

Amendment No. 312

Assembly Amendment to Assembly Bill No. 437	(BDR 40-513)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



ASSEMBLY BILL NO. 437—COMMITTEE
ON COMMERCE AND LABOR(ON BEHALF OF THE SUNSET SUBCOMMITTEE
OF THE LEGISLATIVE COMMISSION)

MARCH 26, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to ~~dead bodies;~~ embalming.
(BDR ~~[40-513]~~ 54-513)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 ~~[decedents; authorizing a coroner to allow the transportation of human remains to a funeral establishment in an adjacent state under certain circumstances;]~~ embalming; revising the qualifications for ~~a license to practice the profession of embalming;]~~ certain certificates and licenses issued by the Nevada Funeral and Cemetery Services Board; authorizing certain students to enter into a room in a funeral home or mortuary where dead bodies are being embalmed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[—Existing law: (1) requires a funeral director or person acting as undertaker to file a death certificate and secure a burial or removal permit prior to any disposition of a body; and (2) provides for the imposition of a monetary penalty against a person who removes or transports a body without a removal permit. (NRS 440.450, 440.530, 440.540, 440.750, 451.060) Sections 1-8 of this bill create an exception to these requirements which allows the coroner to authorize the transportation of human remains to a funeral establishment in an adjoining state if the remains are found within 50 miles of the boundary between this State and the adjoining state and certain other requirements are met. Section 1 requires a coroner who authorizes the transportation of human remains to a funeral establishment in an adjoining state under those circumstances to file a completed death certificate not later than 72 hours after the discovery of the remains.]~~

Existing law requires an applicant for a license to practice the profession of embalming to have completed 2 academic years of instruction at a college or university by taking a certain number of credit hours. (NRS 642.080) Section 9 of this bill authorizes an applicant for such a license to apply credits earned at an embalming college or school of mortuary science, toward this requirement. Section 9.6 of this bill makes a conforming change as a result of the change in this requirement. Existing law also requires an applicant for a license to practice the profession of embalming to have completed 12 months of instruction in an accredited embalming college or school of mortuary science. (NRS 642.080) Section 9 [of this bill] instead requires that an applicant for such a license

must have graduated from such a college or school. **Section 10** of this bill makes a conforming change as a result of the change in this requirement.

Existing law provides for the issuance of a license by reciprocity to practice the profession of embalming to an applicant who has practiced embalming successfully for at least 5 years and practiced actively for 2 years immediately preceding the application for license by reciprocity. (NRS 642.100) Section 9.3 of this bill revises this requirement to instead require an applicant for such a license to have practiced successfully for at least 5 years and practiced actively for at least 2 years of the 5 year period immediately preceding the application for such a license.

Existing law prohibits a funeral director, funeral arranger or embalmer from permitting any person to enter into any room in any funeral home or mortuary where dead bodies are being embalmed, except licensed embalmers and their assistants, funeral directors, funeral arrangers, certain public officers and attending physicians and their assistants, unless by direct permission of the immediate family of the deceased. (NRS 642.560) Section 11 of this bill authorizes a student enrolled in an accredited embalming college or school of mortuary science to enter such rooms without the express permission of the immediate family of the deceased.

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

Section 1. ~~[Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The coroner may authorize the transportation of human remains without a death certificate or removal permit to a funeral establishment that is located in an adjoining state if:~~

~~(a) The remains were found within 50 miles of the boundary between this State and the adjoining state;~~

~~(b) The remains are not the subject of any ongoing investigation;~~

~~(c) A reasonable certainty exists that the cause of death will be provided by the attending physician or by a review of the medical records by the coroner or medical examiner;~~

~~(d) The death does not appear to the coroner to have been caused by a disease that is held by the Board to be infectious, contagious or communicable and dangerous to the public health; and~~

~~(e) The funeral establishment is located within 30 miles of the boundary of the county in which the remains were found.~~

~~2. A coroner who authorizes the transportation of human remains without a death certificate or removal permit pursuant to this section shall file a completed death certificate with the local registrar in the jurisdiction where the remains were discovered not later than 72 hours after the discovery of the remains.~~

~~3. As used in this section, "funeral establishment" has the meaning ascribed to it in NRS 642.016.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 440.450 is hereby amended to read as follows:~~

~~440.450 [The] Except where the remains of a decedent are transported to an adjoining state in accordance with the provisions of section 1 of this act, the funeral director or person acting as undertaker is responsible for obtaining and filing the certificate of death with the local health officer, or his or her deputy, in the registration district in which the death occurred, and for securing a burial or removal permit prior to any disposition of the body.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 440.520 is hereby amended to read as follows:~~

~~440.520 The funeral director shall~~

1 ~~1. Deliver the burial permit to the sexton or person in charge of the place of~~
2 ~~burial, before interring or otherwise disposing of the body.~~

3 ~~2. [Attach] Except where a removal permit is not required pursuant to~~
4 ~~section 1 of this act, attach the removal permit to the box containing the body,~~
5 ~~when shipped by any transportation company.] (Deleted by amendment.)~~

6 **Sec. 4.** ~~[NRS 440.530 is hereby amended to read as follows:~~

7 ~~440.530 [The] Except as otherwise provided in section 1 of this act, a burial~~
8 ~~or removal permit [shall] must accompany the body to its destination. [, where, if]~~
9 ~~If that destination is within the State of Nevada, [it shall] the burial or removal~~
10 ~~permit must be delivered to the sexton or to any other person in charge of the place~~
11 ~~of burial.] (Deleted by amendment.)~~

12 **Sec. 5.** ~~[NRS 440.540 is hereby amended to read as follows:~~

13 ~~440.540 1. Except as provided in subsection 2 [,] and section 1 of this act,~~
14 ~~the body of any person whose death occurs in this state shall not be interred,~~
15 ~~deposited in a vault or tomb, cremated or otherwise disposed of, removed from or~~
16 ~~into any registration district, or be held temporarily pending a further disposition~~
17 ~~more than 72 hours after death, until a permit for burial or removal or other~~
18 ~~disposition thereof has been properly issued by the local health officer of the~~
19 ~~registration district in which the death occurred.~~

20 ~~2. If the person who is to certify the cause of death consents, a body may be~~
21 ~~moved from the place of death into another registration district to be prepared for~~
22 ~~final disposition.] (Deleted by amendment.)~~

23 **Sec. 6.** ~~[NRS 440.560 is hereby amended to read as follows:~~

24 ~~440.560 No sexton or other person in charge of any premises in this State in~~
25 ~~which interments are made shall inter or permit the interment or other disposition of~~
26 ~~any body unless it is accompanied by a burial, removal or transit permit as provided~~
27 ~~in this chapter.] (Deleted by amendment.)~~

28 **Sec. 7.** ~~[NRS 440.750 is hereby amended to read as follows:~~

29 ~~440.750 [Any] Except as otherwise provided in section 1 of this act, any~~
30 ~~funeral director, sexton or other person in charge of the disposal who inter,~~
31 ~~removes or otherwise disposes of the body of any deceased person without having~~
32 ~~received a burial or removal permit shall be punished by a fine of not more than~~
33 ~~\$250.] (Deleted by amendment.)~~

34 **Sec. 8.** ~~[NRS 451.060 is hereby amended to read as follows:~~

35 ~~451.060 Except where transportation of human remains without a removal~~
36 ~~permit is authorized by section 1 of this act:~~

37 ~~1. Any transportation company or common carrier transporting or carrying, or~~
38 ~~accepting through its agents or employees for transportation or carriage, the body of~~
39 ~~any deceased person, without an accompanying permit issued in accordance with~~
40 ~~law, shall be punished by a fine of not more than \$250. If the death occurred~~
41 ~~outside of the State and the body is accompanied by a burial, removal or transit~~
42 ~~permit issued in accordance with the law or board of health regulations in force~~
43 ~~where the death occurred, such burial, removal or transit permit may be held to~~
44 ~~authorize the transportation or carriage of the body into or through the State.~~

45 ~~2. Any railroad, transportation or express company which receives for~~
46 ~~transportation and shipment any dead human body, unless the body has been~~
47 ~~prepared by a regularly licensed embalmer of the State of Nevada, with the removal~~
48 ~~permit, his or her name and the number of the embalmer's license attached thereon,~~
49 ~~and unless the body shall reach its destination within the boundaries of this state~~
50 ~~and within 30 hours from time of death, shall be punished by a fine of not more~~
51 ~~than \$500.] (Deleted by amendment.)~~

1 **Sec. 9.** NRS 642.080 is hereby amended to read as follows:

2 642.080 Except as otherwise provided in NRS 642.100, an applicant for a
3 license to practice the profession of embalming in the State of Nevada shall:

4 1. Have attained the age of 18 years.

5 2. Be of good moral character.

6 3. Be a high school graduate and have completed 2 academic years of
7 instruction by taking 60 semester or 90 quarter hours at an accredited college or
8 university. ~~[Credits earned at an embalming college or school of mortuary science~~
9 ~~do not fulfill this requirement.]~~

10 4. ~~[Have completed 12 full months of instruction in]~~ *Be a graduate of* an
11 embalming college or school of mortuary science which is accredited by the
12 American Board of Funeral Service Education and approved by the Board, and
13 have not less than 1 year's practical experience under the supervision of an
14 embalmer licensed in the State of Nevada.

15 5. Have actually embalmed at least 50 bodies under the supervision of a
16 licensed embalmer prior to the date of application.

17 6. Present to the Board affidavits of at least two reputable residents of the
18 county in which the applicant proposes to engage in the practice of an embalmer to
19 the effect that the applicant is of good moral character.

20 **Sec. 9.3. NRS 642.100 is hereby amended to read as follows:**

21 642.100 Reciprocity may be arranged by the Board if an applicant:

22 1. Is a graduate of an embalming college or a school of mortuary science
23 which is accredited by the American Board of Funeral Service Education and
24 approved by the Board;

25 2. Is licensed as an embalmer in another state;

26 3. Has practiced embalming successfully for at least 5 years and practiced
27 actively for at least 2 years of the 5 [years] year period immediately preceding the
28 application for a license by reciprocity;

29 4. Is of good moral character;

30 5. Has passed the examination given by the Board on the subjects set forth in
31 subsection 5 of NRS 642.090 or the national examination given by the International
32 Conference of Funeral Service Examining Boards;

33 6. Possesses knowledge of the applicable statutes and regulations of this State
34 governing embalmers; and

35 7. Pays to the Secretary of the Board the fees prescribed in NRS 642.0696.

36 **Sec. 9.6. NRS 642.200 is hereby amended to read as follows:**

37 642.200 1. Each applicant for a certificate of registration as a registered
38 apprentice shall furnish proof that he or she is a high school graduate and has
39 completed 2 academic years of instruction by taking 60 semester or 90 quarter
40 hours at an accredited college or university. ~~[Credits earned at an embalming~~
41 ~~college or a school of mortuary science do not fulfill this requirement.]~~

42 2. Such proof must be furnished before the applicant may be issued a
43 certificate of registration as a registered apprentice.

44 **Sec. 10.** NRS 642.330 is hereby amended to read as follows:

45 642.330 1. Before a registered apprentice may take the examination for a
46 license to practice the profession of embalming pursuant to NRS 642.090, the
47 registered apprentice must have ~~[completed instruction in]~~ *graduated from* an
48 accredited and approved embalming college or school of mortuary science, as
49 prescribed by NRS 642.080.

50 2. A registered apprentice may take the examination for a license to practice
51 the profession of embalming pursuant to NRS 642.090 before the registered
52 apprentice has completed the required 1 year of apprenticeship.

53 **Sec. 11. NRS 642.560 is hereby amended to read as follows:**

1 642.560 No funeral director, funeral arranger or embalmer may permit any
2 person to enter any room in any funeral home or mortuary where dead bodies are
3 being embalmed, except licensed embalmers and their assistants, funeral directors,
4 funeral arrangers, public officers in the discharge of their official duties, students
5 enrolled in an accredited embalming college or school of mortuary science, and
6 attending physicians and their assistants, unless by direct permission of the
7 immediate family of the deceased.