

CHAPTER.....

AN ACT relating to professions; changing the name of the State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories to the Nevada State Funeral Board; removing the limitation concerning the number of consecutive terms of office a member of the Board may serve; authorizing the Board to establish certain fees by regulation; authorizing the Board to issue an order to desist or refrain from engaging in certain unlawful acts; authorizing the Board to order an immediate suspension of a license, permit or certificate under certain circumstances; revising certain provisions relating to disciplinary action; providing penalties; and providing other matters properly relating thereto.

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

**Section 1.** NRS 622.010 is hereby amended to read as follows:

622.010 As used in this chapter, unless the context otherwise requires, “occupational licensing board” includes, without limitation:

1. The State Board of Architecture, Interior Design and Residential Design.
2. The State Board of Landscape Architecture.
3. The State Contractors’ Board.
4. The State Board of Professional Engineers and Land Surveyors.
5. The Board of Registered Environmental Health Specialists.
6. The Nevada State Board of Accountancy.
7. The Board of Medical Examiners.
8. The Board of Homeopathic Medical Examiners.
9. The Board of Dental Examiners of Nevada.
10. The State Board of Nursing.
11. The State Board of Osteopathic Medicine.
12. The Chiropractic Physicians’ Board of Nevada.
13. The State Board of Oriental Medicine.
14. The State Board of Podiatry.
15. The Nevada State Board of Optometry.
16. The Board of Dispensing Opticians.
17. The Board of Hearing Aid Specialists.
18. The Board of Examiners for Audiology and Speech Pathology.
19. The Nevada State Board of Veterinary Medical Examiners.
20. The State Board of Pharmacy.

21. The State Board of Physical Therapy Examiners.
22. The Board of Occupational Therapy.
23. The Board of Psychological Examiners.
24. The Board of Examiners for Marriage and Family Therapists.
25. The Board of Examiners for Social Workers.
26. The Board of Examiners for Alcohol and Drug Abuse Counselors.
27. The ~~[State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories.]~~ *Nevada State Funeral Board.*
28. The State Barbers' Health and Sanitation Board.
29. The State Board of Cosmetology.
30. The Real Estate Division of the Department of Business and Industry.
31. The Commissioner of Financial Institutions.
32. The Private Investigator's Licensing Board.
33. The Health Division of the Department of Human Resources.
34. The Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care.
35. The Certified Court Reporters' Board of Nevada.

**Sec. 2.** Chapter 642 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6.7, inclusive, of this act.

**Sec. 3.** *"International Conference of Funeral Service Examining Boards" means the International Conference of Funeral Service Examining Boards, Incorporated, or any successor in interest to that organization.*

**Sec. 4.** *1. The actions and remedies authorized by this chapter are cumulative.*

*2. When an agency or officer elects to take a particular action or pursue a particular remedy authorized by this chapter or another specific statute, that election is not exclusive and does not preclude the agency or officer or another agency or officer from taking any other actions or pursuing any other remedies authorized by this chapter or another specific statute.*

**Sec. 5.** *1. If the Board has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter or chapter 451 or 452 of NRS, any regulation adopted by the Board pursuant thereto or any order of the Board, the Board may enter an order requiring the person to desist or refrain from engaging in the violation.*

*2. The provisions of NRS 241.034 do not apply to any action that is taken by the Board pursuant to this section.*

**Sec. 6. 1.** *If the Board finds that probable cause exists for the revocation of a license, permit or certificate issued by the Board pursuant to the provisions of this chapter or chapter 451 or 452 of NRS, and that enforcement of the provisions of this chapter or chapter 451 or 452 of NRS requires immediate suspension of the license, permit or certificate pending an investigation, the Board may, upon 5 days' written notice and a preliminary hearing, enter an order suspending the license, permit or certificate for a period of not more than 60 days, pending a hearing upon the revocation of the license, permit or certificate.*

*2. For the purposes of this section, notice shall be deemed to be sufficient if the notice is personally served on the holder of the license, permit or certificate or posted at the address of the holder, as indicated in the records of the Board, at least 5 days before the preliminary hearing.*

*3. The provisions of NRS 241.034 do not apply to any action that is taken by the Board pursuant to this section.*

**Sec. 6.3.** *In addition to the fees that the Board is authorized or required to collect pursuant to the provisions of a specific statute, the Board shall charge and collect the following fees:*

<i>Application for a license, certificate or permit.....</i>	<i>\$375</i>
<i>Examination for a license, certificate or permit .....</i>	<i>375</i>
<i>Renewal of a license, certificate or permit .....</i>	<i>200</i>
<i>Late renewal of a license, certificate or permit.....</i>	<i>275</i>
<i>Placement of a license on inactive status .....</i>	<i>175</i>
<i>Reactivation of a license to active status .....</i>	<i>175</i>
<i>Reinstatement of a lapsed license .....</i>	<i>300</i>
<i>Transfer of a license, certificate or permit to another location .....</i>	<i>225</i>
<i>Issuance of a duplicate license, certificate or permit.....</i>	<i>75</i>
<i>Provision of an administrative service.....</i>	<i>75</i>

**Sec. 6.7. 1.** *The Board may provide for a temporary authorization for an applicant for a license, certificate or permit issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS. The temporary authorization allows an applicant who has satisfied the requirements of and paid the applicable fees for the license, certificate or permit to carry out the duties authorized by the license, certificate or permit.*

*2. The temporary authorization is effective during the period which begins upon issuance by the Board and ends when the Board takes action on the application for the license, certificate or permit.*

**Sec. 7.** NRS 642.005 is hereby amended to read as follows:

642.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 642.010 to 642.017, inclusive, *and section 3 of this act* have the meanings ascribed to them in those sections.

**Sec. 8.** NRS 642.010 is hereby amended to read as follows:

642.010 "Board" means the ~~{State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories,}~~ *Nevada State Funeral Board.*

**Sec. 9.** NRS 642.019 is hereby amended to read as follows:

642.019 Each holder of a license, *permit* or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS shall comply with the provisions of Part 453 of Title 16 of the Code of Federal Regulations.

**Sec. 10.** NRS 642.020 is hereby amended to read as follows:

642.020 1. The ~~{State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories,}~~ *Nevada State Funeral Board*, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

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

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

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

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

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

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

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

(c) Be employed by the holder of a license or certificate issued by the Board.

4. After the initial terms, members of the Board serve terms of 4 years, except when appointed to fill unexpired terms. ~~{Each member may serve no more than two consecutive full terms.}~~

5. The Chairman of the Board must be chosen from the members of the Board who are representatives of the general public.

**Sec. 11.** NRS 642.055 is hereby amended to read as follows:

642.055 The Board may:

1. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter ~~{ }~~ *and chapters 451 and 452 of NRS.*

2. Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

**Secs. 12 and 13.** (Deleted by amendment.)

**Sec. 14.** NRS 642.067 is hereby amended to read as follows:

642.067 The Board may inspect any premises in which the business of funeral directing is conducted or where embalming is practiced ~~and~~ and , for that purpose , may employ a licensed embalmer of the State of Nevada as an inspector to aid in the enforcement of this chapter *and chapters 451 and 452 of NRS* and the ~~rules~~ *regulations* adopted pursuant thereto, whose compensation and expenses shall be paid out of the fees collected by the Board.

**Sec. 15.** NRS 642.0677 is hereby amended to read as follows:

642.0677 1. A member of the Board's staff who is designated by the Board may investigate an alleged violation of any provision of this chapter ~~or chapter 451 or 452 of NRS, any regulation adopted pursuant thereto or any order of the Board.~~

2. The designated member of the Board's staff shall report his findings to the Attorney General, who shall:

(a) Dismiss the investigation;

(b) Proceed in accordance with the provisions of this chapter *or chapter 451 or 452 of NRS, as appropriate*, and chapter 233B of NRS; or

(c) Investigate the matter further before acting pursuant to paragraph (a) or (b).

**Sec. 16.** NRS 642.069 is hereby amended to read as follows:

642.069 1. The Board shall charge and collect *an annual fee* from each holder of a license or certificate issued *by the Board* pursuant to chapter 451 or 452 of NRS. ~~and~~

2. *The Board shall adopt regulations which establish the annual fee in an amount that is* sufficient in the aggregate, together with *the* fees received from applicants during the previous year, to defray the Board's necessary expenses in performing its duties ~~under those chapters.~~ *pursuant to chapters 451 and 452 of NRS.*

**Sec. 17.** NRS 642.070 is hereby amended to read as follows:

642.070 All fees collected under the provisions of this chapter ~~shall~~ *and chapters 451 and 452 of NRS must* be paid to the Treasurer of the Board to be used to defray the necessary expenses of the Board. The Treasurer shall deposit the fees in banks, credit unions or savings and loan associations in the State of Nevada.

**Sec. 18.** NRS 642.075 is hereby amended to read as follows:

642.075 1. Except as otherwise provided in subsection 4, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter *and chapters 451 and 452 of NRS* must

be paid from the money which it receives. No part of the salaries or expenses of the Board may be paid out of the State General Fund.

2. Except as otherwise provided in this section, all money collected by the Board from the imposition of fines must be deposited with the State Treasurer for credit to the State General Fund. All other money received by the Board must be deposited in qualified banks, credit unions or savings and loan associations in this state and paid out on its order for its expenses.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter ~~[,]~~ *or chapter 451 or 452 of NRS, to* impose and collect fines therefor and *to* deposit the money therefrom in banks, credit unions or savings and loan associations in this state.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

**Sec. 19.** NRS 642.080 is hereby amended to read as follows:

642.080 ~~[An]~~ *Except as otherwise provided in NRS 642.100,* an applicant for a license to practice the profession of embalming in the State of Nevada shall:

1. Have attained the age of 18 years.
2. Be of good moral character.
3. Be a high school graduate and have completed 2 academic years of instruction by taking 60 semester or 90 quarter hours at an accredited college or university. Credits earned at an embalming college or school of mortuary science do not fulfill this requirement.
4. Have completed 12 full months of instruction in an embalming college or school of mortuary science *which is* accredited by the *International* Conference of Funeral ~~[Services]~~ *Service* Examining Boards ~~[of the United States, Incorporated,]~~ and approved by the Board, and have not less than 1 year's practical experience under the supervision of an embalmer licensed in the State of Nevada.
5. Have actually embalmed at least 50 bodies under the supervision of a licensed embalmer prior to the date of application.
6. Present to the Board affidavits of at least two reputable residents of the county in which the applicant proposes to engage in the practice of an embalmer to the effect that the applicant is of good moral character.

**Sec. 20.** NRS 642.090 is hereby amended to read as follows:

642.090 1. Every person who wishes to practice the profession of embalming must appear before the Board and ~~[, upon]~~

~~payment of a fee not to exceed \$300 to cover expenses of examination.]~~ must be examined in the knowledge of the subjects set forth in subsection ~~[2.]~~ 5.

*2. If a person is a registered apprentice, the person must fulfill the requirements of NRS 642.310 and 642.330 before the person may take the examination.*

*3. If a person is not a registered apprentice, the person must pay the examination fee prescribed in section 6.3 of this act before the person may take the examination.*

4. Examinations must be in writing, and the Board may require actual demonstration on a cadaver. An applicant who has passed the national examination given by the International Conference of Funeral Service Examining Boards is not required to take any portion of the examination set forth in subsection ~~[2.]~~ 5 that repeats or duplicates a portion of the national examination. All examination papers must be kept on record by the Board.

~~[2.]~~ 5. The members of the Board shall examine applicants for licenses in the following subjects:

- (a) Anatomy, sanitary science and signs of death.
- (b) Care, disinfection, preservation, transportation of and burial or other final disposition of dead bodies.
- (c) The manner in which death may be determined.
- (d) The prevention of the spread of infectious and contagious diseases.
- (e) Chemistry, including toxicology.
- (f) Restorative art, including plastic surgery and derma surgery.
- (g) The laws and regulations of this state relating to funeral directing and embalming.
- (h) Regulations of the State Board of Health relating to infectious diseases and quarantine.
- (i) Any other subject which the Board may determine by regulation to be necessary or proper to prove the efficiency and qualification of the applicant.

~~[3.]~~ 6. If an applicant fulfills the requirements ~~[of NRS 642.0195 and 642.080 and]~~ *set forth in this chapter to be licensed to practice the profession of embalming,* has passed the examination ~~[provided for]~~ *required* by this chapter ~~[.]~~ *and has paid all fees related to the application and the examination,* the Board shall issue to the applicant a license to practice the profession of embalming for 1 year.

**Sec. 21.** NRS 642.100 is hereby amended to read as follows:

642.100 Reciprocity may be arranged by the Board if an applicant:

1. Is a graduate of *an embalming college or* a school of mortuary science which is accredited by the International

Conference of Funeral Service Examining Boards ~~[:]~~ *and approved by the Board;*

2. Is licensed as an embalmer in another state;
3. Has practiced embalming successfully for at least 5 years and practiced actively for 2 years immediately preceding the application for a license by reciprocity;
4. Is of good moral character;
5. Has passed the examination given by the Board on the subjects set forth in subsection ~~[2]~~ 5 of NRS 642.090 or the national examination given by the International Conference of Funeral Service Examining Boards;
6. Possesses knowledge of the applicable statutes and regulations of this state governing embalmers; and
7. Pays ~~[a fee not to exceed \$300]~~ to the Secretary of the Board ~~[:]~~ *the fees prescribed in section 6.3 of this act.*

**Sec. 22.** NRS 642.115 is hereby amended to read as follows:

642.115 1. Upon written request to the Board and payment of ~~[a fee not to exceed \$150.]~~ *the fee prescribed in section 6.3 of this act,* a person who is licensed to practice the profession of embalming in this state and who is a licensee in good standing may have his license placed on inactive status. A licensee whose license has been placed on inactive status shall not engage in the practice of the profession of embalming during the period in which his license is inactive.

2. If a licensee wishes to resume the practice of the profession of embalming, the Board shall reactivate his license upon the:

- (a) Demonstration, if deemed necessary by the Board, that he is qualified and competent to practice;
- (b) Completion of an application; and
- (c) Payment of the fee for the renewal of the *license and any other fees related to the reactivation of the* license.

3. A licensee is not required to pay the fee ~~[, including penalties,]~~ for the renewal of ~~[a] his~~ *license or any fees or penalties related to the renewal of his license* for any year during the period in which his license was inactive.

**Sec. 23.** NRS 642.120 is hereby amended to read as follows:

642.120 1. If a licensee wishes to renew his license, the Board shall renew his license, except for cause, ~~[and the annual fee for the renewal of a license must not exceed the sum of \$200.]~~ *if the licensee complies with the provisions of this section.*

2. The ~~[Board shall mail on or before January 1 of each year to each licensed embalmer, addressed to him at his last known address, a notice that his]~~ renewal fee *prescribed in section 6.3 of this act* and the statement required pursuant to NRS 642.0195 are due ~~[and that if]~~ *on January 1 of each year. If* the statement is not submitted or the *renewal* fee is not paid by February 1, a ~~[penalty of \$100]~~ *fee*



*for the late renewal of the license* will be added to the renewal fee, and in no case will the ~~[penalty]~~ *fee* be waived.

~~[3.]~~ 4. Upon receipt of the statement, ~~[and]~~ the *renewal* fee and any penalties imposed pursuant to subsection ~~[2.]~~ 3, the Board shall issue a renewal certificate to the licensee.

**Sec. 24.** NRS 642.130 is hereby amended to read as follows:

642.130 The following acts are grounds for which the Board may take disciplinary action against a person who is licensed to practice the profession of embalming pursuant to this chapter or refuse to issue such a license to an applicant therefor:

1. Gross incompetency.
2. Unprofessional, unethical or dishonest conduct.
3. Habitual intemperance.
4. Fraud or misrepresentation in obtaining or attempting to obtain a license to practice the profession of embalming.
5. Employment by the licensee of persons commonly known as "cappers," "steerers" or "solicitors," or of other persons to obtain funeral directing or embalming business.
6. Malpractice.
7. Gross immorality.
8. The unlawful use of any controlled substance.
9. Conviction of a felony.
10. False or misleading advertising as defined in NRS 642.490, or false or misleading statements in the sale of merchandise or services.
11. Refusal to surrender promptly the custody of a dead human body upon the request of a person who is legally entitled to custody of the body.
12. Violation by the licensee of any provision of this chapter, any regulation adopted pursuant thereto, *any order of the Board* or any other law of this state relating to the practice of any of the professions regulated by the Board.
13. The theft or misappropriation of money in a trust fund established and maintained pursuant to chapter 689 of NRS.

**Sec. 25.** NRS 642.180 is hereby amended to read as follows:

642.180 1. No person may serve as an apprentice under a licensed embalmer or attempt to serve as an apprentice to a licensed embalmer without first having procured from the Board a certificate of registration as ~~[an apprentice, and apprentices shall]~~ *a registered apprentice*.

2. *Registered apprentices must* be regularly employed as full-time employees to receive apprenticeship credit.

**Sec. 26.** NRS 642.190 is hereby amended to read as follows:

642.190 Each applicant for a certificate of registration as a registered apprentice ~~[shall be]~~ *must*:

1. *Be* of good moral character ~~[ ]~~ *and* possess temperate habits ~~[, be]~~;
2. *Be* at least 18 years of age ~~[, and present]~~;
3. *Fulfill the requirements set forth in this chapter to be a registered apprentice;*
4. *Present* an affidavit from his preceptor that such applicant shall enter upon his duties as soon as ~~[such]~~ *the* certificate is granted ~~[ ]~~; *and*
5. *Pay any fees related to the application.*

**Sec. 27.** NRS 642.200 is hereby amended to read as follows:

642.200 1. ~~[Any person registering as an apprentice embalmer]~~ *Each applicant for a certificate of registration as a registered apprentice* shall furnish proof that he is a high school graduate and has completed 2 academic years of instruction by taking 60 semester or 90 quarter hours at an accredited college or university. Credits earned at an embalming college or a school of mortuary science do not fulfill this requirement.

2. Such proof ~~[shall]~~ *must* be furnished before ~~[such apprentice can be registered with the Board.]~~ *the applicant may be issued a certificate of registration as a registered apprentice.*

**Sec. 28.** NRS 642.210 is hereby amended to read as follows:

642.210 1. An applicant for a certificate of registration as a registered apprentice shall immediately notify the Secretary of the Board of such fact in order to receive credit for time spent.

2. Credit on the required apprenticeship commences on the date *the* application for ~~[apprenticeship]~~ *the certificate of* registration is filed with the Secretary of the Board, and no applications may be accepted antedated.

**Sec. 29.** NRS 642.220 is hereby amended to read as follows:

642.220 1. Each *registered* apprentice must pay ~~[a fee not to exceed \$100 per year to the Board]~~ :

- (a) *The annual fee prescribed in section 6.3 of this act;* and
- (b) *Any other fees prescribed in section 6.3 of this act.*

2. *Each registered apprentice shall* carry an apprentice card certified by the Secretary of the Board.

**Sec. 30.** NRS 642.240 is hereby amended to read as follows:

642.240 Each licensed embalmer ~~[in the State of Nevada,]~~ who has under his supervision or control a ~~[person serving as an apprentice embalmer,]~~ *registered apprentice* shall report such fact to the Board semiannually on or before January 1 and July 1 of each year. The Secretary of the Board shall immediately forward to such embalmer forms wherein information desired by the Board shall be requested by interrogations. Such reports shall disclose the work which such apprentice has performed during the semiannual period preceding the first of the month on which such report is made,

including the number of bodies such apprentice has assisted in embalming or otherwise prepared for disposition during that period.

**Sec. 31.** NRS 642.250 is hereby amended to read as follows:

642.250 1. No licensed embalmer may permit any person in his employ or under his supervision or control to serve him as an apprentice unless such person has a certificate of registration as a registered apprentice.

2. A licensed embalmer may have no more than one ~~[licensed]~~ *registered* apprentice serving under him at any one time.

**Sec. 32.** NRS 642.270 is hereby amended to read as follows:

642.270 No registered apprentice as such may advertise or hold himself out as a ~~[registered]~~ *licensed* embalmer, or use any title or abbreviation indicating that he is an embalmer, undertaker, mortician or funeral director.

**Sec. 33.** NRS 642.280 is hereby amended to read as follows:

642.280 ~~[Every person who is registered as an apprentice with the Board]~~ *Each registered apprentice* shall have his certificate of registration posted in a conspicuous place in his preceptor's place of business.

**Sec. 34.** NRS 642.290 is hereby amended to read as follows:

642.290 ~~[Application by an]~~

1. A *registered* apprentice *may apply* for a leave of absence and for *the* extension ~~[thereof shall be filed]~~ *of any leave of absence by:*

(a) *Filing an application* with the Secretary of the Board ; and

(b) *Paying any fees related to the application.*

2. *The application* may be granted by the Board, if the facts of the case disclose sufficient reason for granting the request.

**Sec. 35.** NRS 642.300 is hereby amended to read as follows:

642.300 ~~[Apprenticeship in embalming]~~

1. A *certificate of registration* expires 1 year after the date of issuance of the certificate by the Board, ~~[and no]~~ *unless the certificate is renewed in accordance with the regulations adopted by the Board.*

2. No person may ~~[be registered as an]~~ *hold a certificate of registration as a registered* apprentice entitling him to practice the occupation of an embalmer's apprentice under a licensed embalmer more than 2 consecutive years without successfully passing the examination for ~~[embalmers given by the Board.] a license to practice the profession of embalming pursuant to NRS 642.090.~~

**Sec. 36.** NRS 642.310 is hereby amended to read as follows:

642.310 ~~[The application of an apprentice making application to the Board to take an]~~ *Before a registered apprentice may take the* examination for ~~[an embalmer's license shall be on file in the Secretary's office, accompanied by a fee of \$100,] a license to practice the profession of embalming pursuant to NRS 642.090,~~

*the registered apprentice must file an application with the Secretary of the Board and pay the examination fee prescribed in section 6.3 of this act, not later than 30 days ~~[prior to]~~ before the date of such examination.*

**Sec. 37.** NRS 642.320 is hereby amended to read as follows:

642.320 All registered apprentices shall file applications for licenses *to practice the profession of embalming* within 12 months after they have completed the ~~[prescribed 1 year's]~~ *required 1 year of* apprenticeship. Failure to do so automatically revokes ~~[apprenticeship]~~ *the certificate of* registration.

**Sec. 38.** NRS 642.330 is hereby amended to read as follows:

642.330 ~~[All applicants shall hold a diploma from]~~

*1. Before a registered apprentice may take the examination for a license to practice the profession of embalming pursuant to NRS 642.090, the registered apprentice must have completed instruction in* an accredited and approved embalming college ~~[.]~~ *or school of mortuary science,* as prescribed by NRS 642.080 . ~~[.]~~ ~~before taking the examination. The examination may be taken]~~

*2. A registered apprentice may take the examination for a license to practice the profession of embalming pursuant to NRS 642.090 before the* ~~[applicant]~~ *registered apprentice* has completed the required 1 year of apprenticeship.

**Sec. 39.** NRS 642.360 is hereby amended to read as follows:

642.360 1. An application for ~~[a permit to operate a funeral establishment,]~~ a funeral director's license or a license to conduct direct cremations or immediate burials must be in writing and verified on a form provided by the Board.

2. Each applicant must be over 18 years of age and of good *moral* character.

3. Except as otherwise provided in subsection 4, each applicant for a funeral director's license must pass an examination given by the Board upon the following subjects:

(a) The signs of death.

(b) The manner by which death may be determined.

(c) The laws governing the preparation, burial and disposal of dead human bodies, and the shipment of bodies of persons dying from infectious or contagious diseases.

(d) Local health and sanitary ordinances and regulations relating to funeral directing and embalming.

(e) Federal regulations governing funeral practices.

(f) The laws and regulations of this state relating to funeral directing and embalming.

4. An applicant who has passed the national examination given by the International Conference of Funeral Service Examining Boards is not required to take any portion of the examination set

forth in subsection 3 that repeats or duplicates a portion of the national examination.

5. ~~[The]~~ *An application for:*

(a) *A funeral director's license* must be accompanied by ~~[a fee not to exceed \$300.]~~ *the application fee and the examination fee prescribed in section 6.3 of this act.*

(b) *A license to conduct direct cremations or immediate burials must be accompanied by the application fee prescribed in section 6.3 of this act.*

**Sec. 40.** NRS 642.365 is hereby amended to read as follows:

642.365 1. An application for a permit to operate a funeral establishment must be in writing and verified on a form provided by the Board.

2. Each applicant must furnish proof satisfactory to the Board that:

(a) He is of good moral character;

(b) He is at least 18 years old; and

(c) The funeral establishment for which he is requesting the permit is constructed, equipped and maintained in the manner described in NRS 642.016.

3. Each application must be accompanied by ~~[a fee not to exceed \$300.]~~ *the application fee prescribed in section 6.3 of this act.*

**Sec. 41.** NRS 642.390 is hereby amended to read as follows:

642.390 Upon receipt of an application for a permit to operate a funeral establishment, a funeral director's license or a license to conduct direct cremations or immediate burials, the Board shall cause an investigation to be made as to the character of the applicant, and may require such showing as will reasonably prove his good *moral* character.

**Sec. 42.** NRS 642.400 is hereby amended to read as follows:

642.400 1. The Board may subpoena witnesses . ~~[and, after]~~

2. *After a* proper hearing, *the Board* shall issue to an applicant a funeral director's license or a license to conduct direct cremations or immediate burials if it finds that the applicant ~~[is]~~ :

(a) *Is* of good *moral* character ~~[ ]~~ ;

(b) *Fulfills the requirements set forth in this chapter for the license; and*

(c) *Has paid all fees related to the application.*

**Sec. 43.** NRS 642.415 is hereby amended to read as follows:

642.415 The Board may charge a fee for providing materials relating to the provisions of this chapter *or chapter 451 or 452 of NRS* which are requested by persons who have been issued permits, licenses and certificates pursuant to this chapter *or chapter 451 or 452 of NRS* or by members of the general public. The fee may not exceed the cost incurred by the Board to provide those materials.

**Sec. 43.5.** NRS 642.420 is hereby amended to read as follows:

642.420 ~~{1.}~~ Each licensed funeral director and each person who is licensed to conduct direct cremations or immediate burials shall pay ~~{an}~~ *the* annual fee *prescribed in section 6.3 of this act* for the renewal of his license.

~~{2. The renewal fee, payable by a licensed funeral director or a person licensed to conduct direct cremations or immediate burials, must not exceed \$200.}~~

**Sec. 44.** NRS 642.430 is hereby amended to read as follows:

642.430 1. The Board shall mail, on or before January 1 of each year, to each licensed funeral director and each person licensed to conduct direct cremations or immediate burials, addressed to him at his last known address, a notice that his renewal fee is due and that if the *renewal* fee is not paid by February 1, a ~~{penalty not to exceed \$200,}~~ *fee for the late renewal of the license* will be added to the renewal fee, and in no case will the ~~{penalty}~~ *fee* be waived.

2. Upon receipt of the renewal fee, the statement required pursuant to NRS 642.0195 and any penalties imposed pursuant to subsection 1, the Board shall issue a renewal certificate to the licensee.

**Sec. 45.** NRS 642.435 is hereby amended to read as follows:

642.435 1. Each person who is issued a permit to operate a funeral establishment must pay ~~{an annual fee, not to exceed \$200,}~~ *the annual fee prescribed in section 6.3 of this act* for the renewal of the permit.

2. The Board shall, before renewing a permit to operate a funeral establishment, make an unannounced inspection of the establishment for which the permit was issued to ensure compliance with:

(a) The laws governing the preparation, burial and disposal of dead human bodies, and the shipment of bodies of persons who have died from infectious or contagious diseases;

(b) Local health and sanitary ordinances and regulations relating to funeral directing and embalming; and

(c) Federal regulations governing funeral practices.

Each ~~{owner of a funeral establishment}~~ *person* who is issued a permit to operate a funeral establishment shall be deemed to have consented to such an inspection as a condition for the issuance of the permit.

3. The Board shall, on or before January 1 of each year, mail to each holder of a permit to operate a funeral establishment a notice that the renewal fee for the permit is due and that if ~~{that}~~ *the renewal* fee is not paid by February 1, a penalty ~~{not to exceed \$200}~~ will be added to the renewal fee, and in no case will the penalty be waived.

4. Upon receipt of the renewal fee and any penalties imposed by the Board pursuant to subsection 3, the Board shall issue a renewal certificate to the ~~owner of the funeral establishment.~~ *holder of the permit.*

**Sec. 46.** NRS 642.450 is hereby amended to read as follows:

642.450 1. In case of the death of a licensed funeral director who leaves a funeral establishment as part or all of his estate, the Board may issue to the legal representative of the deceased funeral director, if the legal representative is of good *moral* character, a special temporary license as a funeral director for the duration of the administration of the estate, but in no case to exceed 1 year.

2. The fees for *the application*, issuance and renewal of a *special* temporary license ~~issued pursuant to subsection 1~~ *and any other fees related to the special temporary license* and the time for payment ~~thereof~~ *of such fees* must be the same as those required for regular licenses.

**Sec. 47.** NRS 642.455 is hereby amended to read as follows:

642.455 1. Upon written request to the Board and payment of ~~a fee not to exceed \$150,~~ *the fee prescribed in section 6.3 of this act*, a person who holds a funeral director's license or a license to conduct direct cremations or immediate burials and who is a licensee in good standing may have his license placed on inactive status. A licensee whose license has been placed on inactive status shall not engage in the business of funeral directing or conducting direct cremations or immediate burials during the period in which his license is inactive.

2. If a licensee wishes to resume the business of funeral directing or conducting direct cremations or immediate burials, the Board shall reactivate his license upon the:

(a) Demonstration, if deemed necessary by the Board, that he is qualified and competent to practice;

(b) Completion of an application; and

(c) Payment of the fee for the renewal of the *license and any other fees related to the reactivation of the* license.

3. A licensee is not required to pay the fee ~~including penalties,~~ for the renewal of ~~a~~ *his* license *or any fees or penalties related to the renewal of his license* for any year during the period in which his license was inactive.

**Sec. 48.** NRS 642.473 is hereby amended to read as follows:

642.473 1. If the Board determines that a person who holds a funeral director's license, a permit to operate a funeral establishment or a license to conduct direct cremations or immediate burials has committed any of the acts set forth in NRS 642.470, the Board may:

(a) Refuse to renew his license or permit;

(b) Revoke his license or permit;



(c) Suspend his license or permit for a definite period or until further order of the Board;

(d) Impose a fine of not more than \$5,000 for each act that constitutes a ground for disciplinary action;

(e) Place him on probation for a definite period subject to any reasonable conditions imposed by the board;

(f) Administer a public or private reprimand;

(g) Require him to pay the costs incurred by the Board in taking disciplinary action against him; or

(h) Impose any combination of disciplinary actions set forth in paragraphs (a) to (g), inclusive.

2. ~~Before~~ *Except as otherwise provided in section 6 of this act, before* the Board may refuse to renew, or suspend or revoke a license or permit for any of the acts set forth in NRS 642.470, the Board shall give at least 10 days' notice in writing to the licensee or holder of the permit. The notice must contain a brief statement of the reasons for the proposed action of the Board and designate a time and place for a hearing before any final action is taken.

**Sec. 49.** NRS 642.480 is hereby amended to read as follows:

642.480 For the purposes of NRS 642.470, unprofessional conduct includes:

1. Misrepresentation or fraud in the operation of a funeral establishment or the practice of a funeral director or person licensed to conduct direct cremations or immediate burials.

2. Solicitation of dead human bodies by the licensee or his agents, assistants or employees, whether the solicitation occurs after death or while death is impending, but this does not prohibit general advertising.

3. Employment by a holder of a permit to operate a funeral establishment or licensee of persons commonly known as "cappers," "steerers" or "solicitors," or of other persons to obtain funeral directing or embalming business.

4. Employment, directly or indirectly, of any apprentice, agent, assistant, embalmer, employee or other person, on part or full time or on commission, to call upon natural persons or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer.

5. The buying of business by a holder of a permit to operate a funeral establishment or a licensee or his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the holder of a permit or a licensee or his agents, assistants or employees, to secure business.

6. Gross immorality.

7. Aiding or abetting an unlicensed person to practice funeral directing or embalming.



8. Using profane, indecent or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased whose body has not yet been interred or otherwise disposed of.

9. Solicitation or acceptance by a holder of a permit to operate a funeral establishment or licensee of any commission, bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery.

10. Except as otherwise provided in this subsection, using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body. The provisions of this subsection do not prohibit the rental of the outer shell of a casket into which a removable insert containing a dead human body is placed for the purpose of viewing the body or for funeral services, or both, and which is later removed from the outer shell for cremation.

11. Violation of any ~~{of the provisions}~~ *provision* of this chapter, ~~{or of}~~ any regulation adopted pursuant thereto ~~{}~~ *or any order of the Board.*

12. Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies.

13. Fraud or misrepresentation in obtaining a permit or license.

14. Refusing to surrender promptly the custody of a dead human body, upon the express order of the person lawfully entitled to the custody thereof.

15. Taking undue advantage of the patrons of a funeral establishment or being guilty of fraud or misrepresentation in the sale of merchandise to those patrons.

16. The theft or misappropriation of money in a trust fund established and maintained pursuant to chapter 689 of NRS.

17. Habitual drunkenness or the unlawful use of a controlled substance.

**Sec. 50.** NRS 642.530 is hereby amended to read as follows:

642.530 ~~{Upon a petition for}~~

*1. Except as otherwise provided in subsection 2, a person may seek judicial review ~~{, the district court may order a trial de novo.}~~ of any final decision of the Board that is made pursuant to the provisions of this chapter or chapter 451 or 452 of NRS. Such judicial review must be conducted pursuant to the provisions of chapter 233B of NRS that apply to a contested case.*

*2. A person may not seek judicial review of any decision of the Board that orders an immediate suspension of a license, permit or certificate pursuant to section 6 of this act.*

**Sec. 51.** NRS 642.540 is hereby amended to read as follows:

642.540 If a holder of a *license*, permit ~~[to operate a funeral establishment, a licensed funeral director or a person licensed to conduct direct cremations or immediate burials appeals]~~ *or certificate seeks judicial review of* the decision of the Board to revoke or suspend his *license*, permit or ~~[license,]~~ *certificate*, the decision of the Board must not be stayed by the proceedings on ~~[appeal]~~ *judicial review* and the ~~[appeal]~~ *judicial review* must not operate to restore the right of the holder of the *license*, permit *or certificate* to operate ~~[his funeral establishment or the right of the licensee to]~~ *or* practice pending the ~~[appeal,]~~ *judicial review*, unless *a* bond ~~[,]~~ with *a* sufficient surety ~~[, to be]~~ approved by the clerk of the district court ~~[,]~~ is posted with the clerk, in such an amount as the district ~~[judge]~~ *court* may require, conditioned that the ~~[appeal]~~ *judicial review* will be prosecuted without unnecessary delay and *that*, if the decision ~~[appealed from is confirmed, that]~~ *of the Board is affirmed*, the holder of the *license*, permit or ~~[licensee]~~ *certificate* will pay all costs.

**Sec. 52.** NRS 642.570 is hereby amended to read as follows:

642.570 The Board shall cause the prosecution of all persons violating any ~~[of the provisions]~~ *provision* of this chapter ~~[,]~~ *or chapter 451 or 452 of NRS.*

**Sec. 53.** NRS 642.575 is hereby amended to read as follows:

642.575 The Board may bring legal proceedings to enjoin any person who violates any provision of this chapter, ~~[or]~~ any regulation adopted pursuant thereto *or any order of the Board* from practicing the profession of embalming. Any person who is so enjoined is liable to the Board for attorney's fees and court costs.

**Sec. 54.** NRS 451.065 is hereby amended to read as follows:

451.065 1. Except as otherwise provided in subsections 2 and 3, no crematory, funeral home, cemetery or other place that accepts human remains for disposition may require the remains to be embalmed or otherwise prepared before their disposition by cremation, interment or otherwise, or before their removal from or into any registration district.

2. The State Board of Health may require embalming or other preparations if necessary to protect the public.

3. If embalming is not required by the State Board of Health pursuant to subsection 2, the ~~[State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories]~~ *Nevada State Funeral Board* may authorize the embalming of a body if it determines that it is necessary to preserve the body and the crematory, funeral home, cemetery or other place that accepts human remains for disposition:

(a) Has held the body for at least 72 hours;

(b) Is unable to notify a member of the family or other authorized person to obtain approval to embalm the body; and

(c) Has no reason to believe that the family or other authorized person does not wish to have the body embalmed.

4. Any person who violates this section is guilty of a misdemeanor.

**Sec. 55.** NRS 451.635 is hereby amended to read as follows:

451.635 1. No person may cremate human remains except in a crematory whose operator is licensed by the ~~[State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories.]~~ *Nevada State Funeral Board.*

2. The Board shall prescribe and furnish forms for application for licensing. An application must be in writing and contain:

(a) The name and address of the applicant and the location or proposed location of the crematory;

(b) A description of the structure and equipment to be used in operating the crematory; and

(c) Any further information that the Board may reasonably require.

3. An application must be signed by the applicant personally, by one of the partners if the applicant is a partnership, or by an authorized officer if the applicant is a corporation or other form of business organization.

4. The Board shall examine the structure and equipment and shall issue the license if ~~[it]~~ :

(a) *It* appears that the proposed operation will meet the requirements of NRS 451.600 to 451.715, inclusive ~~[ ]~~ ; and

(b) *The applicant has paid all fees related to the application.*

5. If the ownership of a crematory is to be changed, the proposed operator shall apply for licensing at least 30 days before the change.

**Sec. 56.** NRS 451.640 is hereby amended to read as follows:

451.640 ~~[The State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories:~~

~~1. Shall]~~

*1. The Nevada State Funeral Board shall* adopt regulations for the administration of NRS 451.600 to 451.715, inclusive. Unless governed by ~~[regulation]~~ *the regulations* of the State Board of Health, the regulations *of the Nevada State Funeral Board* must include , *without limitation:*

(a) *The* conditions under which the remains of a person who has died from a communicable or otherwise dangerous disease may be transported to a crematory for cremation ~~[. The regulations must include]~~ ; and

(b) *The* minimum standards for sanitation, required equipment and protection from fire.

2. ~~[May]~~ *The Nevada State Funeral Board may* bring legal proceedings to enjoin any person who violates any ~~[provisions]~~ *provision* of NRS 451.600 to 451.715, inclusive, ~~[or]~~ any regulation adopted pursuant ~~[to this section]~~ *thereto or any order of the Board* from operating a crematory. Any person who is so enjoined is liable to the Board for attorney's fees and court costs.

**Sec. 57.** NRS 451.715 is hereby amended to read as follows:

451.715 1. It is unlawful for any person to:

(a) Hold himself out to the public as the operator of a crematory without being licensed pursuant to NRS 451.635;

(b) Sign an order for cremation knowing that the order contains incorrect information; or

(c) Violate any other provision of NRS 451.600 to 451.715, inclusive ~~[,]~~ *, any regulation adopted pursuant thereto or any order of the Nevada State Funeral Board.*

2. It is unlawful for the operator of a crematory to perform a cremation without an order signed by a person authorized to order the cremation pursuant to NRS 451.650 or 451.655.

3. ~~[A]~~ *If a* crematory *is* operated in this state in violation of any provision of NRS 451.600 to 451.715, inclusive, ~~[or]~~ any regulation ~~[of the State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories]~~ *adopted pursuant thereto or any order of the Nevada State Funeral Board, the crematory* is a public nuisance and may be abated as such.

**Sec. 58.** NRS 452.0055 is hereby amended to read as follows:

452.0055 "Board" means the ~~[State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories.]~~ *Nevada State Funeral Board.*

**Sec. 59.** NRS 452.310 is hereby amended to read as follows:

452.310 1. No person may engage in the business of operating a cemetery in this state without first obtaining a certificate of authority from the Board.

2. Applications for a certificate of authority to operate a cemetery must be filed with the Board. Each application must be accompanied by:

(a) A filing fee of \$1,000 ~~[, no]~~ *and any other fees related to the application. No* part of ~~[which]~~ *the fees* is refundable.

(b) A copy, certified by the proper officials, of the:

(1) Articles of incorporation, if any.

(2) Bylaws of the corporation, if any.

(3) Application to the city or county planning commission for a use permit or the rezoning for the proposed cemetery.

(4) Land use or zoning permit.

(5) Declaration of dedication of land to cemetery purposes.

(6) Deed, contract of purchase or other document which provides the applicant with merchantable title to the land dedicated.

(7) Endowment care trust fund agreement executed by the proper officers of the cemetery authority.

(c) A statement, executed by the proper officers of the applicant, setting forth:

(1) If the applicant is a corporation, the names and addresses of the board of directors and officers.

(2) If the applicant is not a corporation, the names and addresses of the natural persons in charge.

(3) The names and addresses of the trustees of the endowment care fund.

(4) The name and address of the person in charge of sales.

The statement must contain a description of the general character, experience and fitness to engage in the cemetery business for each person named.

(d) A complete, detailed and audited financial statement showing assets, liabilities and reserve.

(e) An itemized statement of all estimated receipts and expenditures for the succeeding 2-year period or such other period as may be required by the Board.

(f) A map of the proposed cemetery in such detail and size as may be required by the Board.

(g) A statement of the proposed plan of operation in such detail as may be required by the Board.

(h) A statement of the amount deposited in the endowment care fund and the type of investment made of such amount.

(i) A statement from the depository showing the deposit in the endowment care fund of the amount required by NRS 452.120 and 452.130.

(j) Such other information as may be required by written notice from the Board.

3. Upon request, the Board shall provide to the Administrator a copy of the following information contained in an application for a certificate of authority filed with the Board pursuant to this section:

(a) The endowment care trust fund agreement;

(b) The names and addresses of the trustees of the endowment care fund; and

(c) The statements described in paragraphs (h) and (i) of subsection 2.

**Sec. 60.** NRS 452.590 is hereby amended to read as follows:

452.590 1. A person who proposes to purchase or acquire control of an existing cemetery authority, either by purchase of the outstanding capital stock of a cemetery authority or the interest of the owner or owners, and thereby to change the control of the cemetery authority, shall first make application to the Board for a

certificate of approval of the proposed change of control in the cemetery authority.

2. The application must contain the name and address of the proposed new owners, and the Board may only issue a certificate of approval after it is reasonably satisfied that the proposed new owners are qualified by character, experience and business and financial reputability and responsibility to control and operate the cemetery in a suitable and proper manner, and that the interest of the public generally will not be jeopardized by the proposed change in ownership and management. The Board shall not issue a certificate of approval without the approval of the Administrator.

3. The application must be accompanied by a filing and investigation fee of \$250 ~~[, no]~~ *and any other fees related to the application. No* part of ~~[which]~~ *the fees* is refundable.

**Sec. 61.** NRS 452.610 is hereby amended to read as follows:

452.610 In addition to any other penalty provided for in NRS 452.001 to 452.610, inclusive, any person who violates any provision of NRS 452.001 to 452.610, inclusive, or any regulation adopted *or administrative order entered* pursuant to those sections, for which a greater penalty is not otherwise provided by law, is guilty of a misdemeanor.

**Sec. 62.** 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

**Sec. 63.** 1. The Legislative Counsel shall:

(a) In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have

been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

(b) In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

2. Any reference in a bill or resolution passed by the 72nd Session of the Nevada Legislature to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency shall be deemed to refer to the officer or agency to which the responsibility is transferred.

**Sec. 64.** NRS 642.065 is hereby repealed.

**Sec. 65.** This act becomes effective on July 1, 2003.