

SENATE BILL NO. 241—SENATOR SHAFFER

FEBRUARY 23, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing deceased persons. (BDR 54-1433)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to deceased persons; requiring a funeral director to obtain the approval of the state board of funeral directors, embalmers and operators of cemeteries and crematories to manage a funeral establishment; providing that a funeral director is responsible for the proper management of each funeral establishment of which he is the manager; restricting the number of terms that a member of the board may serve consecutively; clarifying certain provisions governing the required education for a license to practice the profession of embalming; providing that a majority of the adult children of a deceased person may order the cremation of the human remains of the deceased person; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 642 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. A funeral director shall not manage a funeral establishment***
4 ***unless the funeral director has been approved by the board to manage***
5 ***the funeral establishment.***
6 ***2. If a funeral director manages more than one funeral***
7 ***establishment, he must obtain approval from the board for each funeral***
8 ***establishment that he manages.***
9 ***3. A funeral director is responsible for the proper management of***
10 ***each funeral establishment of which he is the manager.***

1 **Sec. 2.** NRS 642.020 is hereby amended to read as follows:

2 642.020 1. The state board of funeral directors, embalmers and
3 operators of cemeteries and crematories, consisting of five members
4 appointed by the governor, is hereby created.

5 2. The governor shall appoint:

6 (a) One member who is actively engaged as a funeral director and
7 embalmer.

8 (b) One member who is actively engaged as an operator of a cemetery.

9 (c) One member who is actively engaged in the operation of a
10 crematory.

11 (d) Two members who are representatives of the general public.

12 3. No member who is a representative of the general public may:

13 (a) Be the holder of a license or certificate issued by the board or be an
14 applicant or former applicant for such a license or certificate.

15 (b) Be related within the third degree of consanguinity or affinity to the
16 holder of a license or certificate issued by the board.

17 (c) Be employed by the holder of a license or certificate issued by the
18 board.

19 4. After the initial terms, members of the board serve terms of 4 years,
20 except when appointed to fill unexpired terms. Each member may serve no
21 more than two *consecutive* full terms.

22 5. The chairman of the board must be chosen from the members of the
23 board who are representatives of the general public.

24 **Sec. 3.** NRS 642.080 is hereby amended to read as follows:

25 642.080 An applicant for a license to practice the profession of
26 embalming in the State of Nevada shall:

27 1. Have attained the age of 18 years.

28 2. Be of good moral character.

29 3. Be a high school graduate and have completed 2 academic years of
30 instruction ~~or~~ *by taking* 60 semester or 90 quarter hours ~~or~~ at an accredited
31 college or university. *Credits earned at an embalming college or school of*
32 *mortuary science do not fulfill this requirement.*

33 4. Have completed 12 full months of instruction in an embalming
34 college or school of mortuary science accredited by the Conference of
35 Funeral Services Examining Boards of the United States, Incorporated, and
36 approved by the board, and have not less than 1 year's practical experience
37 under the supervision of an embalmer licensed in the State of Nevada.

38 5. Have actually embalmed at least 50 bodies under the supervision of
39 a licensed embalmer prior to the date of application.

40 6. Present to the board affidavits of at least two reputable residents of
41 the county in which the applicant proposes to engage in the practice of an
42 embalmer to the effect that the applicant is of good moral character.

1 **Sec. 4.** NRS 642.200 is hereby amended to read as follows:

2 642.200 1. Any person registering as an apprentice embalmer shall
3 furnish proof that he is a high school graduate and has completed 2
4 academic years of instruction ~~{~~ *by taking* 60 semester or 90 quarter ~~hours~~
5 ~~}~~ at an accredited college or university. *Credits earned at an embalming*
6 *college or a school of mortuary science do not fulfill this requirement.*

7 2. Such proof shall be furnished before such apprentice can be
8 registered with the board.

9 **Sec. 5.** NRS 451.650 is hereby amended to read as follows:

10 451.650 1. The following persons, in the following order of priority,
11 may order the cremation of human remains of a deceased person:

12 (a) The surviving spouse;

13 (b) ~~{The}~~ *A majority of the* adult children ; ~~{jointly;}~~

14 (c) The living parents jointly; or

15 (d) The decedent's guardian or personal representative.

16 2. If the deceased person was an indigent or other person for the final
17 disposition of whose remains a county or the state is responsible, the
18 appropriate public officer may order cremation of the remains and provide
19 for the respectful disposition of the cremated remains.

20 3. If the deceased person donated his body for scientific research or,
21 before his death, a medical facility was made responsible for his final
22 disposition, a representative of the scientific institution or medical facility
23 may order cremation of his remains.

24 4. A living person may order the cremation of human remains removed
25 from his body or the cremation of his body after his death. In the latter
26 case, any person acting pursuant to his instructions is an authorized agent.

27 **Sec. 6.** 1. This section and sections 2 to 5, inclusive, of this act
28 become effective upon passage and approval.

29 2. Section 1 of this act becomes effective on July 1, 1999.