

PUBLIC NOTICES

Law and Public Safety
Division of Consumer Affairs

STATE BOARD OF MORTUARY SCIENCE

N.J.A.C. 13:36-1.9, 4.4, 4.5, 8.10, 9.1, 10.3, 10.6, 10.7 and 10.8

Rules

Notice of Receipt of Modification to Petition for Rulemaking and Notice of Action on Petition for Rulemaking

Petitioner: Wilson H. Beebe, Jr., Executive Director, New Jersey State Funeral Directors Association, Inc.

Take notice that on February 23, 2009, Wilson H. Beebe, Jr., Executive Director of the New Jersey State Funeral Directors Association, Inc., requested that the State Board of Mortuary Science (the Board) amend various rules set forth at N.J.A.C. 13:36. A notice acknowledging receipt of the petition and summarizing its contents was filed with the Office of Administrative Law and was published in the New Jersey Register on April 6, 2009 at 41 N.J.R. 1529(b).

Take further notice that on April 6, 2009, the petitioner submitted a modification to the original petition for rulemaking with respect to the requested amendments to N.J.A.C. 13:36-8.10. The petitioner noted that additional amendments to the rule are necessary in order to address the disposition of remains at locations across state lines. Therefore, the petitioner recommended that the Board amend N.J.A.C. 13:36-8.10 as follows (additions to the rules indicated in boldface **thus**; deletions to the rule indicated in brackets [thus]):

13:36-8.10 Presence of licensee for disposition of dead human body

(a) Except for the transfer of remains from a place of temporary storage to a place of final entombment or interment within a single cemetery as provided in N.J.A.C. 13:44JK-8.4, no interment, cremation or other disposition of a dead human body or any disinterment thereof, shall be made by any person [in the State of New Jersey] unless a New Jersey licensed practitioner of mortuary science is present at the time of disposition, provided, however, that this rule shall not apply to a disinterment resulting from a court order in connection with a criminal investigation.

(b) For the purposes of this section, a "licensed practitioner of mortuary science" means a person directly employed or hired by the registered mortuary with responsibility for the disposition of the remains. Nothing in this section shall prohibit a registered mortuary from hiring or engaging another licensee or registered mortuary for this purpose, provided that this shall not include a person directly or indirectly employed or hired by the place of final disposition, whether within this state or without.

(c) A New Jersey registered mortuary shall ensure that the final disposition of any human remains given into its care and custody shall be conducted according to the terms and conditions of this section, either by a New Jersey licensee within this state or in another state as may be permitted by inter-state reciprocal privileges, or the licensee equivalent in another state, with one or the other either employed by or engaged on behalf of the mortuary, unless custody of said remains shall have passed to a common carrier for transfer out of state.

Take further notice that the Board considered the original petition for rulemaking and the petitioner's requested modification to the original petition for rulemaking at its Board meeting on April 7, 2009. Consistent with the requirements of N.J.A.C. 1:30-4.2, the Board referred this matter to its Rules and Regulation Committee for further deliberation in order to determine whether the requested amendments to N.J.A.C. 13:36-1.9, 4.4, 4.5, 8.10, 9.1, 10.3, 10.6, 10.7 and 10.8 are necessary and reasonable.

A copy of this notice has been mailed to the petitioner consistent with the requirements of N.J.A.C. 1:30-4.2.