

SENATE BILL NO. 286—SENATOR BROWER

MARCH 16, 2015

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to the Nevada Funeral and Cemetery Services Board. (BDR 54-905)

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

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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 decedents; authorizing the Nevada Funeral and Cemetery Services Board to issue permits for the operation of direct cremation facilities and licenses to natural persons to engage in business as a death care consultant; establishing certain provisions related to the operation and advertisement of direct cremation facilities; requiring applicants for licenses, permits or certificates to submit fingerprints to the Board; establishing a continuing education requirement for funeral directors and embalmers; requiring certain applicants for a funeral director's license to complete a 1-year internship; revising the priority of persons who are authorized to order the burial or cremation of a decedent; providing that a person who is arrested for or charged with murder or voluntary manslaughter may not act as the person authorized to order the burial or cremation of the decedent who the person is accused of killing; requiring an operator of a crematory to ensure that any person operating crematory equipment has completed a crematory certification program; repealing certain provisions related to the provision of funeral and crematory services; providing a penalty; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

Existing law establishes the Nevada Funeral and Cemetery Services Board and grants the Board authority to issue licenses, permits and certifications to cemeteries, crematories, funeral establishments, funeral directors, embalmers and persons engaged in direct cremations or immediate burials. (Chapters 451, 452 and 642 of NRS)

Sections 4 and 5 of this bill require a person to obtain, and authorize the Board to issue, a permit for the operation of a direct cremation facility. **Sections 6 and 7** of this bill require a person to obtain, and authorize the Board to issue, a license to engage in business as a death care consultant. **Section 8** of this bill requires all applicants for a license, permit or certificate issued by the Board to submit fingerprints and written authorization allowing the Board to conduct a criminal background check on the applicant. **Section 9** of this bill establishes a continuing education requirement for licensed funeral directors and embalmers.

Existing law requires a holder of a license, permit or certificate issued by the Board to comply with certain federal regulations governing funeral industry practices (16 C.F.R. Part 453). (NRS 642.019) **Section 14** of this bill adds the requirement that such a licensee, permittee or certificate holder also complies with the requirements of the federal Occupational Safety and Health Administration of the United States Department of Labor.

Existing law requires an investigator hired by the Board to investigate an alleged violation of chapter 451, 452 or 642 of NRS to report his or her findings to the Attorney General and further requires the Attorney General to take certain actions after receiving the report. (NRS 642.0677) **Section 20** of this bill modifies the responsibilities of the Attorney General in this regard.

Section 32 of this bill requires an applicant for a funeral director's license whose application is submitted on or after January 1, 2016, to demonstrate completion of 1 year of service as a certified funeral director intern. This requirement can be waived by the Board if the applicant holds a license as a funeral director in another state. **Section 43** of this bill establishes certain requirements relating to the operation of direct cremation facilities. **Section 46** of this bill adds unethical practices contrary to the public interest to the list of acts constituting unprofessional conduct of a licensee, permittee or holder of a certificate for which disciplinary action may be taken by the Board. **Section 47** of this bill requires a direct cremation facility to indicate in any advertising the limited nature of the services that such a facility offers. **Section 47** also prohibits any funeral establishment or direct cremation facility from advertising under any name other than the name indicated on the operating permit.

Existing law provides a listing of certain persons who may order the burial or cremation of a decedent and provides an order of priority for such persons. (NRS 451.024, 451.650) **Section 54** of this bill adds cremation to NRS 451.024, thereby consolidating the provisions of NRS 451.024 with NRS 451.650. In addition, **section 54** provides that a person who is arrested for or charged with the murder or voluntary manslaughter of a decedent is not authorized to order the burial or cremation of that decedent. **Sections 54 and 57** of this bill also add certain provisions relating to the priority of persons authorized to order the burial or cremation of a decedent.

Section 55 of this bill requires operators of a crematory to ensure that any person operating crematory equipment has completed a crematory certification program approved by the Board. **Section 63** of this bill repeals various sections of chapter 451 and 642 of NRS including a section requiring a license to conduct direct cremations or immediate burials and the aforementioned NRS 451.650, which was consolidated with NRS 451.024.



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
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *“Death care consultant” means any person employed*
5 *by a funeral establishment or direct cremation facility who meets*
6 *with families, or other persons authorized pursuant to NRS*
7 *451.024 to order the disposition of human remains of a deceased*
8 *person, to plan funeral services for a decedent.*

9 **Sec. 3.** *“Direct cremation facility” means a place of business*
10 *conducted at a specific street address or location devoted to direct*
11 *cremations.*

12 **Sec. 4. 1.** *The owner of a direct cremation facility located*
13 *in this State shall not operate or allow another person to operate*
14 *the facility unless the owner holds a valid permit issued by the*
15 *Board to operate the direct cremation facility.*

16 2. *If a person owns more than one direct cremation facility,*
17 *the person must submit an application and obtain a permit for the*
18 *operation of each direct cremation facility that he or she owns that*
19 *is located in this State.*

20 **Sec. 5. 1.** *An application for a permit to operate a direct*
21 *cremation facility must be submitted to the Executive Director of*
22 *the Board, on a form and in a manner prescribed by the Board.*

23 2. *Each applicant for a permit to operate a direct cremation*
24 *facility must:*

25 (a) *Be at least 18 years of age; and*

26 (b) *Be of good moral character.*

27 3. *Each application must be accompanied by the application*
28 *fee prescribed in NRS 642.0696.*

29 4. *The Board may conduct a physical inspection of a direct*
30 *cremation facility before, and as a condition of, the issuance of a*
31 *permit to operate a direct cremation facility.*

32 **Sec. 6. 1.** *A person shall not engage in or conduct, or hold*
33 *himself or herself out as engaging in or conducting, the business*
34 *of a death care consultant unless the person is licensed as a death*
35 *care consultant by the Board.*

36 2. *The business of a death care consultant must be conducted*
37 *and engaged in at a funeral establishment or a direct cremation*
38 *facility.*

39 3. *A person holding a valid license as a funeral director or*
40 *embalmer in this State is not required to be licensed as a death*
41 *care consultant pursuant to this section.*



Sec. 7. 1. An application for a license as a death care consultant must be submitted to the Executive Director of the Board on a form and in a manner prescribed by the Board.

2. Each applicant for a license as a death care consultant must:

(a) Be at least 18 years of age; and

(b) Be of good moral character.

3. Each applicant for a license as a death care consultant must, before being issued a license, pass an examination, prescribed by the Board, on the following subjects:

(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 practices;

(c) Federal regulations governing funeral practices; and

(d) The laws and regulations of this State relating to funeral practices.

4. Each application for a license as a death care consultant must be accompanied by the application fee and the examination fee prescribed in NRS 642.0696.

Sec. 8. An applicant for any license, permit or certificate issued by the Board must submit as part of his or her application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 9. 1. A person licensed as a funeral director or embalmer must annually complete 10 hours of continuing education in a field relevant to the funeral industry before renewal of his or her license and maintain proof of completion of those hours for a period of 5 years.

2. A person licensed as both a funeral director and embalmer must complete a combined total of 10 hours of continuing education courses to renew both licenses.

3. The Board may request proof of completion of the continuing education required pursuant to this section before renewing a license as a funeral director or embalmer.

Sec. 10. 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 642.0175, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.



Sec. 11. NRS 642.014 is hereby amended to read as follows:

642.014 "Disposition" means the immediate disposing of a dead human body or the immediate transporting of a dead human body to the care of a funeral establishment, *direct cremation facility*, responsible third party or the immediate family for direct cremation or burial.

Sec. 12. NRS 642.015 is hereby amended to read as follows:

642.015 1. "Funeral director" means a person engaged in, conducting the business of or holding himself or herself out as engaged in:

(a) Preparing or contracting to prepare by embalming or in any other manner dead human bodies for burial, *cremation* or disposal, or directing and supervising the burial, *cremation* or disposal of dead human bodies.

(b) Directing, supervising or contracting to direct or supervise funerals.

(c) The business of a funeral director by using the words "funeral director," "mortician" or any other title implying that the person is engaged in the business of funeral directing.

2. The term does not include:

(a) A licensed embalmer or *death care consultant*, or a person whose duties are limited to conducting direct cremations or immediate burials.

(b) An owner of a funeral establishment *or direct cremation facility*, unless the owner engages in any activity described in subsection 1.

Sec. 13. NRS 642.016 is hereby amended to read as follows:

642.016 "Funeral establishment" means a place of business conducted at a specific street address or location devoted to the care and preparation for burial, *cremation* or transportation of dead human bodies, consisting of a preparation room equipped with a sanitary floor, necessary drainage and ventilation, ~~containing~~ *having access to* necessary instruments and supplies for the preparation and embalming of dead human bodies for burial or transportation and having a display room containing an inventory of funeral caskets.

Sec. 14. 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 ~~and~~ *and the requirements of the Occupational Safety and Health Administration of the United States Department of Labor.*



Sec. 15. NRS 642.0195 is hereby amended to read as follows:
642.0195 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license ~~{to practice the profession of embalming, a funeral director's license, a license to conduct direct cremations or immediate burials or a certificate of registration as an apprentice embalmer}~~ , *permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS* shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ~~{to practice the profession of embalming, a funeral director's license, a license to conduct direct cremations or immediate burials or a certificate of registration as an apprentice embalmer}~~ , *permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license , *permit* or certificate ; ~~{of registration;}~~ or

(b) A separate form prescribed by the Board.

3. A license , *permit* or certificate ~~{of registration}~~ described in subsection 1 may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.



Sec. 16. NRS 642.020 is hereby amended to read as follows:

642.020 1. The Nevada Funeral and Cemetery Services Board, consisting of seven members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Two members who are actively engaged as a funeral director or 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 ~~{-}~~ or direct cremation facility.

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

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

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

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

(c) Be employed by the holder of a license , permit 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.

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

Sec. 17. NRS 642.040 is hereby amended to read as follows:

642.040 1. The members of the Board shall have the power to select from their number a ~~{President,}~~ Chair, a Secretary and a Treasurer.

2. The Secretary shall keep:

(a) A record of all the meetings of the Board.

(b) A register of the names, residence addresses and business addresses of all ~~{embalmers}~~ persons duly licensed under the provisions of this chapter, and the numbers and dates of licenses. The register shall be open to public examination at all reasonable times. ~~{A copy of the register shall be furnished to all those registered and to the various railroad, transportation and express companies doing business in the State of Nevada.}~~

~~—3. The Treasurer shall give a bond, to be approved by the Board, in the sum of \$500 for the honest and faithful discharge of his or her duties.}~~



Sec. 18. NRS 642.066 is hereby amended to read as follows:

642.066 1. The Board may publish a guide for persons who purchase services provided by cemeteries, crematories, *direct cremation facilities* and funeral establishments. The guide ~~must~~ *may* contain:

(a) A list of the name and address of each cemetery, crematory, *direct cremation facility* and funeral establishment located in the State.

(b) A list of the services and the price for each service provided by each cemetery, crematory, *direct cremation facility* and funeral establishment in this State.

(c) The procedure for filing a complaint with the Board concerning services provided by a cemetery, crematory, *direct cremation facility* or funeral establishment.

(d) Any other information which the Board deems appropriate and useful to the public.

2. If the Board publishes a guide, it shall:

(a) Maintain the guide by republishing it with revised information ~~at least once each year.~~ *as it deems necessary.*

(b) Distribute the guide and the information contained in the guide in any manner it deems appropriate.

Sec. 19. NRS 642.067 is hereby amended to read as follows:

642.067 The Board shall employ an inspector to aid in the enforcement of this chapter and chapters 451 and 452 of NRS and the regulations adopted pursuant thereto, whose compensation and expenses must be paid out of the fees collected by the Board. The inspector shall, at least once every 2 years and at the direction of the Board, conduct an inspection of every premises in this State at which the business of funeral directing *or death care consulting* is conducted, or *direct cremation or* embalming is practiced. A member of the Board shall not conduct any such inspection.

Sec. 20. 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 or her findings to the Attorney General, who shall ~~to~~ *recommend*:

(a) ~~Dismiss~~ *Dismissing* the investigation;

(b) ~~Proceed~~ *Proceeding* 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~~ *Investigating* the matter further before acting pursuant to paragraph (a) or (b).



Sec. 21. NRS 642.070 is hereby amended to read as follows:

642.070 All fees collected under the provisions of this chapter 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}~~ **Board** shall deposit the fees in banks, credit unions or savings and loan associations in the State of Nevada.

Sec. 22. 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}~~ must be examined in the knowledge of the subjects set forth in subsection 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 NRS 642.0696 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 5 that repeats or duplicates a portion of the national examination. All examination ~~{papers}~~ **scores** must be kept on record by the Board.

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, **death care consulting** 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.

6. If an applicant fulfills the requirements set forth in this chapter to be licensed to practice the profession of embalming, has passed the examination required by this chapter and has paid all fees related to the application and the examination, the Board shall issue



1 to the applicant a license to practice the profession of embalming for
2 1 year.

3 **Sec. 23.** NRS 642.110 is hereby amended to read as follows:

4 642.110 1. All licenses shall be signed by the ~~President~~
5 **Chair** and the Secretary of the Board and attested by the seal of the
6 Board.

7 2. Each license shall specify the name of the person to whom
8 issued. Every license shall be nonassignable and nontransferable,
9 and shall be displayed by each licensee in a conspicuous place in the
10 office or place of business of the licensee.

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

12 642.130 The following acts are grounds for which the Board
13 may take disciplinary action against a person who is licensed to
14 practice the profession of embalming pursuant to this chapter or
15 refuse to issue such a license to an applicant therefor:

16 1. Gross incompetency.

17 2. Unprofessional, unethical or dishonest conduct.

18 3. Habitual intemperance.

19 4. Fraud or misrepresentation in obtaining or attempting to
20 obtain a license to practice the profession of embalming.

21 5. Employment by the licensee of persons commonly known as
22 “cappers,” “steerers” or “solicitors,” or of other persons to obtain
23 funeral directing, **death care consulting** or embalming business.

24 6. Malpractice.

25 7. Gross immorality.

26 8. The unlawful use of any controlled substance.

27 9. Conviction of a felony relating to the practice of embalming.

28 10. False or misleading advertising as defined in NRS 642.490,
29 or false or misleading statements in the sale of merchandise or
30 services.

31 11. Refusal to surrender promptly the custody of a dead human
32 body upon the request of a person who is legally entitled to custody
33 of the body.

34 12. Violation by the licensee of any provision of this chapter,
35 any regulation adopted pursuant thereto, any order of the Board or
36 any other law of this State relating to the practice of any of the
37 professions regulated by the Board.

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

40 **Sec. 25.** NRS 642.210 is hereby amended to read as follows:

41 642.210 1. An applicant for a certificate of registration as a
42 registered apprentice shall immediately notify the ~~Secretary of the~~
43 Board of such fact in order to receive credit for time spent.

44 2. Credit on the required apprenticeship commences on the
45 date the application for the certificate of registration is filed with the



~~{Secretary of the}~~ Board, and no applications may be accepted antedated.

Sec. 26. NRS 642.230 is hereby amended to read as follows:

642.230 Apprentices shall be registered with the ~~{Secretary of the}~~ Board at the time of beginning of apprenticeship, and notice of termination of the same during interim, in case an apprentice changes tutor, shall be forwarded to the ~~{Secretary of the}~~ Board, giving the date of termination with the first instructor and the date of beginning with the second instructor, and each subsequent instructor in like manner as provided in this chapter for the first instructor.

Sec. 27. NRS 642.240 is hereby amended to read as follows:

642.240 Each licensed embalmer who has under his or her supervision or control a 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. 28. NRS 642.290 is hereby amended to read as follows:

642.290 1. A registered apprentice may apply for a leave of absence and for the extension 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. 29. NRS 642.310 is hereby amended to read as follows:

642.310 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 file an application with the ~~{Secretary of the}~~ Board and pay the examination fee prescribed in NRS 642.0696, not later than 30 days before the date of such examination.

Sec. 30. NRS 642.340 is hereby amended to read as follows:

642.340 1. A person shall not engage in or conduct, or hold himself or herself out as engaging in or conducting, the business of a funeral director unless the person is licensed as a funeral director by the Board.

2. The business of a funeral director must be conducted and engaged in at a funeral establishment ~~{}~~ or direct cremation facility.



Sec. 31. NRS 642.345 is hereby amended to read as follows:

642.345 1. A funeral director shall not manage a funeral establishment *or direct cremation facility* unless the funeral director has been approved by the Board to manage the funeral establishment ~~†~~ *or direct cremation facility*.

2. If a funeral director manages more than one funeral establishment ~~†~~ *or direct cremation facility*, the funeral director must obtain approval from the Board for each funeral establishment *or direct cremation facility* that he or she manages.

3. A funeral director is responsible for the proper management of each funeral establishment *or direct cremation facility* of which the funeral director is the manager.

Sec. 32. NRS 642.360 is hereby amended to read as follows:

642.360 1. An application for a funeral director's license ~~for 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~~ *who have died* 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, *death care consulting* 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. *An applicant for a funeral director's license whose application is submitted on or after January 1, 2016, must have completed, before submission of the application, 1 year of service as a certified funeral director intern in this State. This requirement may be waived by the Board if the applicant has held a license as a funeral director in another state for at least 1 year before submitting his or her application for a funeral director's license in this State.*

6. An application for ~~†~~



1 ~~—(a) A~~ **a** funeral director's license must be accompanied by the
2 application fee and the examination fee prescribed in
3 NRS 642.0696.

4 ~~[(b) A license to conduct direct cremations or immediate burials~~
5 ~~must be accompanied by the application fee prescribed in~~
6 ~~NRS 642.0696.]~~

7 **Sec. 33.** NRS 642.365 is hereby amended to read as follows:

8 642.365 1. An application for a permit to operate a funeral
9 establishment must be in writing and be verified on a form provided
10 by the Board.

11 2. Each applicant must : ~~{furnish proof satisfactory to the~~
12 ~~Board that:}~~

13 (a) ~~{The applicant is}~~ **Be** of good moral character; **and**

14 (b) ~~{The applicant is}~~ **Be** at least 18 years ~~{old; and~~

15 ~~—(c)} of age.~~

16 3. The funeral establishment for which the applicant is
17 requesting the permit ~~{is}~~ **must be** constructed, equipped and
18 maintained in the manner described in NRS 642.016.

19 ~~{3.}~~ 4. Each application must be accompanied by the
20 application fee prescribed in NRS 642.0696.

21 **Sec. 34.** NRS 642.370 is hereby amended to read as follows:

22 642.370 Each applicant for a ~~{funeral director's license or a~~
23 ~~license to conduct direct cremations or immediate burials}~~ **license,**
24 **permit or certificate issued by the Board pursuant to this chapter**
25 **or chapter 451 or 452 of NRS** must furnish proof satisfactory to the
26 Board that the applicant is of good moral character.

27 **Sec. 35.** NRS 642.390 is hereby amended to read as follows:

28 642.390 Upon receipt of an application for a **license,** permit ~~{to~~
29 ~~operate a funeral establishment, a funeral director's license or a~~
30 ~~license to conduct direct cremations or immediate burials,}~~ **or**
31 **certificate issued by the Board pursuant to this chapter or chapter**
32 **451 or 452 of NRS,** the Board shall cause an investigation to be
33 made as to the character of the applicant, and may require such
34 showing as will reasonably prove the applicant's good moral
35 character.

36 **Sec. 36.** NRS 642.400 is hereby amended to read as follows:

37 642.400 1. The Board may subpoena witnesses.

38 2. After a proper hearing, the Board shall issue to an applicant
39 a ~~{funeral director's}~~ license ~~{or a license to conduct direct~~
40 ~~cremations or immediate burials}~~ , **permit or certificate, as**
41 **applicable,** if it finds that the applicant:

42 (a) Is of good moral character;

43 (b) Fulfills the requirements set forth in this chapter **or chapter**
44 **451 or 452 of NRS, as applicable,** for the license ~~{}~~ , **permit or**
45 **certificate;** and



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

Sec. 37. NRS 642.420 is hereby amended to read as follows:

642.420 Each licensed funeral director and each person who is licensed ~~to conduct direct cremations or immediate burials~~ **as a death care consultant** shall pay the annual fee prescribed in NRS 642.0696 for the renewal of the license.

Sec. 38. 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,~~ **as a death care consultant**, addressed to such licensee at his or her last known address, a notice that the renewal fee is due and that if the renewal fee is not paid by February 1, a fee for the late renewal of the license will be added to the renewal fee, and in no case will the fee for late renewal be waived.

2. Upon receipt of the renewal fee, all information required to complete the renewal and any fee for late renewal imposed pursuant to subsection 1, the Board shall issue a renewal certificate to the licensee.

Sec. 39. 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 **or direct cremation facility** must pay the annual fee prescribed in NRS 642.0696 for the renewal of the permit.

2. The Board shall, before renewing a permit to operate a funeral establishment ~~H~~ **or direct cremation facility**, make an unannounced inspection of the establishment for which the permit was issued to ensure compliance **, if applicable**, 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 person who is issued a permit to operate a funeral establishment **or direct cremation facility** 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 **or direct cremation facility** a notice that the renewal fee for the permit is due and that if the renewal fee is not paid by February 1, a penalty 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 holder of the permit.

Sec. 40. 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 *or direct cremation facility* as part or all of his or her 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 and any other fees related to the special temporary license and the time for payment of such fees must be the same as those required for regular licenses.

Sec. 41. NRS 642.455 is hereby amended to read as follows:

642.455 1. Upon written request to the Board and payment of the fee prescribed in NRS 642.0696, a person who holds a funeral director's license or a license ~~{to conduct direct cremations or immediate burials}~~ *as a death care consultant* and who is a licensee in good standing may have the 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}~~ *death care consulting* during the period in which the license is inactive.

2. If a licensee wishes to resume the business of funeral directing or ~~{conducting direct cremations or immediate burials}~~ *death care consulting*, the Board shall reactivate the license upon the:

(a) Demonstration, if deemed necessary by the Board, that the licensee 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 for the renewal of his or her license or any fees or penalties related to the renewal of the license for any year during the period in which the license was inactive.

Sec. 42. NRS 642.460 is hereby amended to read as follows:

642.460 Each funeral director's license and license ~~{to conduct direct cremations or immediate burials}~~ *as a death care consultant* must specify the name of the licensee and be displayed conspicuously in the place of business or employment of the licensee.



Sec. 43. NRS 642.465 is hereby amended to read as follows:

642.465 1. Each permit to operate a funeral establishment *or direct cremation facility* must *be issued in the name under which the establishment or facility will conduct business*, specify the name of the owner of the establishment and be displayed conspicuously in the funeral establishment *or direct cremation facility* for which it was issued.

2. A funeral establishment *or direct cremation facility* must not be operated or advertised as being operated ~~by any person other than the owner of the funeral establishment as his or her name~~ *under any name other than the name under which the funeral establishment or direct cremation facility conducts business as it appears on the permit .* ~~to operate that funeral establishment.~~

3. *Each funeral establishment and direct cremation facility which has been issued a permit by the Board pursuant to this chapter or chapter 451 or 452 of NRS shall maintain its facilities in a sanitary and professional manner.*

4. *Each funeral establishment and direct cremation facility which has been issued a permit by the Board pursuant to this chapter or chapter 451 or 452 of NRS must have a licensed funeral director to manage the establishment or facility in accordance with the provisions of NRS 642.345, and the name of the funeral director must be specified on the permit issued to the funeral establishment or direct cremation facility, as applicable.*

5. *Any advertising, including, without limitation, signage, for a direct cremation facility must specify that the facility is limited to providing direct cremation services.*

6. *Nothing in this chapter or chapter 451 or 452 of NRS shall be construed as prohibiting embalming from occurring at a central location.*

Sec. 44. NRS 642.470 is hereby amended to read as follows:

642.470 The following acts are grounds for which the Board may take disciplinary action against ~~any~~ *any* person who holds a ~~funeral director's~~ license, ~~any~~ permit ~~to operate a funeral establishment or a license to conduct direct cremations or immediate burials,~~ *or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS*, or may refuse to issue such a license ~~to any~~ permit *or certificate* to an applicant therefor:

1. Conviction of a crime involving moral turpitude.
2. Unprofessional conduct.
3. False or misleading advertising.
4. Conviction of a felony relating to the practice of funeral directors ~~or death care consultants.~~



5. Conviction of a misdemeanor that is related directly to the business of a funeral establishment ~~{}~~, *direct cremation facility, cemetery or crematory.*

Sec. 45. 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}~~ *or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS* has committed any of the acts set forth in NRS 642.470, the Board may:

- (a) Refuse to renew the license, ~~{or}~~ permit ~~{}~~ *or certificate;*
- (b) Revoke the license, ~~{or}~~ permit ~~{}~~ *or certificate;*
- (c) Suspend the license, ~~{or}~~ permit *or certificate* 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 the person on probation for a definite period subject to any reasonable conditions imposed by the Board;
- (f) Administer a public reprimand; or
- (g) Impose any combination of disciplinary actions set forth in paragraphs (a) to (f), inclusive.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 46. 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, *direct cremation facility, cemetery or crematory*, or the practice of a funeral director or ~~{person licensed to conduct direct cremations or immediate burials}~~ *death care consultant.*

2. Solicitation of dead human bodies by the licensee or his or her 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 direct cremation facility* or *by a* 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, *death care consultant*, 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, *death care consultant* or embalmer.



5. The buying of business by a holder of a permit to operate a funeral establishment *or direct cremation facility* or *by* a licensee or his or her 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 or her agents, assistants or employees, to secure business.

6. Gross immorality.

7. Aiding or abetting an unlicensed person to practice funeral directing, *death care consulting* 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 direct cremation facility* or *by* a 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, *direct cremation facility* 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, including, without limitation, ~~INRS 451-400-] chapters 440, 451 and 452 of NRS.~~

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 direct cremation facility*, 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.

18. Unethical practices contrary to the public interest as determined by the Board.



Sec. 47. NRS 642.490 is hereby amended to read as follows:

642.490 For the purposes of NRS 642.470, false or misleading advertising includes:

1. Advertising the price of caskets exclusively, without stating the prices of other merchandise and services.

2. Offering service at cost plus a percentage, when the determination of the cost lies within the control of the owner of the funeral establishment *or direct cremation facility* or the funeral director, *death care consultant* or embalmer and is not published.

3. Advertising or selling certificates of stock participation or any form of agreement which creates the impression with the purchaser, when such is not a fact, that the purchaser becomes a part owner in the advertiser's establishment *or facility* and is therefore entitled to special price privileges for funeral services.

4. Advertising prices below the reasonable economic cost of merchandise, service and overhead.

5. Advertising which impugns the honesty, trustworthiness or business or professional standards of competitors or which states that the prices charged by competitors are considerably higher than those charged by the advertiser, when such is not the fact.

6. Advertising which represents the advertiser to be the special defender of the public interest or which makes it appear that the advertiser is subjected to the combined attack of competitors. Such expressions as "independent," "not in trust," "not controlled by the combine" and other expressions having the same or similar import shall be deemed to be misleading unless it is shown by the advertiser that there is a "trust" or a "combine," and that other funeral establishments or funeral directors constitute a monopoly for the purpose of maintaining prices or for any other purpose. The burden of proving the existence of a "trust," "combine" or "monopoly" is upon the advertiser asserting the existence of that "trust," "combine" or "monopoly."

7. Advertising by a direct cremation facility which does not specifically indicate the limitations of the services provided.

8. Advertising under any name other than the name indicated on the permit to operate a funeral establishment or direct cremation facility.

Sec. 48. NRS 642.500 is hereby amended to read as follows:

642.500 1. A petition for the revocation or suspension of a *license, permit* ~~to operate a funeral establishment, funeral director's license or license to conduct direct cremations or immediate burials~~ *or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS* may be filed by the Attorney General or by the district attorney of the county in which the funeral establishment *or direct cremation facility* exists or the licensee *or*



1 **holder of the permit or certificate** resides or has practiced, or by
2 any person residing in this State.

3 2. The petition must be filed with the Board and state the
4 charges against the licensee **or holder of the permit or certificate**
5 with reasonable definiteness.

6 **Sec. 49.** NRS 642.510 is hereby amended to read as follows:

7 642.510 1. Each order of revocation or suspension of a
8 permit to operate a funeral establishment **or direct cremation**
9 **facility** must be entered of record and the name of the holder of the
10 permit stricken from the roster of permits and the funeral
11 establishment **or direct cremation facility** may not be operated after
12 revocation of the permit or during the period it is suspended.

13 2. Each order of revocation or suspension of a funeral
14 director's license or **death care consultant's** license ~~to conduct~~
15 ~~direct cremations or immediate burials~~ must be entered of record
16 and the name of the licensee stricken from the roster of licenses and
17 the licensee may not engage in the practice of funeral directing or
18 ~~conducting direct cremations or immediate burials~~ **death care**
19 **consulting, as applicable**, after revocation of the license or during
20 the period it is suspended.

21 **Sec. 50.** NRS 642.521 is hereby amended to read as follows:

22 642.521 1. If the Board receives a copy of a court order
23 issued pursuant to NRS 425.540 that provides for the suspension of
24 all professional, occupational and recreational licenses, certificates
25 and permits issued to a person who is the holder of a license ~~to~~
26 ~~practice the profession of embalming, a funeral director's license, a~~
27 ~~license to conduct direct cremations or immediate burials or a~~
28 ~~certificate of registration as an apprentice embalmer,~~ **, permit or**
29 **certificate issued by the Board pursuant to this chapter or chapter**
30 **451 or 452 of NRS**, the Board shall deem the license **, permit** or
31 certificate ~~of registration~~ issued to that person to be suspended at
32 the end of the 30th day after the date on which the court order was
33 issued unless the Board receives a letter issued to the holder of the
34 license **, permit** or certificate ~~of registration~~ by the district attorney
35 or other public agency pursuant to NRS 425.550 stating that the
36 holder of the license **, permit** or certificate ~~of registration~~ has
37 complied with the subpoena or warrant or has satisfied the arrearage
38 pursuant to NRS 425.560.

39 2. The Board shall reinstate a license ~~to practice the profession~~
40 ~~of embalming, a funeral director's license, a license to conduct~~
41 ~~direct cremations or immediate burials or a~~ **, permit or** certificate
42 ~~of registration as an apprentice embalmer~~ that has been suspended
43 by a district court pursuant to NRS 425.540 if the Board receives a
44 letter issued by the district attorney or other public agency pursuant
45 to NRS 425.550 to the person whose license **, permit** or certificate



~~{of registration}~~ was suspended stating that the person whose license , *permit* or certificate ~~{of registration}~~ was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 51. NRS 642.557 is hereby amended to read as follows:

642.557 Notwithstanding the provisions of chapter 622A of NRS:

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 440, 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. 52. NRS 642.560 is hereby amended to read as follows:

642.560 No funeral director , *death care consultant* or embalmer may permit any person to enter any room in any funeral home or mortuary where dead bodies are being embalmed, except licensed embalmers and their assistants, funeral directors, *death care consultants*, public officers in the discharge of their official duties, and attending physicians and their assistants, unless by direct permission of the immediate family of the deceased.

Sec. 53. NRS 642.590 is hereby amended to read as follows:

642.590 1. Any funeral director who attempts to take care of the disposition of dead human bodies or any person who ~~{performs or attempts to perform direct cremations or immediate burials}~~ *acts as a death care consultant* without having complied with the provisions of this chapter, and without being licensed pursuant to this chapter, or who continues in the business of a funeral director or continues to ~~{conduct direct cremations or immediate burials}~~ *act as a death care consultant* after his or her license has been revoked shall be fined not more than \$500. Each day that he or she is engaged in the business of a funeral director or ~~{conducts direct cremations or immediate burials}~~ *death care consultant* is a separate offense.

2. Any owner of a funeral establishment *or direct cremation facility* who operates or allows another person to operate the *funeral establishment or direct cremation facility* without having complied with the provisions of this chapter, or who continues to operate or allow another person to operate the *funeral establishment or direct cremation facility* after his or her permit to operate the *funeral establishment or direct cremation facility* has been revoked shall be fined not more than \$500. Each day that he or she operates or allows



another person to operate the **funeral establishment or direct cremation facility** is a separate offense.

3. Any owner of a funeral establishment **or direct cremation facility** or a funeral director, **death care consultant** or any person acting for him or her who pays or causes to be paid, directly or indirectly, any money or other thing of value as a commission or gratuity for the securing of business as an owner of a funeral establishment **or direct cremation facility** or a funeral director, **death care consultant** and every person who accepts or offers to accept any money or thing of value as a commission or gratuity from an owner of a funeral establishment **or direct cremation facility** or a funeral director **or death care consultant** to secure business for that person is guilty of a misdemeanor.

Sec. 54. NRS 451.024 is hereby amended to read as follows:

451.024 1. The following persons, in the following order of priority, may order the burial **or cremation** of human remains of a deceased person:

(a) A person designated as the person with authority to order the burial **or cremation** of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection ~~{7;}~~ **9;**

(b) If the decedent was, at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;

(c) The spouse of the decedent;

(d) An adult son or daughter of the decedent;

(e) Either parent of the decedent;

(f) An adult brother or sister of the decedent;

(g) A grandparent of the decedent;

(h) A guardian of the person of the decedent at the time of death;

and

~~(i) [A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death; and~~

~~—(j)]~~ A person who meets the requirements of subsection 2.

2. ~~If, 30 days or more after the death of a decedent, the coroner or sheriff, as applicable, has conducted an investigation to determine whether a person specified in paragraphs (a) to (i), inclusive, of subsection 1 exists and, upon completion of that investigation, is unable to identify or locate a person specified in those paragraphs, any]~~ **Any** other person may order the burial **or cremation** of the human remains of the decedent if the person:



(a) Is at least 18 years of age; and

(b) Executes an affidavit affirming:

(1) That he or she knew the decedent;

(2) The length of time that he or she knew the decedent;

(3) That he or she does not know the whereabouts of any of the persons specified in paragraphs (a) to ~~(i)~~ (h), inclusive, of subsection 1; and

(4) That he or she willingly accepts legal and financial responsibility for the burial *or cremation* of the human remains of the decedent.

3. *If a person with authority to order the burial or cremation of the human remains of a decedent pursuant to paragraphs (c) to (h), inclusive, of subsection 1 has been arrested for or charged with murder, as defined in NRS 200.010, or voluntary manslaughter, as defined in NRS 200.050, in connection with the death of the decedent, the authority of the person to order the disposition of the human remains of the decedent is automatically relinquished and passes to the next person in order of priority pursuant to subsection 1.*

4. *If there is more than one person authorized to order the burial or cremation of the human remains of a decedent within a particular priority class pursuant to paragraphs (d) to (h), inclusive, of subsection 1, a funeral establishment or direct cremation facility may require a majority of the members of the priority class to agree upon a disposition of the remains of the decedent.*

5. A person who accepts legal and financial responsibility for the burial *or cremation* of the human remains of a decedent as described in subparagraph (4) of paragraph (b) of subsection 2 does not have a claim against the estate of the decedent or against any other person for the cost of the burial ~~or~~
~~—4.4~~ *or cremation.*

6. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial *or cremation* of the remains and provide for the respectful disposition of the remains.

~~15.4~~ 7. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the scientific institution or medical facility may order the burial *or cremation* of his or her remains.

~~16.4~~ 8. A living person may order the burial *or cremation* of human remains removed from his or her body or the burial *or cremation* of his or her body after death. In the latter case, any



person acting pursuant to his or her instructions is an authorized agent.

[7] 9. A person 18 years of age or older wishing to authorize another person to order the burial **or cremation** of his or her human remains in the event of the person's death may execute an affidavit before a notary public in substantially the following form:

State of Nevada }
County of } ss

(Date)

I, _____, (person authorizing another person to order the burial **or cremation** of his or her human remains in the event of his or her death) do hereby designate _____ (person who is being authorized to order the burial **or cremation** of the human remains of a person in the event of his or her death) to order the ~~burial~~ **disposition** of my human remains upon my death.

Subscribed and sworn to before me this
day of the month of of the year

(Notary Public)

10. If the authorized person is not reasonably available or is unable to act as the authorized person, the right of the person to be the authorized person shall pass to the next person or category of persons in the order of priority pursuant to subsection 1.

11. It shall be presumed that an authorized person is not reasonably available to act as an authorized person in accordance with subsection 10 if the crematory, cemetery, funeral establishment or direct cremation facility, after exercising due diligence, has been unable to contact the person, or if the person has been unwilling or unable to make final arrangements for the burial or cremation of the human remains of the decedent, within 30 days after the initial contact or attempt to contact by the crematory, cemetery, funeral establishment or direct cremation facility.

12. If a person with a lower authorization priority than another person pursuant to subsection 1 has been authorized to order the burial or cremation of the human remains of a decedent and, subsequently, a person with a higher authorization priority makes an initial contact with the crematory, cemetery, funeral establishment or direct cremation facility and is available to perform the duties of an authorized person pursuant to this section before the final disposition of the decedent, the person with the



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higher authorization priority is the authorized person to order the burial or cremation of the human remains of the decedent.

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 Nevada Funeral and Cemetery Services Board.

2. *The licensed operator of a crematory shall ensure that all persons physically operating the crematory equipment have completed a crematory certification program approved by the Board and maintain proof of completion of the program at the site where the crematory equipment operated by the person is located. Such proof of completion must be made available to the Board upon request or as part of any inspection or investigation conducted by the Board.*

3. 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.~~ 4. 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.

~~4.~~ 5. 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.

~~5.~~ 6. The Board shall examine the 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.

~~6.~~ 7. 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 451.645 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. Except as otherwise provided in subsection ~~2~~ 3 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 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.~~

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

Sec. 57. NRS 451.660 is hereby amended to read as follows:

451.660 1. The operator of a crematory shall not cremate human remains until a death certificate has been signed and, except as otherwise provided in NRS 451.655, without first receiving a written authorization, on a form provided by the operator, signed by the agent or by the living person from whom the remains have been removed:

(a) Identifying the deceased person or the remains removed;

(b) Stating whether or not death occurred from a communicable or otherwise dangerous disease;

(c) Stating the name and address of the agent and the agent's relation to the deceased person;

(d) Representing that the agent is aware of no objection to cremation of the remains by any person who has a right to control the disposition of the deceased person's remains; and

(e) Stating the name of the person authorized to claim the cremated remains or the name of the cemetery or person to whom the remains are to be sent.

2. An authorized agent may delegate his or her authority to another person by a written and signed statement containing the agent's name, address and relationship to the deceased person and the name and address of the person to whom the agent's authority is delegated. The operator of a crematory incurs no liability by relying upon a signed order for cremation received by mail or upon a delegation of authority.

3. If the authorized agent is not reasonably available or is unable to act as the authorized agent, the person's right to be the authorized agent shall pass to the next person or category of



persons in the order of priority pursuant to subsection 1 of NRS 451.024.

4. It shall be presumed that an authorized person is not reasonably available to act as an authorized agent in accordance with subsection 3 if the crematory, cemetery, funeral establishment or direct crematory facility, after exercising due diligence, has been unable to contact the person, or if the person has been unwilling or unable to make final arrangements for the disposition of the deceased person's remains, within 30 days after the initial contact or attempted contact by the crematory, cemetery, funeral establishment or direct cremation facility.

5. If a person with a lower authorization priority than another person pursuant to subsection 1 of NRS 451.024 has been designated as the authorized agent to order the disposition of the deceased person's remains and, subsequently, a person with a higher authorization priority makes an initial contact with the crematory, cemetery, funeral establishment or direct crematory facility and is available to perform the duties of an authorized agent pursuant to NRS 451.024 before the final disposition of the remains, the person with the higher authorization priority shall be deemed to be the authorized agent to order the disposition of the remains.

Sec. 58. NRS 451.665 is hereby amended to read as follows:

451.665 1. The operator of a crematory , funeral establishment or direct cremation facility shall keep a record of:

- (a) Each authorization received;
- (b) The name of each person whose human remains are received;
- (c) The date and time of receipt, and a description of the container in which received;
- (d) The date of cremation; and
- (e) The final disposition of the cremated remains.

2. The operator of a crematory shall not accept unidentified human remains. If the remains are received in a container, the operator shall place appropriate identification upon the exterior of the container.

3. If a permit for transportation of human remains to the crematory is required by the local health authority, the operator shall file the permit in his or her records.

Sec. 59. NRS 451.695 is hereby amended to read as follows:

451.695 1. Except as otherwise provided in subsection 2:

- (a) The agent who orders cremation is responsible for the disposition of cremated remains. If within 30 days after cremation the person named in the authorization has not claimed the cremated remains and no other disposition is specified in the authorization,



the operator of a crematory may place the vessel containing the cremated remains in a common compartment with other unclaimed cremated remains. The operator may charge a fee for storage when the cremated remains are claimed.

(b) If within 2 years after cremation the agent has not claimed the cremated remains or specified their ultimate disposition, the operator may dispose of the cremated remains in any manner not prohibited by NRS 451.700. The agent is liable to the operator for all reasonable expenses of disposition.

2. If cremation was ordered pursuant to subsection ~~(2)~~ 6 of NRS ~~(451.650)~~ 451.024:

(a) The operator may dispose of the cremated remains in any manner not prohibited by NRS 451.700, if the cremated remains are not claimed by the agent within 1 year after cremation.

(b) The operator has a claim against the estate of the decedent for the reasonable expenses of the disposition if those expenses are not paid by the State or a political subdivision of the State.

(c) The operator shall not charge a public officer a fee for storage of the cremated remains.

3. An operator who complies with subsection 1 or 2, or both, has no further legal liability concerning the cremated remains so treated.

Sec. 60. NRS 451.715 is hereby amended to read as follows:

451.715 1. It is unlawful for any person to:

(a) Hold himself or herself 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 Funeral and Cemetery Services 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)~~ 451.024 or 451.655.

3. If a crematory is operated in this state in violation of any provision of NRS 451.600 to 451.715, inclusive, any regulation adopted pursuant thereto or any order of the Nevada Funeral and Cemetery Services Board, the crematory is a public nuisance and may be abated as such.

Sec. 61. NRS 689.150 is hereby amended to read as follows:

689.150 As used in NRS 689.150 to 689.375, inclusive, unless the context otherwise requires:

1. "Funeral service or services" means those services performed normally by funeral directors, *death care consultants* or funeral or mortuary parlors and includes their sales of supplies and



equipment for burial. The term includes cremations and crematory services. The term does not include services performed by a cemetery or the sale by a cemetery of services, interests in land, markers, memorials, monuments or merchandise and equipment in relation to the cemetery or the sale of crypts or niches constructed or to be constructed in a mausoleum or columbarium or otherwise on the property of a cemetery.

2. “Performer” means any person designated in a prepaid contract to furnish the funeral services, supplies and equipment covered by the contract on the demise of the beneficiary.

3. “Prepaid contract” means any contract under which, for a specified consideration paid in advance in a lump sum or by installments or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or promises either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract to furnish funeral services and merchandise. The term does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization, not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, of embalming, interring or otherwise disposing of the remains of any person.

Sec. 62. NRS 689.715 is hereby amended to read as follows:

689.715 1. A funeral director , *death care consultant* or cemetery authority that enters into a preneed sales agreement shall, upon the death of the buyer, provide a copy of the agreement to each person entitled to custody of the remains.

2. The Commissioner may impose upon any person who knowingly violates the provisions of subsection 1 an administrative fine of three times the amount of the preneed sales agreement.

Sec. 63. NRS 451.650, 642.140 and 642.355 are hereby repealed.

Sec. 64. This act becomes effective:

1. Upon passage and approval for purposes of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.



TEXT OF REPEALED SECTIONS

451.650 Authority to order cremation; execution of affidavit.

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

(a) A person designated as the person with authority to order the cremation of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 5;

(b) If the decedent was, at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;

(c) The spouse of the decedent;

(d) An adult son or daughter of the decedent;

(e) Either parent of the decedent;

(f) An adult brother or sister of the decedent;

(g) A grandparent of the decedent;

(h) A guardian of the person of the decedent at the time of death; and

(i) A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.

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

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

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



5. A person 18 years of age or older wishing to give authority to another person to order the cremation of his or her human remains upon the person's death may execute an affidavit before a notary public in substantially the following form:

State of Nevada }
 }ss
County of..... }

(Date)

I,, (person authorizing another person to order the cremation of his or her human remains upon his or her death) do hereby designate (person who is being authorized to order the cremation of the human remains of another person in the event of his or her death) to order the cremation of my human remains upon my death.

Subscribed and sworn to before me this
day of the month of of the year

.....

(Notary Public)

642.140 Duties of Secretary when license revoked. Upon the revocation of a license to practice the profession of embalming, the Secretary of the Board shall strike the name of the licensee from the register of licensed embalmers and notify all railroad, transportation and express companies doing business in the State of Nevada, and all licensed embalmers in this State, of that action.

642.355 Direct cremations and immediate burials: Application for license; authorized services.

1. A person may apply for a license to conduct direct cremations or immediate burials.

2. The services which a person holding such a license may provide are limited to the direct cremation, immediate burial, disposition and transportation of dead human bodies.

