



DR. RANDY SHARP
Board Chair

STEPHANIE BRYANT MCGEE
Executive Director

Notice of Workshop to Solicit Comments on Proposed Regulations

The Nevada Funeral and Cemetery Services Board is proposing to amend certain regulations in Chapter 642 of the Nevada Administrative Code (NAC) in accordance with NRS 642.063.

A workshop has been scheduled for November 15, 2023, at 9:00 a.m., virtually and in person, as follows:

Physical Location:

Nevada Funeral & Cemetery Services Board
3740 Lakeside Drive, Suite 201
Reno, NV 89509

Virtual Workshop via Zoom:

Zoom Access:

<https://us06web.zoom.us/j/2539775871?pwd=RlNSVGtucG5rd29NMG5zbGVhSmEwdz09>

Meeting ID: 253 977 5871
Passcode: 668556

Audio:

- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)

Meeting ID: 253 977 5871
Passcode: 668556

The purpose of the workshop is to solicit comments on the proposed amendments to NAC 642. The proposed regulation addresses the following general topics:

Adding provisions for filing a report of signed agreements for funeral services, a due date for filing the report and paying the regulatory fee required by NRS 642.0696 and providing for additional information for verification.

Removing obsolete or duplicative provisions regarding practice before the Board, including taking of an oath, consideration of motions, order of presentation, and rehearing.

A copy of the proposed regulations may be obtained by contacting the Nevada Funeral & Cemetery Services Board, 3740 Lakeside Drive, Suite 201, Reno, Nevada or via email at

nvfuneralboard@fb.nv.gov. Copies of the proposed regulations are available for viewing or printing on the Board's website <https://funeral.nv.gov>.

If you are unable to attend the workshop but wish to submit any questions, concerns, or general input, please submit this in writing to the Nevada Funeral & Cemetery Services Board, 3740 Lakeside Drive, Suite 201, Reno, Nevada, 89509, or via email addressed to nvfuneralboard@fb.nv.gov.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been properly posted at or before 8:00 a.m. on October 19, 2023:

- The Board's Office at 3740 Lakeside Drive, Suite 201 in Reno.
- The Nevada Public Notice website: <https://notice.nv.gov/>;
- The Board's website: <https://funeral.nv.gov/>
- The Nevada Legislatures notice website: <https://www.leg.state.nv.us/App/Notice/A/>

Notice has also been sent via email or physical mail, as requested, to all licensees of the Board and persons on the agency's mailing list for administrative regulations.

Dated: October 19, 2023

PROPOSED REGULATION OF
THE NEVADA FUNERAL AND CEMETERY SERVICES BOARD

LCB File No. XXXX-XX

EXPLANATION – Matter in italics is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: NRS 642.063

A REGULATION relating to decedents; adding provisions for filing reports and paying required fees; repealing provisions of the code that are common practice or are otherwise provided in statute; and providing other matters properly related thereto.

Section 1. Chapter 642 is hereby amended by adding thereto new provisions as follows:

NAC 642.xxx Report of Signed Agreements for Funeral Services and Regulatory Fee Due Date.

- 1. Each funeral establishment and direct cremation facility must file on a form prescribed by the Board a report of the signed agreements to furnish funeral services.*
- 2. The report and the fee required by NRS 642.0696 must be submitted to the Board on or before the 15th of the month following the reporting month.*
- 3. Upon request of the Board the funeral establishment or direct cremation facility must within ten (10) business days of the request provide additional information, including but not limited to a list of signed agreements, copies of signed agreements, or other requested documentation necessary to verify information provided in the report.*

NAC Sections Repealed

~~{ NAC 642.225 Oath or affirmation required for testimony. (NRS 642.060, 642.063) All testimony considered by the Board at a hearing, except facts which have been noticed by the Board or entered into the record by stipulation of the parties, must be sworn testimony. Each witness shall declare, by oath or affirmation, that he or she will testify truthfully. }~~

~~{NAC 642.230 — Preliminary procedure. (NRS 642.060, 642.063) — The member of the Board who is presiding at a hearing will call the hearing to order, take the appearances of the parties and act upon any pending motions or petitions. The parties may then make opening statements.}~~

~~— {NAC 642.235 — Order of presentation: Generally. (NRS 642.060, 642.063)}~~

~~— 1. — Evidence at a hearing will ordinarily be received from the parties in the following order:~~

- ~~— (a) — The Board or person who filed the charge or petition~~
- ~~— (b) — Members of the staff of the Board, if different from the penitencer.~~
- ~~— (c) — The respondent.~~
- ~~— (d) — Rebuttal by the person who filed the charge or petition.~~
- ~~— (e) — If permitted by the Board, closing statements.~~

~~2 — The Board may modify the order in which evidence is received.}~~

~~NAC 642.260 — Rehearing. (NRS 642.060, 642.063)~~

~~— 1. — Within 15 days after the Board renders a decision or order, the aggrieved party may apply for a rehearing by filing a written petition which sets forth the grounds for a rehearing. While the petition for a rehearing is pending, the aggrieved party shall comply with the decision or order of the Board, except upon order of the Board.~~

~~— 2. — The Board will make a decision on a petition for a rehearing within 30 days after the effective date of the order or decision upon which the rehearing is requested. If the Board does not make a decision on the petition for a rehearing within 30 days, the petition shall be deemed denied.~~

~~3 — The Board may order a rehearing on its own motion within 30 days after it renders a decision if it discovers that a mistake, fraud or misconception of fact existed when it rendered the original decision or order.~~

~~4 — The Board will conduct a rehearing in accordance with the procedure for hearings.}~~

SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608

The Small Business Impact Statement required by Nevada Revised Statutes (NRS) 233B.0608 regarding the changes to Nevada Administrative Code (NAC) 642 proposed by the Nevada Funeral & Cemetery Services Board:

1. *A description of the manner in which comments are solicited from affected small businesses and an explanation of the manner in which other interested persons may obtain a copy of the regulation.*

(a) Copies of the proposed regulation and notice of workshop to solicit comments on the proposed regulation will be sent to all licensees, including firms and individuals, of the Nevada Funeral & Cemetery Services Board on or before October 19, 2023. In addition, copies of the proposed regulation and notice of workshop and public hearing will be sent by mail or email, as requested, to persons known to have an interest in the Nevada Funeral and Cemetery Services Board regulations as well as any persons who specifically requested such notice. These documents will also be made available at the website of the Nevada Funeral & Cemetery Services Board, <https://funeral.nv.gov>, and posted at the following location: <https://notice.nv.gov/>.

(b) A workshop will be held on November 15, 2023, virtually (via Zoom) and in person at 3740 Lakeside Drive, Suite 201, Reno, Nevada, in conjunction with the regular quarterly meeting of the Nevada Funeral & Cemetery Services Board (“Board”) meeting to obtain comments in connection with the proposed regulation changes. The Notice of Workshop was posted as follows:

- The Board’s Office at 3740 Lakeside Drive, Suite 201 in Reno.
- The Nevada Public Notice website: <https://notice.nv.gov/>;
- The Board’s website: <https://funeral.nv.gov/>
- The Nevada Legislature’s notice website: <https://www.leg.state.nv.us/App/Notice/A/>

(c) All interested parties may obtain a summary of public response after the workshop or hearing by written or verbal request to: Nevada Funeral & Cemetery Services Board, 3740 Lakeside Drive, Suite 201, Reno, Nevada 89509 or nvfuneralboard@fb.nv.gov.

2. *The manner in which the analysis was conducted.*

The Board will post proposed changes to NAC 642 for a period of thirty (30) days. At the end of 30 days, an analysis of the effect on small businesses will be done after a review of all comments and statements received from small businesses and interested parties.

At this time, comments are specifically solicited from affected businesses and licensees by providing a copy of the proposed regulation and notice of workshop to each licensee of the Board. The proposed regulations are available on the Board’s website, on the State notice website, and the Nevada Legislature’s notice website.

3. *The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:*

(a) *Both adverse and beneficial effects:*

The regulations are being changed provide for a report of signed agreements for funeral services, a due date for the report and payment of the fee required by NRS 642.0696, and for additional information needed by the Board to verify the information in the report. There are no adverse economic effects as there is no additional cost to the business or requirement to change their current practices.

The beneficial effects are that the changes are reasonably necessary and expedient for the orderly conduct of the Board's administration of NRS 642.

(b) *Both direct and indirect effects:*

This regulation should not have a direct or indirect effect or significant economic impact on small businesses that provide cremation services. The proposed changes are reasonably necessary and expedient for the orderly conduct of the Board's administration of NRS 642.

4. *A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.*

In formulating the proposed regulation, the Board and its staff considered the economic effect of the proposed changes on all licensees, including small businesses and individuals. The Board will consider methods to reduce the impact of the proposed regulation on small businesses based on comments and statements received after the 30-day comment period.

5. *The estimated cost to the agency for enforcement of the proposed regulation.*

Enforcement of the regulation will be performed by the Board in the normal conduct of its affairs. There should not be any additional costs associated with enforcement of the proposed regulation.

6. *If the proposed regulation 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 provide for any new or increased fees.

7. *If the proposed regulation 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.*

The proposed changes to NAC 642 do not include any provisions that duplicate or are more stringent than any federal, state, or local regulations or standards regulating the same activity.

8. *The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.*

The Board will come to a proper conclusion regarding the impact of the changes to NAC 642 after receipt of comments and discussion.

I certify that, to the best of my knowledge or belief, a concerted effort will be made to determine the impact of the proposed regulation on small business and that the information contained in this statement is accurate. (NRS 233B.0608(3)).



Stephanie Bryant McGee
Executive Director
Nevada Funeral & Cemetery Services Board