

P.L. 2021, CHAPTER 37, *approved March 15, 2021*
Assembly, No. 2244

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

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.1983, c.385 (C.26:7-18.2) is amended to
9 read as follows:

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

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

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

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

38 As used in this section, "qualified veterans' organization" means
39 a veterans' organization that qualifies as a section 501(c)(3) or
40 501(c)(19) tax exempt organization under the Internal Revenue
41 Code, or a federally chartered Veterans' Service Organization.

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.

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

7 (cf: P.L.2009, c.14, s.1)
8

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

10 26:8-63. The State registrar shall:

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

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

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

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

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

40 f. Furnish without fee upon request by a person who is
41 homeless a certified copy of the person's birth certificate, provided
42 that the person submits the request through a social worker or the
43 coordinator of the emergency shelter for the homeless where the
44 person is temporarily residing. The request shall be transmitted on
45 the emergency shelter's letterhead and shall include the shelter's
46 employer identification number and an attestation by the
47 coordinator that the person requesting the certificate is currently
48 homeless and residing at the shelter or the request shall be

1 submitted on the social worker's agency or professional practice
2 letterhead and shall include the agency's or the professional
3 practice's employer identification number and an attestation by the
4 social worker that the person requesting the certificate is currently
5 homeless. A certified copy of a birth certificate furnished pursuant
6 to this subsection shall be transmitted to the social worker or
7 coordinator who transmitted the request. No more than one
8 certified copy of a birth certificate furnished to a person who is
9 homeless pursuant to this subsection shall be provided without fee;
10 all other copies of the birth certificate shall be subject to the
11 statutory fee. On or before December 31 of each year, the State
12 Registrar shall report to the Office of Homelessness Prevention in
13 the Department of Community Affairs an accounting of each
14 instance in which the State Registrar furnished without fee a
15 certified copy of a person's birth certificate pursuant to this
16 subsection.

17 As used in this section:

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

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

27 (cf: P.L.2019, c.73, s.5)

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

31 2. The Division of Veterans' **Administrative** Services in the
32 Department of Military and Veterans' Affairs is directed to establish
33 a program to oversee the transfer of the remains of veterans, or the
34 remains of eligible spouses or eligible dependents of veterans, from
35 paupers' or potters' cemeteries to the **Arneytown** Brigadier
36 General William C. Doyle Veterans' Memorial Cemetery at the
37 request of the veterans' next-of-kin, friends or fellow veterans. This
38 service shall be provided without cost to the requester. As part of
39 this program, the division shall also inform the general public that
40 this service is available and explain the procedure for requesting
41 that the remains be transferred to the **Arneytown** Brigadier
42 General William C. Doyle Veterans' Memorial Cemetery.

43 (cf: P.L.1989, c.135, s.2)

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

47 2. a. A funeral director, licensed pursuant to P.L.1952, c.340
48 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as

1 defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-
2 18.2), the right to receive the cremains of a veteran, or the cremains
3 of an eligible spouse or eligible dependent of a veteran, which have
4 not been claimed by a relative or friend of the deceased within one
5 year after cremation upon certification, to the satisfaction of the
6 Commissioner of Health **and Senior Services**, that a diligent
7 effort, as defined in subsection a. of section 2 of P.L.1983, c.385
8 (C.26:7-18.2), has been made to identify, locate and notify a
9 relative or friend of the deceased within that one-year period, as
10 provided under section 2 of P.L.1983, c.385 (C.26:7-18.2).

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

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

25 (cf: P.L.2009, c.14, s.2)

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27 5. This act shall take effect immediately.

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32 Revises provisions of State law concerning claiming and proper
33 disposal of cremains of veterans and eligible spouses or dependents.