

45:7-65.4 and 45:7-65.5

LEGISLATIVE HISTORY CHECKLIST

WJSA 45:7-65.4 and 45:7-65.5 (Dead bodies - Funeral directors—Placement of bodies in caskets or containers)

LAWS OF 1979 CHAPTER 201

Bill No. 8812

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. 25, 1979

Date of approval Sept. 20, 1979

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

EJ

9/1/79

CHAPTER 201

9-20-79 J. 19-79

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 812

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Senators WEISS, VREELAND and HAMILTON

Referred to Committee on Labor, Industry and Professions

A SUPPLEMENT to the "Mortuary Science Act," approved June 18, 1952 (P. L. 1952, c. 340, C. 45:7-32 et seq.).

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 funeral director to place the remains
2 of more than one deceased person ****or stillborn infant**** in a
3 coffin, casket, or other container for the purpose of interment,
4 unless other ****written**** directions have been given by ****[:]****
4A *****[**one of the following persons in the following order: the**
4B **decedent, surviving spouse, person or persons authorizing the**
4C **funeral, or a court of competent jurisdiction.**]** *****the decedent**
4D **or a court of competent jurisdiction, or the relative or relatives of**
4E **the decedent in the following order:**

- 4F (1) *Surviving spouse;*
- 4G (2) *A majority of surviving children of the decedent or the*
4H *surviving child if one;*
- 4I (3) *The surviving parent or parents of the decedent;*
- 4J (4) *A majority of the brothers and sisters of the decedent if no*
4K *child or parent is living; or*
- 4L (5) *Other next of kin according to the degree of con-*
4M *sanguinity.****

- 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*
9 *surviving 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 no
12 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
3 up to \$1,000.00, or both,】* and shall remain liable for any other
4 penalties which may be imposed by the board**, *where applicable***.

1 3. This act shall take effect immediately.

SENATE, No. 812

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Senators WEISS, VREELAND and HAMILTON

Referred to Committee on Labor, Industry and Professions

A SUPPLEMENT to the "Mortuary Science Act," approved June 18, 1952 (P. L. 1952, c. 340, C. 45:7-32 et seq.).

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 funeral director to place the remains
2 of more than one deceased person in a coffin, casket, or other con-
3 tainer for the purpose of interment, unless other directions have
4 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
9 surviving 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 no
12 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 which may be imposed by the board.

1 3. This act shall take effect immediately.

STATEMENT

This bill would make it unlawful for a funeral director to place the remains of more than one deceased person in a coffin, casket, or other container for the purpose of interment, unless other direc-

tions have been given by the decedent, by relatives, or by a court of competent jurisdiction.

The primary thrust of this bill is to eliminate the practice whereby funeral directors, without authorization, place the remains of more than one deceased person in a burial container. Recent disclosures indicate this has happened on a large scale in certain areas of the State with respect to the interment of babies or stillborn infants of the indigent.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 812

STATE OF NEW JERSEY

DATED: JANUARY 30, 1979

This bill would make it unlawful for any funeral director to place the remains of more than one deceased person in a coffin, casket, or other contains for the purpose of interment, unless other directions have been given by the decedant, by relatives, or by a court of competent jurisdiction.

SENATE AMENDMENT TO
SENATE, No. 812

STATE OF NEW JERSEY

ADOPTED FEBRUARY 20, 1979

Amend page 1, section 2, lines 2-3, after "meanor", omit remainder of line 2 and "to \$1,000.00, or both," on line 3.

STATEMENT

The purpose of this amendment is to eliminate the specific penalty provision contained in the bill, so that on and after the effective date of the New Jersey Code of Criminal Justice, violations will be punishable as crimes of the fourth degree.

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SENATE, No. 812

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Senators WEISS, VREELAND and HAMILTON

Referred to Committee on Labor, Industry and Professions

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4 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
9 surviving 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 no
12 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
3 up to \$1,000.00, or both,**]*** and shall remain liable for any other
4 penalties which may be imposed by the board.

1 3. This act shall take effect immediately.

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

ASSEMBLY COMMITTEE AMENDMENTS TO

SENATE, No. 812

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 26, 1979

Amend page 1, section 1, line 2, after "person", insert "or stillborn infant".

Amend page 1, section 1, line 3, after "other", insert "written".

Amend page 1, section 1, line 4, omit ":".

Amend page 1, section 1, lines 5-15, omit in entirety and insert "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."

Amend page 1, section 2, line 4, after "board", insert ", where applicable".

[ASSEMBLY REPRINT]
SENATE, No. 812
[OFFICIAL COPY REPRINT]

with Assembly committee amendments adopted April 26, 1979

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Senators WEISS, VREELAND and HAMILTON

Referred to Committee on Labor, Industry and Professions

A SUPPLEMENT to the "Mortuary Science Act," approved June 18,
1952 (P. L. 1952, c. 340, C. 45:7-32 et seq.).

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2 of more than one deceased person ***or stillborn infant*** in a
3 coffin, casket, or other container for the purpose of interment,
4 unless other ***written*** directions have been given by **[:]******
4A ***one of the following persons in the following order: the decedent,*
4B *surviving spouse, person or persons authorizing the funeral, or a*
4C *court of competent jurisdiction.***

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
9 surviving 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 no
12 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
3 up to \$1,000.00, or both, **[:]***** and shall remain liable for any other
4 penalties which may be imposed by the board ****, *where applicable***.

1 3. This act shall take effect immediately.

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is not enacted and is intended to be omitted in the law.

ASSEMBLY AMENDMENT TO
SENATE, No. 812
[OFFICIAL COPY REPRINT]
[ASSEMBLY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 21, 1979

Amend page 1, section 1, lines 4A-4C, omit in their entirety, insert "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."

[SECOND ASSEMBLY REPRINT]

SENATE, No. 812

[OFFICIAL COPY REPRINT]

with Assembly committee amendments adopted April 26, 1979
and Assembly amendment adopted May 21, 1979

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Senators WEISS, VREELAND and HAMILTON

Referred to Committee on Labor, Industry and Professions

A SUPPLEMENT to the "Mortuary Science Act," approved June 18,
1952 (P. L. 1952, c. 340, C. 45:7-32 et seq.).

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4D *or a court of competent jurisdiction, or the relative or relatives of*
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4K *child or parent is living; or*

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4M *sanguinity.***

5 ****[a.** The decedent,

6 b. A relative or relatives in the order of

7 (1) *Surviving spouse,*

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12 child or parent is living, or

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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
3 up to \$1,000.00, or both,]* and shall remain liable for any other
4 penalties which may be imposed by the board**, *where applicable***.

1 3. This act shall take effect immediately.

FROM THE OFFICE OF THE

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 20, 1979

JOE S. TAMM, JR.

Governor Brendan Byrne has signed the following bills:

S-811 and S-812, sponsored by Senator Laurence S. Weiss (D-Middlesex), which prohibits the interment of more than one of a deceased person or stillborn infant in the same interment space or container without proper written authorization.

S-811 applies to cemeteries and S-812 applies to morticians.

Proper written consent to a multiple burial may be given by the decedent before he becomes such, a court of competent jurisdiction or certain of the decedent's relatives in an order specified in the bill.

S-811 also provides that multiple death burials are permitted if they have been contracted for between the purchaser of the space and the owner of the cemetery.

S-1028, sponsored by Senator Matthew Feldman (D-Bergen), which permits minors between the ages of 16 and 18 to work in the executive offices, maintenance departments, or pool or beach areas of hotels, motels or guest houses.

Under prior law, minors were permitted to work in restaurants, provided they did not engage in the preparation, sale or serving of alcoholic beverages, tobacco products or photographs and did not participate in dancing or theatrical exhibitions.

The minors will continue to be protected under other provisions of the Child Labor Law.

S-1334, sponsored by Senator Carmen Orechio (D-Essex), which eliminates an apparent conflict in the statutes with respect to the term of office of the Superintendent of State Police and the mandatory retirement provisions of the State Police Retirement and Benevolent Fund.