§1
C.45:7-32.1
§§23,24
Note

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

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:*

1. (New section) 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

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]Assembly floor amendments adopted September 26, 2024.
[2] Senate SBA committee amendments adopted March 17, 2025.

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:

3. As used in **[**this act**]** 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) **[**"Embalmer" means a qualified person who practices or engages in embalming, as the same is herein defined**]** "Mortuary science" means funeral directing as the same is herein defined.

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

(g)**]** "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 **[**this act**]** 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 **1[**trainee**]** intern**1**" 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 **[**this act**]** 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 **1[**trainee**]** intern**1** in mortuary science from a licensed practitioner in mortuary and embalming science, provided that such training solely focuses on funeral directing.

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

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

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 **[**P.L.1971, c.60 (C.45:2.1 et seq.)**]** 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 **[**this act**]** 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).

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

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

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) [1]**[**trainees**]** interns[1], apprentices and preceptors,

(e) unethical or unprofessional conduct,

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

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

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

10. The secretary shall keep a record of all proceedings of the board, 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 **[**this act**]** 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 **[**of embalming or funeral directing, or both**]** 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 **[**embalmer and to each licensed funeral director**]** practitioner of mortuary and embalming science a list of all practitioners **[**of mortuary science, embalmers, and funeral directors**]** holding a license under **[**this act**]** 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.

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

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

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 **[**this act**]** 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**[**, embalming or funeral directing,**]** or mortuary and embalming science nor shall he in any way be connected with the work of a practitioner of mortuary science**[**, embalming or funeral directing**]** or mortuary and embalming science.

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

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

16. No person shall engage in the practice of mortuary science**[**, embalming or funeral directing,**]** or mortuary and embalming science unless he shall have been duly licensed so to do, by the board, under the provisions of **[**this act**]** 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 **1[**trainee**]** intern**1** 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.
(cf: P.L.1952, c.340, s.16)

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

17. The board shall grant ⟦only a single⟧ a license as a practitioner of mortuary science or of mortuary and embalming science to ⟦any⟧ an applicant, and ⟦any⟧ a person shall hold a license as a practitioner of mortuary science or of mortuary and embalming science issued under the provisions of ⟦this act⟧ P.L.1952, c.340 (C.45:7-32 et seq.) before being permitted to practice mortuary science or ⟦embalming or funeral directing⟧ or mortuary and embalming science in this State.
(cf: P.L.1960, c.184, s.6)

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

18. ⟦(a)⟧ 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) ⟦Shall⟧ (a) in the case of an applicant for licensure as a practitioner of mortuary and embalming science, shall have passed an examination to be ⟦conducted⟧ 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; [1]⟦bacteriology; dissection⟧ microbiology[1]; 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; ⟦mortuary accounting;⟧ 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. [2]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)[2] An examination conducted by an entity other than the board **[**shall**]** [2]**[**may**]** shall[2] be preapproved by the board and conducted by a **[**nationally**]** recognized testing service **[**that is under contract with the regulatory boards of at least three other states**]** to provide testing and grading in the field of funeral service arts **[**and**]**, funeral service science**[**. This entity may conduct**]**, 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. **[**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]**[**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**]** 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].

(2) Shall have completed **[**2**]** two years of practical training and experience as a registered [1]**[**trainee**]** intern[1] 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.) **[**or as both an embalmer and funeral director under any prior law of this State**]** 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 **[**75**]** 50 bodies; and shall have satisfactorily completed a minimum of **[**2**]** two academic years of instruction in a college or university approved by the State Department of Education and **[**1**]** one year of instruction in a **1[**school of mortuary science**]** program of funeral service education**1** approved by the State Board of Mortuary Science of New Jersey; except that a person who has satisfactorily completed **[**3**]** three academic years of instruction in such a college or university and **[**1**]** one year of instruction in such an approved **1[**school of mortuary science**]** program of funeral service education**1** need only have completed **[**1**]** one year of practical training and experience as a registered **1[**trainee**]** intern**1**. Not more than **[**1**]** one **1[**trainee**]** intern**1** shall be registered at **[**1**]** one time in **[**1**]** one establishment, except that **[**2**]** two **1[**trainees**]** interns**1** may be permitted if there are **[**2**]** 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 **1[**trainee**]** intern**1** 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 **1[**trainee**]** intern**1**, 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 **1[**trainee**]** intern**1** and by the licensee with whom the **1[**trainee**]** intern**1** 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 **1[**a trainee**]** an intern**1** 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 **1[**trainee**]** intern**1**; **1**and**1**

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

(5) Shall have**]1** passed his or her **1[**twenty-first**]** 18th**1** birthday.

1[(b)**]** b.**1** 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 ¹[(a)] a.¹ 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 ¹[trainee] intern¹ required by paragraph (2) of subsection ¹[(a)] a.¹ of this section.

¹[(c)] c.¹ Any individual licensed as a practitioner of mortuary science prior to the enactment of P.L. , c. (C.) (pending before the Legislature as this bill) shall be subject to the licensing requirements established pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) and shall be issued a practitioner of mortuary and embalming science license in subsequent renewals.

(cf: P.L.2019, c.130, s.1)

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

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.

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

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

19. No person shall be examined by the board except upon payment of a fee ¹[of $50.00]¹ for the initial examination and ¹[a] another¹ fee ¹[of $25.00]¹ 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 [1]**[**and has been a resident of the State of New Jersey**]**[1] for a period of at least **[**6**]** six months prior to the date of the examination;

(b) He is of good moral character and at least [1]**[**21**]** 18[1] years of age;

(2) a certificate from the Commissioner of Education of this State showing that [1]**[**before entering an embalming college or college of mortuary science**]** prior to licensure and upon completion of an approved program of funeral service education,[1] he had obtained an academic education consisting of a **[**4**]** 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 **[**2**]** two years of academic instruction in a college or university approved by the New Jersey Department of Education, satisfactorily completed a minimum of **[**1**]** one year of academic instruction in a [1]**[**school of mortuary science**]** program of funeral service education[1] approved by the State Board of Mortuary Science; or (b) satisfactorily completed a minimum of **[**3**]** three years of academic instruction in such a college or university, satisfactorily completed a minimum of **[**1**]** one year of academic instruction in such a [1]**[**school of mortuary science**]** program of funeral service education[1]; 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 **[**1-year**]** one-year or **[**2-year**]** two-year period of practical training as a registered [1]**[**trainee**]** intern[1] 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 [1]**[**trainee**]** intern[1] 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.

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

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

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

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

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

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 **[**twenty-four**]** 24 of **[**this act**]** 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 this act, or of a person duly licensed as a funeral director**]** under the provisions of **[**this act**]** 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. , c. (C.) (pending before the Legislature as this bill); 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 **[**this act, or of a person duly licensed as a funeral director under the provisions of this act**]** 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.

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

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

34. Every practitioner of mortuary science**[**, embalmer or funeral director**]** 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.

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

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

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 **[**or as a funeral director**]**.
(cf: P.L.1960, c.184, s.17)

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

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 **[**an embalmer or funeral director**]** 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 **[**funeral director**]** 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 **[**a funeral director's**]** 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 **[**funeral director**]** practitioner of mortuary and embalming science or practitioner of mortuary science or an agent or employee of the **[**the funeral director**]** 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 ⟦funeral director⟧ 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 ⟦funeral director⟧ 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).

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

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

1. It shall be unlawful for a ⟦funeral director⟧ 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.

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

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

1. The State Board of Mortuary Science of New Jersey shall require each person licensed to practice mortuary science⟦, embalming or funeral directing⟧ 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 ⟦this act⟧ P.L.1995, c.192 (C.45:7-72.2).
(cf: P.L.1995, c.192, s.1)

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

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 ⟦this act⟧ P.L.1995, c.192 (C.45:72.1 et seq.).
(cf: P.L.1995, c.192, s.2)

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

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. [2]⟦The board shall issue to each person granted a license an identification card stating that the holder thereof has received a license and is carrying on the practice of mortuary science ⟦, or of funeral directing or embalming⟧ or of mortuary and embalming science. The proper holder of such a card shall have the same right to carry on the practice of mortuary science⟦, or of funeral directing or embalming⟧ or of mortuary and embalming science as those whose names appear on file in the office of the registrar of vital statistics in each municipality.⟧[2]
(cf: P.L.1960, c.184, s.15)

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

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 ⟦a funeral director⟧ 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 **[**funeral director**]** practitioner of mortuary and embalming science other than in the State in which he is registered and licensed.
(cf: P.L.1967, c.245, s.4)

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

41. A **[**funeral director**]** 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 **[**funeral director**]** 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 **[**funeral director**]** 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 **[**funeral director**]** 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.
(cf: P.L.2003, c.261, s.41)

23. (New section) 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. , c. (C.) (pending before the Legislature as this bill).

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

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