



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 451 of the Nevada Administrative Code (NAC) in accordance with NRS 451.640, NRS 642.063, and Assembly Bill 289 of the 2023 Session.

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=RlNSVGtucG5rd29NMG5zb1VhSmEwdz09>

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 451. The proposed regulation addresses the following general topics:

Adding “dissolving” and “reducing” in addition to the existing language to NAC 451.008 to accommodate for alkaline hydrolysis and natural organic reduction, during which processes a container is dissolved or reduced rather than incinerated.

Adding “vessel” and “removing remains from the vessel” to the existing language to NAC 451.009 to accommodate for alkaline hydrolysis and natural organic reduction, which use the term vessel rather than chamber. Chamber is used in reference to cremation through incineration.

Removing obsolete or duplicative provisions regarding embalming requirements and burial transit permits to reflect current practices.

Adding provision to clarify how long records must be maintained.

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 451.640, NRS 642.063

A REGULATION relating to decedents; adding provisions relating to natural organic reduction and alkaline hydrolysis; repealing provisions of the code that do not reflect current practices for embalming and burial transit permits; adding provisions to clarify the time records must be retained; and providing other matters properly related thereto.

Section 1. NAC 451.008 is hereby amended to read as follows:

NAC 451.008 “Cremation of human remains” interpreted. ~~(NRS 451.640, 452.026, 642.063)~~

1. For the purposes of NRS 451.680, the Nevada Funeral and Cemetery Services Board interprets the phrase “cremation of human remains” to include:

(a) The container, unless incinerating, dissolving, or reducing the container is prohibited pursuant to ~~[subsection 3 of]~~ NRS 451.670;

(b) The personal effects of the deceased person; and

(c) A negligible amount of chlorinated plastic which may be attached to or accompanying the human remains.

2. As used in this section:

(a) “Container” has the meaning ascribed to it in NRS 451.615; and

(b) “Human remains” has the meaning ascribed to it in NRS 451.620.

Section 2. NAC 451.00 is hereby amended to read as follows:

NAC 451.009 “Physically operating the crematory equipment” interpreted. ~~(NRS 451.640, 452.026, 642.063)~~ For the purposes of NRS 451.635, the Nevada Funeral and

Cemetery Services Board interprets the phrase “physically operating the crematory equipment” to mean:

1. Starting the crematory equipment;
2. Loading the chamber *or vessel*;
3. Sweeping the chamber *or removing remains from the vessel*; and
4. Processing human remains, including the initial placement of the human remains into temporary urns.

Section 3. NAC 451.010 is hereby amended to read as follows:

NAC 451.010 Embalming. ([NRS 439.200](#))

~~[1.—At the direction of a physician, licensed to practice medicine in Nevada, who was last in attendance on a person known or suspected to have died of a communicable disease, or of any coroner or health officer who has knowledge or suspects that a person has died of a communicable disease in his or her jurisdiction, the funeral director shall embalm the dead body as soon as possible.~~

2. In a case where an autopsy or other medical examination is required, embalming must not be performed until authorized by the physician, coroner or health officer having jurisdiction over the body.

~~[3.—If a dead body has not been disposed of or otherwise preserved within 18 hours after the time of death the facility must be in the interest of public health take such steps as may be reasonably preserve the dead body or may store the dead body in a sealed container.]~~

Section 4. NAC 451.100 is hereby amended to read as follows:

NAC 451.100 Transportation by common carrier, agencies or other persons. ([NRS 439.200](#))

1. The bodies of persons who have died from any cause must not be received for transportation by a common carrier or transported by agencies or other persons authorized to carry human bodies unless the body has been ~~[embalmed and]~~ prepared by an embalmer licensed under the laws of Nevada.

2. The bodies of persons who have died from any cause must not be received for transportation by a common carrier unless the body is placed in a sound casket and enclosed in a transportation case adequate to prevent the seepage of fluids and the escape of offensive odors.

Section 5. NAC 451.130 is hereby amended to read as follows:

NAC 451.130 Burial-transit permits. ([NRS 439.200](#))

~~{1.}~~ When bodies are shipped by common carrier or transported by an agency or by any other person authorized to carry human bodies, a burial-transit permit must accompany the body ~~(be made out in duplicate~~

~~— 2. — One copy of the burial transit permit must accompany the body. The duplicate copy of the permit must be attached to and accompany the waybill covering the remains,}~~ and be delivered with the body at the point of destination to the person to whom the body ~~it~~ is consigned.

Section 6. NAC 451.200 is hereby amended to read as follows:

NAC 451.200 Maintenance of records. ([NRS 451.640, 452.026, 642.063](#))

1. The records required to be kept pursuant to [NRS 451.665](#) by the operator of a crematory, funeral establishment or direct cremation facility must be maintained for at least 7 years *from the date of final disposition of human remains.*

2. The maintenance of such records in a digital format satisfies the requirements of subsection 1.

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) 451 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 (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 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 451 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 to distinguish the containers and processes used for alkaline hydrolysis and natural organic reduction, in addition to cremation by incineration. In Addition, certain sections of the regulations are being removed, as the sections are outdated and do not reflect current practices. 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 containers and processes used for alkaline hydrolysis and natural organic reduction will be recognized for purposes of compliance with the law, including Assembly Bill 289 (2023) and that outdated requirements are being repealed. The changes are reasonably necessary and expedient for the orderly conduct of the Board's administration of NRS 451.

(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 451.

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 451 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 451 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