

Cremation Issue Chart

NEW JERSEY



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
N/A			
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
§ 13:36-9.1 Definitions NJ Admin Code 13:36-9.1 Definitions		"Alternative container" means a non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of cardboard, pressed-wood, composition materials (with or without an outside covering) or pouches of canvas or other materials.	
ISSUE: URN			
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container	
N/A			

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ISSUE: AUTHORIZING AGENT	
Law/Regulation	Legal Order of Authorizing Agent
45:27-22 Control of funeral, disposition of remains.	<p>22. a. If a decedent, in a will as defined in N.J.S.3B:1-2, appoints a person to control the funeral and disposition of the human remains, the funeral and disposition shall be in accordance with the instructions of the person so appointed. A person so appointed shall not have to be executor of the will. The funeral and disposition may occur prior to probate of the will, in accordance with section 40 of P.L. 2003, c.261 (C.3B:10-21.1). If the decedent has not left a will appointing a person to control the funeral and disposition of the remains, the right to control the funeral and disposition of the human remains shall be in the following order, unless other directions have been given by a court of competent jurisdiction:</p> <p>(1)The surviving spouse of the decedent or the surviving civil union or domestic partner; except that if the decedent had a temporary or permanent restraining order issued pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.) against the surviving spouse or civil union or domestic partner, or the surviving spouse or civil union or domestic partner is charged with the intentional killing of the decedent, the right to control the funeral and disposition of the remains shall be granted to the next available priority class as provided in this subsection.</p> <p>(2)A majority of the surviving adult children of the decedent.</p> <p>(3)The surviving parent or parents of the decedent.</p> <p>(4)A majority of the brothers and sisters of the decedent.</p> <p>(5)Other next of kin of the decedent according to the degree of consanguinity.</p> <p>6)If there are no known living relatives, a cemetery may rely on the written authorization of any other person acting on behalf of the decedent.</p> <p>For purposes of this subsection "domestic partner" means a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3).</p>
ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
§ 13:36-8.10 Presence of licensee for disposition of dead human body	<p>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. 13:44J-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.</p> <p>United States Postal Service (USPS) Only the USPS accepts cremated human remains for shipment. They must be sent Priority Mail Express and cannot be sent overnight express, regular, or certified mail. The cremated remains must be packaged in a sift-proof or similar-type container. The container must be sealed inside a second, durable outer container and a copy of the cremation authorization form must be enclosed. Many crematories have containers specifically designed to ship human remains</p>