

CHAPTER 37

AN ACT concerning claiming and proper disposal of the cremains of veterans and eligible spouses or dependents and amending various parts of the statutory law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 2 of P.L.1983, c.385 (C.26:7-18.2) is amended to read as follows:

C.26:7-18.2 Disposition of unclaimed cremains.

2. a. Except as provided by subsection b. of this section, a person may dispose of the cremains of a dead human body which have not been claimed by a relative or friend of the deceased within one year from the date of cremation upon certification, to the commissioner's satisfaction, that a diligent effort has been made to identify, locate and notify a relative or friend of the deceased within that one-year period. A diligent effort shall include a certified letter, return receipt requested, mailed to the person who authorized the cremation.

As used in this section, "cremains" means that substance which remains after the cremation of a dead human body.

b. A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-32 et seq.), shall grant a qualified veterans' organization the right to receive the cremains of a veteran, or the cremains of an eligible spouse or eligible dependent of a veteran, which have not been claimed by a relative or friend of the deceased within one year after cremation upon certification, to the commissioner's satisfaction, that a diligent effort, as defined in subsection a. of this section, has been made to identify, locate and notify a relative or friend of the deceased within that one-year period.

A qualified veterans' organization which takes possession of cremains pursuant to this section shall dispose of the cremains by scattering them at sea or by interring them on land in a dignified manner at the State-operated, Brigadier General William C. Doyle Veterans' Memorial Cemetery, a State-operated veterans' memorial cemetery, a national veterans' memorial cemetery, or a local veterans' memorial cemetery, if the individual is eligible for interment at those facilities.

As used in this section, "qualified veterans' organization" means a veterans' organization that qualifies as a section 501(c)(3) or 501(c)(19) tax exempt organization under the Internal Revenue Code, or a federally chartered Veterans' Service Organization.

c. A funeral home or mortuary, or an agent of the funeral home or mortuary, or a funeral director, or qualified veterans' organization, shall not be liable for damages in any civil action arising out of the disposal of cremains pursuant to this section unless the damages are the result of gross negligence or willful misconduct.

2. R.S.26:8-63 is amended to read as follows:

Free certified copies.

26:8-63. The State registrar shall:

a. Furnish a certification or certified copy of a birth, marriage, civil union, domestic partnership, fetal death or death certificate without fee in the prosecution of any claim for public pension or for military or naval enlistment purposes; and

b. Furnish the United States Public Health Service without expense to the State, microfilm or photocopy images of birth, marriage, civil union, domestic partnership, fetal death and death certificates without payment of the fees prescribed in this article; and

c. Furnish a certified transcript of any entry in the records of the New Jersey State census without fee for certification in the prosecution of any claim for public pension, for military or naval enlistment purposes; and

d. Furnish without fee upon request for administrative use by any city, State or federal agency a certified transcript of any New Jersey State census entry, or a certification or certified copy of a birth, death, fetal death, marriage, civil union or domestic partnership certificate; and

e. Furnish without fee upon request a certified copy of a veteran's death certificate to the veteran's legal representative, the executor or administrator of the veteran's estate, to a family member authorized to obtain a copy of the death certificate pursuant to subsection a. of R.S.26:8-62, or to a qualified veterans' organization which takes possession of a veteran's remains with the intention of properly disposing of them pursuant to section 2 of P.L.1983, c.385 (C.26:7-18.2). No more than one copy of a veteran's death certificate may be provided without fee pursuant to this subsection; all other copies of the death certificate shall be subject to the statutory fee; and

f. Furnish without fee upon request by a person who is homeless a certified copy of the person's birth certificate, provided that the person submits the request through a social worker or the coordinator of the emergency shelter for the homeless where the person is temporarily residing. The request shall be transmitted on the emergency shelter's letterhead and shall include the shelter's employer identification number and an attestation by the coordinator that the person requesting the certificate is currently homeless and residing at the shelter or the request shall be submitted on the social worker's agency or professional practice letterhead and shall include the agency's or the professional practice's employer identification number and an attestation by the social worker that the person requesting the certificate is currently homeless. A certified copy of a birth certificate furnished pursuant to this subsection shall be transmitted to the social worker or coordinator who transmitted the request. No more than one certified copy of a birth certificate furnished to a person who is homeless pursuant to this subsection shall be provided without fee; all other copies of the birth certificate shall be subject to the statutory fee. On or before December 31 of each year, the State Registrar shall report to the Office of Homelessness Prevention in the Department of Community Affairs an accounting of each instance in which the State Registrar furnished without fee a certified copy of a person's birth certificate pursuant to this subsection.

As used in this section:

"Fee" includes, but is not limited to, any search, certification, processing, authentication, standard shipping, or other fees that would ordinarily be assessed to furnish a certified copy of a certificate or transcript; and

"Person who is homeless" means a person without a domicile who is unable to secure permanent and stable housing as determined by a social worker or the coordinator of an emergency shelter for the homeless established pursuant to P.L.1985, c.48 (C.55:13C-1 et seq.).

3. Section 2 of P.L.1989, c.135 (C.38A:3-2b1) is amended to read as follows:

C.38A:3-2b1 Transfer of remains.

2. The Division of Veterans' Services in the Department of Military and Veterans' Affairs is directed to establish a program to oversee the transfer of the remains of veterans, or the remains of eligible spouses or eligible dependents of veterans, from paupers' or potters' cemeteries to the Brigadier General William C. Doyle Veterans' Memorial Cemetery at the

request of the veterans' next-of-kin, friends or fellow veterans. This service shall be provided without cost to the requester. As part of this program, the division shall also inform the general public that this service is available and explain the procedure for requesting that the remains be transferred to the Brigadier General William C. Doyle Veterans' Memorial Cemetery.

4. Section 2 of P.L.2009, c.14 (C.38A:3-2b4) is amended to read as follows:

C.38A:3-2b4 Unclaimed cremains, receipt by certain veterans' organization after one year.

2. a. A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-18.2), the right to receive the cremains of a veteran, or the cremains of an eligible spouse or eligible dependent of a veteran, which have not been claimed by a relative or friend of the deceased within one year after cremation upon certification, to the satisfaction of the Commissioner of Health, that a diligent effort, as defined in subsection a. of section 2 of P.L.1983, c.385 (C.26:7-18.2), has been made to identify, locate and notify a relative or friend of the deceased within that one-year period, as provided under section 2 of P.L.1983, c.385 (C.26:7-18.2).

A qualified veterans' organization which takes possession of cremains pursuant to this section shall dispose of the cremains by scattering them at sea or by interring them on land in a dignified manner at the State-operated, Brigadier General William C. Doyle Veterans' Memorial Cemetery, a State-operated veterans' memorial cemetery, a national veterans' memorial cemetery, or a local veterans memorial cemetery, if the individual is eligible for interment at those facilities.

b. A funeral home or mortuary, or an agent of the funeral home or mortuary, or a funeral director, or qualified veterans' organization, shall not be liable for damages in any civil action arising out of the disposal of cremains pursuant to this section unless the damages are the result of gross negligence or willful misconduct.

5. This act shall take effect immediately.

Approved March 15, 2021.