

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATION**

Tuesday, June 5, 2018, at 9:00a.m.

Video-Conference Locations:

Legislative Building
401 South Carson Street, Room 3138
Carson City, Nevada
and
Grant Sawyer Building
555 E. Washington Avenue, Room 4401
Las Vegas, Nevada

The Nevada State Board of Funeral and Cemetery Services, 3740 Lakeside Drive, Suite 201, Reno, Nevada, 775-825-5535, is proposing the adoption, and amendment of regulations pertaining to Chapters 451, 452, and 642 of the Nevada Administrative Code. A workshop has been set for 9:00 a.m., on June 5, 2018 and will be video-conferenced between the above locations. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

1. Change refrigeration language to lower the required refrigeration temperature and specify that it must be “mechanical.”
2. Specify that human remains placed on the floor would still be considered “directly on the floor” even if in a minimal container, casket, or body bag.
3. Allow for reduced number of continuing education credits for individuals licensed less than 12 months prior to renewal and clarification that credits cannot carry over from previous years.
4. Further clarify Sec. 25 of R067-15 to state that the Board may issue a notice of violation for violations found during an inspection or proceed with disciplinary process without issuing a notice of violation.
5. Specify the order of priority for family members authorizing disinterment.
6. Preserve rights for decedents who order their own burial or cremation through a pre-need arrangement if fully paid for; do not allow surviving family to substantially alter the arrangements after death. i.e. change form of disposition from burial to cremation or cremation to burial.
7. Correct error in section 24 of LCB File number R067-15 in reference to recusals set forth in NRS Chapter 281A.

A copy of all materials relating to the proposal may be obtained at the workshop, by contacting Jennifer Kandt, Executive Director, Nevada State Board of Funeral and Cemetery Services, 3740 Lakeside Drive, Suite 201, Reno, NV 89509, or by viewing them on the Board website at www.funeral.nv.gov

Persons who are unable to attend the workshop and wish to submit comments may send them to the Nevada State Board of Funeral and Cemetery Services, 3740 Lakeside Drive, Suite 201, Reno, Nevada, 89509.

A small business impact statement has been prepared and is attached to this notice.

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 Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations, e-mailed to all on-file industry e-mail addresses, and posted at the following locations:

Grant Sawyer State Office Building 555 E. Washington Ave. Las Vegas, NV 89101	Office of the Attorney General 100 N Carson St. Carson City, NV 89701	Funeral Board Office 3740 Lakeside Drive Reno, NV 89509
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Notice of this workshop has been posted to the following websites:

Funeral Board Website

Legislative Counsel Bureau Website

Nevada Public Notice Website

Notice of this workshop has been sent to the following county libraries in the State of Nevada:

Battle Mountain Branch Library - 625 Broad Street, Battle Mountain, NV 89820

Carson City Library - 900 North Rook Street, Carson City, NV 89701

Clark County Library - 1401 E. Flamingo Road, Las Vegas, NV 89119

Churchill County Library - 553 South Maine Street, Fallon, NV 89406

Douglas County Library - 1625 Library Lane, Minden, NV 89423

Elko County Library - 720 Court Street, Elko, NV 89801

Eureka Branch Library - 210 South Monroe, Eureka, NV 89316

Goldfield Public Library- Fourth & Crook Street, Goldfield, NV 89013

Green Valley Library - 2797 N. Green Valley Parkway, Henderson, NV 89015

Humboldt County Library - 85 East 5th Street, Winnemucca, NV 89445

Lincoln County Library - 63 Main Street, Pioche, NV 89043

Lyon County Library- 20 Nevin Way, Yerington, NV 89447

Pershing County Library - 1125 Central Avenue, Lovelock, NV 89419

Storey County Library - 95 South R Street, Virginia City, NV 89440

Summerlin Library - 1771 Inner Circle Drive, Las Vegas, NV 89134

Washoe County Library - 30 I South Center Street, Reno, NV 89501

White Pine County Library - 950 Campton Street, Ely, NV 89301

SMALL BUSINESS IMPACT STATEMENT

LCB File No. R086-18I

1. LCB File No. R086-18I Small Business Impact Statement pursuant to NRS 233B.0608:

(a) A description of the manner in which comment was solicited from affected small business, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

The Nevada Funeral and Cemetery Services Board proposed minor changes to NAC 642, NAC 451 and NAC 452 discussed potential changes at public meetings held on November 20, 2017, and February 20, 2018. The proposed changes were sent to the Legislative Counsel Bureau and returned have been assigned LCB File No. R086-18I.

Comments were solicited during public comment on November 20, 2017, and February 20, 2018 regarding the proposed changes. A workshop has been scheduled for June 5, 2018 and a small business impact survey was sent to all individuals and businesses on the agency's mailing list asking for information on whether the proposed changes could pose an economic impact on their small business. One business responded.

The text of the one response received is included below:

Item 1 (Refrigeration): "We believe the requirement that the board approve the refrigeration unit may lead to unnecessary confusion in the purchase of these units. We believe there are industry standards with regard to these units and that would be a more appropriate standard for the regulations. We would suggest removing "Board approved" and replacing it with "industry approved"."

Item 4 (Notice of Violation): "This causes us great concern and seems contrary to the standards of fair due process. If anything, we believe the regulation should be more specific in how detailed a notice of violation should be before a fine or disciplinary proceeding can be initiated. How else will the accused business know what the violation is and prepare for their defense. Eliminating the mandated issue of a notice of violation is very problematic for businesses."

(b) The manner in which the small business analysis was conducted for LCB File No. R086-18I.

The proposed changes were discussed at meetings held on November 20, 2017 and February 20, 2018. There were no public comments regarding any opposition to any of the changes or any concerns regarding any economic impact to small businesses. Regardless, the Board still sent a Small Business Impact Survey to all licensees to gain further information on whether there was potential impact. There was only one response to the survey.

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects:

(I) Adverse effects:

The Board does not see any potential economic impact and the one response received did not specifically mention an economic impact.

(II) Beneficial effects:

The lowering of the continuing education requirements for individuals recently licensed would reduce the economic burden of obtaining training in a short period of time and would benefit new licensees.

(2) Both direct and indirect effects.

(I) Direct effect:

There are no direct fees, fines or costs associated with the regulation.

(II) Indirect effect:

There does not appear to be any indirect economic impacts.

(d) A description of the methods that the agency considered to reduce the impact of LCB File No. R086-18I on small businesses and a statement whether the agency actually used any part of those methods.

To date, the agency has not considered methods to reduce the impact, as only one business has commented, and the comments did not specifically state how the changes would pose a *direct and significant economic burden or directly restrict the formation, operation, or expansion of a small business*. The comments pertained to confusion between Board approved standards and industry standards for refrigeration, and process for a notice of violation and disciplinary proceedings. The Board will further discuss the changes at the June 5, 2018 workshop and could potentially revise the small business impact statement based on the workshop.

(e) The estimated cost to the agency for enforcement of the proposed regulation.

No additional cost to the agency for enforcement.

(f) If LCB File No. R086-18I provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation does not include any increase in fees and does not add any new fees.

(g) If LCB File No. R086-18I includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

LCB File No R086-18I does not duplicate any existing federal, state or local standards regulating the same activity.

(h) The reasons for the conclusions of the Funeral Board regarding the impact of LCB File No. R086-18I on small businesses.

The conclusions are based on the one response received, and comments made during public meetings.

I certify that, to the best of my knowledge or belief, the information contained in the Small Business Impact Statement for LCB File No. R086-18I was prepared properly and is accurate.



Jennifer Kandt, Executive Director

State of Nevada Funeral and Cemetery Services Board