

New Jersey Register
VOLUME 35, NUMBER 8
MONDAY, APRIL 21, 2003
RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MORTUARY SCIENCE
DISCLOSURE OF OWNERSHIP INFORMATION; CASKET PRICE LIST; OUTER BURIAL CONTAINER
PRICE LIST; GENERAL PRICE LIST; EMBALMING PROVISIONS

Adopted Amendments: N.J.A.C. 13:36-9.5, 9.6, 9.7 and 9.9

Adopted New Rule: N.J.A.C. 13:36-5.21

Proposed: April 1, 2002 at 34 N.J.R. 1315(a).

Adopted: August 6, 2002 by the New Jersey State Board of Mortuary Science, Gerald P. Scala, Esq., Chairperson.

Filed: March 28, 2003 as R.2003 d.166, with substantive changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3) and with proposed N.J.A.C. 13:36-5.12(g)8 and 9 not adopted.

Authority: N.J.S.A. 45:7-38.

Effective Date: April 21, 2003.

Operative Date: October 21, 2003.

Expiration Date: September 17, 2004.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and new rule are governed by N.J.S.A. 45:7-32 et seq. and are not subject to any Federal standards or requirements.

Full text of the adoption follows:

<< NJ ADC 13:36-5.12 >>

13:36-5.12 Advertising

(a)-(f) (No change.)

(g) <<-It->><<+In addition, it+>> shall be deceptive and misleading for any advertisement to contain the following:

1.-7. (No change.)

<<-8. Any claim or statement that a registered mortuary is "family owned" or "family operated" when the same family does not own or operate the registered mortuary.->>

<<-9. Any claim or statement that is misleading as to the number of years that a registered mortuary has been in operation at a particular location.->>

<< NJ ADC 13:36-5.21 >>

13:36-5.21 Disclosure of ownership information

(a) The registered mortuary shall disclose on all general price lists, casket price lists, and outer burial container price lists, required pursuant to N.J.A.C. 13:36-9.5, 9.6 and 9.7, whether any owner of the registered mortuary also owns 50 percent or greater interest in any other registered mortuary within the State. For purposes of this section, "person" means any individual, partnership, limited liability partnership, limited liability company <<-or->><<+,+>> corporation <<+or other business entity+>>.

(b) If disclosure of ownership information is required, the following statement shall appear on all required price lists: "A person who owns 50 percent or greater interest in this registered mortuary also owns 50 percent or greater interest in the following registered mortuaries in the State of New Jersey:". <<+This disclosure shall include the municipality in which the registered mortuary is located and the mortuary's true firm name as registered with the Board.+>>

<< NJ ADC 13:36-9.5 >>

13:36-9.5 Casket price list

(a) (No change.)

(b) Funeral providers shall place on the casket price list, regardless of whether it is printed or typewritten, or on any other format, the following information:

1. The name of the registered mortuary;
2. A caption describing the list as a "casket price list"; and
3. If applicable, a statement disclosing the ownership of other registered mortuaries, as required pursuant to N.J.A.C. 13:36-5.21.

<< NJ ADC 13:36-9.6 >>

13:36-9.6 Outer burial container price list

(a) (No change.)

(b) Funeral providers shall place on the outer burial container price list, regardless of whether it is printed or typewritten, or in any other format, the following information:

1. The name of the registered mortuary;
2. A caption describing the list as an "outer burial container price list"; and
3. If applicable, a statement disclosing the ownership of other registered mortuaries, as required pursuant to N.J.A.C. 13:36-5.21.

<< NJ ADC 13:36-9.7 >>

13:36-9.7 General price list

(a) Funeral providers shall give a printed or typewritten price list for retention to persons who inquire in person about funeral arrangements or the prices of funeral goods or funeral services. When people inquire in person about funeral arrangements or the prices of funeral goods or funeral services, the funeral provider shall offer them the list upon beginning discussion either of funeral arrangements or of the selection of any funeral goods or funeral services. The general price list shall contain at least the following information:

- 1.-2. (No change.)
3. The effective date of the price list;

4. If applicable, a statement disclosing the ownership of other registered mortuaries, as required pursuant to N.J.A.C. 13:36-5.21; and

5. (No change in text.)

(b)-(c) (No change.)

<< NJ ADC 13:36-9.9 >>

13:36-9.9 Embalming provisions

(a) (No change.)

(b) To prevent the deceptive acts or practices mentioned in (a) above, as well as the unfair or deceptive acts or practices defined in N.J.A.C. 13:36-9.16 and 9.17(a), funeral providers shall:

1. (No change.)

2. Place the following disclosures on the general price list, required by N.J.A.C. 13:36-9.7, in immediate conjunction with the price shown for embalming:

i. "Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement which does not require you to pay for it, such as direct cremation or immediate burial;" and

ii. "If you choose to have an embalming performed, the decedent may be embalmed at a location other than this registered mortuary."