

8A: 5-18.1 and 8A: 5-18.2

LEGISLATIVE HISTORY CHECKLIST

HJSA 8A:5-18.1 and 8A:5-18.2 (Dead bodies - Burial--Interment spaces)
LAWS OF 1979 CHAPTER 200
Bill No. S811
Sponsor(s) Weiss, Vreeland and Hamilton
Date Introduced Feb. 14, 1978
Committee: Assembly Commerce, Industry and Professions
Senate Labor, Industry and Professions
Amended during passage Yes Amendments during passage denoted by asterisks
Date of Passage: Assembly June 11, 1979
Senate Feb. 26, 1979
Date of approval Sept. 20, 1979

Following statements are attached if available:

Sponsor statement	Yes	Yes
Committee Statement: Assembly	Yes	Yes
Senate	Yes	Yes
Fiscal Note	Yes	No
Veto message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

2/1/78

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 811

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Senators WEISS, VREELAND and HAMILTON

Referred to Committee on Labor, Industry and Professions

AN ACT concerning cemetery companies and supplementing chapter
5 of Title 8A of the New Jersey Statutes.

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

1 1. It shall be unlawful for ***[a]*** **any* cemetery company**,
2 *religious corporation, or religious society** to knowingly inter the
3 remains of more than one deceased person **or stillborn infant** in
4 any interment space, unless the funeral director provides written
4A evidence that other directions have been given by *****[:]*****
4B *****[***one of the following persons in the following order: the**
4C *decedent, surviving spouse, person or persons authorizing the*
4D *funeral, or a court of competent jurisdiction.***] ******** *****the*
4E *decedent, or a court of competent jurisdiction, or the relative or*
4F *relatives of the decedent in the following order:**

4G (1) *Surviving spouse;*

4H (2) *A majority of surviving children of the decedent or the sur-*
4I *living child if one;*

4J (3) *The surviving parent or parents of the decedent;*

4K (4) *A majority of the brothers and sisters of the decedent if no*
4L *child or parent is living; or*

4M (5) *Other next of kin according to the degree of consan-*
4N *quinity.*****

5 *****[a.** *The decedent; *or**

6 **b.** *A relative or relatives in the order of*

7 (1) *Surviving spouse;*

8 (2) *A majority of surviving children of the decedent or the sur-*
9 *living child if one;*

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

10 (3) The surviving parent or parents of the decedent;
11 (4) A majority of the brothers and sisters of the decedent if
12 no child or parent is living; or

13 (5) Other next of kin according to the degree of consanguinity;
14 or

15 c. A court of competent jurisdiction.】***

16 **Nothing in this section shall be construed as preventing multiple*
17 *depth burials if said burials have been contracted for between the*
18 *purchaser of the interment space and the owner of the cemetery.**

1 2. Any person who violates this act shall be guilty of a misde-
2 meanor**【, subject to imprisonment for up to 3 years or a fine of
3 up to \$1,000.00, or both,】** and shall remain liable for any other
4 penalties imposed by the board*, *where applicable**.

1 3. This act shall take effect immediately.

SENATE, No. 811

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Senators WEISS, VREELAND and HAMILTON

Referred to Committee on Labor, Industry and Professions

AN ACT concerning cemetery companies and supplementing chapter
5 of Title 8A of the New Jersey Statutes.

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

1 1. It shall be unlawful for a cemetery company to knowingly
2 inter the remains of more than one deceased person in any inter-
3 ment space, unless the funeral director provides written evidence
4 that other directions have been given by:

5 a. The decedent;

6 b. A relative or relatives in the order of

7 (1) Surviving spouse;

8 (2) A majority of surviving children of the decedent or the sur-
9 viving child if one;

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

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

13 (5) Other next of kin according to the degree of consanguinity;
14 or

15 c. A court of competent jurisdiction.

1 2. Any person who violates this act shall be guilty of a misde-
2 meanor, subject to imprisonment for up to 3 years or a fine of up
3 to \$1,000.00, or both, and shall remain liable for any other penalties
4 imposed by the board.

1 3. This act shall take effect immediately.

STATEMENT

This bill would make it unlawful for a cemetery company to inter the remains of more than one deceased person in any interment space, unless the funeral director provides written evidence that other directions have been given by the decedent, by relatives, or by a court of competent jurisdiction.

The purpose of this bill is to eliminate any ambiguities in the

law which might permit a cemetery company to knowingly inter the remains of more than one deceased person in an interment space, without written indication from the funeral director that such has been authorized.

Recent disclosures have revealed that this has occurred on a large scale in certain areas of the State with respect to the interment of babies or stillborn infants of the indigent.

ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

SENATE, No. 811

[SECOND OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 26, 1979

This bill would make it unlawful for any cemetery company, religious corporation, or religious society to inter the remains of more than one deceased person or stillborn infant in any interment space, unless the funeral director provides written evidence that other directions have been given. As amended by the committee, the other directions would have to be given by one of the following persons in the following order: the decedent, surviving spouse, person or persons authorizing the funeral, or a court of competent jurisdiction. This amendment will make the provisions of the bill more workable. Under the previous provisions of the bill, obtaining these directions could be extremely cumbersome in a case where these other directions would have to be given by a majority of the surviving children. Under these amendments, these directions would be given by the persons who authorize the funeral and who would be concerned enough to safeguard the dignity of the decedent in their decision.

A person who violates the provisions of this bill would be guilty of a misdemeanor.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 811

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 1979

This bill would make it unlawful for any cemetery company, religious corporation, or religious society to inter the remains of more than one deceased person or stillborn infant in any interment space, unless the funeral director provides written evidence that other directions have been given by the decedant, by relatives, or by a court of competent jurisdiction.

The committee approved technical amendments proposed by the Department of Banking and approved by the sponsor.
