

Amendment No. 74

Assembly Amendment to Assembly Bill No. 69

(BDR 40-25)

Proposed by: Assembly Committee on Health and Human Services**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

EGO



Date: 3/27/2013

A.B. No. 69—Requires a crematory for human remains to be located in a certain area. (BDR 40-25)



ASSEMBLY BILL NO. 69—ASSEMBLYMAN ELLIOT ANDERSON

PREFILED JANUARY 9, 2013

JOINT SPONSOR: SENATOR KIHUEN

Referred to Committee on Health and Human Services

SUMMARY—~~[Requires]~~ **Revises provisions governing the location of a crematory for human remains, ~~[to be located in a certain area.]~~** (BDR 40-25)

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 crematories; ~~[requiring]~~ **revising provisions governing the location of** a crematory for human remains **;** ~~[to be located in a certain area.]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may not cremate any human remains except in a crematory whose operator is licensed by the Nevada State Funeral Board. (NRS 451.635) Existing law further provides that a crematory may be erected on or adjacent to the premises of a cemetery or funeral establishment if the location of the crematory is zoned for commercial or industrial use or at any other location where local zoning permits. (NRS 451.645) **Section 1** of this bill imposes an additional ~~[requirement]~~ **restriction** upon the operation of a crematory **that is proposed to be located in an incorporated city whose population is 60,000 or more (currently Henderson, Las Vegas, North Las Vegas, Reno and Sparks) or in an unincorporated town that is contiguous to such an incorporated city** by prohibiting ~~to~~ **person from cremating any human remains in the crematory unless the crematory is located in an area which is zoned for industrial use and which is at least 1,000 feet from any area which is not zoned for that use; the Board from issuing a license to the applicant unless the proposed location of all structures associated with the crematory are: (1) in an area which is zoned for mixed, commercial or industrial use; and (2) at least 1,500 feet from the boundary line of any parcel zoned for residential use.** **Section 1** also requires the Board to examine the location of ~~such~~ a crematory when issuing a license to the operator of the crematory ~~to~~ **determine whether any restriction relating to the location of the crematory is applicable.** **Section 2** of this bill ~~revises~~ **makes the requirements for the operation of]** **additional restriction relating to the location of a crematory apply to a crematory which is proposed to be erected on or adjacent to a cemetery or funeral home (by requiring the crematory to be in a location specified in section 1.)** **in an incorporated city whose population is 60,000 or more or in an unincorporated town that is contiguous to such an incorporated city.** **Section 3** of this bill provides that the new ~~requirements for the operation of a crematory for human remains do]~~ **restriction relating to the location of a**

~~crematory does~~ not apply to a crematory whose operator is the holder of a license issued or renewed by the Board before October 1, 2013.

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

Section 1. NRS 451.635 is hereby amended to read as follows:

451.635 1. No person may cremate human remains except in a crematory

~~whose~~ ~~is~~

~~(a) That is located in an area which is zoned for industrial use and which is at least 1,000 feet from any area which is not zoned for that use; and~~

~~(b) Whose~~ operator is licensed by the Nevada State Funeral Board.

2. If a crematory is proposed to be located in an incorporated city whose population is 60,000 or more or in an unincorporated town that is contiguous to such an incorporated city, the Board shall not issue a license to the applicant unless the proposed location of all structures associated with the crematory are:

(a) In an area which is zoned for mixed, commercial or industrial use; and

(b) At least 1,500 feet from the boundary line of any parcel zoned for residential use.

3. 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.

~~3.4~~ 4. 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.

~~4.4~~ 5. The Board shall examine the ~~location~~ structure and equipment and, if applicable, the location and shall issue the license if:

(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.

~~5.4~~ 6. 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. 2. NRS 451.645 is hereby amended to read as follows:

451.645 1. A cemetery or funeral home may erect and conduct a crematory if licensed as the operator.

2. ~~1.4~~ Except as otherwise provided in subsection 2 of NRS 451.635, a crematory may be erected on or adjacent to the premises of a cemetery or funeral establishment if the location is zoned for commercial or industrial use, or at any other location where the local zoning permits. ~~A crematory is in a location specified in NRS 451.635.~~ A crematory must conform to all local building codes and environmental standards.

3. The operator of a crematory may contract with or employ a licensed funeral director to:

(a) Deal with the public in arranging for cremations;

(b) Transport human remains to the crematory; or

(c) Distribute, fill out or obtain the return of necessary papers.

1 ↪ This subsection does not require the performance of any act by a licensed funeral
2 director unless other law requires that such an act be performed only by him or her.

3 **Sec. 3.** The amendatory provisions of this act do not apply to a crematory
4 which has been lawfully and continuously operated as a crematory since before
5 October 1, 2013.