

ASSEMBLY BILL NO. 205—ASSEMBLYMAN ARAUJO

PREFILED FEBRUARY 13, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to cremation.
(BDR 40-649)

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

~

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

AN ACT relating to cremation; authorizing the use of alkaline hydrolysis for cremation; requiring notice be provided to certain entities relating to a crematory which intends to use alkaline hydrolysis for cremation; revising provisions relating to the location of a crematory; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law regulates the cremation of human remains and the operation of
2 facilities for cremation. (NRS 451.600-451.715, chapter 642 of NRS) For the
3 purposes of those provisions, **sections 3 and 10** of this bill expand the current
4 definition of cremation to include "alkaline hydrolysis," which is a water-based
5 process for reducing human remains to bone fragments through the use of alkaline
6 chemicals and agitation. A result of this change is to make certain fee and penalty
7 provisions applicable to this type of cremation. **Section 3.5** of this bill requires a
8 crematory to provide written notice of its intent to use alkaline hydrolysis to the
9 Division of Environment Protection of the State Department of Conservation and
10 Natural Resources and any private, public or cooperative entity which operates a
11 sewer system in order to ensure compliance with certain laws relating to the
12 pollution of water.

13 In certain cities and towns, existing law limits the location of a crematory to an
14 area that is zoned for mixed, commercial or industrial use and at least 1,500 feet
15 from any parcel zoned for residential use. (NRS 451.635) **Sections 5 and 6.5** of this
16 bill require a crematory that only uses alkaline hydrolysis for cremation to comply
17 with these zoning restrictions or obtain authorization from the board of county
18 commissioners or the governing body of the city or town, as applicable, for an
19 exemption. **Sections 7 and 8** of this bill make conforming changes to account for
20 differences between cremation by incineration and cremation by alkaline
21 hydrolysis.



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

Section 1. Chapter 451 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

Sec. 2. *"Alkaline hydrolysis" means the:*

1. Reduction of human remains to bone fragments through a water-based process of dissolution using alkaline chemicals and agitation to accelerate natural decomposition; and

2. Processing of the hydrolyzed human remains after their removal from the container in which the process of dissolution occurs.

Sec. 3. *"Cremation" means the technical process that reduces human remains to bone fragments by using alkaline hydrolysis or incineration.*

Sec. 3.5. *1. After obtaining a license pursuant to NRS 451.635 and at least 90 days before the operator of a crematory purchases equipment for alkaline hydrolysis for cremation, the operator must provide to the Division of Environmental Protection of the State Department of Conservation and Natural Resources and any private, public or cooperative operator of a sanitary sewer in the area in which the crematory is located written notice containing:*

(a) The date on which the equipment for alkaline hydrolysis is proposed to be purchased; and

(b) A list of the equipment that is proposed to be purchased.

2. The Division and each operator of a sanitary sewer notified pursuant to subsection 1 shall ensure that the equipment which the operator proposes to purchase for alkaline hydrolysis complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and any local law, ordinance or regulation.

Sec. 4. NRS 451.600 is hereby amended to read as follows:

451.600 As used in NRS 451.600 to 451.715, inclusive, *and sections 2, 3 and 3.5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 451.605 to 451.630, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 5. 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



1 the crematory equipment operated by the person is located. Such
2 proof of completion must be made available to the Board upon
3 request or as part of any inspection or investigation conducted by
4 the Board.

5 3. ~~HH~~ *Except as otherwise provided in subsection 4, if a*
6 crematory is proposed to be located in an incorporated city whose
7 population is 60,000 or more or in an unincorporated town that is
8 contiguous to such an incorporated city, the Board shall not issue a
9 license to the applicant unless the proposed location of all structures
10 associated with the crematory are:

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

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

15 4. *If a crematory proposes to cremate human remains only*
16 *through alkaline hydrolysis, the Board may issue a license to the*
17 *applicant regardless of the location if the board of county*
18 *commissioners of the county or the governing body of the city or*
19 *town, as applicable, in which the crematory is proposed to be*
20 *located provides written notice to the Board consenting to the*
21 *proposed location of the crematory.*

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

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

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

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

30 ~~HS~~ 6. An application must be signed by the applicant
31 personally, by one of the partners if the applicant is a partnership, or
32 by an authorized officer if the applicant is a corporation or other
33 form of business organization.

34 ~~6-1~~ 7. The Board shall examine the structure and equipment
35 and, if applicable, the location and shall issue the license if:

36 (a) It appears that the proposed operation will meet the
37 requirements of NRS 451.600 to 451.715, inclusive ~~1-1~~ , and
38 *sections 2, 3 and 3.5 of this act;* and

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

40 ~~17-1~~ 8. If the ownership of a crematory is to be changed, the
41 proposed operator shall apply for licensing at least 30 days before
42 the change.

43 **Sec. 6.** NRS 451.640 is hereby amended to read as follows:

44 451.640 1. The Nevada Funeral and Cemetery Services
45 Board shall adopt regulations for the administration of NRS 451.600



1 to 451.715, inclusive ~~†~~ , and sections 2, 3 and 3.5 of this act.
2 Unless governed by the regulations of the State Board of Health, the
3 regulations of the Nevada Funeral and Cemetery Services Board
4 must include, without limitation:

5 (a) The conditions under which the remains of a person who has
6 died from a communicable or otherwise dangerous disease may be
7 transported to a crematory for cremation; and

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

10 2. The Nevada Funeral and Cemetery Services Board may
11 bring legal proceedings to enjoin any person who violates any
12 provision of NRS 451.600 to 451.715, inclusive, and sections 2, 3
13 and 3.5 of this act, any regulation adopted pursuant thereto or any
14 order of the Board from operating a crematory. Any person who is
15 so enjoined is liable to the Board for attorney's fees and court costs.

16 **Sec. 6.5.** NRS 451.645 is hereby amended to read as follows:

17 451.645 1. A cemetery or funeral home may erect and
18 conduct a crematory if licensed as the operator.

19 2. Except as otherwise provided in ~~†subsection†~~ subsections 3
20 and 4 of NRS 451.635, a crematory may be erected on or adjacent
21 to the premises of a cemetery or funeral establishment if the location
22 is zoned for commercial or industrial use, or at any other location
23 where the local zoning permits. A crematory must conform to all
24 local building codes and environmental standards.

25 **Sec. 7.** NRS 451.670 is hereby amended to read as follows:

26 451.670 1. No operator of a crematory may require that
27 human remains be placed in a casket, or refuse to accept human
28 remains for cremation because they are not in a casket.

29 2. The container used must:

30 (a) Consist of readily combustible materials ~~†~~ or, if alkaline
31 hydrolysis will be used to cremate the human remains, materials
32 that are readily dissolvable by alkaline hydrolysis;

33 (b) Cover the human remains completely when closed;

34 (c) Resist leaking or spilling;

35 (d) Be rigid enough for easy handling ~~†~~ or, if alkaline
36 hydrolysis will be used to cremate the human remains, be properly
37 supported during transport; and

38 (e) Protect the health and safety of employees of the operator.

39 3. Unless otherwise ordered in writing by the agent, the
40 operator shall incinerate or dissolve the container , as applicable, as
41 the remains are cremated.

42 **Sec. 8.** NRS 451.680 is hereby amended to read as follows:

43 451.680 1. The agent, or the person charged with arranging
44 for disposition of the body of a person who has ordered his or her
45 own cremation, shall ensure that any artificial device ~~†whose~~



* A B 2 0 5 R 2 *

1 ~~incineration~~ *that* would be dangerous *if incinerated or subjected to*
2 *alkaline hydrolysis, as applicable*, is removed from *the* human
3 remains before their cremation. If he or she is unable to arrange for
4 its removal before the remains are delivered to a crematory, he or
5 she shall inform the operator of the crematory.

6 2. The space within a crematory where cremation takes place
7 must be enclosed and must not be used for any other purpose than
8 the cremation of human remains. Immediately before a container is
9 placed in this chamber, the identification of the human remains
10 within it must be verified by the operator and any identifying
11 document or label for the urn must be removed from the container
12 and kept near the control panel until cremation is complete.

13 3. Upon the completion of cremation, the operator shall:

14 (a) Remove the recoverable residue from the chamber;

15 (b) Place the bone fragments in an urn with proper identification
16 and insofar as practicable place no other material with them unless
17 authorized by the agent; and

18 (c) Dispose of the remaining residue.

19 4. If the cremated remains will not fit in the urn selected by the
20 agent, the operator of the crematory shall hold the remains until the
21 agent selects an urn or urns in which the remains will fit.

22 **Sec. 9.** NRS 451.715 is hereby amended to read as follows:

23 451.715 1. It is unlawful for any person to:

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

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

28 (c) Violate any other provision of NRS 451.600 to 451.715,
29 inclusive, *and sections 2, 3 and 3.5 of this act*, any regulation
30 adopted pursuant thereto or any order of the Nevada Funeral and
31 Cemetery Services Board.

32 2. It is unlawful for the operator of a crematory to perform a
33 cremation without an order signed by a person authorized to order
34 the cremation pursuant to NRS 451.024 or 451.655.

35 3. If a crematory is operated in this State in violation of any
36 provision of NRS 451.600 to 451.715, inclusive, *and sections 2, 3*
37 *and 3.5 of this act*, any regulation adopted pursuant thereto or any
38 order of the Nevada Funeral and Cemetery Services Board, the
39 crematory is a public nuisance and may be abated as such.

40 **Sec. 10.** NRS 642.011 is hereby amended to read as follows:

41 642.011 "Cremation" ~~means the technical process that reduces~~
42 ~~human remains to bone fragments by using heat and evaporation.~~
43 *has the meaning ascribed to it in section 3 of this act.*

44 **Sec. 11.** This act becomes effective upon passage and approval
45 for the purpose of adopting regulations and performing any other



* A B 2 0 5 R 2 *

- 1 preparatory administrative tasks that are necessary to carry out the
- 2 provisions of this act, and on January 1, 2018, for all other purposes.

