



were scheduled to expire December 9, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

N.J.A.C. 8:9 establishes standards for the preparation, handling, transportation, burial and disinterment of dead human bodies, and was formerly known as Chapter 5 of the State Sanitary Code. It consists of one subchapter, bearing the same name as the chapter.

The Department is making technical changes to: (1) update cross-references and references to publications and standards incorporated by reference, as amended and supplemented; (2) correct the name of Department pursuant to N.J.S.A. 26:1A-2; and (3) correct grammar and syntax errors.

**Full text** of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. PREPARATION, HANDLING, TRANSPORTATION, BURIAL, AND  
DISINTERMENT OF DEAD HUMAN BODIES [(CHAPTER 5 OF THE STATE  
SANITARY CODE)]

8:9-1.1 Disposition of bodies generally; emergencies

(a) The person or persons responsible for the burial or cremation or other lawful disposition of a dead human body shall not allow the same to remain unburied or uncremated in the State of New Jersey for a period longer than 48 hours unless:

**1. The body is** embalmed by arterial and cavity injection or kept refrigerated at 45 degrees Fahrenheit or below; or [unless authorized by the]

**2. The** Commissioner of Health [and Senior Services under] **authorizes an exemption to or waiver of this requirement, subject to** conditions [prescribed by him or her] **the Commissioner might prescribe**, during the existence of an emergency declared by the Governor.

(b) A person shall not bring an unembalmed body into the State of New Jersey more than 48 hours after death unless [authorized by] the Commissioner of Health [and Senior Services] **authorizes an exemption to or waiver of this requirement, subject to conditions the Commissioner might prescribe**, during an emergency [as prescribed above] **declared by the Governor**.

(c) The requirements of this [regulation] **chapter** shall not apply to bodies held as anatomical or pathological material or for the purposes of criminal investigation.

8:9-1.3 Use of precautions in the preparation or handling of a dead body and disinterred remains

(a) As used in this chapter, “[Standard] **Isolation** Precautions” means [the Standard Precautions, as excerpted from the Guideline for Isolation Precautions in Hospitals (January 1996)] **Siegel JD, Rhinehart E, Jackson M, Chiarello L, and the Healthcare Infection Control Practices Advisory Committee, 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings**

**(last update June 2019)**, incorporated herein by reference, as amended and supplemented, [written by Julia S. Garner, RN, MN, and the Hospital Infection Control Practices Advisory Committee, from the Public Health Service, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Atlanta, Georgia, published with the following citations in the following scientific journals: Garner JS, Hospital Infection Control Practices Advisory Committee, Guideline for isolation precautions in hospitals, *Infect. Control Hosp. Epidemiol.* 1996; 17:53-80, and *Am. J. Infect. Control* 1996; 24:24-52, [http://www.cdc.gov/ncidod/dhqp/gl\\_isolation\\_standard.html](http://www.cdc.gov/ncidod/dhqp/gl_isolation_standard.html)] **available at** <https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf> **and at** <https://www.cdc.gov/infectioncontrol/guidelines/isolation/index.html>.

1. As used in the [Standard] **Isolation** Precautions, for purposes of this chapter, the term “patient” shall be construed to mean “dead body” or “disinterred remains,” as applicable.

(b) In the preparation for burial, other disposition, or transportation of a dead body, and during the handling of or work with disinterred remains, all persons present as authorized pursuant to N.J.A.C. 13:36-6.1, regardless of where the handling or preparation occurs, shall adhere to the [Standard] **Isolation** Precautions.

(c) (No change.)

#### 8:9-1.6 Transportation of certain bodies in sealed caskets

A person shall not convey or aid in conveying to a common carrier to be transported across or within this State, and a common carrier shall not accept for

transportation or transport into or within this State, the body of a person who has died of any of the following diseases: smallpox, Asiatic cholera, yellow fever, typhus fever, or bubonic plague unless the body is enclosed in a hermetically sealed casket and a license for such transportation has been first obtained in writing from the Department of Health [and Senior Services] containing the information in the form provided at chapter Appendix A, incorporated herein by reference.

#### 8:9-1.7 Transportation of bodies generally

(a) A human body dead from causes other than those included [in] **at** N.J.A.C. 8:9-1.6 shall not be transported by a common carrier unless embalmed by arterial and cavity injection and enclosed in a [leak proof] **leakproof** casket[,], or [a leak proof] box, provided[, however,] that embalming shall not be required if destination can be reached within 24 hours after death [and provided, further, that regulation shall].

**1. This subsection does** not apply to disinterred bodies.

(b) This [regulation] **section** shall not be construed to prevent the moving of the body of any person who has died on the property [of], or as a result of the activities, of a common carrier, to a funeral director's establishment or the home of the deceased without embalming or encasing.

#### 8:9-1.11 Disposal for unclaimed cremains

(a)-(b) (No change.)

(c) A certified letter, return receipt requested, mailed to the person who authorized the cremation, shall be “certification [satisfactory], to the [Commissioner] **Commissioner’s satisfaction,**” as **N.J.S.A. 26:7-18.2.a** uses that phrase.

(d) No claims shall be made by a person against any person who invokes the provisions of N.J.S.A. 26:7-18.2 or this [regulation] **section**, nor shall any liability be attendant to such invocation.