

SENATE BILL NO. 227—SENATOR HECK (BY REQUEST)

MARCH 7, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Clarifies provisions relating to the disciplinary powers of the Nevada State Funeral Board. (BDR 54-975)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to dead human bodies; clarifying that the Nevada State Funeral Board may take disciplinary action for certain violations relating to dead human bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law allows the Nevada State Funeral Board to take certain disciplinary
2 action for “unprofessional conduct.” (NRS 642.470, 642.480) “Unprofessional
3 conduct” includes, without limitation, conduct related to the handling, custody, care
4 or transportation of dead human bodies. (NRS 642.480) This bill clarifies that such
5 unprofessional conduct includes a violation of NRS 451.400. NRS 451.400
6 describes various reporting and delivery requirements concerning any dead human
7 body which is unclaimed or which is required to be buried at public expense.

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

1 **Section 1.** NRS 642.480 is hereby amended to read as follows:
2 642.480 For the purposes of NRS 642.470, unprofessional
3 conduct includes:
4 1. Misrepresentation or fraud in the operation of a funeral
5 establishment or the practice of a funeral director or person licensed
6 to conduct direct cremations or immediate burials.
7 2. Solicitation of dead human bodies by the licensee or his
8 agents, assistants or employees, whether the solicitation occurs after



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1 death or while death is impending, but this does not prohibit general
2 advertising.

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

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

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

17 6. Gross immorality.

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

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

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

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

36 11. Violation of any provision of this chapter, any regulation
37 adopted pursuant thereto or any order of the Board.

38 12. Violation of any state law or municipal or county ordinance
39 or regulation affecting the handling, custody, care or transportation of
40 dead human bodies **H, including, without limitation, NRS 451.400.**

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

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



- 1 15. Taking undue advantage of the patrons of a funeral
2 establishment or being guilty of fraud or misrepresentation in the
3 sale of merchandise to those patrons.
- 4 16. The theft or misappropriation of money in a trust fund
5 established and maintained pursuant to chapter 689 of NRS.
- 6 17. Habitual drunkenness or the unlawful use of a controlled
7 substance.

