mortuary and
16 embalming science or practitioner of mortuary science shall not be
17 liable for the funeral, disinterment or disposition in accordance with
18 the authorization unless it had reasonable notice that the
19 representations were untrue or that the person lacked the right to
20 control the funeral, disinterment or disposition.

21 (cf: P.L.2003, c.261, s.41)

22

23 23. (New section) The State Board of Mortuary Science of New
24 Jersey shall, pursuant to the “Administrative Procedure Act,”
25 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any new rules and
26 regulations or amend any existing rules and regulations necessary to
27 implement the provisions of P.L. , c. (C.) (pending before
28 the Legislature as this bill).

29

30 24. This act shall take effect on the first day of the **1【thirteenth】**
31 18th¹ month next following enactment.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1635**

STATE OF NEW JERSEY

DATED: OCTOBER 10, 2024

The Senate Commerce Committee reports favorably the Senate Committee Substitute for Senate Bill No. 1635.

This bill amends current law by creating licensure for mortuary and embalming science and licensure for mortuary science. Both types of licensee would be overseen by the State Board of Mortuary Science of New Jersey. Under the bill, a practitioner of mortuary and embalming science would provide services under what is currently recognized as mortuary science. The bill provides that a practitioner of mortuary science would solely provide funeral directing services.

The education, including continuing education, and examination requirements, as well as other provisions of the law, are modified to incorporate this update to the mortuary science licensure to be regulated by the board. This also includes updates to qualifications for licensure, including by not requiring a person to be a resident of New Jersey and lowering the age to eighteen to qualify. However, for a person to be licensed as what is now known as a practitioner of mortuary and embalming science, the requirement remains that that class of licensure still be proficient in both funeral directing and embalming. Additionally, updates are made to certain terminology, including references to “trainees” changed to “interns” and “school of mortuary science” to “program of funeral service education.”

The funeral directing industry is regulated, in large part, by the “Mortuary Science Act.” Prior to the enactment of that 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 were to be proficient in both embalming and funeral directing.

For religious, cultural, environmental, and philosophical reasons, an increasing number of funerals center around disposition without embalming. 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.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1635**

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 17, 2025

The Senate Budget and Appropriations Committee reports favorably and with committee amendments a Senate Committee Substitute for Senate Bill No. 1635.

As amended and reported, this bill updates current law by creating licensure for mortuary and embalming science and licensure for mortuary science. Both types of licensee would be overseen by the State Board of Mortuary Science of New Jersey. Under the bill, a practitioner of mortuary and embalming science would provide services under what is currently recognized as mortuary science. The bill provides that a practitioner of mortuary science would solely provide funeral directing services.

The education, including continuing education, and examination requirements, as well as other provisions of the law, are modified to incorporate this update to the mortuary science licensure to be regulated by the board. This also includes updates to qualifications for licensure, including by not requiring a person to be a resident of New Jersey, lowering the age to eighteen to qualify, and whenever possible, an actual demonstration on a cadaver as part of the examination. However, for a person to be licensed as what is now known as a practitioner of mortuary and embalming science, the requirement remains that that class of licensure still be proficient in both funeral directing and embalming. Additionally, updates are made to certain terminology, including references to “trainees” changed to “interns” and “school of mortuary science” to “program of funeral service education.”

The funeral directing industry is regulated, in large part, by the “Mortuary Science Act.” Prior to the enactment of that 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 were to be proficient in both embalming and funeral directing.

For religious, cultural, environmental, and philosophical reasons, an increasing number of funerals center around disposition without embalming. 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.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) require a demonstration for an applicant for licensure as a practitioner of mortuary and embalming science, wherever possible, an actual demonstration on a cadaver of the embalming proficiency and qualifications of the applicant;
- (2) remove a requirement for an identification card;
- (3) update the effective date; and
- (4) make technical updates.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the establishment of a two-license system for 1) mortuary and embalming science and 2) for mortuary science, both overseen by the Board of Mortuary Science in the Division of Consumer Affairs, will increase annual State expenditures and revenues by indeterminate amounts.

The OLS notes that the bill will potentially increase the number of licenses regulated by the Board of Mortuary Science, thereby increasing annual State expenditures and revenue collections from the administration and collection of application fees and licensure fees. Further, the OLS anticipates expenditures and revenues related to enforcement of the new mortuary science license.

CORRECTED COPY
LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1635
STATE OF NEW JERSEY
221st LEGISLATURE

DATED: NOVEMBER 1, 2024

SUMMARY

Synopsis: Modifies regulation of mortuary science and establishes oversight of mortuary and embalming science.

Type of Impact: Annual State revenue and expenditure increases.

Agencies Affected: Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Expenditure Increase	Indeterminate
Annual State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates the establishment of a two-license system for 1) mortuary and embalming science and 2) for mortuary science, both overseen by the Board of Mortuary Science in the Division of Consumer Affairs, will increase annual State expenditures and revenues by indeterminate amounts.
- The OLS notes that the bill will potentially increase the number of licenses regulated by the Board of Mortuary Science, thereby increasing annual State expenditures and revenue collections from the administration and collection of application fees and licensure fees. Further, the OLS anticipates expenditures and revenues related to enforcement of the new mortuary science license.

BILL DESCRIPTION

This bill amends current law to create a licensure for mortuary and embalming science and a separate licensure for mortuary science. Both types of licenses would be overseen by the State Board of Mortuary Science of New Jersey.

Under the bill, a practitioner of mortuary and embalming science would provide services under what is currently recognized as mortuary science. The bill provides that a practitioner of mortuary science would solely provide funeral directing services. The education, including continuing education, and examination requirements, as well as other provisions of the law, are modified to incorporate this update to the mortuary science licensure to be regulated by the board. This also includes updates to qualifications for licensure, including no longer requiring a person to be a resident of New Jersey and lowering the age to eighteen to qualify. However, for a person to be licensed as what is now known as a practitioner of mortuary and embalming science, the requirement remains that this class of licensure still be proficient in both funeral directing and embalming.

The funeral directing industry is regulated, in large part, by the Mortuary Science Act. Prior to the enactment of that 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. However, the Mortuary Science Act consolidated the three licenses into one, issuing thereafter a license for a practitioner of mortuary science, who were to be proficient in both embalming and funeral directing. This bill expands the one license into two pathways.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates the establishment of a two-license system for 1) mortuary and embalming science and 2) for mortuary science overseen by the Board of Mortuary Science in the Division of Consumer Affairs will increase annual State expenditures and revenues by indeterminate amounts. The OLS notes that the bill will potentially increase the number of licenses regulated by the Board of Mortuary Science thereby increasing annual State expenditures and revenue collections from the administration and collection of application fees and licensure fees. Removal of the specific dollar amounts for the cost of sitting for an initial examination and any re-examination may also increase annual State revenue collections as it allows the board to establish through rules and regulations the costs of the examinations and re-examinations, which may result in an increase in the fee and associated State revenues.

According to testimony provided during the May 13, 2024, New Jersey Assembly Regulatory Professions committee, the bill maintains the current licensure of mortuary and embalming science and adds a separate licensure pathway for mortuary science, eliminating the embalming requirements. It was indicated during the hearing that this two-license system may increase the number of individuals who seek licensure who are currently not interested, for personal or religious reasons, in the embalming processes of funeral directing.

State Expenditure Impacts: The OLS expects the establishment of the licensure pathway for mortuary science to result in additional license applications and renewals, thereby increasing administrative and enforcement expenditures to the Division of Consumer Affairs. The OLS, however, has no information on the number of individuals that will apply for the new practitioner of mortuary science license or the marginal regulatory cost per applicant, given that the cost will depend on operating decisions by the board.

State Revenue Impacts: The new practitioner of mortuary science license and potential increases in the costs of initial examinations and any re-examinations are anticipated to generate additional revenue from the licenses and renewals. The number of individuals who would apply for the new license is unknown. Currently, the board has discretion in the setting of license fees, fines, and penalties. In the absence of information on these amounts, the OLS cannot project the magnitude of the associated annual State revenue gain.

Mortuary Science Background: According to the FY 2025 Governor's Budget, in FY 2023 there were 2,335 mortuary science licenses in force in New Jersey and 2,396 mortuary science licenses in force in FY 2022. The current practitioner application fee is \$50 and the initial license and biennial renewal are \$350.

The bill indicates that for religious, cultural, environmental, and philosophical reasons, an increasing number of funerals center around disposition without embalming. 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 service industry to New Jersey's diverse population and to societal changes.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE
[First Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1635
STATE OF NEW JERSEY
221st LEGISLATURE

DATED: MARCH 25, 2025

SUMMARY

Synopsis: Modifies regulation of mortuary science and establishes oversight of mortuary and embalming science.

Type of Impact: Annual State revenue and expenditure increases.

Agencies Affected: Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Expenditure Increase	Indeterminate
Annual State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates the establishment of a two-license system for 1) mortuary and embalming science and 2) for mortuary science, both overseen by the Board of Mortuary Science in the Division of Consumer Affairs, will increase annual State expenditures and revenues by indeterminate amounts.
- The OLS notes that the bill will potentially increase the number of licenses regulated by the Board of Mortuary Science, thereby increasing annual State expenditures and revenue collections from the administration and collection of application fees and licensure fees. Further, the OLS anticipates expenditures and revenues related to enforcement of the new mortuary science license.

BILL DESCRIPTION

This bill amends current law to create a licensure for mortuary and embalming science and a separate licensure for mortuary science. Both types of licenses would be overseen by the State Board of Mortuary Science of New Jersey.

Under the bill, a practitioner of mortuary and embalming science would provide services under what is currently recognized as mortuary science. The bill provides that a practitioner of mortuary science would solely provide funeral directing services. The education, including continuing education, and examination requirements, as well as other provisions of the law, are modified to incorporate this update to the mortuary science licensure to be regulated by the board. This also includes updates to qualifications for licensure, including no longer requiring a person to be a resident of New Jersey and lowering the age to eighteen to qualify. However, for a person to be licensed as what is now known as a practitioner of mortuary and embalming science, the requirement remains that this class of licensure still be proficient in both funeral directing and embalming.

The funeral directing industry is regulated, in large part, by the Mortuary Science Act. Prior to the enactment of that 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. However, the Mortuary Science Act consolidated the three licenses into one, issuing thereafter a license for a practitioner of mortuary science, who were to be proficient in both embalming and funeral directing. This bill provides two options in which to obtain a license.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates the establishment of a two-license system for 1) mortuary and embalming science and 2) for mortuary science overseen by the Board of Mortuary Science in the Division of Consumer Affairs will increase annual State expenditures and revenues by indeterminate amounts. The OLS notes that the bill will potentially increase the number of licenses regulated by the Board of Mortuary Science thereby increasing annual State expenditures and revenue collections from the administration and collection of application fees and licensure fees. Removal of the specific dollar amounts for the cost of sitting for an initial examination and any re-examination may also increase annual State revenue collections as it allows the board to establish through rules and regulations the costs of the examinations and re-examinations, which may result in an increase in the fee and associated State revenues.

According to testimony provided during the May 13, 2024, New Jersey Assembly Regulatory Professions committee, the bill maintains the current licensure, to now be known as licensure in of mortuary and embalming science, and adds a separate licensure pathway for mortuary science, eliminating the embalming requirements. It was indicated during the hearing that this two-license system might increase the number of individuals who seek licensure who are currently not interested, for personal or religious reasons, in the embalming processes of funeral directing.

State Expenditure Impacts: The OLS expects the establishment of the licensure pathway for mortuary science to result in additional license applications and renewals, thereby increasing administrative and enforcement expenditures to the Division of Consumer Affairs. The OLS, however, has no information on the number of individuals that will apply for the new practitioner of mortuary science license or the marginal regulatory cost per applicant, given that the cost will depend on operating decisions by the board.

State Revenue Impacts: The new practitioner of mortuary science license and potential increases in the costs of initial examinations and any re-examinations are anticipated to generate additional revenue from the licenses and renewals. The number of individuals who would apply for the new license is unknown. Currently, the board has discretion in the setting of license fees, fines, and penalties. In the absence of information on these amounts, the OLS cannot project the magnitude of the associated annual State revenue gain.

Mortuary Science Background: According to the FY 2026 Governor's Budget, in FY 2024 there were 2,339 mortuary science licenses in force in New Jersey and 2,335 mortuary science licenses in force in FY 2023. The current practitioner application fee is \$50 and the initial license and biennial renewal are \$350.

The bill indicates that for religious, cultural, environmental, and philosophical reasons, an increasing number of funerals center around disposition without embalming. 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 service industry to New Jersey's diverse population and to societal changes.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Lead Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

Posted on - 05/8/2025

TRENTON – Today, Governor Murphy signed the following bills into law:

ACS for ACS for A-1825/SCS for S-3533 (Verrelli/McKnight, Bramnick) - Establishes certain guidelines for SHBP, SEHBP, and Medicaid concerning step therapy protocols

A-2813/S-2688 (Greenwald, Reynolds-Jackson, Speight/McKnight, Gopal) - Enters NJ in Social Work Licensure Compact

ACS for A-3940/SCS for S-1635 (Stanley, Schaer/Zwicker, Pou) - Modifies regulation of mortuary science and establishes oversight of mortuary and embalming science

A-4751/S-3606 (DeAngelo, Quijano, Bagolie/Diegnan, A.M. Bucco) - Permits purchase of service credit in SPRS for period of enrollment in military service academy and in New Jersey State Police Academy, and employment as class two special law enforcement officer

ACS for AJR-211/SCS for SJR-149 (Reynolds-Jackson, Sumter, Carter/Turner, Burgess) - Designates May 18 of each year as Six Triple Eight Day in NJ

Governor Murphy conditionally vetoed the following bills:

A-4535/S-2952 (Hutchison, Verrelli, Atkins/Moriarty, Mukherji) – CONDITIONAL - Concerns State regulation of cooperative sober living residences and boarding houses generally; appropriates \$100,000

[Copy of Statement](#)

A-4652/S-3507 (Hutchison, Murphy/Moriarty, Wimberly) – CONDITIONAL - Establishes offense of inciting public brawl; upgrades penalty for disorderly conduct in certain circumstances

[Copy of Statement](#)