

# 16:1-7.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2015                    **CHAPTER:** 30

**NJSA:** 16:1-7.1 (Prohibits religious entities from engaging in certain practices involving cemeteries, funeral homes and mortuaries, memorials, mausoleums and burial vaults)

**BILL NO:** A3480                    (Substituted for S2485)

**SPONSOR(S)** Giblin and others

**DATE INTRODUCED:** October 23, 2014

**COMMITTEE:**                    **ASSEMBLY:** Regulated Professions

**SENATE:** ---

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** March 9, 2015

**SENATE:** March 16, 2015

**DATE OF APPROVAL:** March 23, 2015

### FOLLOWING ARE ATTACHED IF AVAILABLE:

#### FINAL TEXT OF BILL (Second Reprint enacted)

##### A3840

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

##### S2485

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Law puts Newark Archdiocese out of the headstone business," The Star-Ledger, 3-24-15

LAW/KR

P.L.2015, CHAPTER 30, *approved March 23, 2015*

Assembly, No. 3840 (*Second Reprint*)

1 AN ACT concerning certain religious entities and supplementing  
2 chapter 1 of Title 16 of the Revised Statutes.

3

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

6

7 1. a. Notwithstanding the provisions of any other law, rule or  
8 regulation to the contrary, a religious corporation, association,  
9 organization or society, however formed or incorporated, that owns  
10 or controls a cemetery or that engages in the management, operation  
11 or sales of or for a cemetery, whether directly or indirectly, or the  
12 owner or operator of a religious cemetery, is prohibited from  
13 engaging, directly or indirectly, in:

14 (1) the ownership, manufacture, installation, sale, creation,  
15 inscription, provision or conveyance, in any form, of memorials;

16 (2) the ownership, manufacture, installation, sale, creation,  
17 provision or conveyance, in any form, of vaults, including vaults  
18 installed in a grave before or after sale and including vaults joined  
19 with each other in the ground;

20 (3) the ownership, manufacture, installation, sale, creation,  
21 provision or conveyance, in any form, of a mausoleum intended for  
22 private use, which shall not include a mausoleum built for use by or  
23 sale to the general public membership of a religious organization;

24 (4) the ownership or conduct of any funeral home or mortuary,  
25 or the engaging in the business or profession of funeral directing or  
26 mortuary science;

27 (5) the sale, renting or leasing of any of its real property <sup>1</sup>**],**  
28 including that which is adjacent to a cemetery or <sup>1</sup>**]** dedicated to  
29 cemetery purposes, for the location of a funeral home or mortuary  
30 or the conduct of the business or profession of funeral directing or  
31 mortuary science; or

32 (6) the entering into a management contract to authorize control  
33 of its cemetery related operations with any entity that, directly or  
34 indirectly, in this State, engages in the ownership or conduct of a  
35 funeral home or mortuary or that engages in the business or  
36 profession of funeral directing or mortuary science.

37 b. As used in this act:

38 (1) “funeral directing,” “mortuary” and “mortuary science” shall

**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:

<sup>1</sup>Assembly floor amendments adopted November 13, 2014.

<sup>2</sup>Assembly amendments adopted in accordance with Governor's recommendations February 5, 2015.

1 have the same meanings as set forth in section 3 of P.L. 1952,  
2 c. 340 (C. 45:7-34); and

3 (2) “mausoleum,” “memorial” and “vault” shall have the same  
4 meanings as set forth in section 2 of P.L.2003, c.261 (C.45:27-2).

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6 2. This act shall take effect <sup>2</sup>**[immediately]** one year following  
7 enactment<sup>2</sup>.

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12 Prohibits religious entities from engaging in certain practices  
13 involving cemeteries, funeral homes and mortuaries, memorials,  
14 mausoleums and burial vaults.

# ASSEMBLY, No. 3840

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED OCTOBER 23, 2014

**Sponsored by:**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblyman DAVID P. RIBLE**

**District 30 (Monmouth and Ocean)**

**Assemblyman CHARLES MAINOR**

**District 31 (Hudson)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

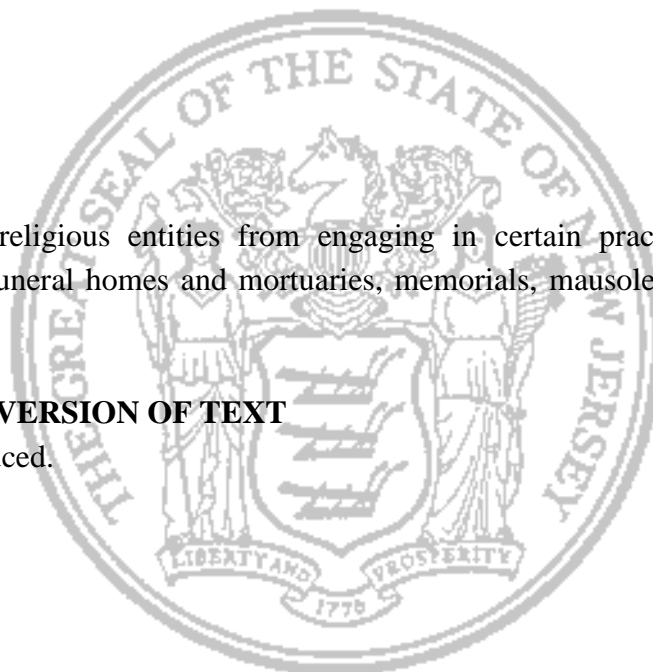
**Assemblymen Diegnan, Lagana, Ciattarelli, Mazzeo, Rumana, Garcia and Johnson**

**SYNOPSIS**

Prohibits religious entities from engaging in certain practices involving cemeteries, funeral homes and mortuaries, memorials, mausoleums and burial vaults.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/14/2014)**

1 AN ACT concerning certain religious entities and supplementing  
2 chapter 1 of Title 16 of the Revised Statutes.

3

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

6

7 1. a. Notwithstanding the provisions of any other law, rule or  
8 regulation to the contrary, a religious corporation, association,  
9 organization or society, however formed or incorporated, that owns  
10 or controls a cemetery or that engages in the management, operation  
11 or sales of or for a cemetery, whether directly or indirectly, or the  
12 owner or operator of a religious cemetery, is prohibited from  
13 engaging, directly or indirectly, in:

14 (1) the ownership, manufacture, installation, sale, creation,  
15 inscription, provision or conveyance, in any form, of memorials;

16 (2) the ownership, manufacture, installation, sale, creation,  
17 provision or conveyance, in any form, of vaults, including vaults  
18 installed in a grave before or after sale and including vaults joined  
19 with each other in the ground;

20 (3) the ownership, manufacture, installation, sale, creation,  
21 provision or conveyance, in any form, of a mausoleum intended for  
22 private use, which shall not include a mausoleum built for use by or  
23 sale to the general public membership of a religious organization;

24 (4) the ownership or conduct of any funeral home or mortuary,  
25 or the engaging in the business or profession of funeral directing or  
26 mortuary science;

27 (5) the sale, renting or leasing of any of its real property,  
28 including that which is adjacent to a cemetery or dedicated to  
29 cemetery purposes, for the location of a funeral home or mortuary  
30 or the conduct of the business or profession of funeral directing or  
31 mortuary science; or

32 (6) the entering into a management contract to authorize control  
33 of its cemetery related operations with any entity that, directly or  
34 indirectly, in this State, engages in the ownership or conduct of a  
35 funeral home or mortuary or that engages in the business or  
36 profession of funeral directing or mortuary science.

37 b. As used in this act:

38 (1) “funeral directing,” “mortuary” and “mortuary science” shall  
39 have the same meanings as set forth in section 3 of P.L. 1952,  
40 c. 340 (C. 45:7-34); and

41 (2) “mausoleum,” “memorial” and “vault” shall have the same  
42 meanings as set forth in section 2 of P.L.2003, c.261 (C.45:27-2).

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44 2. This act shall take effect immediately.

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STATEMENT

This bill prohibits religious corporations, associations, organizations or societies from engaging in certain practices involving cemeteries, funeral homes and mortuaries, as well as memorials, mausoleums and burial vaults. More specifically, the bill prohibits a religious corporation, association, organization or society that owns or controls a cemetery or that engages in the management, operation or sales of or for a cemetery, or the owner or operator of a religious cemetery, from engaging in: the ownership, manufacture, installation, sale, creation, inscription, provision or conveyance, in any form, of memorials; the ownership, manufacture, installation, sale, creation, provision or conveyance, in any form, of vaults, including vaults installed in a grave before or after sale and including vaults joined with each other in the ground; or the ownership, manufacture, installation, sale, creation, provision or conveyance, in any form, of a mausoleum intended for private use, except for a mausoleum built for use by or sale to the general public membership of a religious organization.

In addition, the bill prohibits a religious corporation, association, organization or society that owns or controls a cemetery or that engages in the management, operation or sales of or for a cemetery, or the owner or operator of a religious cemetery, from engaging in: the ownership or conduct of any funeral home or mortuary, or the engaging in the business or profession of funeral directing or mortuary science; the sale, renting or leasing of any of its real property, including that which is adjacent to a cemetery or dedicated to cemetery purposes, for the location of a funeral home or mortuary or the conduct of the business or profession of funeral directing or mortuary science; or the entering into a management contract to authorize control of its cemetery related operations with any entity that, directly or indirectly, in this State, engages in the ownership or conduct of a funeral home or mortuary or that engages in the business or profession of funeral directing or mortuary science.

# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3840

# STATE OF NEW JERSEY

DATED: OCTOBER 23, 2014

The Assembly Regulated Professions Committee reports favorably Assembly Bill No. 3840.

This bill prohibits religious corporations, associations, organizations or societies from engaging in certain practices involving cemeteries, funeral homes and mortuaries, as well as memorials, mausoleums and burial vaults. More specifically, the bill prohibits a religious corporation, association, organization or society that owns or controls a cemetery or that engages in the management, operation or sales of or for a cemetery, or the owner or operator of a religious cemetery, from engaging in: the ownership, manufacture, installation, sale, creation, inscription, provision or conveyance, in any form, of memorials; the ownership, manufacture, installation, sale, creation, provision or conveyance, in any form, of vaults, including vaults installed in a grave before or after sale and including vaults joined with each other in the ground; or the ownership, manufacture, installation, sale, creation, provision or conveyance, in any form, of a mausoleum intended for private use, except for a mausoleum built for use by or sale to the general public membership of a religious organization.

In addition, the bill prohibits a religious corporation, association, organization or society that owns or controls a cemetery or that engages in the management, operation or sales of or for a cemetery, or the owner or operator of a religious cemetery, from engaging in: the ownership or conduct of any funeral home or mortuary, or the engaging in the business or profession of funeral directing or mortuary science; the sale, renting or leasing of any of its real property, including that which is adjacent to a cemetery or dedicated to cemetery purposes, for the location of a funeral home or mortuary or the conduct of the business or profession of funeral directing or mortuary science; or the entering into a management contract to authorize control of its cemetery related operations with any entity that, directly or indirectly, in this State, engages in the ownership or conduct of a funeral home or mortuary or that engages in the business or profession of funeral directing or mortuary science.



STATEMENT TO  
**ASSEMBLY, No. 3840**

with Assembly Floor Amendments  
(Proposed by Assemblyman GIBLIN)

ADOPTED: NOVEMBER 13, 2014

This Assembly amendment removes from the bill's prohibition on the use of property owned or operated by a religious corporation the sale, rent or lease of property adjacent to a cemetery provided that such adjacent property is not dedicated for cemetery purposes.

**ASSEMBLY BILL NO. 3840**  
**(First Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3840 (First Reprint) with my recommendations for reconsideration.

Under current law, cemetery companies are prohibited from engaging in the manufacture or sale of memorials, private mausoleums, and vaults. The law specifically exempts religious cemeteries from the definition of "cemetery company." This bill eliminates that exemption.

Choosing a memorial is a deeply personal decision that often impacts families at the most difficult time. Consequently, changes to this law should be carefully considered. Because this bill would take effect immediately, it could force families to start the selection of a memorial anew, adding stress and burden to an already difficult period of grief. Therefore, to ensure sufficient notice, and to provide religious cemeteries the opportunity to adjust their services, I recommend delaying the implementation of this bill by one year.

Accordingly, I herewith return Assembly Bill No. 3840 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 2, Line 44:

Delete "immediately" and  
insert "one year  
following enactment"

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Christopher S. Porrino

Chief Counsel to the Governor

# SENATE, No. 2485

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED OCTOBER 14, 2014

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator KEVIN J. O'TOOLE**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators Sacco and Rice**

**SYNOPSIS**

Prohibits religious entities from engaging in certain practices involving cemeteries, funeral homes and mortuaries, memorials, mausoleums and burial vaults.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/9/2014)**

1 AN ACT concerning certain religious entities and supplementing  
2 chapter 1 of Title 16 of the Revised Statutes.

3

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

6

7 1. a. Notwithstanding the provisions of any other law, rule or  
8 regulation to the contrary, a religious corporation, association,  
9 organization or society, however formed or incorporated, that owns  
10 or controls a cemetery or that engages in the management, operation  
11 or sales of or for a cemetery, whether directly or indirectly, or the  
12 owner or operator of a religious cemetery, is prohibited from  
13 engaging, directly or indirectly, in:

14 (1) the ownership, manufacture, installation, sale, creation,  
15 inscription, provision or conveyance, in any form, of memorials;

16 (2) the ownership, manufacture, installation, sale, creation,  
17 provision or conveyance, in any form, of vaults, including vaults  
18 installed in a grave before or after sale and including vaults joined  
19 with each other in the ground;

20 (3) the ownership, manufacture, installation, sale, creation,  
21 provision or conveyance, in any form, of a mausoleum intended for  
22 private use, which shall not include a mausoleum built for use by or  
23 sale to the general public membership of a religious organization;

24 (4) the ownership or conduct of any funeral home or mortuary,  
25 or the engaging in the business or profession of funeral directing or  
26 mortuary science;

27 (5) the sale, renting or leasing of any of its real property,  
28 including that which is adjacent to a cemetery or dedicated to  
29 cemetery purposes, for the location of a funeral home or mortuary  
30 or the conduct of the business or profession of funeral directing or  
31 mortuary science; or

32 (6) the entering into a management contract to authorize control  
33 of its cemetery related operations with any entity that, directly or  
34 indirectly, in this State, engages in the ownership or conduct of a  
35 funeral home or mortuary or that engages in the business or  
36 profession of funeral directing or mortuary science.

37 b. As used in this act:

38 (1) “funeral directing,” “mortuary” and “mortuary science” shall  
39 have the same meanings as set forth in section 3 of P.L.1952, c.340  
40 (C.45:7-34); and

41 (2) “mausoleum,” “memorial” and “vault” shall have the same  
42 meanings as set forth in section 2 of P.L.2003, c.261 (C.45:27-2).

43

44 2. This act shall take effect immediately.

1 STATEMENT

2

3 This bill prohibits religious corporations, associations,  
4 organizations or societies from engaging in certain practices  
5 involving cemeteries, funeral homes and mortuaries, as well as  
6 memorials, mausoleums and burial vaults. More specifically, the  
7 bill prohibits a religious corporation, association, organization or  
8 society that owns or controls a cemetery or that engages in the  
9 management, operation or sales of or for a cemetery, or the owner  
10 or operator of a religious cemetery, from engaging in: the  
11 ownership, manufacture, installation, sale, creation, inscription,  
12 provision or conveyance, in any form, of memorials; the ownership,  
13 manufacture, installation, sale, creation, provision or conveyance, in  
14 any form, of vaults, including vaults installed in a grave before or  
15 after sale and including vaults joined with each other in the ground;  
16 or the ownership, manufacture, installation, sale, creation, provision  
17 or conveyance, in any form, of a mausoleum intended for private  
18 use, except for a mausoleum built for use by or sale to the general  
19 public membership of a religious organization.

20 In addition, the bill prohibits a religious corporation, association,  
21 organization or society that owns or controls a cemetery or that  
22 engages in the management, operation or sales of or for a cemetery,  
23 or the owner or operator of a religious cemetery, from engaging in:  
24 the ownership or conduct of any funeral home or mortuary, or the  
25 engaging in the business or profession of funeral directing or  
26 mortuary science; the sale, renting or leasing of any of its real  
27 property, including that which is adjacent to a cemetery or  
28 dedicated to cemetery purposes, for the location of a funeral home  
29 or mortuary or the conduct of the business or profession of funeral  
30 directing or mortuary science; or the entering into a management  
31 contract to authorize control of its cemetery related operations with  
32 any entity that, directly or indirectly, in this State, engages in the  
33 ownership or conduct of a funeral home or mortuary or that engages  
34 in the business or profession of funeral directing or mortuary  
35 science.

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### **SENATE, No. 2485**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 8, 2014

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 2485.

This bill, as amended, prohibits religious corporations, associations, organizations or societies from engaging in certain practices involving cemeteries, funeral homes and mortuaries, as well as memorials, mausoleums and burial vaults. More specifically, the bill prohibits a religious corporation, association, organization or society that owns or controls a cemetery or that engages in the management, operation or sales of or for a cemetery, or the owner or operator of a religious cemetery, from engaging in: the ownership, manufacture, installation, sale, creation, inscription, provision or conveyance, in any form, of memorials; the ownership, manufacture, installation, sale, creation, provision or conveyance, in any form, of vaults, including vaults installed in a grave before or after sale and including vaults joined with each other in the ground; or the ownership, manufacture, installation, sale, creation, provision or conveyance, in any form, of a mausoleum intended for private use, except for a mausoleum built for use by or sale to the general public membership of a religious organization.

In addition, the bill prohibits a religious corporation, association, organization or society that owns or controls a cemetery or that engages in the management, operation or sales of or for a cemetery, or the owner or operator of a religious cemetery, from engaging in: the ownership or conduct of any funeral home or mortuary, or the engaging in the business or profession of funeral directing or mortuary science; the sale, renting or leasing of any of its real property dedicated to cemetery purposes, for the location of a funeral home or mortuary or the conduct of the business or profession of funeral directing or mortuary science; or the entering into a management contract to authorize control of its cemetery related operations with any entity that, directly or indirectly, in this State, engages in the ownership or conduct of a funeral home or mortuary or that engages in the business or profession of funeral directing or mortuary science.

As amended and reported, this bill is identical to Assembly Bill No. 3840 (1R).

Committee Amendment:

The committee amended the bill to remove from the bill's prohibition on the use of property owned or operated by a religious corporation the sale, rent or lease of property adjacent to a cemetery provided that such adjacent property is not dedicated for cemetery purposes.