

**NEVADA FUNERAL AND CEMETERY SERVICES BOARD**  
Legislative Subcommittee

**AGENDA AND NOTICE OF PUBLIC MEETING**

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**Friday, November 14, 2014, at 8:30 a.m.**

Meeting Location:

Funeral and Cemetery Services Board Office  
501 Hammill Lane  
Reno, Nevada 89511

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**Please Note:** The Board may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; and 3) pull or remove items from the agenda at any time.

Public comment is welcomed by the Board, but at the discretion of the chair, may be limited to five minutes per person. A public comment time will be available before any action items are heard by the public body and then once again prior to adjournment of the meeting. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusions of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment.

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***Action by the Board on an item may be to approve, deny, amend, or table.***

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**1. Call to order, roll call, establish quorum**

**2. Public comment**

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

**3. Discussion, recommendation, and possible action regarding minutes of September 25, 2014 meeting (For possible action)**

4. Discussion, recommendation, and possible action regarding recommendations to be made to the full Board for possible changes to NRS 642, NRS 451 and NRS 452 (For possible action)
5. Discussion, recommendation, and possible action regarding recommendations to be made to the full Board for possible changes to NAC 642, NAC 451, and NAC 452 (For possible action)
6. Discussion regarding future agenda items and future meeting dates
7. Public comment

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

**8. Adjournment (For possible action)**

Anyone desiring additional information including meeting materials may contact Jennifer Kandt at 775-825-5535. Meeting materials are also available for download from the Board website at <http://funeral.nv.gov>

The Board is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Jennifer Kandt at 775-825-5535, no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

This agenda has been sent to all members of the Board and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice of meetings must request so in writing every six months.

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**THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED  
IN THE FOLLOWING LOCATIONS:**

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Reno City Hall One E. First Street Reno, NV 89501	Office of the Attorney General 100 N Carson Street Carson City, NV 89701	Grant Sawyer State Office Building 555 E. Washington Ave. Las Vegas, NV 89101
	Nevada Funeral and Cemetery Services Board Office 501 Hammill Lane Reno, NV 89511	

**NEVADA FUNERAL AND CEMETERY SERVICES BOARD**  
Legislative Subcommittee

**MINUTES**

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**Thursday, September 25, 2014, at 10:00 a.m.**  
Meeting via Teleconference with Public Access Location at:  
Funeral and Cemetery Services Board Office  
501 Hammill Lane  
Reno, Nevada 89511

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**1. Call to order, roll call, establish quorum**

**Members Present**

Bart Burton  
Tammy Dermody  
John Lawrence  
Todd Noecker

**Board Staff Present**

Jennifer Kandt, Executive Director  
Henna Rasul, Senior Deputy Attorney General

**Members Absent**

Chris McDermott

**2. Public comment**

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

**3. Discussion, recommendation, and possible action regarding minutes of July 28, 2014 meeting (For possible action)**

Tammy moved to approve the minutes. The motion was seconded by Todd and carried unanimously.

**4. Discussion, recommendation, and possible action regarding recommendations to be made to the full Board for possible changes to NRS 642, NRS 451 and NRS 452. (For possible action)**

Jennifer stated that there were certain items highlighted in blue that had already been approved by the full Board and sent to the sunset subcommittee for inclusion in the final report. She also stated that she could draft possible language for the full Board to review in the event that the Legislative Commission decides that the Board can move forward with a BDR. There was general consensus that Jennifer draft possible

language for approval at the October Board meeting. Additionally she stated that she would begin a separate list of items for regulatory changes. She stated that the items highlighted in yellow could likely be addressed in regulation.

There was discussion that the subcommittee may want to wait on addressing some of the items on the list of topics as the Conference was going to be releasing a Model Practice Act that might be a useful resource prior to the Board making changes.

There was discussion on licensing pre-need sales people and clarification that the Division of Insurance licenses pre-need sales people, but some of them are not just selling a funeral life policy, but are actually arranging a funeral. Todd stated that he felt those individuals should at least be able to pass the law, rule and regulation exam.

John stated that there is a difference between a funeral plan and a policy, and questioned whether someone selling a funeral plan would already be attached to a funeral establishment. Todd and Tammy stated that they were not always attached to an establishment.

Jennifer stated that she would reach out to other states to see what they were doing, and would also reach out to the Division of Insurance to see if they are encountering any issues.

There was discussion on whether the Board should implement a funeral arranger or funeral counselor license. John stated that he felt they should have to take the funeral director test and that they may need an AA degree, but that they would not be in a leadership position, but just meeting with families. He also stated that there could be an internship.

Jennifer stated that the current requirements for a funeral director did not require any education or internship, but only that they need to take two tests and be of good moral character.

John stated that he would like to see language changed regarding funeral directors and stated he wanted them to be called funeral service practitioners and then also have funeral arrangers.

Tammy asked what would be done with all of the people already practicing.

John stated that they would be given time to meet the requirements. He stated that he did not feel the subcommittee members were understanding what he would like to accomplish with the funeral service practitioner and ensuring that the people managing the establishment were dual licensed as embalmers and funeral directors.

Tammy said that it was the responsibility of the owner of the establishment to ensure that the people working for the establishment are adequately trained. She stated that she did not feel that the manager of an establishment would need to be an embalmer. She stated that she has one of the best embalmers in the country working for her and pointed out that someone who manages a hospital does not need to be a surgeon.

There was discussion on the definition of a funeral director within NRS 642.015 and Jennifer asked when funeral directors are reviewing the contracts for services. There was general consensus that they may not be signing them or reviewing them. Jennifer stated that it seemed unclear what would be unlicensed practice if the definition of a funeral director includes contracting for funeral services.

Henna stated that anyone operating under the scope of that definition would need to be licensed.

Todd stated that the person licensed and approved as the managing funeral director has the liability and that the people arranging are operating under the licensed funeral directors.

Bart asked for the opinion of legal counsel regarding whether someone would need to be a funeral director to meet with families.

Henna stated that the Board does not have a history of how they've applied their statutes, but that she could review legislative history to see if there is any further details on the intent of the definition. Additionally, she stated that it will be up to the Board as matters come before them to set a precedent for interpreting these statutes including issues regarding unlicensed practice.

Bart stated that if it was the intent for funeral directors to be the ones making the funeral arrangements, people are out of compliance because they have misinterpreted the statute or have been unaware of the statute. There was further discussion that if the Board does determine that a funeral director would be required to meet with families, there are no educational requirements, the individuals would only need to take the two tests and be given time to study.

There was further discussion that research into other states and what requirements are in place for the individuals who are meeting with families would be useful.

John moved to table items 7, 8, and 9 on the list of topics. The motion was seconded by Todd and carried unanimously.

Jennifer stated that the Board should be able to address items 10, 11, and 12 in regulation and that she will work toward drafting some changes for the subcommittee to review in the future.

The subcommittee discussed item 14 regarding power of attorney and the statute was provided to the subcommittee members which confirms that a power of attorney becomes invalid upon death.

There was discussion on whether the subcommittee needed to add an ex-parte order, and questions surrounding whether that is already established in the first order of authority as a legally valid document. Legal counsel stated that any legally valid document would be included under this section and that an ex-parte order would be

considered legally valid. There was further discussion that a will, ex-parte order, or any order would fall under this category.

Todd questioned whether subcommittee members were comfortable with the language regarding requiring only one parent, one child, or one sibling as opposed to the majority, and Tammy stated that she was not comfortable with that.

There was discussion that NRS 451.710 gives the authority to refuse cremation if the funeral establishment is aware of any disputes, has a reasonable basis to question the representations made or for any other lawful reason.

Todd stated that people try to deceive the funeral establishments all the time and may be trying to keep family members out of a will or decision making process.

John stated that he has people sign a document stating that there are no objections and that they are authorizing the cremation. He asked if there have been lawsuits concerning this, and Bart indicated that he was not aware of any.

There was discussion that the statute previously required both parents, a majority of the children and a majority of the siblings, but was changed in 2003 to allow for one member to be able to authorize. Henna stated that the legislative history indicated that the change was made as in some cases it was too difficult to get a majority. She stated that the current law does not give the funeral establishment the discretion to require all or the majority for the various next of kin except under certain conditions as indicated in 451.710.

Todd stated he was uncomfortable with that as there may be instances where someone tells you they have a brother who lives in a tent in South Africa, and that they are just fine with the cremation, and they may not be.

John stated that in that situation, the current law would be better, as you may not be able to get the brother in South Africa to sign off, and the family may be telling the truth, and then you would just be making things more difficult for the family. He stated that someone making arrangements needs to be licensed as then they are able to use their judgment in these situations.

Tammy stated that the funeral establishments look like the bad guys when they are trying to protect everyone's rights.

There was further discussion that it may be best to add a discretionary clause to the statute that says the funeral establishments may require the majority for the next of kin at their discretion.

There was general consensus that language be added regarding discretion for the funeral establishment and Jennifer stated she would draft language and have something for the full Board meeting October 14<sup>th</sup>.

There was discussion on NRS 642.465 as Jennifer stated that the permits are required to be issued in the name of the owner, and the statute says that the establishment cannot be operated or advertised as being operated by anyone other than the owner. There was discussion that permits were previously issued in the name under which a funeral establishment conducts business, and that they were then issued under the name of the owner.

Todd stated that in reading the statute it would appear that Davis Funeral Home would have to specify Legacy Funeral Holdings LLC on all advertising and signage, and that Palm would have to include SCI.

Jennifer stated that the wording was somewhat unclear and a change was needed. John stated that he would like legal counsel to look into the legislative history prior to making a decision on a change as he wants to know why it was set up the way it was. Legal counsel advised that she could see what history is available.

Tammy expressed concern regarding requiring changing of signage and the expense, and stated that the purpose of this subcommittee is to bring change to current laws, and felt this was a needed change.

There was discussion that changing the wording of the statute to allow for establishments to operate under a DBA as long as they have complied with NRS 602.010 would be beneficial. Jennifer stated she would draft language for the October 14<sup>th</sup> meeting.

John moved to proceed with item 15, the motion was seconded by Tammy and carried unanimously.

**5. Discussion regarding future agenda items and future meeting dates**

There was general consensus that a date would be set by Jennifer at a later time.

**6. Public comment**

Board members asked that Jennifer reach out to Chris McDermott to see if he is still wanting to be on the subcommittee.

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

**7. Adjournment (For possible action)**

Bart adjourned the meeting at 11:20am.

Topic	Relevant NRS References	Considerations
1) Addition of Continuing Education Requirements for Funeral Directors and Embalmers	NRS 642.120 NRS 642.430 NRS 451.635	Add language to require licensed operator (owner) ensure that each person who physically operates the crematory has completed a certification course. The Board may verify certifications during inspections.
2) Certification for operators of crematory equipment		
3) Request authority for Board to conduct FBI fingerprint based background checks.	New section within 642	
4) Change grounds for disciplinary action to include crematories and cemeteries	NRS 642.470 NRS 642.480	
5) Changes to various sections dealing with duties of treasurer and secretary as many of these duties are completed by Board staff, as opposed to secretary of Board. Additionally, secretary should not need to furnish lists of embalmers to railroads and transportation companies. Lastly, there are references to Board Chair and other references to President – should be consistent.	NRS 642.040 NRS 642.070 NRS 642.140 NRS 642.210 NRS 642.230 NRS 642.240 NRS 642.290	
6) Change of language to state that the Attorney General shall “recommend” various outcomes pertaining to investigation of alleged violations	NRS 642.0677	
7) Change definition of “funeral establishment” to state that they must have access to necessary instruments and supplies... and maintained at all times in a sanitary and professional manner. Nothing prohibits embalming at a central location.	NRS 642.016	
8) Add language regarding no prohibition against doing business under a fictitious name if the entity has complied with the requirements of NRS 602.010	NRS 642.465	
9) Change authority to order cremation	NRS 451.650	
10) Changes to publication guide requirements	NRS 642.066	
11) Add vital records reference in 642.557	NRS 642.557	

12) Direct Cremation and Immediate Burials License (Limited Establishment)		Already sent to sunset committee to eliminate
13) Certification requirements for "Funeral Arranger"	New section within 642	Definition of "Arranger"? Education and testing requirements? Renewal requirements? Discipline? Is this a common certification in other states? How to handle those already working?
14) Create "Funeral Service Practitioner" license – Dual FD/Embalmer and require that establishments employ a full-time FSP at each location	New section within 642 and amend various sections as referenced in document submitted by John Lawrence	
15) Require that the funeral director approved to manage each establishment be ABSFE certified	NRS 642.345	
16) Add requirements to license pre-need sales person		
<b>REGULATION CHANGES</b>		
1) Parameters for funeral directors to be approved to manage facilities.		
2) Require that each funeral establishment have a licensed funeral director		
3) Require each establishment to have a licensed embalmer available 24/7		
4) Require refrigeration for any establishment holding bodies longer than 24 hours and specify temperatures, cleanliness, identification etc.		

## ITEM 1 Suggested Language

**NRS 642.XXX Continuing education requirements for renewal of licensure as embalmer or funeral director.**

1. A licensed funeral director or embalmer must annually complete 10 hours of continuing education in a field relevant to the funeral industry prior to renewal of licensure and maintain proof of completion of those hours for a period of five years.
2. Any individual licensed as a funeral director and an embalmer may utilize completed continuing education hours for both licenses.
3. The Board may request proof of completion of the required continuing education hours prior to renewing a license as a funeral director or embalmer.

## ITEM 2 Suggested Language

**NRS 451.635 Requirements for licensing.**

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 shall ensure that all individuals physically operating the crematory equipment have completed a crematory certification program and maintain proof of completion for inspection by the Board.

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

- (a) In an area which is zoned for mixed, commercial or industrial use; and
- (b) At least 1,500 feet from the boundary line of any parcel zoned for residential use.

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

- (a) The name and address of the applicant and the location or proposed location of the crematory;
- (b) A description of the structure and equipment to be used in operating the crematory; and
- (c) Any further information that the Board may reasonably require.

4. An application must be signed by the applicant personally, by one of the partners if the applicant is a partnership, or by an authorized officer if the applicant is a corporation or other form of business organization.

5. 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. If the ownership of a crematory is to be changed, the proposed operator shall apply for licensing at least 30 days before the change.

(Added to NRS by [1993, 2601](#); A [2003, 1279](#); [2013, 236](#))

## ITEM 3 Suggested Language

**NRS 642.XXX Submission of fingerprints.** Any applicant for any license, permit, or certificate issued by the Board must submit a complete set of fingerprints which may be forwarded to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

## ITEM 4 Suggested Language

**NRS 642.470 Grounds for disciplinary action.** The following acts are grounds for which the Board may take disciplinary action against a person who holds a funeral director's license, a permit to operate a funeral establishment, a certificate of authority to operate a cemetery, a license to operate a crematory, or a license to conduct direct cremations or immediate burials or may refuse to issue such a license or permit 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.
5. Conviction of a misdemeanor that is related directly to the business of a funeral establishment.

(Added to NRS by 1959, 846; A [1993, 2614](#); [1995, 271](#); [1997, 2580](#); [2003, 2717](#))

**NRS 642.473 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline deemed public records.**

1. If the Board determines that a person who holds a funeral director's license, a permit to operate a funeral establishment, *a certificate of authority to operate a cemetery*, *a license to operate a crematory*, or a license to conduct direct cremations or immediate burials has committed any of the acts set forth in [NRS 642.470](#), the Board may:

- (a) Refuse to renew the license or permit;
- (b) Revoke the license or permit;
- (c) Suspend the license or permit 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.

(Added to NRS by [1997, 2577](#); A [2003, 1276, 3461](#); [2005, 797](#))

**NRS 642.480 "Unprofessional conduct" defined.** For the purposes of [NRS 642.470](#), unprofessional conduct includes:

1. Misrepresentation or fraud in the operation of a funeral establishment, *crematory*, *cemetery* or the practice of a funeral director.

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 licensee of persons commonly known as "cappers," "steerers" or "solicitors," or of other persons to obtain funeral directing or embalming business.

4. Employment, directly or indirectly, of any apprentice, agent, assistant, embalmer, employee or other person, on part- or full-time or on commission, to call upon natural persons or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer.

5. The buying of business by a holder of a permit to operate a funeral establishment or a licensee or his 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 or embalming.

8. Using profane, indecent or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased whose body has not yet been interred or otherwise disposed of.

9. Solicitation or acceptance by a holder of a permit to operate a funeral establishment or licensee of any commission, bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery.

10. Except as otherwise provided in this subsection, using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body. The provisions of this subsection do not prohibit the rental of the outer shell of a casket into which a removable insert containing a dead human body is placed for the purpose of viewing the body or for funeral services, or both, and which is later removed from the outer shell for cremation.

11. Violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Board.

12. Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies, including, without limitation, [NRS Chapter 451.400](#) and [NRS 440](#).

13. Fraud or misrepresentation in obtaining a permit or license.

14. Refusing to surrender promptly the custody of a dead human body, upon the express order of the person lawfully entitled to the custody thereof.

15. Taking undue advantage of the patrons of a funeral establishment or being guilty of fraud or misrepresentation in the sale of merchandise to those patrons.

16. The theft or misappropriation of money in a trust fund established and maintained pursuant to [chapter 689](#) of NRS.

17. Habitual drunkenness or the unlawful use of a controlled substance.

(Added to NRS by 1959, 846; A [1993, 2615](#); [1995, 271](#); [2003, 1277](#); [2007, 402](#))

## ITEM 5 Suggested Language

### NRS 642.040 Officers; duties of Secretary; Treasurer to furnish bond.

1. The members of the Board shall have the power to select from their number a **Chair, President**, 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 **individuals embalmers** 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.~~

[Part 2:28:1909; RL § 4446; NCL § 2666] + [Part 3:28:1909; A 1917, 66; 1919 RL § 4447; NCL § 2667] + [Part 8:28:1909; RL § 4452; NCL § 2672]

**NRS 642.070 Deposit and use of fees.** 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.

[Part 8:28:1909; RL § 4452; NCL § 2672]—(NRS A 1959, 849; 1963, 158; 1965, 62; 1999, 1537; 2003, 1268)

### NRS 642.110 License: Signatures; not transferable; display.

1. All licenses shall be signed by the **President Chair** and the Secretary of the Board and attested by the seal of the Board.
2. Each license shall specify the name of the person to whom issued. Every license shall be nonassignable and nontransferable, and shall be displayed by each licensee in a conspicuous place in the office or place of business of the licensee.

[Part 6:28:1909; RL § 4450; NCL § 2670]

~~**NRS 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.~~

~~[Part 3:28:1909; A 1917, 66; 1919 RL § 4447; NCL § 2667]—(NRS A 1997, 2579; 2005, 797)~~

### NRS 642.210 Filing of application; date when apprenticeship commences; credit for time spent.

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

2. Credit on the required apprenticeship commences on the date the application for the certificate of registration is filed with the Secretary of the Board, and no applications may be accepted antedated.

(Added to NRS by 1959, 842; A 2003, 1272)

**NRS 642.230 Registration with Secretary; notice of change of instructor.** 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.

(Added to NRS by 1959, 843)

**NRS 642.240 Semiannual reports of apprenticeship by licensed embalmer.** 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.

(Added to NRS by 1959, 843; A 2003, 1272)

### NRS 642.290 Leaves of absence.

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.

**NRS 642.310 Requirements for apprentice to become licensed embalmer: Application for examination.** 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.

(Added to NRS by 1959, 843; A 1975, 709; [2003, 1273](#))

### ITEM 6 Suggested Language

**NRS 642.0677 Investigation of alleged violation; report to and action by Attorney General.**

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 *recommend*:

(a) *Dismissing* the investigation;

(b) *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).

(Added to NRS by [1993, 2610](#); A [2003, 1268](#))

### ITEM 7 Suggested Language

**NRS 642.016 "Funeral establishment" defined.** "Funeral establishment" means a place of business conducted at a specific street address or location devoted to the care and preparation for burial or transportation of dead human bodies *which is maintained in a sanitary and professional manner*, 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. *Nothing prohibits embalming from occurring at a central location.*

(Added to NRS by [1993, 2610](#))

**NRS 642.019 Compliance with certain federal regulations.** 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 all Occupational Safety and Health Administration Laws and Regulations.*

(Added to NRS by [1993, 2611](#); A [1997, 2578](#); [2003, 1267](#))

### ITEM 8 Suggested Language

**NRS 642.465 Contents and display of permit; operation of funeral establishment by person named on permit.**

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

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

(Added to NRS by [1995, 266](#))

**ITEM 9 Suggested Language**

**NRS 451.024 Authority to order burial; acceptance of legal and financial responsibility for burial; execution of affidavit.**

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

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

(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;

~~(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 other person may order the burial 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), inclusive, of subsection 1; and

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

*3. If the person with authority as designated in paragraphs (c) through (h) has been arrested or charged with first or second degree murder or first degree manslaughter in connection with the decedent's death, the right of control is relinquished and passed on to the next individual in order of priority.*

*4. If there is more than one member of a class listed in paragraphs (d), (e), (f), (g), or (h) of subsection 1, a majority of the members of that class may be required at the discretion of the funeral establishment.*

~~3.~~ A person who accepts legal and financial responsibility for the burial 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.

~~4.~~ 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 of the remains and provide for the respectful disposition of the remains.

~~5.~~ 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 of his or her remains.

~~6.~~ A living person may order the burial of human remains removed from his or her body or the burial 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.~~ A person 18 years of age or older wishing to authorize another person to order the burial 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                    }  
  }ss  
County of ..... }

(Date) .....

I, ....., (person authorizing another person to order the burial 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 of the human remains of a person in the event of his or her death) to order the burial of my human remains upon my death.

Subscribed and sworn to before me this .....



### Item 10 Suggested Language

**NRS 642.066 Publication of guide for persons who purchase services provided by cemeteries, crematories and funeral establishments.**

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

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

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

(c) The procedure for filing a complaint with the Board concerning services provided by a cemetery, crematory 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 *as deemed necessary by the Board* ~~at least once each year~~.

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

(Added to NRS by [1993, 2610](#))

### Item 11 Suggested Language

**NRS 642.557 Orders requiring person to desist or refrain from engaging in certain conduct.** 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 451, 452 or 440](#) 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.

(Added to NRS by [2003, 1266](#); A [2005, 799](#))

## ITEM 12

Option a: Eliminate license to conduct direct cremations and immediate burials (Limited Establishment). This would mean every establishment would need a preparation room even if they do not embalm bodies.

Option b: Change the license to conduct direct cremations and immediate burials to a facility license instead of an individual license. Require that the facility have a managing funeral director. (This is basically how things are operating currently).

## ITEM 13

### Funeral Arrangement Requirements

State	Requirement
California	Counselors works under licensed FD and must take law test and keep on file
Arizona	Arrangers work under licensed FD
Idaho	Must be licensed FD
Utah	Arrangers not required to be licensed
Washington	Must be licensed FD
Oregon	Death care consultant license
Florida	Must be licensed FD

Option a: Create regulation requiring funeral establishments to require any individuals making arrangements take and pass the NVLRR test and maintain test results on file. Inspector can review testing during inspections. All activity occurring under licensed funeral director and require funeral director to sign statement of goods and services.

Option b: Require that individuals making arrangements are licensed funeral directors. Create regulation clearly defining this as licensed practice.

Option c: Create a new type of license "funeral arranger" (Requires legislation)

## Item 14

Discussion Needed

## Item 15

Discussion Needed

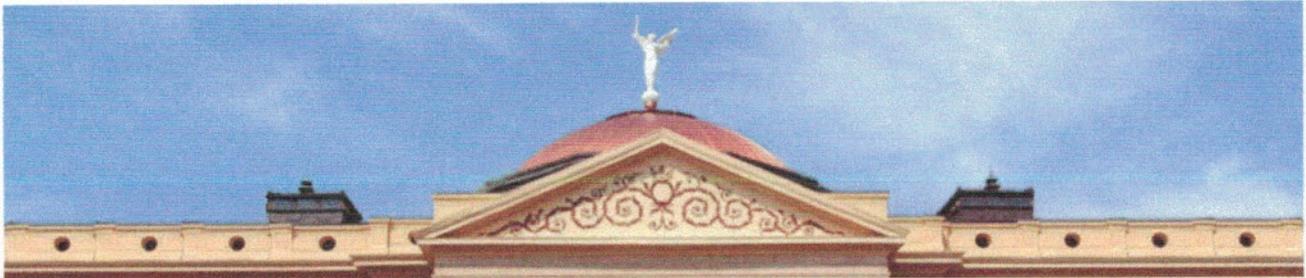
## Item 16

Discussion needed.

Option: Create regulation requiring funeral establishment to require any individuals selling pre-need for the establishment, take and pass the NVLRR test and maintain test results on file. Inspector can review testing during inspections.

7635. (a) Any person employed by, or an agent of, a licensed funeral establishment, who consults with the family or representatives of a family of a deceased person for the purpose of arranging for services as set forth in subdivision (a) of Section 7615, shall receive documented training and instruction which results in a demonstrated knowledge of all applicable federal and state laws, rules, and regulations including those provisions dealing with vital statistics, the coroner, anatomical gifts, and other laws, rules, and regulations pertaining to the duties of a funeral director. A written outline of the training program, including documented evidence of the training time, place, and participants, shall be maintained in the funeral establishment and shall be available for inspection and comment by an inspector of the bureau.

(b) This section shall not apply to anyone who has successfully passed the funeral director's examination pursuant to Section 7622.



Fifty-first Legislature - Second Regular Session

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**32-1321. License or registration requirement; persons not required to be licensed or registered; nontransferability; display**

A. A person shall not advertise or engage in funeral directing or embalming without having a valid license or registration issued by the board.

B. This article does not prohibit:

1. A student who is enrolled in a college of mortuary science that is recognized by the board pursuant to section 32-1336 from assisting a licensed embalmer in embalming dead human bodies pursuant to section 32-1337.

2. A person from performing removals or arrangements or from directing funeral services under the direction of and accountable to a licensed funeral director.

3. A licensed cemetery employee from selling burial or final disposition items or from arranging or directing cemetery services.

C. A license or registration issued by the board is not transferrable or subject to sale or assignment, whether by voluntary or involuntary process.

D. A licensee or registrant shall conspicuously display the person's license or registration at the person's place of employment.

- (11) "Funeral director" means any person engaged in or conducting, or holding himself out as engaged in or conducting, any of the following activities:
- (a) Directing or supervising the burial, cremation or disposal of dead human bodies.
  - (b) Arranging for funeral services for dead human bodies.
  - (c) Selling funeral goods and services to the public.
  - (d) Conducting, directing or supervising a funeral service.

# Which occupational license is right for you?

## Licensure information relating to death care services.

Oregon has several occupational licenses for individuals working in the death care industry. These licenses are based on specific scope of practice. Which license is required for you, if any, is based on the type of work you wish to perform and the services you intend to offer – not necessarily on the location where services are provided or which business title you wish to use. This document is intended to help you understand the licenses in basic terms. For a full explanation of the requirements and responsibilities for each license, please refer to the laws and rules available at: <http://www.oregon.gov/mortcem>

### OREGON INDIVIDUAL PRACTITIONER LICENSES

- An Embalmer license relates specifically to the hands-on preparation of human remains.
- A Funeral Service Practitioner (FSP) license is required when the practitioner is engaged directly or indirectly in offering funeral services for payment, or supervising or otherwise controlling the transportation, care, preparation, processing and handling of dead human bodies before final disposition.
- A Preneed Salesperson Registration is required when the individual ONLY meets with families to make pre-need arrangements and no other services or activities are performed. A person holding an FSP or Embalmer license is already registered to do this and does not require a separate registration.
- A Death Care Consultant license would be required when the individual is ONLY providing consultations directly relating to funeral or final disposition services. The Board's assumption is that a person holding an FSP license is already registered to do this and does not require a separate registration.
- A Combo license allows the practitioner to work as both an FSP and an Embalmer.

### Q. Do I need a license to make funeral arrangements in Oregon?

A. Only if you receive payment. In the State of Oregon, a person may “act as a funeral service practitioner” (FSP) without a license if they do not receive payment for their services. If you wish to act as an FSP for a friend or family member, you may do so. You are, however, required to complete all required paperwork, secure proper permits, and comply with all Oregon and Federal laws related to funeral and final disposition.

### **Death Care Consultant (DCC)**

A DCC license would be required when the individual is providing information or advice on matters related to funeral or final disposition arrangements including those matters subject to State or Federal regulatory requirements. DCCs may not provide any direct physical assistance with, or supervision of, the handling of the remains unless the individual also holds the proper license or licenses under this chapter and ORS 692. A person holding an FSP license is already registered to provide such consultations and does not require a separate registration.

It is strictly prohibited by Oregon Statute to practice as a death care consultant until you are fully licensed. A "death care consultant" means: (a) An independent practitioner educated in the discipline of death care. A death care consultant is licensed to provide consultations to person(s) acting as their own funeral service practitioner who performs and controls death care services and final disposition of human remains; (b) The consultations includes any conference, information, guidance or advice either at time of death or when death is soon to occur. (c) The consultation pertains to any Oregon State or Federal requirements related to funeral or final disposition arrangements for human remains. (d) "Death care consultants" excludes person who provide general information on funeral or final disposition arrangements via educational classes or workshops, publications (printed or electronic materials), speaking engagements, or lawful tax or attorney consults.

All DCC licenses issued will expire two years from the date of licensure unless renewed. It is the responsibility of the DCC to keep the Board's office advised, in writing, of any address changes within 30 days of the change. At least sixty (60) days prior to the expiration of the DCC's two-year license, the Board will mail to the licensed DCC a form stating that the renewal fee is due and payable. The renewal notice will be mailed to the most current address filed with the Board by the DCC. If the renewal form is not returned and the renewal fee is not paid by the renewal date the license will lapse.

### **Embalmer**

An embalmer's license relates specifically to the hands on preparation of human remains. It is strictly prohibited by Oregon Statute to practice as an embalmer until you are fully licensed or certificated as an embalmer apprentice. Only a licensed embalmer or certificated embalmer apprentice may: (a) Provide the necessary handling and preparation of human remains, e.g. washing, disinfecting, setting features, embalming and supervising dressing; and, (b) Supervise and be responsible for the required sanitizing of the preparation room or holding room including, but not limited to, embalming tables, work surfaces, sinks, floors, instruments, and handling and properly disposing of contaminated waste. Only a licensed embalmer may be engaged in (a) the practice of disinfecting or preserving from decay dead human bodies; or (b) preparing human bodies dead of contagious or infectious disease for transportation by railroad, express company or common carrier.

### **Funeral Service Practitioner (FSP)**

An FSP license is required when the practitioner is engaged directly or indirectly in offering funeral services for payment, or supervising or otherwise controlling the transportation, care, preparation, processing and handling of dead human bodies before final disposition. It is strictly prohibited by Oregon Statute to practice as a FSP until you are fully licensed or certificated as a FSP apprentice. An individual practices as a FSP if the individual for payment is engaged directly or indirectly in supervising or otherwise controlling the transportation, care, preparation, processing and handling of dead human bodies before the bodies undergo cremation, entombment or burial, or before the bodies are transported out of the State of Oregon. Only a FSP or FSP apprentice shall: (a) Work directly with at need persons to arrange for the disposition of human remains; and (b) Coordinate and direct the various tasks associated with performing funeral services for at need persons including but not limited to: taking all vital information on the deceased for the purpose of filing the death certificate; arranging for transportation of the remains; coordinating the services for final disposition; supervising or otherwise controlling the care, preparation, processing and handling of human remains.

# Funeral Director

October 2005

## Funeral Director Requirements for Licensure

**A** funeral director (1) prepares for the transportation, burial, or disposal of human remains; (2) directs and supervises others who perform those functions; (3) maintains an establishment for the transportation, disposition, or care of human remains; (4) may use, in connection with his or her name, the words "funeral director," "undertaker," "mortician," or similar title; and (5) must be employed by, or be the proprietor of, a licensed funeral establishment.

To be eligible to apply for licensure as a funeral director, you must meet the following requirements:

- Be 18 or older.
- Possess an Associate in Arts or Associate in Science degree, or equivalent.
- Have committed no acts or crimes constituting grounds for denial of licensure under Section 480 of the Business and Professions Code.

To apply for licensure as a funeral director, submit the following:

- A completed application form and a filing fee of \$100  
*Applicants applying to take the licensing examination may choose to submit the licensing fee at the same time as the examination fee, or wait until their examination results have been received to pay the \$200.00 licensing fee.*
- Official Transcripts sent directly from your educational institution(s).  
*The Cemetery and Funeral Bureau requires official transcripts. "Official Transcripts" are transcripts sent directly from the educational institution, in a sealed envelope, to the Cemetery and Funeral Bureau at 1625 North Market Blvd., Suite S-208, Sacramento, CA 95834*
- Copy of request for Live Scan service form verifying that fingerprints have been scanned and all applicable fees have been paid.

### Exceptions to this requirement:

- You have an active license as a Cemetery Manager, Crematory Manager, Embalmer, Funeral Director or an Apprentice Embalmer Certificate.
- You have submitted Live Scan as an officer, owner or board trustee of a Funeral Establishment.
- You have submitted Live Scan as an officer or owner of a Crematory or Cemetery after November 1, 2002.
- You applied for licensure after November 1, 2002, and hold a current Cemetery Salesperson, Cremated Remains Disposer or a Cemetery Broker License.

The license term is one year, the renewal fee is \$200, and the late fee is \$100.

For additional information about licensure as a funeral director, call the Bureau's Licensing Unit at (916) 574-7870.

# The Florida Senate

## 2010 Florida Statutes

<u>Title XXXIII</u> REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS	<u>Chapter 497</u> FUNERAL, CEMETERY, AND CONSUMER SERVICES  <u>Entire Chapter</u>	<b>SECTION 372</b> <b>Funeral directing conduct</b> <b>constituting practice of funeral</b> <b>directing.</b>
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497.372 Funeral directing; conduct constituting practice of funeral directing.—

<sup>1</sup>(1) The practice of funeral directing shall be construed to consist of the following functions, which may be performed only by a licensed funeral director:

- (a) Selling or offering to sell funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis.
- (b) Planning or arranging, on an at-need basis, the details of funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, with the family or friends of the decedent or any other person responsible for such services; setting the time of the services; establishing the type of services to be rendered; acquiring the services of the clergy; and obtaining vital information for the filing of death certificates and obtaining of burial transit permits.
- (c) Making, negotiating, or completing the financial arrangements for funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis, except that nonlicensed personnel may assist the funeral director in performing such tasks.
- (d) Directing, being in charge or apparent charge of, or supervising, directly or indirectly, a visitation or viewing. Such functions shall not require that a licensed funeral director be physically present throughout the visitation or viewing, provided that the funeral director is readily available by telephone for consultation.
- (e) Directing, being in charge or apparent charge of, or supervising, directly or indirectly, any funeral service held in a funeral establishment, cemetery, or elsewhere.
- (f) Directing, being in charge or apparent charge of, or supervising, directly or indirectly, any memorial service held prior to or within 72 hours of the burial or cremation, if such memorial service is sold or arranged by a licensee.
- (g) Using in connection with one's name or employment the words or terms "funeral director," "funeral establishment," "undertaker," "mortician," or any other word, term, title, or picture, or combination of any of the above, that when considered in the context in which used would imply that such person is engaged in the practice of funeral directing or that such person is holding herself or himself out to the public as being engaged in the practice of funeral directing; provided, however, that nothing in this paragraph shall prevent using the name of any owner, officer, or corporate director of a funeral establishment, who is not a licensee, in connection with the name of the funeral establishment with which such individual is affiliated, so long as such individual's affiliation is properly specified.
- (h) Managing or supervising the operation of a funeral establishment, except for administrative matters such as budgeting, accounting and personnel, maintenance of buildings, equipment and grounds, and routine clerical and recordkeeping functions.

(2) A funeral director may not engage in the practice of funeral directing except through affiliation with a funeral establishment licensed under this chapter. The board shall adopt by rule criteria for determining whether such an affiliation exists through the funeral director's ownership of, employment by, or contractual relationship with, a funeral establishment. This subsection does not prohibit a funeral director from being designated the licensed funeral director in charge of a cineration facility.

(3) The practice of funeral directing shall not be construed to consist of the following functions:

- (a) The phoning-in, faxing, or electronic transmission of obituary notices; ordering of flowers or merchandise; delivery of death certificates to attending physicians; or clerical preparation and processing of death certificates, insurance forms, and any clerical tasks that record the information compiled by the funeral director or that are incidental to any of the functions specified above.
- (b) Furnishing standard printed price lists and other disclosure information to the public by telephone or by providing such lists to persons making inquiry.
- (c) Removing or transporting human remains from the place of death, or removing or transporting human remains from or to a funeral establishment, centralized embalming facility, refrigeration facility, cemetery, crematory, medical examiner's office, common carrier, or other locations as authorized and provided by law.
- (d) Arranging, coordinating, or employing licensed removal services, licensed refrigeration facilities, or licensed centralized embalming facilities.
- (e) Any aspect of making preneed funeral arrangements or entering into preneed contracts.
- (f) Any functions normally performed by cemetery or crematory personnel.

History.—s. 8, ch. 93-399; s. 77, ch. 2004-301; s. 16, ch. 2010-125.

<sup>1</sup>Note.—Section 16, ch. 2010-125, amended s. 497.372 without publishing paragraphs (d)-(h) of subsection (1). Absent affirmative evidence of legislative intent to repeal paragraphs (d)-(h) they are published here, pending clarification by the Legislature.

Note.—Former s. 470.0087.

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