

CHAPTER.....

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:

Existing law allows the Nevada State Funeral Board to take certain disciplinary action for “unprofessional conduct.” (NRS 642.470, 642.480) “Unprofessional conduct” includes, without limitation, conduct related to the handling, custody, care or transportation of dead human bodies. (NRS 642.480) This bill clarifies that such unprofessional conduct includes a violation of NRS 451.400. NRS 451.400 describes various reporting and delivery requirements concerning any dead human 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:

Section 1. 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 provision of this chapter, 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 **H**, *including, without limitation, NRS 451.400.*
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.

