

ASSEMBLY, No. 2615

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

SYNOPSIS

Allows interment of cremated pet remains in certain cemeteries.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the interment of cremated pet remains in
2 certain cemeteries and amending and supplementing P.L.2003,
3 c.261.

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

7
8 1. Section 2 of P.L.2003, c.261 (C.45:27-2) is amended to read
9 as follows:

10 2. The following definitions, unless the context indicates
11 otherwise, apply to this act:

12 "Annual, endowed or special care" means care or maintenance of
13 an individual interment space provided for by agreement between
14 the cemetery and the owner of the space.

15 "Board" means the New Jersey Cemetery Board.

16 "Burial" means disposition of human remains by placing them in
17 a grave or crypt, but does not include their temporary storage.

18 "Burial right" means a right for the burial of human remains in a
19 particular grave or crypt created by contract between a person and a
20 cemetery.

21 "Cemetery" means any land or place used or dedicated for use
22 for burial of human remains, cremation of human remains, or
23 disposition of cremated human remains.

24 "Cemetery company" means a person that owns, manages,
25 operates or controls a cemetery, directly or indirectly, but does not
26 include a religious organization that owns a cemetery which
27 restricts burials to members of that religion or their families unless
28 the organization has obtained a certificate of authority for the
29 cemetery.

30 "Columbarium" means a building or structure containing niches
31 for placement of cremated human remains.

32 "Cremated human remains" means the recoverable bone
33 fragments and container residue resulting from the process of
34 cremation of human remains or of a deceased human being.

35 "Cremated pet remains" means the recoverable bone fragments
36 and container residue resulting from the process of cremation of pet
37 remains or of a deceased pet.

38 "Cremation" means the process of reducing human or pet
39 remains to bone fragments through flame, heat and vaporization.

40 "Crematory" means a structure containing cremation chambers
41 used to cremate human remains.

42 "Crypt" means an interment space in a mausoleum or other
43 structure, above or below ground.

44 "Embellishment" means an item contributing to beauty, comfort
45 or enhancement of a cemetery, but does not include a memorial or a

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.

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1 disposable, perishable or seasonal item.

2 "General maintenance charge" means a fee assessed against each
3 interment space for the general upkeep of the cemetery.

4 "Grave" means a place for underground disposition of human
5 remains or cremated human remains. A grave may include spaces
6 for the disposition of human remains of more than one person,
7 arranged by depth.

8 "Human remains" means a body, or part of a body, of a deceased
9 human being.

10 "Interment" means the disposition of human remains or cremated
11 pet remains by burial in a grave or crypt but does not mean the
12 temporary storage of remains.

13 "Interment space" means a grave or crypt intended for the
14 interment of human remains.

15 "Maintenance" means all activities of a cemetery company which
16 further the care and upkeep of a cemetery, including cutting lawns,
17 and preservation and repair of drains, water lines, roads, buildings,
18 fences and other structures.

19 "Maintenance and preservation" means the care of the entire
20 cemetery to the extent of the income of the Maintenance and
21 Preservation Fund; it does not include providing specific care to
22 individual graves or plots.

23 "Mausoleum" means a permanent building in a cemetery above
24 or below ground, containing crypts to be used for burial.

25 "Memorial" means a marker or monument located at a grave
26 containing the name of a deceased person or the family name of a
27 deceased person, or an effigy or other representation of a deceased
28 person buried in the grave. It does not include an embellishment.

29 "Niche" means a space in a columbarium or mausoleum for
30 placement of cremated human remains or both cremated human
31 remains and cremated pet remains.

32 "Path" means a course or way intended to provide pedestrian
33 access to interment spaces.

34 "Person" includes an individual, corporation, partnership,
35 association or any other public or private entity.

36 "Pet" means any domesticated animal normally maintained in or
37 near the household of the owner thereof.

38 "Plot" or "lot" means an area of cemetery ground containing two
39 or more adjoining graves.

40 "Private mausoleum" means a mausoleum constructed by or for a
41 plot owner and not owned by the cemetery.

42 "Public mausoleum" means a mausoleum, built in accordance
43 with regulations of the Department of Community Affairs, owned
44 by a cemetery or cemetery company with the intention of use of
45 interment spaces in it by the general public. A mausoleum is
46 distinguished from a single or multiple vault in that it is a single
47 integrated structure assembled on the premises. It shall not consist

1 of one or more vaults constructed off the cemetery premises and
2 installed singly or in series at the cemetery premises.

3 "Roadway" means a course or way intended to provide vehicle
4 access to interment spaces.

5 "Vault" means a prefabricated outer burial case of any material,
6 designed to be installed in the ground to receive one or more
7 burials, and not a part of a public or private mausoleum or any other
8 structure.

9 (cf: P.L.2011, c.230, s.1.)

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11 2. Section 16 of P.L.2003, c.261 (C.45:27-16) is amended to
12 read as follows:

13 16. a. A cemetery company shall:

14 (1) adopt reasonable regulations for the use, management and
15 protection of the cemetery and of all interment spaces in it; for
16 regulating the dividing marks between graves; for prohibiting or
17 regulating the erection of structures; for preventing unsightly
18 monuments, effigies and structures within the cemetery, and for
19 their removal;

20 (2) fix reasonable charges for interment spaces, niches, products
21 and services offered by the cemetery company; and

22 (3) keep its books, records and accounts so as to reflect the
23 conduct of its business.

24 b. A cemetery company may:

25 (1) prohibit the placement of memorials, effigies or structures
26 on parts of the cemetery and adopt reasonable regulations relating
27 to uniformity, class, composition, material, kinds and sizes of all
28 markers, monuments and other structures within the cemetery
29 provided that the regulations are not established to prevent
30 competition;

31 (2) sell adornments, embellishments, sod and plantings for use
32 in the cemetery;

33 (3) prevent the use of interment spaces or niches for purposes
34 that violate the cemetery restrictions and regulations;

35 (4) regulate the conduct of persons and prevent improper
36 assemblages in the cemetery;

37 (5) reserve to the cemetery the exclusive right to open and fill
38 graves, furnish equipment, manufacture and install foundations, set
39 and seal crypts and vaults, seal niches and install flush memorials;

40 (6) regulate or prevent the introduction of embellishments or
41 plants within the cemetery;

42 (7) prevent the interment in any interment space of human
43 remains not entitled to interment there;

44 (8) as provided in this act, make provisions for the removal at
45 the cost of the lot owner of any memorial, effigy or structure when
46 either placed in violation of cemetery company rules and
47 regulations or when it becomes dangerous or unsightly; **[and]**

(9) to the extent allowed by the regulations of the board, prohibit the interment of human remains or the placement of any memorial when there are any outstanding charges against the interment space~~].~~; and

~~(10) prohibit the interment of cremated pet remains.~~

c. A cemetery company, and any person engaged in the management, operation or control of a cemetery owned by a cemetery company, directly or indirectly, is specifically prohibited from engaging, directly or indirectly, in any of the following activities:

(1) the manufacture or sale of memorials;

(2) the manufacture or sale of private mausoleums;

(3) the manufacture or sale of vaults, including vaults installed in a grave before or after sale and including vaults joined with each other in the ground; and

(4) the conduct of any funeral home or the business or profession of mortuary science; provided that crematoriums operated in conjunction with funeral homes prior to December 1, 1971 are excepted from the provisions of this paragraph (4).

(cf: P.L.2003,c.261, s.16)

3. (New section) a. Notwithstanding any law to the contrary, a cemetery may permit the interment of cremated pet remains. If a cemetery permits the interment of cremated pet remains, the interment shall be available to a lot owner only if:

(1) the interment takes place simultaneously with the interment of human remains; and

(2) written authorization has been provided by the cemetery company to the lot owner authorizing the interment of cremated pet remains.

b. The cemetery company shall provide a list of charges for the interment of cremated pet remains. Payments received for interment of cremated pet remains shall be deposited in the cemetery company's Maintenance and Preservation Fund.

c. Cremated pet remains shall not be interred in a columbarium or public mausoleum.

d. Nothing in this section shall obligate a cemetery company to allow interment of cremated pet remains where prior approval has not been received at the time of sale or in advance of need.

4. This act shall take effect immediately.

STATEMENT

This bill allows cremated pet remains to be interred alongside human remains in a cemetery. The interment of cremated pet remains shall take place simultaneously with the interment of

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1 human remains, and a cemetery company must provide written
2 approval for the interment of cremated pet remains. The cemetery
3 shall provide a list of any charges related to the interment to the
4 customer Cremated pet remains cannot be interred in a
5 columbarium or public mausoleum.

6 The bill defines “cremated pet remains” as the recoverable bone
7 fragments and container residue resulting from the process of
8 cremation of a pet. The bill allows a cemetery company to deny the
9 interment of cremated pet remains in the cemetery.