State of Nevada Funeral and Cemetery Services Board

Laws, Rules and Regulations (NVLRR)

Study Guide

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Laws, Rules and Regulations

NRS 642 – Funeral Directors, Funeral Arrangers and Embalmers; Operators of Funeral Establishments, Direct Cremation Facilities, Cemeteries and Crematories

NAC 642 – Funeral Directors, Funeral Arrangers and Embalmers; Operators of Funeral Establishments, Direct Cremation Facilities, Cemeteries and Crematories

NRS 451 – Dead Bodies

NAC 451 – Dead Bodies

NRS 440 – Vital Statistics

NAC 440 – Vital Statistics

FTC – Federal Trade Commission, Complying with the Funeral Rule

State of Nevada
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➢ Introduction

This study guide was designed to assist applicants in preparation for the Nevada Laws, Rules and Regulations (NVLRR) Exam provided by the Nevada Funeral and Cemetery Services Board for licensure. This study guide is a valuable resource that contains information pertaining to the NVLRR examination.

➢ About the Examination

The Nevada Laws, Rules and Regulations Examination (NVLRR) is one of the key elements used by the Board in making licensing decisions as it provides an evaluation of an applicant's level of knowledge pertaining to the Board and the State's governance of the funeral industry and practices. The NVLRR is carefully developed by The Board and administered through The Conference.

The NVLRR consists of 50 multiple choice questions and applicants will have one hour to complete the examination. Applicants may find it useful to visit The Conference's website at www.theconferenceonline.org. The Conference has created a specific examination handbook to further assist applicants in the examination registration process which can be found at: http://www.theconferenceonline.org/wp-content/uploads/2013/04/NV-LRR-Candidate-Handbook1.pdf.

The NVLRR examination questions were developed utilizing information from NRS 642, NRS 451, NRS 440, NAC 440 and The Federal Trade Commission Funeral Rule.

There are several additional Chapters of Nevada Revised Statutes pertaining to the funeral industry which are not included in the study guide as they are not part of the exam, but it is advised that you are familiar with Chapter 689 and Chapter 452 of Nevada Revised Statutes.

NRS 689 covers the provisions for pre-need funeral services which is governed by the Nevada Division of Insurance. Anyone selling pre-need funeral arrangements must be licensed through the Division of Insurance and should be familiar with NRS 689.

NRS 452 covers general cemetery information, and anyone involved in the cemetery aspects of the funeral industry should be familiar with NRS 452.

➢ Who is required to take the NVLRR exam?

Pursuant to NRS 642.090.5(g), NRS 642.100.5, NRS 642.360.3(f) and NRS 642.361, individuals seeking licensure must complete testing requirements prior to formal Board approval.

Embalmers: NRS 642.090.5(g)

Nevada Laws, Rules and Regulations (NVLRR)
National Board Exam – Sciences Section (NBE-Science)

Reciprocal Embalmers: NRS 642.100.5

Nevada Laws, Rules and Regulations (NVLRR)
National Board Exam – Sciences Section (NBE-Science)

Funeral Directors: NRS 642.360.3(f)

Nevada Laws, Rules and Regulations (NVLRR)
Nevada State Board Exam – Arts (NVSBE) – Not required if applicant has passed the National Board Exam Arts Section (NBE-Art)

Funeral Arrangers: NRS 642.361

Nevada Laws, Rules and Regulations (NVLRR)

➢ Eligibility

Each applicant must first submit a "Testing Authorization Request and Information" form to The Board. Once the testing authorization form and payment has been received by the Board, authorization will be forwarded to The Conference within three (3) working days. After the Board has authorized the test with The Conference, the applicant must register for the exam(s) with The Conference and then schedule the examination(s).

➢ Cost of the NVLRR Exam

The Funeral and Cemetery Services Board charges a $50 fee to authorize the NVLRR exam. The Testing Authorization fee is a one-time fee and authorizes the applicant to test as many times as necessary. Please note that The Conference charges a fee of $140 to administer the examination, and those fees will be paid directly to The Conference when registering. If there is a need to retake the exam, The Conference will charge fees each time the exam is administered.

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➢ Exam Scoring

The NVLRR is scored as pass/fail. A scaled score of 70 or higher must be obtained to be considered passing the NVLRR. If a score of less than 70 on the NVLRR is obtained, applicant is considered to have failed and must RETAKE the NVLRR examination. All candidates must wait at least 30 days before retaking the NVLRR. Please see The Conference website for specific requirements for retaking the NVLRR examination.

If applicant fails the NVLRR exam, it is not necessary to fill out another "Testing Authorization Request and Information" form. However, applicant will need to follow the appropriate requirements for retaking the NVLRR examination with The Conference.

➢ Refunds

Testing Authorization fees are non-refundable.

➢ Results

Applicant should request that the examination scores are released to the Nevada Funeral and Cemetery Services Board. Once scores are available, they are released electronically to the Board.

➢ Industry Related Laws and Regulations

NRS 642 – Funeral Directors, Funeral Arrangers and Embalmers; Operators of Funeral Establishments, Direct Cremation Facilities, Cemeteries and Crematories
NAC 642 - Funeral Directors, Funeral Arrangers and Embalmers; Operators of Funeral Establishments, Direct Cremation Facilities, Cemeteries and Crematories
NRS 451 – Dead Bodies
NAC 451 – Dead Bodies
NRS 452 – Cemeteries
NAC 452 – Cemeteries
NRS 440 – Vital Statistics
NAC 440 – Vital Statistics
NRS 689 – Funeral and Burial Services
FTC – Federal Trade Commission, Complying with the Funeral Rule

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➢ Sample Questions

DISCLAIMER

The sample questions that appear in this study guide are similar to the type of questions used on the NVLRR but are not part of the item bank from which all Nevada State Laws, Rules & Regulations Examinations are constructed. As there are a finite number of questions that can be written for the Nevada Laws, Rules and Regulations, it is possible that questions similar to those found in this study guide may also appear on the NVLRR. Any such appearance is entirely coincidental. The sample questions that appear herein are constructed in the same manner and will provide you with assistance in preparing for the NVLRR.

1. Within how many hours after the occurrence of death shall the funeral director present the completed certificate of death to the local registrar?

   ☐ A 24

   ☐ B 36

   ☐ C 48

   ■ D 72

2. If cremated remains have not been claimed by the agent, the operator of a crematory may dispose of the remains after how many months?

   ☐ A 6

   ☐ B 12

   ☐ C 18

   ■ D 24

3. Each licensed embalmer who has under his/her supervision a person serving as an apprentice embalmer must file a report of apprenticeship with the secretary of the Board

   ☐ A yearly.

   ☐ B quarterly.

   ■ C semiannually.

   ☐ D monthly.

➢ Sample Questions (Continued)

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The sample questions that appear in this study guide are similar to the type of questions used on the NVLRR but are not part of the item bank from which all Nevada State Laws, Rules & Regulations Examinations are constructed. As there are a finite number of questions that can be written for the Nevada Laws, Rules and Regulations, it is possible that questions similar to those found in this study guide may also appear on the NVLRR. Any such appearance is entirely coincidental. The sample questions that appear herein are constructed in the same manner and will provide you with assistance in preparing for the NVLRR.

4. A license issued by the Board may be revoked for all of the following reasons EXCEPT

- ☐ A conviction of a crime involving moral turpitude.
- ■ B conviction of any misdemeanor.
- ☐ C conviction of a felony.
- ☐ D false or misleading advertising.

5. The Casket Price List must include all of the following information EXCEPT

- ☐ A the name of the business.
- ☐ B the caption, “Casket Price List."
- ■ C all caskets requiring special ordering.
- ☐ D the effective date of the Casket Price List.

State of Nevada
Funeral and Cemetery Services Board
Laws, Rules and Regulations

- NRS 642 – Funeral Directors, Funeral Arrangers and Embalmers; Operators of Funeral Establishments, Direct Cremation Facilities, Cemeteries and Crematories

- NAC 642 – Funeral Directors, Funeral Arrangers and Embalmers; Operators of Funeral Establishments, Direct Cremation Facilities, Cemeteries and Crematories

- NRS 451 – Dead Bodies

- NAC 451 – Dead Bodies

- NRS 440 – Vital Statistics

- NAC 440 – Vital Statistics

- FTC – Federal Trade Commission, Complying with the Funeral Rule

CHAPTER 642 - FUNERAL DIRECTORS, FUNERAL ARRANGERS AND EMBALMERS; OPERATORS OF FUNERAL ESTABLISHMENTS, DIRECT CREMATION FACILITIES, CEMETERIES AND CREMATORIES

GENERAL PROVISIONS

NRS 642.005 Definitions.
NRS 642.010 "Board" defined.
NRS 642.011 "Cremation" defined.
NRS 642.012 "Crematory" defined.
NRS 642.013 "Direct cremation" defined.
NRS 642.0135 "Direct cremation facility" defined.
NRS 642.014 "Disposition" defined.
NRS 642.0145 "Funeral arranger" defined.
NRS 642.015 "Funeral director" defined.
NRS 642.016 "Funeral establishment" defined.
NRS 642.017 "Immediate burial" defined.
NRS 642.0175 "International Conference of Funeral Service Examining Boards" defined.
NRS 642.018 Exclusions.
NRS 642.019 Compliance with certain federal regulations required.
NRS 642.0195 Payment of child support: Submission of certain information by applicant; grounds for denial of license, permit or certificate; duty of Board. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 642.0195 Payment of child support: Submission of certain information by applicant; grounds for denial of license, permit or certificate; duty of Board. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]
NRS 642.0197 Duty of funeral directors to report unclaimed human remains of deceased veterans to Department of Veterans Services; duties of Department upon receipt of report; disposition of remains; immunity from liability.

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

NRS 642.020 Creation; number, appointment, qualifications and terms of members; Chair.
NRS 642.030 Oaths of members; salary of members; per diem allowances and travel expenses of members and employees.
NRS 642.040 Officers; duties of Secretary.
NRS 642.050 Meetings; quorum.
NRS 642.055 Offices; employment and qualifications of Executive Director and other employees; records; website.
NRS 642.060 Rules for transaction of business; seal.
NRS 642.063 Regulations.
NRS 642.066 Publication of guide for persons who purchase services provided by cemeteries, crematories, direct cremation facilities and funeral establishments.
NRS 642.067 Inspection of premises where funeral directing or funeral arranging is conducted or direct cremation or embalming is practiced; employment and compensation of inspector.
NRS 642.0673 Inspection of lists of prices and agreements on prices.
NRS 642.0677 Investigation of alleged violation; report of findings to and recommended action by Attorney General.
NRS 642.068 Fiscal year.
NRS 642.069 Biennial fee for holder of license or certificate issued pursuant to chapter 451 or 452 of NRS; renewal of license, permit or certificate on biennial basis; exceptions; regulations.
NRS 642.0693 Fee for providing materials.
NRS 642.0696 Additional fees.
NRS 642.070 Deposit and use of fees.
NRS 642.075 Payment of expenses; deposit of fines; delegation of authority to take disciplinary action; claim for attorney's fees and costs of investigation.

EMBALMERS

LICENSES

NRS 642.080 Qualifications of applicant.
NRS 642.090 Examination of applicant; requirements to take examination; subject matters covered; requirements for issuance of license.
NRS 642.100 Requirements for licensing embalmer licensed in another state.
NRS 642.110 License: Signatures, seal and name; not transferable; display.
NRS 642.115 License: Inactive status; reactivation.
NRS 642.120 Renewal of license: Fees; required information; continuing education.

DISCIPLINARY AND OTHER ACTIONS

NRS 642.130 Grounds.
NRS 642.135 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline deemed public records.

APPRENTICE EMBALMERS

NRS 642.180 Certificate of registration required for apprentice; full-time employment required for credit for apprenticeship.
NRS 642.190 Qualifications of applicant.
NRS 642.200 Academic qualifications of applicant.
NRS 642.210 Filing of application; date when apprenticeship commences.
NRS 642.220 Fees; apprentice card.
NRS 642.230 Registration with Board; notice of change of instructor.
NRS 642.240 Semiannual reports of apprenticeship by licensed embalmer.
NRS 642.250 Licensed embalmer prohibited from employing unregistered apprentice; limitation on number of apprentices.
NRS 642.260 Conditions for embalming by apprentice.
NRS 642.270 Certain advertising or representations by apprentice prohibited.
NRS 642.280 Posting of certificate.
NRS 642.290 Leaves of absence.
NRS 642.300 Expiration of certificate; limitations on length of apprenticeship.
NRS 642.310 Requirements for apprentice to become licensed embalmer: Application for examination.
NRS 642.320 Requirements for apprentice to become licensed embalmer: Application for licensure.
NRS 642.330 Requirements for apprentice to become licensed embalmer: Completion of instruction.

FUNERAL ESTABLISHMENTS, DIRECT CREMATION FACILITIES, FUNERAL DIRECTORS AND FUNERAL ARRANGERS

NRS 642.340 Funeral directors: License required to engage in or hold out as engaging in business of funeral director; place of business.
NRS 642.345 Funeral directors: Management of funeral establishment or direct cremation facility prohibited without approval of Board; responsibilities.
NRS 642.350 Funeral directors: Renewal of license issued on or before July 1, 1959.
NRS 642.360 Funeral directors: Application for license; qualifications of applicant; examination of certain applicants; fees.
NRS 642.361 Funeral arrangers: License required to engage in or hold out as engaging in business of funeral arranger; place of business; exceptions.
NRS 642.362 Funeral arrangers: Application for license; qualifications of applicant; examination; fees.
NRS 642.363 Funeral establishments: Permit required before operation; separate permit required for each establishment.
NRS 642.365 Funeral establishments: Application for permit; qualifications of applicant; requirements; fee.
NRS 642.367 Direct cremation facilities: Permit required for operation; separate permit required for each facility.
NRS 642.368 Direct cremation facilities: Application for permit; qualifications of applicant; fee; inspection of facility.
NRS 642.410 Time limited for granting or refusal of application.
NRS 642.416 Renewal of license as funeral director: Continuing education.
NRS 642.420 Renewal of license: Fee.
NRS 642.430 Renewal of license: Notice; late renewal fee; issuance of renewal certificate.
NRS 642.435 Renewal of permit: Fee; unannounced inspection; notice; late renewal fee; issuance of renewal certificate.
NRS 642.440 Reinstatement of lapsed license.
NRS 642.450 Special temporary license issued to legal representative of deceased funeral director: Limitations and conditions.
NRS 642.455 Placement of license on inactive status; reactivation.
NRS 642.460 Contents and display of license.
NRS 642.465 Contents and display of permit; operation and advertisement of funeral establishment or direct cremation facility by person named on permit; maintenance of facility; no prohibition on embalming at central location.

ADDITIONAL PROVISIONS GOVERNING LICENSES, PERMITS AND CERTIFICATES; DISCIPLINARY AND OTHER ACTIONS

ISSUANCE OF LICENSES, PERMITS AND CERTIFICATES

NRS 642.511 Submission of fingerprints required with application.
NRS 642.512 Moral character of applicant.
NRS 642.513 Investigation by Board of character of applicant.
NRS 642.515 Temporary authorization for applicant to engage in regulated activities while application is pending.
NRS 642.516 Subpoenas; hearings; requirements for issuance.

DISCIPLINARY AND OTHER ACTIONS

NRS 642.5172 "False or misleading advertising" defined.
NRS 642.5174 "Unprofessional conduct" defined.
NRS 642.5175 Grounds.
NRS 642.5176 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline deemed public records.
NRS 642.5178 Petition for revocation or suspension of license, permit or certificate.
NRS 642.518 Immediate suspension of license, permit or certificate: Grounds; procedure.
NRS 642.521 Suspension of license, permit or certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license, permit or certificate. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 642.523 Order of revocation or suspension of permit or license.
NRS 642.524 Confidentiality of certain records of Board; exceptions.

JUDICIAL REVIEW

NRS 642.530 Availability of judicial review; exceptions.
NRS 642.540 Stay of decision of Board upon posting of bond pending judicial review.

PROHIBITED ACTS; PENALTIES; ENFORCEMENT

NRS 642.555 Actions and remedies cumulative and not exclusive.
NRS 642.557 Orders requiring person to desist or refrain from engaging in certain conduct.
NRS 642.560 Admittance of unauthorized person to certain rooms in funeral home or mortuary prohibited.
NRS 642.566 Internet sale or offer of cremation services within State.
NRS 642.570 Prosecution of violations.
NRS 642.575 Injunctive relief.
NRS 642.580 Penalty for practicing embalming without license.
NRS 642.590 Civil penalty for taking care of disposition of dead human bodies or acting as funeral arranger without license; civil penalty for operating funeral establishment or direct cremation facility without permit; criminal penalty for giving or receiving commission to secure business.

GENERAL PROVISIONS

NRS 642.005 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 642.010 to 642.0175, inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by 1993, 2609; A 2003, 1267; 2015, 1951)

NRS 642.010 "Board" defined. "Board" means the Nevada Funeral and Cemetery Services Board.
[Part 1:28:1909; RL § 4445; NCL § 2665] — (NRS A 1959, 848; 1975, 706; 1977, 192; 1993, 2611; 2003, 1267)

NRS 642.011 "Cremation" defined. "Cremation" has the meaning ascribed to it in NRS 451.617.
(Added to NRS by 1993, 2609; A 2017, 2738)

NRS 642.012 "Crematory" defined. "Crematory" means the building or portion of a building that houses the chamber for cremation and the holding facility.
(Added to NRS by 1993, 2609)

NRS 642.013 "Direct cremation" defined. "Direct cremation" means a cremation without formal viewing, visitation or a ceremony with the body present.

(Added to NRS by 1993, 2609)

NRS 642.0135 "Direct cremation facility" defined. "Direct cremation facility" means a place of business conducted at a specific street address or location devoted to direct cremations.

(Added to NRS by 2015, 1950)

NRS 642.014 "Disposition" defined. "Disposition" means the immediate disposing of a dead human body or the immediate transporting of a dead human body to the care of a funeral establishment, direct cremation facility, responsible third party or the immediate family for direct cremation or burial.

(Added to NRS by 1993, 2609; A 2015, 1951)

NRS 642.0145 "Funeral arranger" defined. "Funeral arranger" means any person employed by a funeral establishment or direct cremation facility who meets with families, or other persons authorized pursuant to NRS 451.024 to order the disposition of human remains of a deceased person, to plan funeral services for a decedent.

(Added to NRS by 2015, 1949)

NRS 642.015 "Funeral director" defined.

1. "Funeral director" means a person engaged in, conducting the business of or holding himself or herself out as engaged in:

(a) Preparing or contracting to prepare by embalming or in any other manner dead human bodies for burial, cremation or disposal, or directing and supervising the burial, cremation or disposal of dead human bodies.

(b) Directing, supervising or contracting to direct or supervise funerals.

(c) The business of a funeral director by using the words "funeral director," "mortician" or any other title implying that the person is engaged in the business of funeral directing.

2. The term does not include:

(a) A licensed embalmer, a funeral arranger or a person whose duties are limited to conducting direct cremations or immediate burials.

(b) An owner of a funeral establishment or direct cremation facility, unless the owner engages in any activity described in subsection 1.

(Added to NRS by 1993, 2609; A 1995, 267; 2015, 1951)

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, cremation or transportation of dead human bodies, consisting of a preparation room equipped with a sanitary floor, necessary drainage and ventilation, 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.

(Added to NRS by 1993, 2610; A 2015, 1951)

NRS 642.017 "Immediate burial" defined. "Immediate burial" means a disposition by burial without formal viewing, visitation or a ceremony with the body present, except for a graveside service.

(Added to NRS by 1993, 2610)

NRS 642.0175 "International Conference of Funeral Service Examining Boards" defined. "International Conference of Funeral Service Examining Boards" means the International Conference of Funeral Service Examining Boards, Incorporated, or any successor in interest to that organization.

(Added to NRS by 2003, 1266)

NRS 642.018 Exclusions. This chapter does not apply to:

1. Persons engaged as layers-out or to those who shroud the dead.
2. Employees of any cemetery whose duty or business extends no further.
3. Officers or employees of any state or federal institution.
4. A person who inters the human remains of a native Indian pursuant to NRS 383.150 to 383.190, inclusive.
5. Commissioned officers serving in the Armed Forces of the United States.
6. Persons who provide services regarding funerals for or the burial of pets only.

[Part 7:28:1909; RL § 4451; NCL § 2671] — (NRS A 1989, 576; 1993, 2616, 2755; 1995, 723) — (Substituted in revision for NRS 642.550)

NRS 642.019 Compliance with certain federal regulations required. 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 the requirements of the Occupational Safety and Health Administration of the United States Department of Labor.

(Added to NRS by 1993, 2611; A 1997, 2578; 2003, 1267; 2015, 1952)

NRS 642.0195 Payment of child support: Submission of certain information by applicant; grounds for denial of license, permit or certificate; duty of Board. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, permit or certificate; or

(b) A separate form prescribed by the Board.

3. A license, permit or certificate described in subsection 1 may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

(Added to NRS by 1997, 2157; A 2005, 2767, 2807; 2015, 1952)

NRS 642.0195 Payment of child support: Submission of certain information by applicant; grounds for denial of license, permit or certificate; duty of Board. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]

1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, permit or certificate; or

(b) A separate form prescribed by the Board.

3. A license, permit or certificate described in subsection 1 may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

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4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

(Added to NRS by 1997, 2157; A 2005, 2767, 2768, 2807; 2015, 1952, effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

NRS 642.0197 Duty of funeral directors to report unclaimed human remains of deceased veterans to Department of Veterans Services; duties of Department upon receipt of report; disposition of remains; immunity from liability.

1. A funeral director who obtains custody of the unclaimed human remains of a deceased person whom the funeral director knows, has reason to know or reasonably believes is a veteran shall report the name of the deceased person to the Department of Veterans Services not later than 1 year after obtaining custody of the unclaimed human remains of the deceased person.

2. Upon receipt of a report made pursuant to subsection 1, the Department of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans' cemetery pursuant to NRS 417.210. The Department of Veterans Services shall provide notice of the determination to the funeral director.

3. If the Department of Veterans Services provides notice to a funeral director of a determination that a deceased person is a veteran who is eligible for interment at a national cemetery or a veterans' cemetery, the funeral director shall arrange for the proper disposition of the veteran's remains with:

(a) A national cemetery or veterans' cemetery; or

(b) The Department of Veterans Services.

4. A funeral director is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 176A.090.

(Added to NRS by 2011, 7; A 2013, 2520)

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

NRS 642.020 Creation; number, appointment, qualifications and terms of members; Chair.

1. The Nevada Funeral and Cemetery Services Board, consisting of seven members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Two members who are actively engaged as a funeral director or embalmer.

(b) One member who is actively engaged as an operator of a cemetery.

(c) One member who is actively engaged in the operation of a crematory or direct cremation facility.

(d) Three members who are representatives of the general public.

3. No member of the Board who is a representative of the general public may:

(a) Be the holder of a license, permit or certificate issued by the Board or be an applicant or former applicant for such a license, permit or certificate.

(b) Be related within the third degree of consanguinity or affinity to the holder of a license, permit or certificate issued by the Board.

(c) Be employed by the holder of a license, permit or certificate issued by the Board.

4. After the initial terms, members of the Board serve terms of 4 years, except when appointed to fill unexpired terms.

5. The Chair of the Board must be chosen from the members of the Board who are representatives of the general public.

[Part 1:28:1909; RL § 4445; NCL § 2665] — (NRS A 1959, 849; 1977, 1259; 1993, 2611; 1999, 941; 2003, 1267; 2013, 1811; 2015, 1952)

NRS 642.030 Oaths of members; salary of members; per diem allowances and travel expenses of members and employees.

1. Before entering upon their duties, the members of the Board shall respectively take and subscribe to the oath required of other state officers. The Secretary of State is authorized to administer the oath, and each oath must be filed in the Office of the Secretary of State.

2. The members of the Board are entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

[Part 2:28:1909; RL § 4446; NCL § 2666] — (NRS A 1963, 158; 1975, 306; 1981, 1994; 1989, 1703; 2007, 2956)

NRS 642.040 Officers; duties of Secretary.

1. The members of the Board shall have the power to select from their number a Chair, 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 persons 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.

[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 A 2015, 1953)

NRS 642.050 Meetings; quorum.

1. The Board shall meet at least once every calendar quarter, and may also hold special meetings, if the proper discharge of its duties requires, at a time and place to be fixed by the rules and bylaws of the Board. The rules and bylaws of the Board must

provide for the giving of timely notice of all special meetings to all members of the Board and to all applicants for licenses, permits or certificates.

2. Four of the members of the Board at any meeting may organize and constitute a quorum for the transaction of business.

[Part 3:28:1909; A 1917, 66; 1919 RL § 4447; NCL § 2667] — (NRS A 1993, 2612; 2013, 1811)

NRS 642.055 Offices; employment and qualifications of Executive Director and other employees; records; website. The Board shall:

1. Maintain a principal office in this State, and such other offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter and chapters 451 and 452 of NRS.

2. Employ an Executive Director and attorneys, investigators, inspectors and other professional consultants and clerical personnel necessary to the discharge of its duties.

3. Maintain all financial records, records relating to licenses, certificates and permits, meeting minutes, notices and other public documents of the Board in its principal office.

4. Establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors, and other professional consultants and clerical personnel employed by the Board.

5. Maintain an Internet website and post on that Internet website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.

(Added to NRS by 1963, 158; A 2003, 1268; 2013, 1811)

NRS 642.060 Rules for transaction of business; seal.

1. The members of the Board shall have power to adopt such regulations for the transaction of business of the Board and management of its affairs as they may deem expedient.

2. The Board is authorized to adopt and use a common seal.

[Part 2:28:1909; RL § 4446; NCL § 2666] + [Part 6:28:1909; RL § 4450; NCL § 2670] — (NRS A 1971, 811)

NRS 642.063 Regulations. The Board may adopt reasonable rules and regulations for the purpose of carrying into effect the provisions of this chapter.

(Added to NRS by 1959, 848)

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

1. The Board may publish a guide for persons who purchase services provided by cemeteries, crematories, direct cremation facilities and funeral establishments. The guide may contain:

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

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

(c) The procedure for filing a complaint with the Board concerning services provided by a cemetery, crematory, direct cremation facility 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 it deems necessary.

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

(Added to NRS by 1993, 2610; A 2015, 1953)

NRS 642.067 Inspection of premises where funeral directing or funeral arranging is conducted or direct cremation or embalming is practiced; employment and compensation of inspector. The Board shall employ an inspector to aid in the enforcement of this chapter and chapters 451 and 452 of NRS and the regulations adopted pursuant thereto, whose compensation and expenses must be paid out of the fees collected by the Board. The inspector shall, at least once every 2 years and at the direction of the Board, conduct an inspection of every premises in this State at which the business of funeral directing or funeral arranging is conducted, or direct cremation or embalming is practiced. A member of the Board shall not conduct any such inspection.

(Added to NRS by 1959, 845; A 2003, 1268; 2013, 1812; 2015, 1954)

NRS 642.0673 Inspection of lists of prices and agreements on prices. A funeral director or embalmer shall make available for inspection by the Attorney General, the Division of Insurance of the Department of Business and Industry, or any representative of either, copies of all lists of prices and agreements on prices for 1 year after they are issued.

(Added to NRS by 1993, 2610; A 1995, 715)

NRS 642.0677 Investigation of alleged violation; report of findings to and recommended 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) Investigating the matter further before acting pursuant to paragraph (a) or (b).

(Added to NRS by 1993, 2610; A 2003, 1268; 2015, 1954)

NRS 642.068 Fiscal year. The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.

(Added to NRS by 1963, 158)

NRS 642.069 Biennial fee for holder of license or certificate issued pursuant to chapter 451 or 452 of NRS; renewal of license, permit or certificate on biennial basis; exceptions; regulations.

1. The Board shall charge and collect a biennial fee from each holder of a license or certificate issued by the Board pursuant to chapter 451 or 452 of NRS.

2. The Board shall adopt regulations which establish the biennial fee in an amount that is sufficient in the aggregate, together with the fees received from applicants during the previous biennium, to defray the Board's necessary expenses in performing its duties pursuant to chapters 451 and 452 of NRS.

3. Except as otherwise provided in NRS 452.340, 642.300, 642.350 and 642.450, any license, permit or certificate issued or renewed by the Board pursuant to this chapter or chapter 451 or 452 of NRS must be renewed on a biennial basis on January 1 of each even-numbered year in accordance with the applicable provisions of this chapter or chapter 451 or 452 of NRS.

(Added to NRS by 1993, 2611; A 2003, 1268; 2015, 1954)

NRS 642.0693 Fee for providing materials. The Board may charge a fee for providing materials relating to the provisions of this chapter or chapter 451 or 452 of NRS which are requested by persons who have been issued permits, licenses and certificates pursuant to this chapter or chapter 451 or 452 of NRS or by members of the general public. The fee may not exceed the cost incurred by the Board to provide those materials.

(Added to NRS by 1995, 267; A 2003, 1275) — (Substituted in revision for NRS 642.415)

NRS 642.0696 Additional fees.

1. In addition to the fees that the Board is authorized or required to collect pursuant to the provisions of a specific statute, the Board shall charge and collect the following fees:

Application for a license, certificate or permit	$375
Examination for a license, certificate or permit	375
Renewal of a license, certificate or permit	200
Late renewal of a license, certificate or permit	275
Placement of a license on inactive status	175
Reactivation of a license to active status	175
Reinstatement of a lapsed license	300
Transfer of a license, certificate or permit to another location	225
Issuance of a duplicate license, certificate or permit	75
Provision of an administrative service	75
Regulatory fee, per written and signed agreement for funeral services to be furnished in this State	10

2. The regulatory fee of $10 prescribed in subsection 1 may only be charged once with respect to the remains of a deceased person and only at such time as an agreement for funeral services is fully executed, regardless of:

(a) The number of funeral services furnished;

(b) Whether such funeral services are furnished by more than one holder of a license, certificate or permit issued by the Board; or

(c) Whether a subsequent agreement for funeral services is executed.

3. As used in this section, "funeral services" means those services performed normally by funeral directors or funeral or mortuary parlors, including, without limitation, crematory and embalming services.

(Added to NRS by 2003, 1266; A 2013, 1812)

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 Board to be used to defray the necessary expenses of the Board. The Board shall deposit the fees in banks, credit unions, savings and loan associations or savings banks 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; 2015, 1954)

NRS 642.075 Payment of expenses; deposit of fines; delegation of authority to take disciplinary action; claim for attorney's fees and costs of investigation.

1. Except as otherwise provided in subsection 4, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter and chapters 451 and 452 of NRS must be paid from the money which it receives. No part of the salaries or expenses of the Board may be paid out of the State General Fund.

2. Except as otherwise provided in this section, all money collected by the Board from the imposition of fines must be deposited with the State Treasurer for credit to the State General Fund. All other money received by the Board must be deposited in qualified banks, credit unions, savings and loan associations or savings banks in this State and paid out on its order for its expenses.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter or chapter 451 and 452 of NRS, to impose and collect fines therefor and to deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

(Added to NRS by 1997, 2576; A 1999, 1537; 2003, 1268; 2005, 796)

EMBALMERS

Licenses

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

1. Have attained the age of 18 years.
2. Be of good moral character.
3. Be a high school graduate and have completed 2 academic years of instruction by taking 60 semester or 90 quarter hours at an accredited college or university. Credits earned at an embalming college or school of mortuary science do not fulfill this requirement.
4. Have completed 12 full months of instruction in an embalming college or school of mortuary science which is accredited by the American Board of Funeral Service Education and approved by the Board, and have not less than 1 year's practical experience under the supervision of an embalmer licensed in the State of Nevada.
5. Have actually embalmed at least 50 bodies under the supervision of a licensed embalmer prior to the date of application.
6. Present to the Board affidavits of at least two reputable residents of the county in which the applicant proposes to engage in the practice of an embalmer to the effect that the applicant is of good moral character.

[Part 5:28:1909; A 1931, 31; 1949, 142; 1943 NCL § 2669] — (NRS A 1961, 348; 1975, 707; 1999, 942; 2003, 1269; 2015, 1954)

NRS 642.090 Examination of applicant; requirements to take examination; subject matters covered; requirements for issuance of license.

1. Every person who wishes to practice the profession of embalming must be examined in the knowledge of the subjects set forth in subsection 5.
2. If a person is a registered apprentice, the person must fulfill the requirements of NRS 642.310 and 642.330 before the person may take the examination.
3. If a person is not a registered apprentice, the person must pay the examination fee prescribed in NRS 642.0696 before the person may take the examination.
4. Examinations must be in writing, and the Board may require actual demonstration on a cadaver. An applicant who has passed the national examination given by the International Conference of Funeral Service Examining Boards is not required to take any portion of the examination set forth in subsection 5 that repeats or duplicates a portion of the national examination. All examination scores must be kept on record by the Board.
5. The members of the Board shall examine applicants for licenses in the following subjects:

(a) Anatomy, sanitary science and signs of death.
(b) Care, disinfection, preservation, transportation of and burial or other final disposition of dead bodies.
(c) The manner in which death may be determined.
(d) The prevention of the spread of infectious and contagious diseases.
(e) Chemistry, including toxicology.
(f) Restorative art, including plastic surgery and derma surgery.
(g) The laws and regulations of this State relating to funeral directing, funeral arranging and embalming.
(h) Regulations of the State Board of Health relating to infectious diseases and quarantine.
(i) Any other subject which the Board may determine by regulation to be necessary or proper to prove the efficiency and qualification of the applicant.

6. If an applicant fulfills the requirements set forth in this chapter to be licensed to practice the profession of embalming, has passed the examination required by this chapter and has paid all fees related to the application and the examination, the Board shall issue to the applicant a license to practice the profession of embalming.

[4:28:1909; A 1931, 31; 1931 NCL § 2668] + [Part 5:28:1909; A 1931, 31; 1949, 142; 1943 NCL § 2669] — (NRS A 1959, 849; 1975, 707; 1995, 268; 1997, 2158, 2578; 1999, 520; 2001, 413; 2003, 1269; 2005, 2807; 2015, 1955)

NRS 642.100 Requirements for licensing embalmer licensed in another state. Reciprocity may be arranged by the Board if an applicant:

1. Is a graduate of an embalming college or a school of mortuary science which is accredited by the American Board of Funeral Service Education and approved by the Board;
2. Is licensed as an embalmer in another state;
3. Has practiced embalming successfully for at least 5 years and practiced actively for 2 years immediately preceding the application for a license by reciprocity;
4. Is of good moral character;
5. Has passed the examination given by the Board on the subjects set forth in subsection 5 of NRS 642.090 or the national examination given by the International Conference of Funeral Service Examining Boards;
6. Possesses knowledge of the applicable statutes and regulations of this State governing embalmers; and
7. Pays to the Secretary of the Board the fees prescribed in NRS 642.0696.

[9:28:1909; A 1917, 66; 1931, 31; 1931 NCL § 2673] — (NRS A 1959, 850; 1961, 349; 1975, 708; 1993, 2612; 1995, 268; 1997, 2579; 2001, 414; 2003, 1270; 2015, 1956)

NRS 642.110 License: Signatures, seal and name; not transferable; display.

1. All licenses shall be signed by the 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 A 2015, 1956)

NRS 642.115 License: Inactive status; reactivation.

1. Upon written request to the Board and payment of the fee prescribed in NRS 642.0696, a person who is licensed to practice the profession of embalming in this State and who is a licensee in good standing may have his or her license placed on inactive status. A licensee whose license has been placed on inactive status shall not engage in the practice of the profession of embalming during the period in which the license is inactive.
2. If a licensee wishes to resume the practice of the profession of embalming, the Board shall reactivate the license upon the:
   (a) Demonstration, if deemed necessary by the Board, that the licensee is qualified and competent to practice;
   (b) Completion of an application; and
   (c) Payment of the fee for the renewal of the license and any other fees related to the reactivation of the license.
3. A licensee is not required to pay the fee for the renewal of his or her license or any fees or penalties related to the renewal of the license for any year during the period in which the license was inactive.

(Added to NRS by 1997, 2577; A 2003, 1270)

NRS 642.120 Renewal of license: Fees; required information; continuing education.

1. If a licensee wishes to renew his or her license, the Board shall renew the license, except for cause, if the licensee complies with the provisions of this section.
2. The renewal fee prescribed in NRS 642.0696 and all information required to complete the renewal are due on January 1 of each even-numbered year. If the renewal fee is not paid or all required information is not submitted by February 1 of that even-numbered year, a fee for the late renewal of the license will be added to the renewal fee, and in no case will the fee for late renewal be waived.
3. Upon receipt of the renewal fee, all required information and any fee for late renewal imposed pursuant to subsection 2, the Board shall issue a renewal certificate to the licensee.
4. A person licensed as an embalmer must complete 12 hours of continuing education in a field relevant to the funeral industry before renewal of his or her license and maintain proof of completion of those hours for a period of 5 years.
5. A person licensed as both a funeral director and embalmer must complete a combined total of 12 hours of continuing education courses to renew both licenses.
6. The Board may request proof of completion of the continuing education required pursuant to this section before renewing a license as an embalmer.

[Part 5:28:1909; A 1931, 31; 1949, 142; 1943 NCL § 2669] — (NRS A 1959, 850; 1975, 708; 1995, 268; 1997, 2159; 2003, 1271; 2005, 2768, 2807; 2015, 1951, 1956)

Disciplinary and Other Actions

NRS 642.130 Grounds. The following acts are grounds for which the Board may take disciplinary action against a person who is licensed to practice the profession of embalming pursuant to this chapter or refuse to issue such a license to an applicant therefor:

1. Gross incompetency.
2. Unprofessional, unethical or dishonest conduct.
3. Having an alcohol use disorder.
4. Fraud or misrepresentation in obtaining or attempting to obtain a license to practice the profession of embalming.
5. Employment by the licensee of persons commonly known as "cappers," "steerers" or "solicitors," or of other persons to obtain funeral directing, funeral arranging or embalming business.
6. Malpractice.
7. Gross immorality.
8. The unlawful use of any controlled substance.
9. Conviction of a felony relating to the practice of embalming.
10. False or misleading advertising as defined in NRS 642.5172, or false or misleading statements in the sale of merchandise or services.
11. Refusal to surrender promptly the custody of a dead human body upon the request of a person who is legally entitled to custody of the body.
12. Violation by the licensee of any provision of this chapter, any regulation adopted pursuant thereto, any order of the Board or any other law of this State relating to the practice of any of the professions regulated by the Board.
13. The theft or misappropriation of money in a trust fund established and maintained pursuant to chapter 689 of NRS.

[Part 3:28:1909; A 1917, 66; 1919 RL § 4447; NCL § 2667] — (NRS A 1993, 2612; 1997, 2579; 2003, 1271, 2717; 2015, 1956)

NRS 642.135 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline deemed public records.

1. If the Board determines that a person who is licensed to practice the profession of embalming pursuant to this chapter has committed any of the acts set forth in NRS 642.130, the Board may:
   (a) Refuse to renew the license;
   (b) Revoke the license;
   (c) Suspend the license for a definite period or until further order of the Board;
   (d) Impose a fine of not more than $5,000 for each act which 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 this section.
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, 2576; A 2003, 3461)

APPRENTICE EMBALMERS

NRS 642.180 Certificate of registration required for apprentice; full-time employment required for credit for apprenticeship.

1. No person may serve as an apprentice under a licensed embalmer or attempt to serve as an apprentice to a licensed embalmer without first having procured from the Board a certificate of registration as a registered apprentice.
2. Registered apprentices must be regularly employed as full-time employees to receive apprenticeship credit.

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

NRS 642.190 Qualifications of applicant. Each applicant for a certificate of registration as a registered apprentice must:

1. Be of good moral character and possess temperate habits;
2. Be at least 18 years of age;
3. Fulfill the requirements set forth in this chapter to be a registered apprentice;
4. Present an affidavit from his or her preceptor that such applicant shall enter upon his or her duties as soon as the certificate is granted; and
5. Pay any fees related to the application.

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

NRS 642.200 Academic qualifications of applicant.

1. Each applicant for a certificate of registration as a registered apprentice shall furnish proof that he or she is a high school graduate and has completed 2 academic years of instruction by taking 60 semester or 90 quarter hours at an accredited college or university. Credits earned at an embalming college or a school of mortuary science do not fulfill this requirement.
2. Such proof must be furnished before the applicant may be issued a certificate of registration as a registered apprentice.

(Added to NRS by 1959, 842; A 1975, 708; 1999, 942; 2003, 1272)

NRS 642.210 Filing of application; date when apprenticeship commences.

1. An applicant for a certificate of registration as a registered apprentice shall immediately notify 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 Board, and no applications may be accepted antedated.

(Added to NRS by 1959, 842; A 2003, 1272; 2015, 1957)

NRS 642.220 Fees; apprentice card.

1. Each registered apprentice must pay:

(a) The annual fee prescribed in NRS 642.0696; and

(b) Any other fees prescribed in NRS 642.0696.

2. Each registered apprentice shall carry an apprentice card certified by the Secretary of the Board.

(Added to NRS by 1959, 843; A 1975, 709; 1995, 269; 2003, 1272)

NRS 642.230 Registration with Board; notice of change of instructor. Apprentices shall be registered with 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 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; A 2015, 1957)

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 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; 2015, 1957)

NRS 642.250 Licensed embalmer prohibited from employing unregistered apprentice; limitation on number of apprentices.

1. No licensed embalmer may permit any person in his or her employ or under his or her supervision or control to serve the embalmer as an apprentice unless such person has a certificate of registration as a registered apprentice.

2. A licensed embalmer may have no more than one registered apprentice serving under him or her at any one time.

(Added to NRS by 1959, 842; A 2003, 1273)

NRS 642.260 Conditions for embalming by apprentice. All embalming of any nature whatsoever performed by a registered apprentice shall be done in the place of business owned or conducted by the registered apprentice's preceptor or where the preceptor is employed, and must be in the presence of the preceptor or preceptors, and under the personal supervision of the preceptor or preceptors.

(Added to NRS by 1959, 843)

NRS 642.270 Certain advertising or representations by apprentice prohibited. No registered apprentice as such may advertise or hold himself or herself out as a licensed embalmer, or use any title or abbreviation indicating that the registered apprentice is an embalmer, undertaker, mortician or funeral director.

(Added to NRS by 1959, 843; A 2003, 1273)

NRS 642.280 Posting of certificate. Each registered apprentice shall have his or her certificate of registration posted in a conspicuous place in his or her preceptor's place of business.

(Added to NRS by 1959, 843; A 2003, 1273)

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 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.

(Added to NRS by 1959, 843; A 2003, 1273; 2015, 1957)

NRS 642.300 Expiration of certificate; limitations on length of apprenticeship.

1. Notwithstanding the provisions of NRS 642.069, a certificate of registration expires 1 year after the date of issuance of the certificate by the Board, unless the certificate is renewed in accordance with the regulations adopted by the Board.

2. No person may hold a certificate of registration as a registered apprentice entitling the person to practice the occupation of an embalmer's apprentice under a licensed embalmer more than 2 consecutive years without successfully passing the examination for a license to practice the profession of embalming pursuant to NRS 642.090.

(Added to NRS by 1959, 842; A 1975, 709; 1993, 2613; 2003, 1273; 2015, 1957)

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 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; 2015, 1958)

NRS 642.320 Requirements for apprentice to become licensed embalmer: Application for licensure. All registered apprentices shall file applications for licenses to practice the profession of embalming within 12 months after they have completed the required 1 year of apprenticeship. Failure to do so automatically revokes the certificate of registration.

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

NRS 642.330 Requirements for apprentice to become licensed embalmer: Completion of instruction.

1. 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 have completed instruction in an accredited and approved embalming college or school of mortuary science, as prescribed by NRS 642.080.

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

(Added to NRS by 1959, 843; A 1961, 349; 1975, 709; 2003, 1273)

FUNERAL ESTABLISHMENTS, DIRECT CREMATION FACILITIES, FUNERAL DIRECTORS AND FUNERAL ARRANGERS

NRS 642.340 Funeral directors: License required to engage in or hold out as engaging in business of funeral director; place of business.

1. A person shall not engage in or conduct, or hold himself or herself out as engaging in or conducting, the business of a funeral director unless the person is licensed as a funeral director by the Board.

2. The business of a funeral director must be conducted and engaged in at a funeral establishment or direct cremation facility.

(Added to NRS by 1959, 843; A 1993, 2613; 1995, 269; 2015, 1958)

NRS 642.345 Funeral directors: Management of funeral establishment or direct cremation facility prohibited without approval of Board; responsibilities.

1. A funeral director shall not manage a funeral establishment or direct cremation facility unless the funeral director has been approved by the Board to manage the funeral establishment or direct cremation facility.

2. If a funeral director manages more than one funeral establishment or direct cremation facility, the funeral director must obtain approval from the Board for each funeral establishment or direct cremation facility that he or she manages.

3. A funeral director is responsible for the proper management of each funeral establishment or direct cremation facility of which the funeral director is the manager.

(Added to NRS by 1999, 941; A 2015, 1958)

NRS 642.350 Funeral directors: Renewal of license issued on or before July 1, 1959. Any funeral director who, on July 1, 1959, is engaged in or conducting the business of a funeral director, at a fixed place or establishment in this State, must be issued a license upon application therefor made within 30 days after July 1, 1959, and may continue in business for the remainder of the year. Notwithstanding the provisions of NRS 642.069, such a funeral director may have the license renewed annually upon payment of such renewal fees as are required by NRS 642.420.

(Added to NRS by 1959, 845; A 1993, 2613; 2015, 1958)

NRS 642.360 Funeral directors: Application for license; qualifications of applicant; examination of certain applicants; fees.

1. An application for a funeral director's license must be in writing and verified on a form provided by the Board.

2. Each applicant must be over 18 years of age and of good moral character.

3. Except as otherwise provided in subsection 4, each applicant for a funeral director's license must pass an examination given by the Board upon the following subjects:

(a) The signs of death.

(b) The manner by which death may be determined.

(c) The laws governing the preparation, burial and disposal of dead human bodies, and the shipment of bodies of persons who have died from infectious or contagious diseases.

(d) Local health and sanitary ordinances and regulations relating to funeral directing and embalming.

(e) Federal regulations governing funeral practices.

(f) The laws and regulations of this State relating to funeral directing, funeral arranging and embalming.

4. An applicant who has passed the national examination given by the International Conference of Funeral Service Examining Boards is not required to take any portion of the examination set forth in subsection 3 that repeats or duplicates a portion of the national examination.

5. An applicant for a funeral director's license whose application is submitted on or after January 1, 2016, must have completed, before submission of the application, 1 year of active practice as a funeral arranger in this State. This requirement may be waived by the Board if the applicant has held a license as a funeral director in another state for at least 1 year before submitting his or her application for a funeral director's license in this State.

6. An application for a funeral director's license must be accompanied by the application fee and the examination fee prescribed in NRS 642.0696.

(Added to NRS by 1959, 844; A 1975, 709; 1993, 2613; 1995, 269; 2001, 414; 2003, 1274; 2015, 1958)

NRS 642.361 Funeral arrangers: License required to engage in or hold out as engaging in business of funeral arranger; place of business; exceptions.

1. A person shall not engage in or conduct, or hold himself or herself out as engaging in or conducting, the business of a funeral arranger unless the person is licensed as a funeral arranger by the Board.

2. The business of a funeral arranger must be conducted and engaged in at a funeral establishment or a direct cremation facility.

3. A person holding a valid license as a funeral director or embalmer in this State is not required to be licensed as a funeral arranger pursuant to this section.

(Added to NRS by 2015, 1950)

NRS 642.362 Funeral arrangers: Application for license; qualifications of applicant; examination; fees.

1. An application for a license as a funeral arranger must be submitted to the Executive Director of the Board on a form and in a manner prescribed by the Board.

2. Each applicant for a license as a funeral arranger must:

(a) Be at least 18 years of age; and

(b) Be of good moral character.

3. Each applicant for a license as a funeral arranger must, before being issued a license, pass an examination, prescribed by the Board, on the following subjects:

(a) The laws governing the preparation, burial and disposal of dead human bodies and the shipment of bodies of persons who have died from infectious or contagious diseases;

(b) Local health and sanitary ordinances and regulations relating to funeral practices;

(c) Federal regulations governing funeral practices; and

(d) The laws and regulations of this State relating to funeral practices.

4. Each application for a license as a funeral arranger must be accompanied by the application fee and the examination fee prescribed in NRS 642.0696.

(Added to NRS by 2015, 1950)

NRS 642.363 Funeral establishments: Permit required before operation; separate permit required for each establishment.

1. The owner of a funeral establishment shall not operate or allow another person to operate the establishment unless the owner has been issued a permit by the Board to operate the funeral establishment.

2. If a person owns more than one funeral establishment, the person must submit an application and obtain a permit for each funeral establishment he or she owns.

(Added to NRS by 1995, 266)

NRS 642.365 Funeral establishments: Application for permit; qualifications of applicant; requirements; fee.

1. An application for a permit to operate a funeral establishment must be in writing and be verified on a form provided by the Board.

2. Each applicant must:

(a) Be of good moral character; and

(b) Be at least 18 years of age.

3. The funeral establishment for which the applicant is requesting the permit must be constructed, equipped and maintained in the manner described in NRS 642.016.

4. Each application must be accompanied by the application fee prescribed in NRS 642.0696.

(Added to NRS by 1995, 266; A 2003, 1274; 2015, 1959)

NRS 642.367 Direct cremation facilities: Permit required for operation; separate permit required for each facility.

1. The owner of a direct cremation facility located in this State shall not operate or allow another person to operate the facility unless the owner holds a valid permit issued by the Board to operate the direct cremation facility.

2. If a person owns more than one direct cremation facility, the person must submit an application and obtain a permit for the operation of each direct cremation facility that he or she owns that is located in this State.

(Added to NRS by 2015, 1950)

NRS 642.368 Direct cremation facilities: Application for permit; qualifications of applicant; fee; inspection of facility.

1. An application for a permit to operate a direct cremation facility must be submitted to the Executive Director of the Board, on a form and in a manner prescribed by the Board.

2. Each applicant for a permit to operate a direct cremation facility must:

(a) Be at least 18 years of age; and

(b) Be of good moral character.

3. Each application must be accompanied by the application fee prescribed in NRS 642.0696.

4. The Board may conduct a physical inspection of a direct cremation facility before, and as a condition of, the issuance of a permit to operate a direct cremation facility.

(Added to NRS by 2015, 1950)

NRS 642.410 Time limited for granting or refusal of application. Every application shall be granted or refused within 90 days from the date of filing of such application in case a hearing is held.

(Added to NRS by 1959, 845)

NRS 642.416 Renewal of license as funeral director: Continuing education.

1. A person licensed as a funeral director must complete 12 hours of continuing education in a field relevant to the funeral industry before renewal of his or her license and maintain proof of completion of those hours for a period of 5 years.

2. A person licensed as both a funeral director and embalmer must complete a combined total of 12 hours of continuing education courses to renew both licenses.

3. The Board may request proof of completion of the continuing education required pursuant to this section before renewing a license as a funeral director.

(Added to NRS by 2015, 1951)

NRS 642.420 Renewal of license: Fee. Each licensed funeral director and each person who is licensed as a funeral arranger shall pay the fee prescribed in NRS 642.0696 for the renewal of the license.

(Added to NRS by 1959, 845; A 1975, 710; 1995, 270; 2003, 1275; 2015, 1960)

NRS 642.430 Renewal of license: Notice; late renewal fee; issuance of renewal certificate.

1. The Board shall mail, on or before January 1 of each even-numbered year, to each licensed funeral director and each person licensed as a funeral arranger, addressed to such licensee at his or her last known address, a notice that the renewal fee is due and that if the renewal fee is not paid by February 1 of that even-numbered year, a fee for the late renewal of the license will be added to the renewal fee, and in no case will the fee for late renewal be waived.

2. Upon receipt of the renewal fee, all information required to complete the renewal and any fee for late renewal imposed pursuant to subsection 1, the Board shall issue a renewal certificate to the licensee.

(Added to NRS by 1959, 845; A 1975, 710; 1993, 2614; 1995, 270; 1997, 2159; 2003, 1275; 2005, 2769, 2807; 2015, 1960)

NRS 642.435 Renewal of permit: Fee; unannounced inspection; notice; late renewal fee; issuance of renewal certificate.

1. Each person who is issued a permit to operate a funeral establishment or direct cremation facility must pay the fee prescribed in NRS 642.0696 for the renewal of the permit.

2. The Board shall, before renewing a permit to operate a funeral establishment or direct cremation facility, make an unannounced inspection of the establishment or facility for which the permit was issued to ensure compliance, if applicable, with:

(a) The laws governing the preparation, burial and disposal of dead human bodies, and the shipment of bodies of persons who have died from infectious or contagious diseases;

(b) Local health and sanitary ordinances and regulations relating to funeral directing and embalming; and

(c) Federal regulations governing funeral practices.

➥ Each person who is issued a permit to operate a funeral establishment or direct cremation facility shall be deemed to have consented to such an inspection as a condition for the issuance of the permit.

3. The Board shall, on or before January 1 of each even-numbered year, mail to each holder of a permit to operate a funeral establishment or direct cremation facility a notice that the renewal fee for the permit is due and that if the renewal fee is not paid by February 1 of that even-numbered year, a penalty will be added to the renewal fee, and in no case will the penalty be waived.

4. Upon receipt of the renewal fee and any penalties imposed by the Board pursuant to subsection 3, the Board shall issue a renewal certificate to the holder of the permit.

(Added to NRS by 1995, 267; A 2003, 1275; 2015, 1960)

NRS 642.440 Reinstatement of lapsed license. When a licensed funeral director or funeral arranger has for any reason allowed the license to lapse, the Board may reinstate such license if application therefor is made within a period of 3 years from the time of the lapse and is accompanied by:

1. All fees, including penalties, from the time of the lapse to date of reinstatement; and
2. All information required to complete the reinstatement.

(Added to NRS by 1959, 845; A 1997, 2159; 2005, 2769, 2807)

NRS 642.450 Special temporary license issued to legal representative of deceased funeral director: Limitations and conditions.

1. In case of the death of a licensed funeral director who leaves a funeral establishment or direct cremation facility as part or all of his or her estate, the Board may issue to the legal representative of the deceased funeral director, if the legal representative is of good moral character, a special temporary license as a funeral director for the duration of the administration of the estate, but in no case to exceed 1 year, notwithstanding the provisions of NRS 642.069.
2. The fees for the application, issuance and renewal of a special temporary license and any other fees related to the special temporary license and the time for payment of such fees must be the same as those required for regular licenses.

(Added to NRS by 1959, 844; A 1975, 710; 1995, 270; 2003, 1276; 2015, 1960)

NRS 642.455 Placement of license on inactive status; reactivation.

1. Upon written request to the Board and payment of the fee prescribed in NRS 642.0696, a person who holds a funeral director's license or a license as a funeral arranger and who is a licensee in good standing may have the license placed on inactive status. A licensee whose license has been placed on inactive status shall not engage in the business of funeral directing or funeral arranging during the period in which the license is inactive.
2. If a licensee wishes to resume the business of funeral directing or funeral arranging, the Board shall reactivate the license upon the:
   (a) Demonstration, if deemed necessary by the Board, that the licensee is qualified and competent to practice;
   (b) Completion of an application; and
   (c) Payment of the fee for the renewal of the license and any other fees related to the reactivation of the license.
3. A licensee is not required to pay the fee for the renewal of his or her license or any fees or penalties related to the renewal of the license for any period in which the license was inactive.

(Added to NRS by 1997, 2577; A 2003, 1276; 2015, 1961)

NRS 642.460 Contents and display of license. Each funeral director's license and each license as a funeral arranger must specify the name of the licensee and be displayed conspicuously in the place of business or employment of the licensee.

(Added to NRS by 1959, 845; A 1995, 271; 2015, 1961)

NRS 642.465 Contents and display of permit; operation and advertisement of funeral establishment or direct cremation facility by person named on permit; maintenance of facility; no prohibition on embalming at central location.

1. Each permit to operate a funeral establishment or direct cremation facility must be issued in the name under which the establishment or facility will conduct business, specify the name of the owner of the establishment and be displayed conspicuously in the funeral establishment or direct cremation facility for which it was issued.
2. A funeral establishment or direct cremation facility must not be operated or advertised as being operated under any name other than the name under which the funeral establishment or direct cremation facility conducts business as it appears on the permit.
3. Each funeral establishment and direct cremation facility which has been issued a permit by the Board pursuant to this chapter or chapter 451 or 452 of NRS shall maintain its facilities in a sanitary and professional manner.
4. Each funeral establishment and direct cremation facility which has been issued a permit by the Board pursuant to this chapter or chapter 451 or 452 of NRS must have a licensed funeral director to manage the establishment or facility in accordance with the provisions of NRS 642.345, and the name of the funeral director must be specified on the permit issued to the funeral establishment or direct cremation facility, as applicable.
5. Any advertising, including, without limitation, signage, for a direct cremation facility must specify that the facility is limited to providing direct cremation services.
6. Nothing in this chapter or chapter 451 or 452 of NRS shall be construed as prohibiting embalming from occurring at a central location.

(Added to NRS by 1995, 266; A 2015, 1961)

ADDITIONAL PROVISIONS GOVERNING LICENSES, PERMITS AND CERTIFICATES; DISCIPLINARY AND OTHER ACTIONS

Issuance of Licenses, Permits and Certificates

NRS 642.511 Submission of fingerprints required with application. An applicant for any license, permit or certificate issued by the Board must submit as part of his or her application a complete set of fingerprints and written permission authorizing

the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(Added to NRS by 2015, 1951)

NRS 642.512 Moral character of applicant. Each applicant for a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS must furnish proof satisfactory to the Board that the applicant is of good moral character.

(Added to NRS by 1959, 844; A 1995, 269; 2015, 1959) — (Substituted in revision for NRS 642.370)

NRS 642.513 Investigation by Board of character of applicant. Upon receipt of an application for a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS, the Board shall cause an investigation to be made as to the character of the applicant, and may require such showing as will reasonably prove the applicant's good moral character.

(Added to NRS by 1959, 844; A 1993, 2614; 1995, 269; 1997, 510; 2003, 1275; 2015, 1959) — (Substituted in revision for NRS 642.390)

NRS 642.515 Temporary authorization for applicant to engage in regulated activities while application is pending.

1. The Board may provide for a temporary authorization for an applicant for a license, certificate or permit issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS. The temporary authorization allows an applicant who has satisfied the requirements of and paid the applicable fees for the license, certificate or permit to carry out the duties authorized by the license, certificate or permit.

2. The temporary authorization is effective during the period which begins upon issuance by the Board and ends when the Board takes action on the application for the license, certificate or permit.

(Added to NRS by 2003, 1267)

NRS 642.516 Subpoenas; hearings; requirements for issuance.

1. The Board may subpoena witnesses.

2. After a proper hearing, the Board shall issue to an applicant a license, permit or certificate, as applicable, if it finds that the applicant:

(a) Is of good moral character;

(b) Fulfills the requirements set forth in this chapter or chapter 451 or 452 of NRS, as applicable, for the license, permit or certificate; and

(c) Has paid all fees related to the application.

(Added to NRS by 1959, 845; A 1981, 102; 1995, 270; 2003, 1275; 2015, 1959) — (Substituted in revision for NRS 642.400)

Disciplinary and Other Actions

NRS 642.5172 "False or misleading advertising" defined. For the purposes of NRS 642.5175, false or misleading advertising includes:

1. Advertising the price of caskets exclusively, without stating the prices of other merchandise and services.

2. Offering service at cost plus a percentage, when the determination of the cost lies within the control of the owner of the funeral establishment or direct cremation facility or the funeral director, funeral arranger or embalmer and is not published.

3. Advertising or selling certificates of stock participation or any form of agreement which creates the impression with the purchaser, when such is not a fact, that the purchaser becomes a part owner in the advertiser's establishment or facility and is therefore entitled to special price privileges for funeral services.

4. Advertising prices below the reasonable economic cost of merchandise, service and overhead.

5. Advertising which impugns the honesty, trustworthiness or business or professional standards of competitors or which states that the prices charged by competitors are considerably higher than those charged by the advertiser, when such is not the fact.

6. Advertising which represents the advertiser to be the special defender of the public interest or which makes it appear that the advertiser is subjected to the combined attack of competitors. Such expressions as "independent," "not in trust," "not controlled by the combine" and other expressions having the same or similar import shall be deemed to be misleading unless it is shown by the advertiser that there is a "trust" or a "combine," and that other funeral establishments or funeral directors constitute a monopoly for the purpose of maintaining prices or for any other purpose. The burden of proving the existence of a "trust," "combine" or "monopoly" is upon the advertiser asserting the existence of that "trust," "combine" or "monopoly."

7. Advertising by a direct cremation facility which does not specifically indicate the limitations of the services provided.

8. Advertising under any name other than the name indicated on the permit to operate a funeral establishment or direct cremation facility.

(Added to NRS by 1959, 847; A 1995, 272; 2015, 1963) — (Substituted in revision for NRS 642.490)

NRS 642.5174 "Unprofessional conduct" defined. For the purposes of NRS 642.5175, unprofessional conduct includes:

1. Misrepresentation or fraud in the operation of a funeral establishment, direct cremation facility, cemetery or crematory, or the practice of a funeral director or funeral arranger.

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 direct cremation facility or by a 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, funeral arranger, 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, funeral arranger or embalmer.

5. The buying of business by a holder of a permit to operate a funeral establishment or direct cremation facility or by 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, funeral arranging 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 direct cremation facility or by a 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, direct cremation facility 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, chapters 440, 451 and 452 of NRS.

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 direct cremation facility, 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. Having an alcohol use disorder or the unlawful use of a controlled substance.

18. Unethical practices contrary to the public interest as determined by the Board.

(Added to NRS by 1959, 846; A 1993, 2615; 1995, 271; 2003, 1277; 2007, 402; 2015, 1962) — (Substituted in revision for NRS 642.480)

NRS 642.5175 Grounds. The following acts are grounds for which the Board may take disciplinary action against any person who holds a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS, or may refuse to issue such a license, permit or certificate 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 or funeral arrangers.

5. Conviction of a misdemeanor that is related directly to the business of a funeral establishment, direct cremation facility, cemetery or crematory.

(Added to NRS by 1959, 846; A 1993, 2614; 1995, 271; 1997, 2580; 2003, 2717; 2015, 1962) — (Substituted in revision for NRS 642.470)

NRS 642.5176 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline deemed public records.

1. If the Board determines that a person who holds a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS has committed any of the acts set forth in NRS 642.5175, the Board may:

(a) Refuse to renew the license, permit or certificate;

(b) Revoke the license, permit or certificate;

(c) Suspend the license, permit or certificate 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; 2015, 1962) — (Substituted in revision for NRS 642.473)

NRS 642.5178 Petition for revocation or suspension of license, permit or certificate.

1. A petition for the revocation or suspension of a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS may be filed by the Attorney General or by the district attorney of the county in which the funeral establishment or direct cremation facility exists or the licensee or holder of the permit or certificate resides or has practiced, or by any person residing in this State.

2. The petition must be filed with the Board and state the charges against the licensee or holder of the permit or certificate with reasonable definiteness.

(Added to NRS by 1959, 847; A 1995, 273; 2005, 797; 2015, 1964) — (Substituted in revision for NRS 642.500)

NRS 642.518 Immediate suspension of license, permit or certificate: Grounds; procedure. Notwithstanding the provisions of chapter 622A of NRS:

1. If the Board finds that probable cause exists for the revocation of a license, permit or certificate issued by the Board pursuant to the provisions of this chapter or chapter 451 or 452 of NRS, and that enforcement of the provisions of this chapter or chapter 451 or 452 of NRS requires immediate suspension of the license, permit or certificate pending an investigation, the Board may, upon 5 days' written notice and a preliminary hearing, enter an order suspending the license, permit or certificate for a period of not more than 60 days, pending a hearing upon the revocation of the license, permit or certificate.

2. For the purposes of this section, notice shall be deemed to be sufficient if the notice is personally served on the holder of the license, permit or certificate or posted at the address of the holder, as indicated in the records of the Board, at least 5 days before the preliminary hearing.

3. 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, 798)

NRS 642.521 Suspension of license, permit or certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license, permit or certificate. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS, the Board shall deem the license, permit or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license, permit or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license, permit or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license, permit or certificate that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license, permit or certificate was suspended stating that the person whose license, permit or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

(Added to NRS by 1997, 2157; A 2005, 2807; 2015, 1965)

NRS 642.523 Order of revocation or suspension of permit or license.

1. Each order of revocation or suspension of a permit to operate a funeral establishment or direct cremation facility must be entered of record and the name of the holder of the permit stricken from the roster of permits and the funeral establishment or direct cremation facility may not be operated after revocation of the permit or during the period it is suspended.

2. Each order of revocation or suspension of a funeral director's license or funeral arranger's license must be entered of record and the name of the licensee stricken from the roster of licenses and the licensee may not engage in the practice of funeral directing or funeral arranging, as applicable, after revocation of the license or during the period it is suspended.

(Added to NRS by 1959, 847; A 1995, 273; 2015, 1964) — (Substituted in revision for NRS 642.510)

NRS 642.524 Confidentiality of certain records of Board; exceptions.

1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

(Added to NRS by 2003, 3461; A 2005, 798; 2007, 2146)

JUDICIAL REVIEW

NRS 642.530 Availability of judicial review; exceptions.

1. Except as otherwise provided in subsection 2, a person may seek judicial review of any final decision of the Board that is made pursuant to the provisions of this chapter or chapter 451 or 452 of NRS. Such judicial review must be conducted as provided by law.

2. A person may not seek judicial review of any decision of the Board that orders an immediate suspension of a license, permit or certificate pursuant to NRS 642.518.

(Added to NRS by 1959, 848; A 1977, 91; 2003, 1278; 2005, 798)

NRS 642.540 Stay of decision of Board upon posting of bond pending judicial review. Notwithstanding the provisions of chapter 622A of NRS, if a holder of a license, permit or certificate seeks judicial review of the decision of the Board to revoke or suspend the license, permit or certificate, the decision of the Board must not be stayed by the proceedings on judicial review and the judicial review must not operate to restore the right of the holder of the license, permit or certificate to operate or practice pending the judicial review, unless a bond with a sufficient surety approved by the clerk of the district court is posted with the clerk, in such an amount as the district court may require, conditioned that the judicial review will be prosecuted without unnecessary delay and that, if the decision of the Board is affirmed, the holder of the license, permit or certificate will pay all costs.

(Added to NRS by 1959, 848; A 1995, 273; 2003, 1278; 2005, 799)

PROHIBITED ACTS; PENALTIES; ENFORCEMENT

NRS 642.555 Actions and remedies cumulative and not exclusive.

1. The actions and remedies authorized by this chapter are cumulative.

2. When an agency or officer elects to take a particular action or pursue a particular remedy authorized by this chapter or another specific statute, that election is not exclusive and does not preclude the agency or officer or another agency or officer from taking any other actions or pursuing any other remedies authorized by this chapter or another specific statute.

(Added to NRS by 2003, 1266)

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 440, 451 or 452 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; 2015, 1965)

NRS 642.560 Admittance of unauthorized person to certain rooms in funeral home or mortuary prohibited. No funeral director, funeral arranger or embalmer may permit any person to enter any room in any funeral home or mortuary where dead bodies are being embalmed, except licensed embalmers and their assistants, funeral directors, funeral arrangers, public officers in the discharge of their official duties, and attending physicians and their assistants, unless by direct permission of the immediate family of the deceased.

(Added to NRS by 1959, 848; A 1975, 710; 2015, 1965)

NRS 642.566 Internet sale or offer of cremation services within State. A person shall not sell or offer to sell cremation services within this State via the Internet unless the person owns a funeral establishment, crematory or direct cremation facility located within this State and is licensed pursuant to this chapter or chapter 451 of NRS.

(Added to NRS by 2015, 1950)

NRS 642.570 Prosecution of violations. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall cause the prosecution of all persons violating any provision of this chapter or chapter 451 or 452 of NRS.

[Part 3:28:1909; A 1917, 66; 1919 RL § 4447; NCL § 2667] — (NRS A 2003, 1278; 2005, 799)

NRS 642.575 Injunctive relief. The Board may bring legal proceedings to enjoin any person who violates any provision of this chapter, any regulation adopted pursuant thereto or any order of the Board from practicing the profession of embalming. Any person who is so enjoined is liable to the Board for attorney's fees and court costs.

(Added to NRS by 1993, 2610; A 2003, 1279)

NRS 642.580 Penalty for practicing embalming without license. Any person who shall practice or hold himself or herself out as practicing the profession of embalming of dead human bodies without having complied with the provisions of this chapter shall be punished by a fine of not more than $500 for each offense.

[Part 7:28:1909; RL § 4451; NCL § 2671] — (NRS A 1967, 643)

NRS 642.590 Civil penalty for taking care of disposition of dead human bodies or acting as funeral arranger without license; civil penalty for operating funeral establishment or direct cremation facility without permit; criminal penalty for giving or receiving commission to secure business.

1. Any funeral director who attempts to take care of the disposition of dead human bodies or any person who acts as a funeral arranger without having complied with the provisions of this chapter, and without being licensed pursuant to this chapter, or who continues in the business of a funeral director or continues to act as a funeral arranger after his or her license has been revoked shall be fined not more than $500. Each day that he or she is engaged in the business of a funeral director or funeral arranger is a separate offense.

2. Any owner of a funeral establishment or direct cremation facility who operates or allows another person to operate the funeral establishment or direct cremation facility without having complied with the provisions of this chapter, or who continues to operate or allow another person to operate the funeral establishment or direct cremation facility after his or her permit to operate the funeral establishment or direct cremation facility has been revoked shall be fined not more than $500. Each day that he or she operates or allows another person to operate the funeral establishment or direct cremation facility is a separate offense.

3. Any owner of a funeral establishment or direct cremation facility or a funeral director or funeral arranger, or any person acting for him or her, who pays or causes to be paid, directly or indirectly, any money or other thing of value as a commission or gratuity for the securing of business as an owner of a funeral establishment or direct cremation facility or a funeral director or funeral arranger and every person who accepts or offers to accept any money or thing of value as a commission or gratuity from an owner of a funeral establishment or direct cremation facility or a funeral director or funeral arranger to secure business for that person is guilty of a misdemeanor.

(Added to NRS by 1959, 848; A 1967, 643; 1975, 710; 1995, 274; 2015, 1965)

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[NAC-642 Revised Date: 8-19]

CHAPTER 642 - FUNERAL DIRECTORS, FUNERAL ARRANGERS AND EMBALMERS; OPERATORS OF FUNERAL ESTABLISHMENTS, DIRECT CREMATION FACILITIES, CEMETERIES AND CREMATORIES

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GENERAL PROVISIONS

NAC 642.010 Definitions. (NRS 642.063) As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 642.010 to 642.0175, inclusive, and NAC 642.015 and 642.020, have the meanings ascribed to them in those sections.

(Added to NAC by Funeral Bd. by R043-02, eff. 11-26-2003)

NAC 642.015 "Continuing education" defined. (NRS 642.063) "Continuing education" means educational experiences in the form of a workshop, seminar, lecture, conference, class, meeting of the Board or other course of instruction related to the funeral industry.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.020 "Hour of continuing education" defined. (NRS 642.063) "Hour of continuing education" means 50 minutes of participation in continuing education.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.030 Funeral establishment: "Inventory of funeral caskets" interpreted. (NRS 642.016, 642.063) The Board interprets the term "inventory of funeral caskets," as used in NRS 642.016, to mean an inventory that consists of one or more of the following:

1. A complete, full-size funeral casket.
2. A partial funeral casket, or cross section of a funeral casket, that:

(a) Is executed in the same scale as a full-size casket; and

(b) Includes a portion of a complete casket, and each significant feature or component thereof, sufficient to provide a prospective purchaser with information that is reasonably equivalent to that obtainable from inspection of a complete casket.

3. Photographs of one or more caskets available for viewing in the display room by means of a catalog or connection to the Internet.

(Added to NAC by Funeral Bd. by R021-04, eff. 10-31-2005)

NAC 642.035 Funeral Directors: "Manage" interpreted. (NRS 642.063) For the purposes of NRS 642.465, the Board interprets the term "manage" to not include the management of administrative matters, including, without limitation, issues relating to budgeting, accounting, personnel matters and routine clerical matters.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.040 Apprentice embalmers: "Full-time employees" interpreted. (NRS 642.063, 642.180) The Board interprets the term "full-time employees," as used in NRS 642.180, to mean employees who work not less than 32 hours a week.

(Added to NAC by Funeral Bd. by R021-04, eff. 10-31-2005) — (Substituted in revision for NAC 642.300.)

NAC 642.050 Recusal of Board member from proceedings of Board; disclosure required. (NRS 642.063)

1. In addition to any requirements for recusal set forth in chapter 281A of NRS, a member of the Board must recuse himself or herself from proceedings of the Board involving a matter in which the member of the Board:

(a) Has a conflict of interest;

(b) Is unable to participate in a fair and impartial manner; or

(c) Was active in any part of an investigation of the matter.

2. A member of the Board must disclose the reason for the recusal before the Board's discussion of the matter. Upon recusal, the member of the Board may not participate in the Board's discussion of the matter or vote on the matter.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016; A by R086-18, 12-19-2018)

LICENSES, PERMITS AND CERTIFICATES

NAC 642.080 Temporary authorization to engage in certain regulated activities while application is pending: Issuance; scheduling of application for action by Board. (NRS 642.063, 642.515)

1. The Chair of the Board will issue a temporary authorization pursuant to NRS 642.515, on behalf of the Board, if the applicant meets the requirements of that section and is applying for:

(a) Approval to manage a funeral establishment or direct cremation facility pursuant to NRS 642.345;

(b) A permit to operate a direct cremation facility pursuant to NRS 642.368;

(c) A permit to operate a funeral establishment pursuant to NRS 642.365; or

(d) A license as an operator of a crematory pursuant to NRS 451.635.

2. The application of an applicant who is issued a temporary authorization pursuant to this section must be placed on the agenda of the meeting of the Board next following the approval of the temporary authorization for action by the Board.

(Added to NAC by Funeral Bd. by R043-02, eff. 11-26-2003; A by Funeral and Cemetery Svcs. Bd. by R067-15, 11-2-2016)

NAC 642.085 Initial assessment of applicant's good moral character; consideration of aggravating or mitigating factors after initial assessment. (NRS 642.035)

1. In determining whether an applicant is of good moral character for the purpose of the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS, the Board will establish an initial assessment that the person is of good moral character if the person:

(a) Has never been convicted in a court of competent jurisdiction of a category A or B felony;

(b) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, been convicted in a court of competent jurisdiction of a gross misdemeanor or category C, D or E felony;

(c) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, been convicted in a court of competent jurisdiction of a misdemeanor that has a reasonable relationship to the person's license, permit or certificate;

(d) Is not currently incarcerated or on parole or probation after a period of imprisonment in a local, state or federal penal institution;

(e) Has not engaged in fraud or misrepresentation in connection with an application for issuance of a license, permit or certificate issued pursuant to chapter 451, 452 or 642 of NRS or an examination required for issuance of the license, permit or certificate;

(f) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, had a license, permit or certificate revoked by the Board or by the funeral services licensing authority of any other jurisdiction;

(g) Does not currently hold a suspended license, permit or certificate or has not, within the 2 years immediately preceding the date of application for the issuance of the license, permit or certificate, had a license, permit or certificate suspended by the Board or by the funeral services licensing authority of any other jurisdiction, unless the suspension is pending final adjudication;

(h) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, surrendered a license, permit or certificate to the Board or the funeral licensing authority of any other jurisdiction in lieu of disciplinary action; and

(i) Has not practiced funeral directing or embalming without a license in this State or any other jurisdiction that requires licensure to perform those activities.

2. After establishing an initial assessment regarding whether an applicant is of good moral character, the Board will consider any aggravating or mitigating factors to determine whether the applicant is of good moral character for the purpose of the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.090 Funeral director's license: Transfer to different funeral establishment or direct cremation facility. (NRS 642.063**,** 642.345**)**

1. A person who is licensed as a funeral director may apply to the Board for approval to transfer the person's license from the funeral establishment or direct cremation facility which he or she has been approved to manage to a different funeral establishment or direct cremation facility.

2. An application submitted pursuant to this section must be on a form provided by the Board and must be accompanied by:

(a) Payment or proof of payment of the renewal fee or the transfer fee set forth in NRS 642.0696; and

(b) Proof satisfactory to the Board that the funeral establishment or direct cremation facility to which the applicant wishes to transfer has a valid permit to operate a funeral establishment or direct cremation facility.

3. Upon receipt and approval of the items described in subsection 2, the Board will approve a transfer pursuant to this section.

4. Upon approval by the Board of a transfer pursuant to this section, the applicant may not manage the funeral establishment or direct cremation facility from which the applicant's license was transferred unless he or she has otherwise been approved by the Board to manage more than one funeral establishment or direct cremation facility pursuant to subsection 2 of NRS 642.345.

(Added to NAC by Funeral Bd. by R043-02, eff. 11-26-2003; A by Funeral and Cemetery Svcs. Bd. by R067-15, 11-2-2016)

NAC 642.095 Permit or license to operate funeral establishment, direct cremation facility or crematory: Transfer of business to another location; inspection of new location. (NRS 642.063**)**

1. If the holder of a permit or license, as applicable, to operate a funeral establishment, direct cremation facility or crematory wishes to transfer his or her established place of business to another location, the holder of the permit or license must:

(a) Notify the Board at least 30 days before changing the location of the funeral establishment, direct cremation facility or crematory;

(b) Apply to the Board on a form prescribed by the Board for a transfer of the permit or license to the new location; and

(c) Pay the applicable fee prescribed in NRS 642.0696.

2. The Board will cause the premises of the new location to be inspected within 30 days after the receipt of notification pursuant to subsection 1 and before approving the transfer of the permit or license to the new location and issuing a revised permit or license indicating that the funeral establishment, direct cremation facility or crematory is being operated at the new location.

3. The holder of the permit or license must not conduct business at the new location until he or she has been issued a revised permit or license by the Board indicating that the funeral establishment, direct cremation facility or crematory is being operated at the new location.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.100 License to operate crematory: Payment of fees for renewal; application for renewal not accepted after March 1 of even-numbered years. (NRS 642.063**,** 642.069**)**

1. On or before January 1 of each even-numbered year, a person who is licensed to operate a crematory pursuant to chapter 451 of NRS shall pay the fee set forth in NRS 642.0696 to renew his or her license. If the person does not pay the required fee before February 1 of that even-numbered year, the licensee shall pay the late fee set forth in NRS 642.0696 in addition to the renewal fee.

2. The Board will not accept an application for the renewal of a license to operate a crematory submitted after March 1 of an even-numbered year.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95; A by Funeral Bd. by R043-02, 11-26-2003; A by Funeral and Cemetery Svcs. Bd. by R067-15, 11-2-2016)

NAC 642.103 Permit to operate funeral establishment or direct cremation facility: Application for renewal not accepted after March 1 of even-numbered years. (NRS 642.063**)** The Board will not accept an application for renewal of a permit to operate a funeral establishment or direct cremation facility submitted after March 1 of an even-numbered year.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.110 Certificate of authority to operate cemetery: Payment of fees for renewal; application for renewal not accepted after March 1 of even-numbered years. (NRS 642.063**,** 642.069**)**

1. On or before January 1 of each even-numbered year, a person who holds a certificate of authority to operate a cemetery issued pursuant to chapter 452 of NRS shall pay the fee set forth in NRS 642.0696 to renew the certificate. If he or she does not pay the required fee before February 1 of that even-numbered year, the holder of the certificate shall pay the late fee set forth in NRS 642.0696 in addition to the renewal fee.

2. The Board will not accept an application for the renewal of a certificate of authority to operate a cemetery submitted after March 1 of an even-numbered year.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95; A by Funeral Bd. by R043-02, 11-26-2003; A by Funeral and Cemetery Svcs. Bd. by R067-15, 11-2-2016)

NAC 642.112 Registered apprentice embalmer: Failure to pass examination for licensure within required time frame; reapplication for registration after required waiting period. (NRS 642.063**)**

1. A person who holds a certificate of registration as a registered apprentice and does not successfully pass the examination for a license to practice the profession of embalming within a period of 2 consecutive years as required by NRS 642.300 must wait at least 1 year after the expiration of that period before reapplying for a new certificate of registration as a registered apprentice pursuant to NRS 642.190.

2. The Board will not give a person any credit toward the 1 year of apprenticeship required for a license to practice the profession of embalming for any time spent on the initial apprenticeship described in subsection 1.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.114 Reinstatement of lapsed license; reapplication required under certain circumstances. (NRS 642.063**)** If a funeral arranger, funeral director or embalmer has for any reason allowed his or her license as a funeral arranger, funeral director or embalmer, respectively, to lapse:

1. For a period of not more than 3 years, the Board may reinstate the license:

(a) Of a funeral director as provided in NRS 642.440.

(b) Of a funeral arranger or embalmer in the same manner as provided for a funeral director in NRS 642.440.

2. For a period of more than 3 years, the funeral arranger, funeral director or embalmer must reapply for a license as a new applicant unless the license of the funeral arranger, funeral director or embalmer has been placed on inactive status.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.116 Funeral directors: Requirements for management of funeral establishment or direct cremation facility; exception. (NRS 642.063**)**

1. Except as otherwise provided in subsection 4, the Board will not grant the approval required by NRS 642.345 for a funeral director to manage a funeral establishment or direct cremation facility unless the funeral director will be reasonably available at the funeral establishment or direct cremation facility during regular business hours. For the purposes of this subsection, a funeral director is presumed to be reasonably available at the funeral establishment or direct cremation facility if the funeral director resides not more than 120 miles from the premises of the funeral establishment or direct cremation facility.

2. Except as otherwise provided in subsection 4, the Board will not grant the approval required by NRS 642.345 for a funeral director to manage more than one funeral establishment or direct cremation facility unless the premises of each funeral establishment or direct cremation facility are located less than 120 miles apart.

3. Except as otherwise provided in subsection 4, the Board will not grant approval for a funeral director to manage more than a total of three places of business, including each funeral establishment and direct cremation facility managed by the funeral director.

4. The Board may grant an exception to the provisions of this section if the Board determines that such an exception is in the best interests of the public.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.117 Board shall deem incomplete application withdrawn after 2 years. (NRS 642.063**)** The Board will consider an application for the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS to be withdrawn if the Board has not received the information and fees required to complete the application within 2 years after the date on which the application is first submitted to the Board.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.118 Change of name on license, permit or certificate; fee. (NRS 642.063**)** If the name of a holder of a license, permit or certificate issued by the Board pursuant to chapter 451, 452 or 642 of NRS is changed, the licensee, permittee or holder of the certificate must:

1. Apply to the Board for a revised license, permit or certificate on a form prescribed by the Board; and

2. Pay the applicable fee prescribed in NRS 642.0696.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

CREMATORY CERTIFICATION PROGRAMS; CONTINUING EDUCATION

NAC 642.130 Certification program: Requirements for approval; training program may be approved; period of validity. (NRS 642.063**)**

1. The Board will approve a crematory certification program as required pursuant to NRS 451.635 if the program:

(a) Is at least 6 hours in length;

(b) Is offered on a national level by persons who are generally recognized as having expertise in the field of crematory services; and

(c) Includes, at a minimum, instruction in:

(1) Best practices relating to crematory services;

(2) Terminology relevant to crematory services;
(3) The principles of combustion;
(4) The operation of crematory equipment; and
(5) The filing of forms and other duties concerning keeping a record relating to crematory services.

2. The Board may approve a training program provided by a manufacturer of crematory equipment as a crematory certification program only if the training program satisfies the requirements of subsection 1.

3. If the Board approves a crematory certification program pursuant to this section, the approval is valid for 5 years.

4. A person who physically operates the crematory equipment in a crematory is not required to complete a crematory certification program approved by the Board pursuant to this section more than once.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.140 Circumstances under which continuing education is automatically approved; application for approval of other courses; credit for completion of certification program or attendance at Board meeting; maintenance of proof of completion; audit by Board during period of renewal; exemption; excess credits do not carry over; disciplinary proceedings authorized for failure to provide proof of completion. (NRS 642.063**,** 642.115**,** 642.120**,** 642.416**,** 642.455**)**

1. The hours of continuing education completed to fulfill the requirements set forth in NRS 642.120 and 642.416 do not need to be submitted to the Board for approval and are automatically approved if the continuing education is:

(a) Approved by the Academy of Professional Funeral Service Practice;
(b) Sponsored by a national or state organization or association that administers training relating to the funeral industry; or
(c) Offered by a provider of continuing education who is approved by the Board.

2. Any continuing education that does not satisfy the requirements set forth in subsection 1 must be approved by the Board. Such approval may be obtained by applying to the Board on a form prescribed by the Board which includes, without limitation:

(a) An outline of the course;
(b) The qualifications of each presenter; and
(c) An agenda detailing the dates and times of each segment of the continuing education.

3. A licensee may obtain credit toward the required hours of continuing education by completing a crematory certification program approved by the Board pursuant to NAC 642.130.

4. A licensee may complete not more than 4 hours of continuing education per each period of renewal by attending, in person, a meeting of the Board if the Executive Director or a member of the Board provides the licensee at the conclusion of the meeting signed documentation of the licensee's attendance at that meeting.

5. Pursuant to NRS 642.120 and 642.416, proof of completion of continuing education must be maintained by the licensee for 5 years.

6. The Board will audit a percentage of licensees during each period of renewal by requiring those licensees to submit proof of completion of the required hours of continuing education before the Board issues a renewal of the licenses of those licensees.

7. Any licensee whose license is placed on inactive status is exempt from the requirements of continuing education while the license is placed on inactive status. If such a licensee subsequently wishes to reactivate his or her license pursuant to NRS 642.115 or 642.455, the licensee must provide proof to the Board of completion of 12 hours of continuing education within the 2 years immediately preceding the date of application for reactivation of the license.

8. Any hours of continuing education completed during a renewal period which are in excess of the number of hours required to comply with the requirements of NRS 642.120 or 642.416 do not carry over to any subsequent renewal period.

9. The Board may initiate disciplinary proceedings against a licensee pursuant to NRS 642.130 or 642.5175, based on the failure of the licensee to provide, upon request, proof of completion of continuing education as required by NRS 642.120 and 642.416.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016; A by R086-18, 12-19-2018)

STANDARDS OF PRACTICE

NAC 642.150 Location for preparation of funerals. (NRS 642.063**,** 642.340**)**

1. Except as otherwise provided in subsection 2, a licensed funeral director shall not engage in the business of preparing for funerals at a place of business which is not the specific street address or location of the fixed place or establishment where the funeral director conducts his or her business.

2. Upon the request of a member of the family of a dead person, a funeral director may prepare for a funeral at the home of a member of the family or another location designated by a member of the family.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95) — (Substituted in revision for NAC 642.115)

NAC 642.152 Statement of funeral goods and services. (NRS 642.063**)** The statement of funeral goods and services selected that is required to be provided by a funeral provider pursuant to 16 C.F.R. § 453.2(b)(5) must:

1. Be signed by the licensed funeral arranger, funeral director or embalmer who made the arrangements for the funeral or other disposition of the human remains of the deceased person; and

2. Include the license number of the funeral arranger, funeral director or embalmer who made the arrangements.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.154 Disclosure to purchaser of at-need goods or services of location of human remains during storage, embalming or cremation. (NRS 642.063**)**

1. A funeral establishment or direct cremation facility must make a reasonable effort to disclose, in writing, to a person who purchases at-need goods or services from the funeral establishment or direct cremation facility, the location at which the human remains of the deceased person will be stored, embalmed or cremated.

2. As used in this section, "at-need" means at the time the goods or services are needed.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.156 Required disclosure by direct cremation facility; contents of disclosure; prohibition on advertising services outside scope of permit. (NRS 642.063**)**

1. Before providing direct cremation services, a direct cremation facility must provide a disclosure to the person who is arranging for the direct cremation of human remains of a deceased person. The disclosure must be signed by the person who is arranging for the direct cremation and must state, without limitation, that the direct cremation facility is unable to:

(a) Provide any rites or ceremonies in connection with the final disposition of the human remains of the deceased person;

(b) Provide facilities to conduct rites or ceremonies in connection with the final disposition of the human remains of the deceased person;

(c) Embalm the human remains of the deceased person;

(d) Provide a burial service for the human remains of the deceased person; or

(e) Provide for a viewing, other than an identification viewing, of the human remains of the deceased person.

2. In accordance with NRS 642.5172, a direct cremation facility must not be listed in any advertisement or notice published in a newspaper which indicates or implies that the direct cremation facility is providing any services outside the scope of its permit.

3. As used in this section, "identification viewing" means the viewing of human remains for identification purposes, for a period of time not to exceed 1 hour, by a person who is potentially capable of identifying the human remains.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.158 Proper care and storage of human remains. (NRS 642.063**)**

1. Each holder of a license, permit or certificate issued by the Board pursuant to chapter 451, 452 or 642 of NRS shall ensure that human remains are treated with dignity and respect at all times.

2. Human remains must be clothed or completely covered while the human remains are being refrigerated and after the human remains have been embalmed.

3. Human remains, or human remains which have been placed in a minimal container, body bag or casket, must not be placed or stored directly on the floor of any room used to store human remains. For the purposes of this subsection, "floor of any room" includes the floor of a room which is part of a refrigeration unit.

4. Human remains must be stored and transported face up at all times.

5. Human remains, or human remains which have been placed in a minimal container, body bag or casket, must not be placed on other human remains, or human remains which have been placed in a minimal container, body bag or casket, for the purpose of storage or transportation.

6. The premises of any location where human remains are stored must be maintained in a sanitary and professional manner.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016; A by R086-18, 12-19-2018)

NAC 642.160 Transportation of dead human bodies; exception. (NRS 451.640**,** 642.063**)**

1. A licensed funeral director, or a person designated by the licensed funeral director to act on behalf of the licensed funeral director, may transport a dead human body if it is embalmed and prepared by a licensed embalmer.

2. A licensed funeral director, or a person designated by the licensed funeral director to act on behalf of the licensed funeral director, may transport a dead human body that is not embalmed if the body is:

(a) Sealed in a container that is approved by the Board; and

(b) Transported in a properly licensed motor vehicle or aircraft owned, operated, chartered or leased by a licensed funeral director or mortuary.

3. A licensed funeral director, or a person designated by the licensed funeral director to act on behalf of the licensed funeral director, may, without complying with the provisions of subsection 1 or 2, transport a dead human body from a location inside this State or within 90 miles of this State to any other location inside this State or within 90 miles of this State.

(Added to NAC by Funeral Bd. by R021-04, eff. 10-31-2005; A by Funeral and Cemetery Svcs. Bd. by R067-15, 11-2-2016)

NAC 642.161 Funeral establishment must employ or retain licensed embalmer; proof. (NRS 642.063)

1. Every funeral establishment must employ, or retain on a contract basis, a licensed embalmer.

2. The holder of a permit to operate a funeral establishment shall, upon request, furnish proof to the Board that the funeral establishment is in compliance with the provisions of subsection 1.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.163 Management of funeral establishment or direct cremation facility must be performed by licensed funeral director. (NRS 642.063)

1. The managing of a funeral establishment or direct cremation facility as required pursuant to NRS 642.465 may only be performed by a licensed funeral director.

2. A licensed funeral director shall ensure that the funeral establishment or direct cremation facility he or she manages complies with applicable state and federal law concerning the transportation of human remains of a deceased person into or out of this State.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.165 Certain functions only to be performed by licensed funeral arranger, funeral director or embalmer. (NRS 642.063)

1. The following functions may be performed only by a licensed funeral arranger, funeral director or embalmer:

(a) Selling or offering to sell at-need funeral services, embalming, cremation or other services relating to the disposition of human remains of a deceased person on an at-need basis.

(b) Planning or arranging the details of at-need funeral services, embalming, cremation or other services relating to the disposition of human remains of a deceased person with families or other persons authorized pursuant to NRS 451.024 to order the disposition of the decedent's remains.

(c) Negotiating the financial arrangements for funeral services, embalming, cremation or other services relating to the disposition of human remains of a deceased person on an at-need basis.

2. As used in this section, "at-need" means at the time the goods or services are needed.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.167 Certain functions only to be performed by licensed embalmer or supervised apprentice embalmer. (NRS 642.063)

1. The following functions may be performed only by a licensed embalmer or an apprentice embalmer under the direct supervision of a licensed embalmer:

(a) The injection of any disinfecting or preservation solutions into human remains of a deceased person;

(b) The aspiration of any fluids from the abdominal or thoracic cavities of human remains of a deceased person;

(c) The mechanical setting of the features of human remains of a deceased person which requires the use of instruments or sutures;

(d) The suturing of human remains of a deceased person; and

(e) Completing any postautopsy or postaccident restoration of human remains of a deceased person.

2. Nothing in this section restricts the authority of a coroner or medical examiner concerning human remains of a deceased person that are under the jurisdiction of the coroner or medical examiner.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.168 Embalmer or registered apprentice required to prepare report after embalming human remains; contents of report. (NRS 642.063)

1. A licensed embalmer or his or her registered apprentice shall prepare a report within 24 hours after embalming a deceased person's remains. The report must include, without limitation, the time period elapsed between the death of the deceased person and the embalming of the deceased person's remains, a description of the condition of the remains before and after embalming and the procedures used to embalm the remains.

2. The report must be signed by the licensed embalmer or the registered apprentice who embalmed the deceased person's remains.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 642.169 Board may issue notice of violation to entity if inspection reveals violation of law; period to correct violation; subsequent inspection; disciplinary proceedings authorized. (NRS 642.063)

1. If an inspection of a funeral establishment, direct cremation facility, crematory or cemetery conducted pursuant to NRS 642.067, 642.368 or 642.435 reveals that the funeral establishment, direct cremation facility, crematory or cemetery is in violation of any provision of this chapter or chapter 451, 452 or 642 of NRS, the Board may issue a notice of violation to the licensee, permittee or holder of the certificate, as applicable. The notice of violation must:

(a) Be in writing and describe with particularity the nature of the violation; and

(b) Indicate that the licensee, permittee or holder of the certificate is given a 30-day period after receipt of the notice to correct the violation.

2. If a notice of violation is issued pursuant to subsection 1, an inspector of the Board will verify compliance by the licensee, permittee or holder of the certificate, as applicable, with the applicable provisions of this chapter or chapter 451, 452 or 642 of NRS in a subsequent inspection.

3. The Board may initiate disciplinary proceedings against the licensee, permittee or holder of the certificate, as applicable, pursuant to NRS 642.130 or 642.5175 or NAC 642.180 based on any acts or violations found during an inspection or, if a notice of violation is issued pursuant to subsection 1, any violations that the licensee, permittee or holder of the certificate failed to correct within the period set forth in the notice of violation. The disciplinary proceedings must be initiated in accordance with:

(a) The provisions of chapters 233B and 622A of NRS and NRS 241.034; or

(b) If disciplinary proceedings are initiated pursuant to NRS 642.518, the provisions of that section.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016; A by R086-18, 12-19-2018)

NAC 642.170 Grounds for disciplinary action: Misrepresentation of certain authority. (NRS 642.063**,** 642.515**,** 642.5175**)**

1. For the purpose of taking disciplinary action, pursuant to NRS 642.5175, the term:

(a) "Unprofessional conduct" includes, in addition to the conduct set forth in NRS 642.5174, stating or implying that the holder of the license, certificate or permit is willing to carry out a duty for which a license, certificate or permit is required pursuant to chapter 451, 452 or 642 of NRS if that duty is not authorized by the holder's license, certificate or permit. For example, advertising in any form, including, without limitation, signs, telephone books, newspapers, messages conveyed by telephone, television, electronic mail and other electronic or photographic means, that states or implies that a proposed funeral establishment, direct cremation facility, crematory or cemetery is an operating funeral establishment, direct cremation facility, crematory or cemetery before the Board has issued all licenses, certificates and permits necessary for the operation of the funeral establishment, direct cremation facility, crematory or cemetery.

(b) "False or misleading advertising" includes, in addition to the conduct set forth in NRS 642.5172, advertising that states or implies that the holder of the license, certificate or permit is willing to carry out a duty for which a license, certificate or permit is required pursuant to chapter 451, 452 or 642 of NRS if that duty is not authorized by the holder's license, certificate or permit. For example, advertising in any form, including, without limitation, signs, telephone books, newspapers, messages conveyed by telephone, television, electronic mail and other electronic or photographic means, that states or implies that a proposed funeral establishment, direct cremation facility, crematory or cemetery is an operating funeral establishment, direct cremation facility, crematory or cemetery before the Board has issued all licenses, certificates and permits necessary for the operation of the funeral establishment, direct cremation facility, crematory or cemetery.

2. For the purposes of this section, an applicant for a license, certificate or permit who obtains, pursuant to NRS 642.515, a temporary authorization to carry out the duties authorized by the license, certificate or permit for which he or she has applied shall be deemed a holder of that license, certificate or permit.

(Added to NAC by Funeral Bd. by R021-04, eff. 10-31-2005; A by Funeral and Cemetery Svcs. Bd. by R067-15, 11-2-2016)

PRACTICE BEFORE THE NEVADA FUNERAL AND CEMETERY SERVICES BOARD

NAC 642.180 Procedure for disciplinary action. (NRS 642.060**,** 642.063**)**

1. Any person may file an informal complaint with the Board concerning the acts of a licensee or services provided by a licensee. Such an informal complaint filed with the Board must be on a form provided by the Board and include information that is sufficiently detailed to enable the respondent to prepare a response.

2. Upon receipt of an informal complaint, the staff shall examine the complaint to determine whether it:

(a) Has been properly verified; and

(b) Alleges sufficient facts to warrant further proceedings.

3. If the staff determines that the informal complaint against a licensee has been properly verified and alleges sufficient facts to warrant further proceedings, the staff shall notify the respondent by sending a summary of the informal complaint to the licensee by certified mail. The notification must set forth the potential violations of a provision of this chapter or chapter 451 or 452 of NAC or chapter 451, 452 or 642 of NRS arising in the informal complaint and request a response for the review by the Board before a hearing is set. The transmission of the summary of the informal complaint will be deemed to be a notice of intended action pursuant to subsection 3 of NRS 233B.127.

4. Upon the receipt of a summary of an informal complaint that has been filed against him or her, a licensee shall submit to the Board a written response to the informal complaint within 15 days after the date on which the informal complaint was served. A response to an informal complaint must respond to the allegations made in the informal complaint and be accompanied by all documentation that would be useful to the staff and legal counsel in their review of the allegations made in the informal complaint and the responses made by the licensee to those allegations. Failure by a licensee to cooperate with the Board during an investigation of an informal complaint, including, without limitation, failing to respond timely to the Board regarding a summary of the informal

complaint sent to the licensee by the staff pursuant to this subsection, is a ground for disciplinary action by the Board against the licensee.

5. If a licensee fails to respond as required pursuant to subsection 4, he or she shall be deemed to have admitted the allegations in the informal complaint. Based on these admissions, the Board may impose appropriate discipline on the licensee at the hearing on the informal complaint.

6. In cases where a response is filed as required pursuant to subsection 4, the staff shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the Board or other qualified persons in the review and may take any other reasonable action necessary to further the review. After their review of the informal complaint and the responses made thereto, the staff may:

(a) Investigate the allegations and employ such persons as they deem necessary to further the investigations;

(b) Consult with experts in the appropriate field, including, without limitation, employing such persons for the purposes of an investigation or a hearing;

(c) Investigate new leads and allegations that may come to their knowledge in the course of the investigation;

(d) Enlist the aid of a member of the Board or other qualified person in the conduct of the investigation; and

(e) Take any other reasonable action necessary to further the investigation.

7. During an investigation of an informal complaint, the staff, or investigator, if any, may demand that a licensee produce his or her records or other evidence for inspection or copying, with or without prior notice to the licensee, and with or without a subpoena. A licensee shall not deny any such request for records or other evidence if such records or other evidence is not protected by a claim of confidentiality authorized by law. If a licensee refuses or fails to cooperate with a request for records in violation of this subsection, the Board may immediately suspend his or her license or certificate until the licensee complies with the request for records or other evidence. If the licensee continues to refuse or fail to cooperate with a request for records or other evidence in violation of this section, the Board may take such further disciplinary action against the licensee as the Board determines necessary.

8. If the staff, or investigator, if any, determines that a specific record or other specific evidence is material to or necessary for an investigation, the staff or investigator may remove the record or evidence and provide a copy of the record or evidence to the respondent. If a record or other evidence can be readily copied at the location where the record or evidence is located, the staff or investigator shall make a copy of the record and evidence at that location. If a record or other evidence cannot be readily copied at the location where the record or evidence is located, the staff or investigator may remove the record or evidence from that location to copy the record or evidence. If the staff or investigator removes a record or other evidence to be copied, the staff or investigator shall provide the person to whom the record or evidence being removed belongs with a receipt for the record or evidence and, not later than 5 business days after the record or evidence is removed, provide a copy of the record or evidence to that person.

9. When an investigation of an informal complaint is complete, the staff, and investigator, if any, shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint. If the staff and investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint can be sustained, the staff shall notify, in writing, the complainant and the respondent of this determination. If the staff and investigator determine that a violation of a statute or regulation as alleged in the informal complaint can be sustained, the staff and investigator shall inform the legal counsel of such a determination. The legal counsel shall:

(a) Offer mediation to the respondent, a settlement agreement, stipulation of facts and liability or an informal hearing; or

(b) Prepare a notice of hearing and a formal complaint.

10. A notice of hearing and a formal complaint must:

(a) Be a plain statement of the facts and applicable provisions of statutes and regulations regarding the alleged acts of the respondent alleged to be in violation of the statutes and regulations governing the profession of the licensee;

(b) Include the date, time and place that the Board will hear the matter, if this information is known at the time when the notice of hearing and a formal complaint is sent to the respondent; and

(c) Be signed by the legal counsel and, if a member of the Board was active in the investigation, by that member of the Board.

11. The staff shall send, by certified mail, a notice of hearing and a formal complaint prepared pursuant to subsection 10 to the respondent named in the notice of hearing and the formal complaint.

12. A respondent who receives a notice of hearing and a formal complaint shall file his or her answer to the notice of hearing and the formal complaint not later than 15 days after the date on which the respondent received the notice of hearing and the formal complaint. An answer to a notice of hearing and a formal complaint filed by a respondent must include a response to each allegation and statement made in the notice of hearing and the formal complaint by either admitting to or denying the allegation or statement. If the licensee fails to file an answer as required pursuant to this subsection, the licensee shall be deemed to have admitted each allegation and statement contained in the notice of hearing and the formal complaint. Based on these admissions, the Board may enter a finding and impose appropriate discipline on the licensee in the same manner as if the allegations had been proven by substantial evidence at a hearing of the Board held on the formal complaint.

13. Not later than 10 days after the filing of the response by the respondent, the legal counsel and the respondent shall exchange a list of the evidence and witnesses that will be used at the hearing. A party may not present evidence it obtains after the date the exchange was required pursuant to this subsection unless it demonstrates to the Board that the evidence or witness was not available

upon diligent investigation before the date the exchange was required and that the evidence or witness was given or communicated to the other party immediately after it was obtained.

14. The Board may join two or more formal complaints into one formal complaint if:

(a) The causes of action of each formal complaint are against the same person and deal with substantially the same or similar violations of statutes and regulations; and

(b) The joining of the formal complaints will serve the best interest of the Board, complainant and respondent.

15. A petition filed pursuant to NRS 642.5178 will be processed pursuant to the provisions of this section.

16. As used in this section:

(a) "Legal counsel" means the legal counsel of the Board.

(b) "Licensee" means a person licensed by the Board or holding a certificate or permit issued pursuant to the provisions of chapter 451, 452 or 642 of NRS.

(c) "Staff" means the staff of the Board.

(Added to NAC by Funeral Bd. by R043-02, eff. 11-26-2003; A by Funeral and Cemetery Svcs. Bd. by R067-15, 11-2-2016)

NAC 642.200 Hearings: Location; conduct of participants; filing and service of briefs; continuance. (NRS 642.060**,** 642.063**)**

1. All hearings conducted by the Board pursuant to NRS 642.140 or 642.5178 will be held at a place in the State designated by the Board in the notice of the hearing.

2. All persons who attend a hearing shall conduct themselves in a respectful manner.

3. The Board may require each party to file a brief accompanied by proof of service of the brief to the opposing party.

4. Before or during a hearing, the Board may grant a continuance of a hearing, upon proper showing, to allow submission of additional evidence concerning any relevant matter.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95)

NAC 642.220 Failure to appear at hearing; application to reopen proceedings after failure to appear. (NRS 642.060**,** 642.063**)**

1. If a person against whom a charge or petition was filed does not appear at a hearing and a continuance has not been approved by the Board, the Board may hear the testimony of witnesses present at the hearing and consider and dispose of the charge or petition on the basis of the evidence before it.

2. If a person does not appear at a hearing because of illness, involvement in an accident, or for other reasonable cause, the person may within 15 days after the date of the hearing apply to the Secretary of the Board to reopen the proceedings. If the Board determines that the reason for the absence was sufficient and reasonable, it will immediately set a time and place for a hearing and give the person notice of the hearing.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95)

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.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95)

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.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95)

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 petitioner.

(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.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95)

NAC 642.240 Order of presentation: Consolidated hearing. (NRS 642.060**,** 642.063**)** The member of the Board presiding over a consolidated hearing will determine the order of evidence for the hearing.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95; A by Funeral Bd. by R043-02, 11-26-2003)

NAC 642.245 Stipulations. (NRS 642.060**,** 642.063**)** The Board may allow the parties to stipulate to any fact at issue in the hearing, either by written stipulation introduced in evidence as an exhibit or by an oral agreement stipulated in the record. A stipulation is binding upon all parties who stipulated to the fact and will be treated as evidence at the hearing, except that the Board may require evidence of the facts stipulated to by the parties.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95)

NAC 642.250 Official notice by Board. (NRS 642.060**,** 642.063**)** In addition to the facts which may be noticed pursuant to NRS 233B.123, the Board may take notice of any regulations, official reports, decisions, orders, standards or records of the Board, any agency of the State or any court.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95)

NAC 642.255 Decision or order by Board; service of decision or order; record of hearing. (NRS 642.060**,** 642.063**)**

1. A charge or petition stands submitted for a decision by the Board after the hearing is complete.
2. Except as otherwise provided by specific statute, a decision or order will be rendered by the Board within 90 days after completion of the hearing.
3. The Board will serve a decision or order on the parties or their representatives by sending a copy by certified mail or by personal service. Additional copies of the decision or order may be obtained upon written request to the Board.
4. A person may obtain a copy of the record of the hearing from the Board.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95)

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.

(Added to NAC by Bd. of Funeral Dir., Embalmers, Cemeteries & Crematories, eff. 11-1-95)

CHAPTER 451 - DEAD BODIES

DEFINITIONS

NRS 451.005 "Human remains" and "remains" defined.

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NRS 451.007 Requirements for determination.
NRS 451.008 Consent not required for determination; prohibition on withholding or withdrawal of organ-sustaining treatment in certain circumstances; notice.

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NRS 451.024 Persons authorized to order burial or cremation; order of priority of such persons; acceptance of legal and financial responsibility does not give rise to claim against estate or other person; transfer of authority to another person; unavailability of authorized person.
NRS 451.025 Reimbursement for burial expenses paid with public money.
NRS 451.027 Duty of county agency responsible for remains of indigent person believed to be veteran to report name of person to Department of Veterans Services; Department to determine eligibility for interment at national or veterans' cemetery; disposition of remains; immunity from liability for certain acts or omissions.
NRS 451.030 Removal of remains for sale or dissection; purchases; punishment.
NRS 451.040 Seizure of remains for debt; interference with dead body; penalty.
NRS 451.045 Permit for disinterment or removal of human remains within State.
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REMOVAL OF HUMAN REMAINS BY CEMETERY AUTHORITY

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NRS 451.150 Notice to cemetery authority by friend or relative.
NRS 451.160 Notice to cemetery authority by friend or relative: Contents.
NRS 451.170 Notice to cemetery authority by friend or relative: Manner of delivery.
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NRS 451.190 Notice to cemetery authority by friend or relative: Effect.
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NRS 451.290 Sale or encumbrance of land; confirmation by district court of sale by cemetery corporation or association.
NRS 451.300 Petition for confirmation; notice of hearing.
NRS 451.310 Confirmation of sale agreed upon before receipt of notice of determination that further maintenance of cemetery is not in accordance with health, safety, comfort or welfare of public.
NRS 451.320 Declaration of removal by cemetery authority: Filing; acknowledgment; effect of subsequent conveyance.
NRS 451.330 Removal of dedication; notice of hearing and proof.

REMOVAL OF HUMAN REMAINS INTERRED IN RELIGIOUS CEMETERY

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ANATOMICAL DISSECTION

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NRS 451.380 Compensation of members of Committee.
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NRS 451.420 Committee to receive notice of death for unclaimed indigent person; limitations on delivery of bodies to Committee.
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NRS 451.695 Disposition of cremated remains: Responsibility; operator of crematory.
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NRS 451.710 Refusal to accept or cremate remains or to release cremated remains pending resolution of dispute.
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DEFINITIONS

NRS 451.005 "Human remains" and "remains" defined. As used in NRS 451.010 to 451.470, inclusive, unless the context otherwise requires, "human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and the cremated remains of a body.

(Added to NRS by 1961, 254; A 1969, 161; 2003, 1881; 2015, 569; 2017, 327)

DETERMINATION OF DEATH

NRS 451.007 Requirements for determination.

1. For legal and medical purposes, a person is dead if the person has sustained an irreversible cessation of:

(a) Circulatory and respiratory functions; or

(b) All functions of the person's entire brain, including his or her brain stem.

2. A determination of death made under:

(a) Paragraph (a) of subsection 1 must be made in accordance with accepted medical standards.

(b) Paragraph (b) of subsection 1 must be made in accordance with the applicable guidelines set forth in:

(1) "Evidence-based Guideline Update: Determining Brain Death in Adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology," published June 8, 2010, by the American Academy of Neurology, or any subsequent revisions approved by the American Academy of Neurology or its successor organization; or

(2) "Guidelines for the Determination of Brain Death in Infants and Children: An Update of the 1987 Task Force Recommendations," published January 27, 2012, by the Pediatric Section of the Society of Critical Care Medicine, or any subsequent revisions approved by the Pediatric Section of the Society of Critical Care Medicine or its successor organization.

(Added to NRS by 1979, 226; A 1985, 130; 2017, 1728)

NRS 451.008 Consent not required for determination; prohibition on withholding or withdrawal of organ-sustaining treatment in certain circumstances; notice.

1. A determination of the death of a person made pursuant to paragraph (b) of subsection 1 of NRS 451.007 is a clinical decision that does not require the consent of the person's authorized representative or the family member with the authority to consent or withhold consent.

2. Organ-sustaining treatment must not be withheld or withdrawn from a person determined to be dead pursuant to paragraph (b) of subsection 1 of NRS 451.007 who is known to the attending physician to be:

(a) Pregnant, so long as it is probable that the fetus will develop to the point of live birth with continued application of organ-sustaining treatment; or

(b) A donor or potential donor of an anatomical gift, for the amount of time necessary to successfully recover the anatomical gift.

3. After a determination of the death of a person is made pursuant to paragraph (b) of subsection 1 of NRS 451.007, reasonable efforts must be made:

(a) By the person's provider of health care to notify a family member or other authorized representative of the person of the determination of death; and

(b) By the health care facility in which the determination of death was made to inform a family member or other authorized representative of the person that the potential costs of continuing to administer organ-sustaining treatment may become the responsibility of the person's estate or family.

4. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Organ-sustaining treatment" means a medical procedure or intervention conducted after a person has been determined to be dead pursuant to paragraph (b) of subsection 1 of NRS 451.007 that serves only to prolong the viability of the organs of the person or a fetus carried by the person.

(Added to NRS by 2017, 1728)

MISCELLANEOUS PROVISIONS

NRS 451.010 Dissection of dead human bodies: Limitations; penalty.

1. The right to dissect the dead body of a human being is limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as the coroner may authorize dissection.

(c) Where the spouse or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

(d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 451.500 to 451.598, inclusive.

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

[1911 C&P § 208; RL § 6473; NCL § 10156] — (NRS A 1963, 198, 534; 1969, 161; 1989, 432; 2007, 793; 2017, 794)

NRS 451.015 Commercial use of aborted embryo or fetus prohibited; penalty. Any person who uses, or makes available for the use of another, the remains of an aborted embryo or fetus for any commercial purpose shall be fined not less than $250 nor more than $5,000.

(Added to NRS by 1985, 1902)

NRS 451.020 Burial or cremation within reasonable time after death; transportation and disposal of residue of cremated body.

1. Except in cases of dissection provided for in NRS 451.010, and where a dead body shall rightfully be carried through or removed from the State for the purpose of burial elsewhere, every dead body of a human being lying within this state, and the remains of any dissected body after dissection, shall be decently buried or cremated within a reasonable time after death.

2. The residue resulting from the cremation of the body of a deceased person may be transported in this state in any manner, without any permit therefor, and may be disposed of in any manner desired, or directed by the decedent, by the person charged by law with the duty of burying the body.

[1911 C&P § 208; RL § 6473; NCL § 10156] — (NRS A 1969, 716)

NRS 451.023 Responsibility of surviving spouse or parent for burial or cremation of deceased spouse or child. The spouse of a minor child or the parent of an unmarried or otherwise unemancipated minor child shall be primarily responsible for the decent burial or cremation of his or her spouse or such child within a reasonable time after death.

(Added to NRS by 1971, 131; A 2017, 794)

NRS 451.024 Persons authorized to order burial or cremation; order of priority of such persons; acceptance of legal and financial responsibility does not give rise to claim against estate or other person; transfer of authority to another person; unavailability of authorized person.

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

(a) A person designated as the person with authority to order the burial or cremation of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 9;

(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; and

(i) A person who meets the requirements of subsection 2.

2. Any other person may order the burial or cremation 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 (h), inclusive, of subsection 1; and

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

3. If a person with authority to order the burial or cremation of the human remains of a decedent pursuant to paragraphs (c) to (h), inclusive, of subsection 1 has been arrested for or charged with murder, as defined in NRS 200.010, or voluntary manslaughter, as defined in NRS 200.050, in connection with the death of the decedent, the authority of the person to order the disposition of the human remains of the decedent is automatically relinquished and passes to the next person in order of priority pursuant to subsection 1.

4. If there is more than one person authorized to order the burial or cremation of the human remains of a decedent within a particular priority class pursuant to paragraphs (d) to (h), inclusive, of subsection 1, a funeral establishment or direct cremation facility may require a majority of the members of the priority class to agree upon a disposition of the remains of the decedent.

5. A person who accepts legal and financial responsibility for the burial or cremation 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 or cremation.

6. 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 or cremation of the remains and provide for the respectful disposition of the remains.

7. 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 or cremation of his or her remains.

8. A living person may order the burial or cremation of human remains removed from his or her body or the burial or cremation of his or her body after death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

9. A person 18 years of age or older wishing to authorize another person to order the burial or cremation of his or her human remains in the event of the person's death may include such an authorization in a validly executed will or durable power of attorney or 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 or cremation 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 or cremation of the human remains of a person in the event of his or her death) to order the disposition of my human remains upon my death.

Subscribed and sworn to before me this .....
day of the month of ..... of the year .....
.....
(Notary Public)

10. If the authorized person is not reasonably available or is unable to act as the authorized person, the right of the person to be the authorized person shall pass to the next person or category of persons in the order of priority pursuant to subsection 1.

11. It shall be presumed that an authorized person is not reasonably available to act as an authorized person in accordance with subsection 10 if the crematory, cemetery, funeral establishment or direct cremation facility, after exercising due diligence, has been unable to contact the person, or if the person has been unwilling or unable to make final arrangements for the burial or cremation of the human remains of the decedent, within 30 days after the initial contact or attempt to contact by the crematory, cemetery, funeral establishment or direct cremation facility.

12. If a person with a lower authorization priority than another person pursuant to subsection 1 has been authorized to order the burial or cremation of the human remains of a decedent and, subsequently, a person with a higher authorization priority makes an initial contact with the crematory, cemetery, funeral establishment or direct cremation facility and is available to perform the duties of an authorized person pursuant to this section before the final disposition of the decedent, the person with the higher authorization priority is the authorized person to order the burial or cremation of the human remains of the decedent.

(Added to NRS by 2003, 1880; A 2011, 193, 197; 2015, 1966; 2017, 1698)

NRS 451.025 Reimbursement for burial expenses paid with public money. If the governing body of any county, city or town within the State of Nevada must arrange for and order the decent burial of any person dying within such county, city or town, leaving a spouse or parent in whose custody such person remained at the time he or she died, which spouse or parent is not indigent and not otherwise eligible for assistance as a poor person and expenses for a decent burial have been paid out of public funds pursuant to such an order, the county, city or town must be reimbursed for its expenses of burial of the dead body of such person by the spouse or parent charged by law with the duty of burial.

(Added to NRS by 1971, 131; A 1983, 139; 2017, 794)

NRS 451.027 Duty of county agency responsible for remains of indigent person believed to be veteran to report name of person to Department of Veterans Services; Department to determine eligibility for interment at national or veterans' cemetery; disposition of remains; immunity from liability for certain acts or omissions.

1. If the county agency that is responsible for interring or cremating the remains of indigent persons obtains custody of the unclaimed human remains of a deceased person whom the county agency knows, has reason to know or reasonably believes is a veteran, the county agency shall report the name of the deceased person to the Department of Veterans Services as soon as practicable after obtaining custody of the remains.

2. Upon receipt of a report made pursuant to subsection 1, the Department of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans' cemetery pursuant to NRS 417.210. The Department shall provide notice of the determination to the county agency.

3. If the Department of Veterans Services provides notice pursuant to subsection 2 to a county agency of a determination that a deceased person is a veteran who:

(a) Is eligible for interment at a national cemetery or a veterans' cemetery, the county agency shall arrange for the proper disposition of the veteran's remains with:

(1) A national cemetery or veterans' cemetery; or

(2) The Department of Veterans Services.

(b) Is not eligible for interment at a national cemetery or a veterans' cemetery and is indigent, the county agency shall cause the veteran's remains to be decently interred or cremated in the county.

4. A county agency that is responsible for interring or cremating the remains of indigent persons is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 176A.090.

(Added to NRS by 2015, 568)

NRS 451.030 Removal of remains for sale or dissection; purchases; punishment.

1. A person who removes the dead body of a human being, or any part thereof, from a grave, vault or other place where it has been buried or deposited awaiting burial or cremation, without authority of law, with the intent to sell it, or for the purpose of

securing a reward for its return, or for dissection, or from malice or wantonness, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who purchases or receives, except for burial or cremation, any such dead body, or any part thereof, knowing that it has been removed contrary to the provisions of subsection 1, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who opens a grave or other place of interment, temporary or otherwise, or a building where such a dead body is deposited while awaiting burial or cremation, without authority of law, with the intent to remove the body or any part thereof, for the purpose of selling or demanding money for it, for dissection, from malice or wantonness, or with the intent to sell or remove the coffin or any part thereof or anything attached thereto, or any vestment or other article interred or intended to be interred with the body, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

[1911 C&P § 210; RL § 6475; NCL § 10158] — (NRS A 1967, 581; 1979, 1470; 1989, 576; 1995, 1279)

NRS 451.040 Seizure of remains for debt; interference with dead body; penalty.

1. Every person who shall arrest or attach the dead body of a human being upon a debt or demand, or shall detain or claim to detain it for any debt or demand or upon any pretended lien or charge, shall be guilty of a misdemeanor.

2. Every person who, without authority of law, shall obstruct or detain a person engaged in carrying or accompanying the dead body of a human being to a place of burial or cremation shall be guilty of a misdemeanor.

[1911 C&P § 211; RL § 6476; NCL § 10159]

NRS 451.045 Permit for disinterment or removal of human remains within State.

1. Except as otherwise provided in NRS 451.050, the local health officer may issue a permit for the disinterment or removal of human remains. The permit must indicate the name of the cemetery, mausoleum, columbarium or other place of burial where the remains will be interred, inurned or buried.

2. Except as otherwise provided in subsection 4, a person in charge of a cemetery, mausoleum, columbarium or other place of burial shall not disinter or remove or permit disinterment or removal of human remains unless the person has received a copy of such a permit.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

4. A county coroner is not required to obtain a permit from the local health officer for the disinterment, removal or transportation of human remains while carrying out his or her duties as the county coroner.

(Added to NRS by 1961, 254; A 1989, 381)

NRS 451.050 Permit for disinterment or removal of human remains out of State.

1. Any person, company, association or corporation in this State who shall exhume or disinter, or who shall cause to be exhumed or disinterred, any human remains, or any part of such remains, which have been buried in the ground in this State, for the purpose of transporting the same to any other state or foreign country, except under the conditions provided in subsection 2, shall be guilty of a misdemeanor.

2. The boards of county commissioners of the several counties in which human remains are buried or interred, as provided in subsection 1, are authorized to grant and to issue written permits for the disinterment and removal of any such human remains referred to in subsection 1, whenever in their judgment the public health will not be endangered by such disinterment and removal; but no such permit shall be granted or issued under any circumstances or at any time where the person or persons buried or interred have died from or with any contagious or loathsome disease.

[1911 C&P § 287; RL § 6552; NCL § 10235] + [1911 C&P § 288; RL § 6553; NCL § 10236] — (NRS A 1967, 582)

NRS 451.060 Penalties for noncompliance of common carrier.

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

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

[Part 10:28:1909; A 1917, 66; 1919 RL § 4454; NCL § 2674] + [Part 21:199:1911; RL § 2972; NCL § 5255] — (NRS A 1967, 582; 1979, 1470)

NRS 451.065 Unlawful to require remains to be embalmed or otherwise prepared before disposition; exceptions; penalty.

1. Except as otherwise provided in subsections 2 and 3, no crematory, funeral home, cemetery or other place that accepts human remains for disposition may require the remains to be embalmed or otherwise prepared before their disposition by cremation, interment or otherwise, or before their removal from or into any registration district.

2. The State Board of Health may require embalming or other preparations if necessary to protect the public.

3. If embalming is not required by the State Board of Health pursuant to subsection 2, the Nevada Funeral and Cemetery Services Board may authorize the embalming of a body if it determines that it is necessary to preserve the body and the crematory, funeral home, cemetery or other place that accepts human remains for disposition:

(a) Has held the body for at least 72 hours;

(b) Is unable to notify a member of the family or other authorized person to obtain approval to embalm the body; and

(c) Has no reason to believe that the family or other authorized person does not wish to have the body embalmed.

4. Any person who violates this section is guilty of a misdemeanor.

(Added to NRS by 1973, 192; A 1977, 361; 1993, 2606; 1997, 2580; 2003, 1279)

NRS 451.067 Designation of family cemetery; notification of Division of Public and Behavioral Health of designation.

1. The board of county commissioners of a county whose population is less than 55,000 may adopt an ordinance allowing one or more natural persons to designate as a family cemetery an area of land owned by any of those persons for the interment in that area without charge of any member of the family of any of them or any other person.

2. Before the first interment in a family cemetery designated in accordance with an ordinance adopted pursuant to subsection 1, a member of the family or a representative of the family shall notify the Division of Public and Behavioral Health of the Department of Health and Human Services of the designation of the family cemetery and its specific location on the land owned by the family.

(Added to NRS by 2001, 988; A 2011, 1277)

REMOVAL OF HUMAN REMAINS BY CEMETERY AUTHORITY

NRS 451.069 "Cemetery authority" defined. As used in NRS 451.069 to 451.330, inclusive, "cemetery authority" means any natural person, partnership, association, corporation or public entity, including the Nevada System of Higher Education or any cemetery district, owning or leasing the land or other property of a cemetery or operating a cemetery as a business in this State.

(Added to NRS by 1979, 1561; A 1993, 405; 2001, 988; 2017, 327)

NRS 451.070 Authority to order disinterment and removal of human remains. Except as otherwise provided in NRS 451.075, a cemetery authority may order the disinterment and removal of all human remains interred in all or any part of any cemetery if:

1. A governmental authority other than the cemetery authority determines that:

(a) The maintenance of all or any part of the cemetery as a burial place for the human dead is not in accordance with the health, safety, comfort or welfare of the public;

(b) The cemetery authority is unable to restore the cemetery or part of the cemetery to a condition where the maintenance of the cemetery as a burial place for the human dead is in accordance with the health, safety, comfort and welfare of the public; and

(c) The cemetery authority is unable, at current market rates, to sell or lease the cemetery to or enter into a contract with another cemetery authority that will maintain the cemetery as a burial place for the human dead in accordance with the health, safety, comfort and welfare of the public; or

2. The cemetery authority determines that financial provision must be made for future care of gravesites within a specified area.

(Added to NRS by 1961, 459; A 1979, 1561; 2001, 989; 2017, 327)

NRS 451.075 Prohibition on certain acts by cemetery authority concerning burial plot owned in fee simple. Notwithstanding any other provision of law, including, without limitation, any provision of NRS 451.069 to 451.330, inclusive, a cemetery authority shall not:

1. Order the disinterment and removal of human remains interred in a burial plot that is owned in fee simple by a person other than the cemetery authority; or

2. Sell, mortgage or encumber or require the sale, mortgage or encumbrance of such a burial plot.

(Added to NRS by 2017, 327)

NRS 451.080 Regulations governing manner of removal and reinterment; time for removal and reinterment.

1. The cemetery authority may prescribe reasonable regulations governing the manner of making disinterments and removals and providing for reinterment in a portion of the existing cemetery or in any other cemetery or for deposit of the remains in any memorial mausoleum or columbarium or for providing appropriate future care.

2. The cemetery authority must prescribe a reasonable time of not less than 1 year after the date on which it orders the disinterment and removal of remains pursuant to NRS 451.070, after which the cemetery authority may proceed to disinter and remove the remains and reinter them in a portion of the existing cemetery or another cemetery or deposit them in a memorial mausoleum or columbarium.

(Added to NRS by 1961, 459; A 1979, 1561; 2001, 989; 2017, 328)

NRS 451.110 Notice of determination to remove human remains.

1. Notice of a determination to remove the human remains from all or any part of any cemetery must be given by publication in a newspaper of general circulation published in the city, or the county if the cemetery is in an unincorporated area, in which the

cemetery or the portion from which removals are to be made is situated. Publication must be at least once a week for 4 consecutive weeks.

2. The notice must specify the period after which the cemetery authority may remove the remains.

(Added to NRS by 1961, 460; A 2001, 989)

NRS 451.130 Posting of copies of notice in cemetery. Copies of the notice shall, within 10 days after the first publication, be posted in at least three conspicuous places in the cemetery or the portion from which removals are to be made.

(Added to NRS by 1961, 460)

NRS 451.140 Mailing of copy of notice to owner of plot or heir of person interred.

1. A copy of the notice must be mailed to every person who owns, holds, or has the right of interment in, any plot in the cemetery or part affected, whose name appears upon the records of the cemetery or upon the real property assessment roll of the county in which the cemetery is located. The notice must be addressed to the last known post office address of the plot owner as it appears from the records of the cemetery or county assessor, and if the owner's address does not appear or is not known, then to him or her in the city in which the cemetery is situated.

2. The notice must also be mailed to each known living heir at law of any person whose remains are interred in the cemetery, if his or her address is known.

(Added to NRS by 1961, 460; A 1979, 1562)

NRS 451.150 Notice to cemetery authority by friend or relative. At any time before the date fixed for the removal of remains by the cemetery authority, any relative or friend of any person whose remains are interred in the cemetery from which removals are to be made may give the cemetery authority written notice that the relative or friend desires to be present when the remains are disinterred or are reinterred.

(Added to NRS by 1961, 460)

NRS 451.160 Notice to cemetery authority by friend or relative: Contents. The notice to the cemetery authority shall specify:

1. The name of the person whose remains are to be disinterred.
2. As accurately as possible, the plot where the remains are interred.
3. The date of interment.
4. An address at which the required notices may be given by the cemetery authority.

(Added to NRS by 1961, 461)

NRS 451.170 Notice to cemetery authority by friend or relative: Manner of delivery. The notice may be delivered, or forwarded by registered or certified mail, to the office or principal place of business of the cemetery authority proposing to make removals.

(Added to NRS by 1961, 461; A 1969, 95)

NRS 451.180 Notice by cemetery authority; manner of service on friend or relative. After receipt of such notice before the date fixed for the removal of the remains by the cemetery authority, it shall give written notice to the person requesting it of the time when the remains shall be disinterred. This notice shall be given by delivery, or by mail, to the person requesting it at least 10 days prior to the date specified for the disinterment of the remains.

(Added to NRS by 1961, 461)

NRS 451.190 Notice to cemetery authority by friend or relative: Effect. Whenever a request of notice is given by a relative or friend, the cemetery authority shall not disinter the remains referred to until the notice of the time of disinterment is given the relative or friend, as provided in NRS 451.150 to 451.180, inclusive.

(Added to NRS by 1961, 461)

NRS 451.260 Removal of human remains. After the completion of notice and after the expiration of the period specified in the notice, the cemetery authority may cause the removal of all human remains interred in the cemetery or portion from which the remains have been ordered removed, and may reinter such remains in other cemeteries in this state where interments are permitted, without further notice to any person claiming any interest in the cemetery, or portion affected, or in the remains interred therein.

(Added to NRS by 1961, 462; A 2001, 989)

NRS 451.270 Manner and time of reinterment.

1. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred not later than 1 year after the date on which the remains are disinterred under rules and regulations adopted by the cemetery authority making the removal.

2. A receptacle shall be deemed suitable for the purposes of subsection 1 if the receptacle:

(a) Is capable of withstanding weather and movement of the earth that may affect the receptacle for at least 100 years; or

(b) Has been approved by the closest living relative of the decedent.

(Added to NRS by 1961, 462; A 2017, 328)

NRS 451.280 Disposal of land by cemetery authority; authority to sell and encumber. Whenever human remains have been ordered removed under the provisions of NRS 451.069 to 451.330, inclusive, and the cemetery authority has made and published notice of the determination to remove such remains, the portions of the cemetery in which no interments have been made, and those portions from which all human remains have been removed, may be sold, mortgaged or otherwise encumbered as security for any loan or loans made to the cemetery authority.

(Added to NRS by 1961, 462; A 1979, 1562; 2001, 989)

NRS 451.290 Sale or encumbrance of land; confirmation by district court of sale by cemetery corporation or association. No order of any court shall be required prior to the making of any such sale, mortgage or other encumbrance of such lands; but any sale of such cemetery lands made by any cemetery corporation or association controlled by a governing body shall be fairly conducted and the price paid shall be fair and reasonable and all such sales shall be confirmed, as to the fairness and reasonableness of the price paid, by the district court of the county in which the lands are situated.

(Added to NRS by 1961, 462)

NRS 451.300 Petition for confirmation; notice of hearing. Petitions for confirmation of sales shall be made to the district court of the county in which such lands are situated, and the clerk of the court shall fix a day for and give notice of hearing by publication on three dates of publication prior to the hearing, and if the newspaper is published oftener than once a week there shall be at least 10 days from the first to last dates of publication (both first and last days included).

(Added to NRS by 1961, 462; A 1977, 274)

NRS 451.310 Confirmation of sale agreed upon before receipt of notice of determination that further maintenance of cemetery is not in accordance with health, safety, comfort or welfare of public. If, before receiving notice of any determination made by a governmental authority pursuant to NRS 451.070, any cemetery authority has in good faith entered into any agreement to sell or has granted any option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the district court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy.

(Added to NRS by 1961, 462; A 1979, 1562; 2001, 990)

NRS 451.320 Declaration of removal by cemetery authority: Filing; acknowledgment; effect of subsequent conveyance.

1. After the removal of all human remains interred in any part of the whole of the cemetery lands, the cemetery authority may file for record in the office of the county recorder of the county in which the lands are situated a written declaration reciting that all human remains have been removed from the lands described in the declaration.
2. The declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers of the cemetery authority, or by the person owning or controlling the cemetery lands, and thereafter any deed, mortgage or other conveyance of any part of such lands is conclusive evidence in favor of any grantee or mortgagee named in it, and his or her successor or assigns, of the fact of the complete removal of all human remains therefrom.

(Added to NRS by 1961, 463)

NRS 451.330 Removal of dedication; notice of hearing and proof. After all remains have been removed from a cemetery in accordance with the provisions of NRS 451.069 to 451.330, inclusive, the dedication may be removed from all or any part of such cemetery lands by an order and decree of the district court of the county in which the property is situated, in a proceeding brought for that purpose and upon notice of hearing and proof satisfactory to the court:

1. That all bodies have been removed, or that no interments were made; and
2. That the property is no longer used or required for interment.

(Added to NRS by 1961, 463; A 1979, 1563; 2001, 990)

REMOVAL OF HUMAN REMAINS INTERRED IN RELIGIOUS CEMETERY

NRS 451.340 Disinterment by heir or relative must comply with requirements of religious denomination, society or church; authority of officer, representative or agent of church or religious society.

1. The heirs, relatives or friends of any decedent whose remains have been interred in any cemetery owned, governed or controlled by any religious corporation or by any church or religious society of any denomination or by any corporation sole administering temporalities of any religious denomination, society or church, or owned, governed or controlled by any person or persons as trustee or trustees for any religious denomination, society or church shall not disinter, remove, reinter or dispose of any such remains except in accordance with the rules, regulations and discipline of such religious denomination, society or church.
2. The officers, representatives or agents of the church or religious society shall be the sole judge of the requirements of the rules, regulations and discipline of such religious denomination, society or church.

(Added to NRS by 1961, 463)

ANATOMICAL DISSECTION

NRS 451.350 "Committee" defined. As used in NRS 451.350 to 451.470, inclusive, "Committee" means the Committee on Anatomical Dissection established by the Nevada System of Higher Education.

(Added to NRS by 1963, 531; A 1969, 161; 1993, 405)

NRS 451.360 Establishment and composition of Committee; election and terms of Chair and Secretary.

1. The Nevada System of Higher Education may establish a Committee on Anatomical Dissection consisting of:

(a) One member who is a physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, appointed by the Nevada State Medical Association.

(b) One member who is an osteopathic physician licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, appointed by the Nevada Osteopathic Medical Association.

(c) One member who is a dentist licensed to practice dentistry pursuant to the provisions of chapter 631 of NRS, appointed by the Nevada Dental Association.

(d) One member who is a pathologist, appointed by the Nevada Society of Pathologists.

(e) One member appointed by the President of the University of Nevada, Reno, from the faculty of the University of Nevada, Reno.

(f) One member appointed by the President of the University of Nevada, Las Vegas, from the faculty of the University of Nevada, Las Vegas.

(g) One member appointed by the President of the Touro University College of Osteopathic Medicine, Nevada, or its successor, from the faculty of the Touro University College of Osteopathic Medicine, Nevada.

(h) The Chief Medical Officer, or a designee of the Chief Medical Officer.

(i) One member appointed by the Nevada Funeral Service Association.

2. The Committee shall elect:

(a) The member appointed by the President of the University of Nevada, Reno, or the member appointed by the President of the University of Nevada, Las Vegas, to serve as Chair of the Committee; and

(b) A Secretary from among its members.

3. The Chair and Secretary shall hold office for a term of 1 year.

(Added to NRS by 1963, 531; A 1969, 1442; 1993, 405; 2005, 601)

NRS 451.370 Meetings, records and budget of Committee.

1. The Committee shall meet:

(a) At least twice annually and at other times specified by a call of the Chair of the Committee or a majority of its members; and

(b) At places specified by the Chair.

2. The Committee shall keep full and complete minutes and an audio recording or transcript of each meeting of the Committee and a complete record of all dead human bodies received and distributed by it and of the persons to whom the bodies may be distributed. The minutes, audio recordings, transcripts and records must be open at all times for inspection by each member of the Committee and by the district attorney of any county within the State.

3. The Secretary of the Committee is responsible for keeping the minutes of each meeting of the Committee and preparing and maintaining a complete file of the minutes, audio recordings, transcripts and records of the Committee.

4. The Committee shall prepare and approve an annual budget for the Committee.

(Added to NRS by 1963, 531; A 1969, 1443, 1458; 1993, 405; 2005, 602, 1414; 2013, 1625)

NRS 451.380 Compensation of members of Committee. The members of the Committee shall serve without salary.

(Added to NRS by 1963, 532)

NRS 451.390 Regulations of Committee. The Committee shall adopt such regulations as it may deem necessary for the performance of its duties, including, without limitation, regulations concerning the persons and entities that are eligible to receive dead bodies pursuant to NRS 451.450.

(Added to NRS by 1963, 532; A 1983, 1444; 2005, 602)

NRS 451.400 Notification of Committee or its designee concerning dead human body which is unclaimed or required to be buried at public expense; delivery of body as designated by Committee.

1. All public officers, agents or employees of every county, city or town, every person in charge of any prison, morgue, hospital, funeral parlor or mortuary, and all other persons coming into possession, charge or control of any dead human body which is unclaimed or which is required to be buried at public expense are hereby required to notify immediately the Committee or its designee.

2. Except as otherwise provided in NRS 451.420, every person required to notify the Committee or its designee of the person's possession, charge or control of a dead human body pursuant to subsection 1 shall, upon the request of the Committee and without fee, deliver such a dead body to the Committee, or to such agent, institution or person as the Committee may designate.

(Added to NRS by 1963, 532; A 2003, 385; 2005, 602)

NRS 451.410 Retention of bodies received by Committee; referral of excess or unfit bodies to board of county commissioners for burial or cremation. Each dead human body received by the Committee shall be retained in a receiving vault for a period of not less than 30 days before allowing its use for medical science. If at any time more bodies are made available to the Committee than can be used for medical science under its jurisdiction, or a body shall be deemed by the Committee to be unfit for anatomical purposes, the Committee may notify, in writing, the board of county commissioners of the county where the death occurred. Upon receiving such notification, the board of county commissioners shall direct a person to take charge of such body and cause it to be buried or cremated in accordance with the existing rules, laws and practices for disposing of unclaimed bodies within such county.

(Added to NRS by 1963, 532; A 2005, 603)

NRS 451.420 Committee to receive notice of death for unclaimed indigent person; limitations on delivery of bodies to Committee.

1. Notice of death must be given to the Committee in all cases of unclaimed indigent persons.
2. If any relative, by blood or marriage, claims the body for burial at the expense of the relative, the body must not be delivered to the Committee, but must be surrendered to the claimant for interment.
3. No such body may be delivered to the Committee if any friend of the deceased, any representative of a fraternal society of which the deceased was a member, any representative of a veterans' organization recognized by the Director of the Department of Veterans Services, or any representative of any charitable or religious organization claims the body for burial at its expense.
4. If the deceased person was an honorably discharged member of the Armed Forces of the United States or the State, the body must not be delivered to the Committee, but must be buried in accordance with the provisions of the existing laws. If a veterans' organization claims the body of a deceased veteran pursuant to subsection 3, the veterans' organization must provide a military funeral.

(Added to NRS by 1963, 532; A 2003, 385)

NRS 451.430 Delivery of body by Committee to friend or other claimant; payment of expenses; military funeral required by veterans' organization that claims body. Any dead human body which has been delivered to the Committee may be claimed by any friend of the deceased, any representative of a fraternal society of which the deceased was a member, a veterans' organization recognized by the Director of the Department of Veterans Services, or any representative of any charitable or religious organization. Upon receipt of such a claim, the body must be surrendered to the claimant by the Committee after the payment to the Committee of the expenses incurred in obtaining and handling the body. If a veterans' organization claims the body of a deceased veteran pursuant to this section, the veterans' organization must provide a military funeral.

(Added to NRS by 1963, 532; A 2003, 386)

NRS 451.440 Contract for delivery of body to Committee prohibited; Committee authorized to accept body left by will.

1. The Committee is prohibited from entering into any contract, oral or written, whereby any sum of money shall be paid to any living person in exchange for which the body of such person shall be delivered to the Committee when such living person dies.
2. If any person executes a will leaving the person's body to the Committee for the advancement of medical science and such person dies within the geographical limits of the State, the Committee is hereby empowered to accept and receive such body.

(Added to NRS by 1963, 532)

NRS 451.450 Distribution of bodies among schools, teaching hospitals and other persons or entities; fees; penalty.

1. The Committee or its duly authorized agent shall take and receive the bodies delivered to it pursuant to the provisions of NRS 451.350 to 451.470, inclusive, and shall distribute such bodies proportionately and equitably, among schools, teaching hospitals in which there is a resident training program that requires cadaveric material for study, and such other person or entity as the Committee may determine to be eligible to receive such bodies.
2. The Committee shall charge and collect:

(a) From a university, state college, community college or medical school within the Nevada System of Higher Education and any other medical school in this State to which the Committee distributes a dead human body in accordance with subsection 1, a fee in an amount not to exceed the expenses of the Committee to obtain, handle and distribute the body delivered to it pursuant to the provisions of NRS 451.350 to 451.470, inclusive; and

(b) From any other person or entity to which the Committee distributes a dead human body in accordance with subsection 1:

(1) A fee in an amount not to exceed the expenses of the Committee to obtain, handle and distribute the body delivered to it pursuant to the provisions of NRS 451.350 to 451.470, inclusive; and

(2) An additional fee of $200 for each body distributed to the person or entity which must be used by the Committee to carry out the provisions of NRS 451.350 to 451.470, inclusive.

3. A person or entity may not receive a dead body for the promotion of medical science unless the Committee has determined that the person or entity is eligible to receive the dead body. A person or entity who receives a dead body in violation of this subsection is guilty of a gross misdemeanor.

(Added to NRS by 1963, 533; A 1969, 161; 2005, 603)

NRS 451.460 Recipient of body received from Committee required to give bond; approval, amount and conditions of bond. The Committee shall not distribute a body delivered to it pursuant to the provisions of NRS 451.350 to 451.470, inclusive, to a university, school, college, teaching hospital or entity pursuant to NRS 451.450 until the university, school, college, teaching hospital or entity submits a bond, in a form approved by the Attorney General, to the Committee. Such bond must be in the penal sum of $1,000 conditioned that all such bodies received by such university, school, college, teaching hospital or entity must be used for no other purpose than the promotion of medical science within this State.

(Added to NRS by 1963, 533; A 2005, 603)

NRS 451.470 Disposal of remains after use. At any time any body, or part of any body accepted by the Committee, has been used and deemed of no further value to medical or dental science, the person having charge of such body or parts of such body shall dispose of the remains by cremation or as otherwise specified under prior mutually agreed special conditions of acceptance.

(Added to NRS by 1963, 533; A 1969, 161; 2005, 604)

ANATOMICAL GIFTS (UNIFORM ACT)

NRS 451.500 Short title. NRS 451.500 to 451.598, inclusive, may be cited as the Revised Uniform Anatomical Gift Act.

(Added to NRS by 1969, 158; A 1977, 449; 1979, 351; 1989, 433; 2007, 794)

NRS 451.503 Applicability of Act. NRS 451.500 to 451.598, inclusive, apply to an anatomical gift or amendment to, revocation of or refusal to make an anatomical gift, whenever made.

(Added to NRS by 1989, 432; A 2007, 794; 2019, 2766)

NRS 451.505 Uniformity of application and construction. In applying and construing the Revised Uniform Anatomical Gift Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

(Added to NRS by 1969, 158; A 1989, 433; 2007, 794)

NRS 451.510 Definitions. As used in NRS 451.500 to 451.598, inclusive, unless the context otherwise requires, the words and terms defined in NRS 451.511 to 451.5545, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1969, 158; A 1987, 316; 1989, 433; 1991, 482; 2007, 794; 2019, 2766)

NRS 451.511 "Adult" defined. "Adult" means a natural person who is at least 18 years of age.

(Added to NRS by 2007, 780)

NRS 451.512 "Agent" defined. "Agent" means a natural person:

1. Authorized to make health-care decisions on the principal's behalf by a power of attorney for health care; or
2. Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

(Added to NRS by 2007, 781)

NRS 451.513 "Anatomical gift" defined. "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research or education.

(Added to NRS by 1989, 431; A 2007, 794)

NRS 451.520 "Decedent" defined. "Decedent" means a deceased natural person whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than NRS 451.500 to 451.598, inclusive, a fetus.

(Added to NRS by 1969, 158; A 1989, 433; 2007, 794)

NRS 451.522 "Disinterested witness" defined. "Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent or guardian of the natural person who makes, amends, revokes or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the natural person. The term does not include a person to which an anatomical gift could pass under NRS 451.571.

(Added to NRS by 2007, 781)

NRS 451.523 "Document of gift" defined. "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card or donor registry.

(Added to NRS by 1989, 431; A 1991, 482, 2172; 2003, 828; 2007, 794)

NRS 451.525 "Donor" defined. "Donor" means a natural person whose body or part is the subject of an anatomical gift.

(Added to NRS by 1969, 158; A 1989, 433; 2007, 794)

NRS 451.526 "Donor registry" defined. "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts. The term includes, without limitation, a donor registry that has entered into a contract with the Department of Motor Vehicles pursuant to NRS 483.340 or 483.840.
(Added to NRS by 2007, 781)

NRS 451.528 "Driver's license" defined. "Driver's license" means a license or permit issued by the Department of Motor Vehicles to operate a vehicle, whether or not conditions are attached to the license or permit.
(Added to NRS by 2007, 781)

NRS 451.5285 "Eye bank" defined. "Eye bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.
(Added to NRS by 2007, 781)

NRS 451.529 "Guardian" defined. "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health or welfare of a natural person. The term does not include a guardian ad litem.
(Added to NRS by 2007, 781)

NRS 451.530 "Hospital" defined. "Hospital" means a facility licensed as a hospital under the laws of any state or a facility operated as a hospital by the United States, a state or a subdivision of a state.
(Added to NRS by 1969, 158; A 1989, 433; 2007, 795)

NRS 451.532 "Identification card" defined. "Identification card" means an identification card issued by the Department of Motor Vehicles pursuant to chapter 483 of NRS.
(Added to NRS by 1991, 482; A 2001, 2624)

NRS 451.533 "Know" defined. "Know" means to have actual knowledge.
(Added to NRS by 2007, 781)

NRS 451.5335 "Minor" defined. "Minor" means a natural person who is under 18 years of age.
(Added to NRS by 2007, 781)

NRS 451.534 "Organ procurement organization" defined. "Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.
(Added to NRS by 2007, 781)

NRS 451.5345 "Parent" defined. "Parent" means a parent whose parental rights have not been terminated.
(Added to NRS by 2007, 781)

NRS 451.535 "Part" defined. "Part" means an organ, an eye or any tissue of a human being. The term does not include the whole body.
(Added to NRS by 1969, 158; A 1989, 433; 2007, 795)

NRS 451.540 "Person" defined. "Person" means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.
(Added to NRS by 1969, 158; A 1985, 517; 2007, 795)

NRS 451.545 "Physician" defined. "Physician" means a natural person authorized to practice medicine or osteopathy under the laws of any state.
(Added to NRS by 1969, 158; A 1977, 962; 1985, 499; 1989, 433; 2007, 795)

NRS 451.547 "Procurement organization" defined. "Procurement organization" means an eye bank, organ procurement organization or tissue bank.
(Added to NRS by 1989, 431; A 2007, 795)

NRS 451.5475 "Prospective donor" defined. "Prospective donor" means a natural person who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research or education. The term does not include a natural person who has made a refusal.
(Added to NRS by 2007, 781)

NRS 451.548 "Reasonably available" defined. "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(Added to NRS by 2007, 781)

NRS 451.5485 "Recipient" defined. "Recipient" means a natural person into whose body a decedent's part has been or is intended to be transplanted.
(Added to NRS by 2007, 781)

NRS 451.549 "Record" defined. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
(Added to NRS by 2007, 781)

NRS 451.5493 "Refusal" defined. "Refusal" means a record created under NRS 451.561 that expressly states an intent to bar other persons from making an anatomical gift of a natural person's body or part.
(Added to NRS by 2007, 781)

NRS 451.5497 "Sign" defined. "Sign" means, with the present intent to authenticate or adopt a record:
1. To execute or adopt a tangible symbol; or
2. To attach to or logically associate with the record an electronic symbol, sound or process.
(Added to NRS by 2007, 782)

NRS 451.550 "State" defined. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.
(Added to NRS by 1969, 158; A 1989, 433; 2007, 795)

NRS 451.553 "Technician" defined. "Technician" means a natural person determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited or regulated under federal or state law. The term includes an enucleator.
(Added to NRS by 1989, 431; A 2007, 795)

NRS 451.5535 "Tissue" defined. "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.
(Added to NRS by 2007, 782)

NRS 451.554 "Tissue bank" defined. "Tissue bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.
(Added to NRS by 2007, 782)

NRS 451.5545 "Transplant hospital" defined. "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.
(Added to NRS by 2007, 782)

NRS 451.556 Persons authorized to make anatomical gift before death of donor. Subject to NRS 451.562, an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research or education in the manner provided in NRS 451.558 by:
1. The donor, if the donor is an adult or if the donor is a minor and is:
(a) Emancipated; or
(b) Authorized under state law to apply for a driver's license because the donor is at least 16 years of age;
2. An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;
3. A parent of the donor, if the donor is an unemancipated minor; or
4. The donor's guardian.
(Added to NRS by 2007, 782)

NRS 451.558 Manner of making anatomical gift before death of donor.
1. A donor may make an anatomical gift:
(a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;
(b) In a will;
(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or
(d) As provided in subsection 2.
2. A donor or other person authorized to make an anatomical gift under NRS 451.556 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the

donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another natural person at the direction of the donor or other person and must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. An anatomical gift made in the manner described in paragraph (a) of subsection 1 by a donor who is at least 16 years of age but less than 18 years of age is valid and may not be revoked by a parent or guardian if the donor and his or her parent or guardian sign a form prescribed by the Department of Motor Vehicles which indicates that unless the anatomical gift is amended or revoked by the donor before his or her death, the anatomical gift may not be amended or revoked by the parent or guardian of the donor.

4. Revocation, suspension, expiration or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

5. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

(Added to NRS by 2007, 782; A 2013, 435)

NRS 451.559 Amending or revoking anatomical gift before death of donor.

1. Subject to NRS 451.562, a donor or other person authorized to make an anatomical gift under NRS 451.556 may amend or revoke an anatomical gift by:

(a) A record signed by:

(1) The donor;

(2) The other person; or

(3) Subject to subsection 2, another natural person acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(b) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

2. A record signed pursuant to subparagraph (3) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. Subject to NRS 451.562, a donor or other person authorized to make an anatomical gift under NRS 451.556 may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

4. A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

5. A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection 1.

(Added to NRS by 2007, 783)

NRS 451.561 Refusal to make anatomical gift; effect of refusal.

1. A natural person may refuse to make an anatomical gift of his or her body or part by:

(a) A record signed by:

(1) Him or her; or

(2) Subject to subsection 2, another natural person acting at his or her direction if he or she is physically unable to sign;

(b) The natural person's will, whether or not the will is admitted to probate or invalidated after his or her death; or

(c) Any form of communication made by the natural person during his or her terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

2. A record signed pursuant to subparagraph (2) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the natural person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. A natural person who has made a refusal may amend or revoke the refusal:

(a) In the manner provided in subsection 1 for making a refusal;

(b) By subsequently making an anatomical gift pursuant to NRS 451.558 that is inconsistent with the refusal; or

(c) By destroying or cancelling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

4. Except as otherwise provided in subsection 8 of NRS 451.562, in the absence of an express, contrary indication by the natural person set forth in the refusal, a natural person's unrevoked refusal to make an anatomical gift of his or her body or part bars all other persons from making an anatomical gift of the natural person's body or part.

(Added to NRS by 2007, 783)

NRS 451.562 Preclusive effect of anatomical gift, amendment or revocation.

1. Subject to the provisions of subsections 6 and 7, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under NRS 451.558 or an amendment to an anatomical gift of the donor's body or part under NRS 451.559.

2. A donor's revocation of an anatomical gift of the donor's body or part under NRS 451.559 is not a refusal and does not bar another person specified in NRS 451.556 or 451.566 from making an anatomical gift of the donor's body or part under NRS 451.558 or 451.568.

3. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under NRS 451.558 or an amendment to an anatomical gift of the donor's body or part under NRS 451.559, another person may not make, amend or revoke the gift of the donor's body or part under NRS 451.568.

4. A revocation of an anatomical gift of a donor's body or part under NRS 451.559 by a person other than the donor does not bar another person from making an anatomical gift of the body or part under NRS 451.558 or 451.568.

5. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under NRS 451.556, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

6. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under NRS 451.556, an anatomical gift of a part for one or more of the purposes set forth in NRS 451.556 is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under NRS 451.558 or 451.568.

7. Except as otherwise provided in NRS 451.558, if a donor who is an unemancipated minor dies, a parent or guardian of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

8. If an unemancipated minor who signed a refusal dies, a parent or guardian of the minor who is reasonably available may revoke the minor's refusal.

(Added to NRS by 2007, 784; A 2013, 436)

NRS 451.566 Persons authorized to make anatomical gift of body or part of decedent.

1. Subject to subsections 2 and 3 and unless barred by NRS 451.561 or 451.562, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(a) An agent of the decedent at the time of death who could have made an anatomical gift under subsection 2 of NRS 451.556 immediately before the decedent's death;

(b) The spouse of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

(h) An adult who exhibited special care and concern for the decedent;

(i) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(j) Any other person having the authority to dispose of the decedent's body.

2. If there is more than one member of a class listed in paragraphs (a), (c), (d), (e), (f), (g) or (i) of subsection 1 entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under NRS 451.571 knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

3. A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift.

(Added to NRS by 2007, 784)

NRS 451.568 Manner of making, amending or revoking anatomical gift of body or part of decedent.

1. A person authorized to make an anatomical gift under NRS 451.566 may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the natural person receiving the oral communication.

2. Subject to subsection 3, an anatomical gift by a person authorized under NRS 451.566 may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under NRS 451.566 may be:

(a) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(b) Revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

3. A revocation under subsection 2 is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital or physician or technician knows of the revocation.

(Added to NRS by 2007, 785)

NRS 451.571 Persons who may receive anatomical gift; purpose of anatomical gift.

1. An anatomical gift may be made to the following persons named in the document of gift:

(a) A hospital, accredited medical school, dental school, college, university, organ procurement organization or other appropriate person, for research or education;

(b) Subject to subsection 2, a natural person designated by the person making the anatomical gift if the natural person is the recipient of the part; or

(c) An eye bank or tissue bank.

2. If an anatomical gift to a natural person under paragraph (b) of subsection 1 is not medically suitable for transplantation into the natural person, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy for other natural persons, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If it is not medically suitable for transplantation or therapy for other natural persons, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

3. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection 1 but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.

(c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(d) If the part is an organ, an eye or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

4. For the purpose of subsection 3, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with paragraphs (a), (b) and (c) of subsection 3.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

5. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection 1 and does not identify the purpose of the gift, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

6. If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor" or "organ donor" or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

7. If a document of gift specifies only a general intent to make an anatomical gift by words such as "body donor" or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If any part is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If any part is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

8. For purposes of subsections 2, 5, 6 and 7, if an anatomical gift is medically suitable for transplantation or therapy, the following rules apply:

(a) If a family member of the donor resides in this State and is a medically suitable recipient for the gift, the gift passes to the family member.

(b) If no family member exists as described in paragraph (a):

(1) If the part is an eye, the gift passes to the appropriate eye bank.

(2) If the part is tissue, the gift passes to the appropriate tissue bank.

(3) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

9. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph (b) of subsection 1, passes to the organ procurement organization as custodian of the organ.

10. If an anatomical gift does not pass pursuant to subsections 1 to 9, inclusive, or the decedent's body or part is not used for transplantation, therapy, research or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

11. A person may not accept an anatomical gift if the person knows that the gift was not effectively made under NRS 451.558 or 451.568 or if the person knows that the decedent made a refusal under NRS 451.561 that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

12. Except as otherwise provided in paragraph (b) of subsection 1 and subsection 8, nothing in NRS 451.500 to 451.598, inclusive, affects the allocation of organs for transplantation or therapy.

13. As used in this section, "family member" means a person who is related to the donor within the fourth degree of consanguinity or affinity.

(Added to NRS by 2007, 785; A 2011, 1007)

NRS 451.572 Search and notification.

1. The following persons shall make a reasonable search of a natural person who the person reasonably believes is dead or near death for a document of gift or other information identifying the natural person as a donor or as a natural person who made a refusal:

(a) A law enforcement officer, firefighter, paramedic or other emergency rescuer finding the natural person; and

(b) If no other source of the information is immediately available, a hospital, as soon as practical after the natural person's arrival at the hospital.

2. If a document of gift or a refusal to make an anatomical gift is located by the search required by paragraph (a) of subsection 1 and the natural person or deceased natural person to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

3. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

(Added to NRS by 2007, 787)

NRS 451.578 Delivery of document of gift not required; right to examine.

1. A document of gift need not be delivered during the donor's lifetime to be effective.

2. Upon or after a natural person's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the natural person shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the natural person or by a person to which the gift could pass under NRS 451.571.

(Added to NRS by 2007, 788)

NRS 451.579 Rights and duties of procurement organization and others.

1. When a hospital refers a natural person at or near death to a procurement organization, the organization shall make a reasonable search of the records of any donor registry that it knows exists for the geographical area in which the natural person resides to ascertain whether the natural person has made an anatomical gift.

2. When a hospital refers a natural person at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the natural person expressed a contrary intent.

3. Unless prohibited by law other than NRS 451.500 to 451.598, inclusive, at any time after a donor's death, the person to which a part passes under NRS 451.571 may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

4. Unless prohibited by law other than NRS 451.500 to 451.598, inclusive, an examination under subsection 2 or 3 may include an examination of all medical and dental records of the donor or prospective donor.

5. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

6. Upon referral by a hospital under subsection 1, a procurement organization shall make a reasonable search for any person listed in NRS 451.566 having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended or revoked, it shall promptly advise the other person of all relevant information.

7. Subject to subsection 10 of NRS 451.571 and 451.597, the rights of the person to which a part passes under NRS 451.571 are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and NRS 451.500 to 451.598, inclusive, a person that accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under NRS 451.571, upon the death of the donor and before embalming, burial or cremation, shall cause the part to be removed without unnecessary mutilation.

8. Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

9. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

10. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift, if an anatomical gift of a part has been made for the purpose of transplantation or therapy and the part is medically suitable for that purpose, the appropriate procurement organization shall discuss with a person authorized to make an anatomical gift under NRS 451.556 the person's willingness to make an anatomical gift of any other part for the purpose of research or education.

(Added to NRS by 2007, 788)

NRS 451.584 Coordination of procurement and use. Each hospital in this State shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

(Added to NRS by 2007, 789)

NRS 451.587 Nontransplant anatomical donation organizations: Certification; standards and guidelines; fee for application for issuance or renewal of certificate; duties of Division; penalty.

1. Each nontransplant anatomical donation organization that procures a human body or part in this State shall:

(a) Be certified by the Division;

(b) Follow the standards and guidelines established by the State Board of Health pursuant to subsection 2; and

(c) Report to the Division, in a manner and frequency prescribed by the State Board of Health, the number and disposition of human bodies or parts procured by the nontransplant anatomical donation organization.

2. The State Board of Health shall:

(a) Adopt regulations that establish standards and guidelines for nontransplant anatomical donation organizations which must be substantially based upon federal laws and regulations relating to the procurement of human bodies and parts, NRS 451.500 to 451.598, inclusive, and the best standards and practices in the industry; and

(b) Adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that establish a fee for an application for the issuance or renewal of a certification as a nontransplant anatomical donation organization.

3. Before adopting or amending any regulation pursuant to subsection 2, the State Board of Health shall seek input from each procurement organization and nontransplant anatomical donation organization in this State.

4. The Division shall:

(a) Collect and analyze information from each nontransplant anatomical donation organization in this State on the number and disposition of human bodies and parts procured by the nontransplant anatomical donation organization and make such information available to the Governor and the Legislature upon request; and

(b) Monitor all nontransplant anatomical donation organizations in this State for compliance with federal and state laws and regulations.

5. A person who engages in the activity of a nontransplant anatomical donation organization without being certified by the Division pursuant to this section or who violates the standards and guidelines adopted by the State Board of Health pursuant to subsection 2 is guilty of a category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than $50,000, or by both fine and the punishment provided in NRS 193.130.

6. As used in this section:

(a) "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) "Nontransplant anatomical donation organization" means a person who engages in the recovery, screening, testing, processing, storage or distribution of human bodies or parts for a purpose other than transplantation, including, without limitation, education, research or the advancement of medical, dental or mortuary science.

(Added to NRS by 2019, 2765)

NRS 451.590 Sale or purchase of parts prohibited; penalties.

1. Except as otherwise provided in subsection 2, a person shall not knowingly, for valuable consideration, purchase or sell a part of a natural person for transplantation or therapy if removal of the part from the natural person is or was intended to occur after the natural person's death.

2. A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation or disposal of a part.

3. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than $50,000, or by both fine and the punishment provided in NRS 193.130.

(Added to NRS by 1989, 432; A 1995, 1280; 2007, 795)

NRS 451.591 Other prohibited acts; penalties.

1. A person shall not, in order to obtain a financial gain, intentionally falsify, forge, conceal, deface or obliterate a document of gift, an amendment or revocation of a document of gift or a refusal.

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than $50,000, or by both fine and the punishment provided in NRS 193.130.

(Added to NRS by 2007, 789)

NRS 451.592 Immunity.

1. A person that acts in accordance with NRS 451.500 to 451.598, inclusive, or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.

2. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

3. In determining whether an anatomical gift has been made, amended or revoked under NRS 451.500 to 451.598, inclusive, a person may rely upon representations of a natural person listed in paragraph (b), (c), (d), (e), (f), (g) or (h) of subsection 1 of NRS 451.566 relating to the natural person's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

(Added to NRS by 2007, 789; A 2019, 2766)

NRS 451.593 Law governing validity; choice of law as to execution of document of gift; presumption of validity.

1. A document of gift is valid if executed in accordance with:

(a) The provisions of NRS 451.500 to 451.598, inclusive;

(b) The laws of the state or country where it was executed; or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.

2. If a document of gift is valid under this section, the law of this State governs the interpretation of the document of gift.

3. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

(Added to NRS by 2007, 790; A 2019, 2766)

NRS 451.594 Donor registry.

1. A person shall not create or maintain a donor registry unless the donor registry complies with the provisions of NRS 451.500 to 451.598, inclusive, and all other applicable provisions of federal and state law.

2. A donor registry must:

(a) Allow a donor or other person authorized under NRS 451.556 to include on the donor registry a statement or symbol that the donor has made, amended or revoked an anatomical gift;

(b) Be accessible to a procurement organization to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift; and

(c) Be accessible for purposes of paragraphs (a) and (b) 7 days a week on a 24-hour basis.

3. Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift.

4. This section does not apply to a donor registry that is created to contain records of anatomical gifts and amendments to or revocations of anatomical gifts of only the whole body of a donor for the purpose of research or education.

(Added to NRS by 2007, 790; A 2019, 2767)

NRS 451.595 Effect of anatomical gift on advance health-care directive.

1. As used in this section:

(a) "Advance health-care directive" means a power of attorney for health care or other record signed by a prospective donor, or executed in the manner set forth in NRS 162A.790, containing the prospective donor's direction concerning a health-care decision for the prospective donor.

(b) "Declaration" means a record signed by a prospective donor, or executed as set forth in NRS 449A.433, specifying the circumstances under which life-sustaining treatment may be withheld or withdrawn from the prospective donor. The term includes a Provider Order for Life-Sustaining Treatment form executed pursuant to NRS 449A.500 to 449A.581, inclusive.

(c) "Health-care decision" means any decision made regarding the health care of the prospective donor.

2. If a prospective donor has a declaration or advance health-care directive and the terms of the declaration or advance health-care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:

(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:

(1) An agent acting under the declaration or advance health-care directive of the prospective donor; or

(2) If an agent is not named in the declaration or advance health-care directive or the agent is not reasonably available, any other person authorized by law, other than by a provision of NRS 451.500 to 451.598, inclusive, to make a health-care decision for the prospective donor.

(b) The conflict must be resolved as expeditiously as practicable.

(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under NRS 451.556.

(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor, if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his or her life.

(Added to NRS by 2007, 790; A 2009, 211; 2013, 2292; 2017, 464, 1773)

NRS 451.596 Cooperation between coroner and procurement organization.

1. A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research or education.

2. If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is going to be performed, unless the coroner denies recovery in accordance with NRS 451.597, the coroner or designee shall conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

3. A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research or education unless the part is the subject of an anatomical gift or such removal is authorized or required by other law. The body of a decedent under the jurisdiction of the coroner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift or such delivery is authorized or required by NRS 451.350 to 451.470, inclusive, or other law. This subsection does not preclude a coroner from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner.

(Added to NRS by 2007, 791)

NRS 451.597 Facilitation of anatomical gift from decedent whose body is under jurisdiction of coroner.

1. Upon request of a procurement organization, a coroner shall release to the procurement organization the name, contact information and available medical and social history of a decedent whose body is under the jurisdiction of the coroner. If the decedent's body or part is medically suitable for transplantation, therapy, research or education, the coroner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the coroner only if relevant to transplantation or therapy.

2. The coroner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, X-rays, other diagnostic results and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the coroner which the coroner determines may be relevant to the investigation.

3. A person that has any information requested by a coroner pursuant to subsection 2 shall provide that information as expeditiously as possible to allow the coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research or education.

4. If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is not required, or the coroner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the coroner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research or education.

5. If an anatomical gift of a part from the decedent under the jurisdiction of the coroner has been or might be made, but the coroner or designee initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death, the coroner or designee shall consult with the procurement organization or the physician or technician designated by the procurement organization to remove the part about the proposed recovery. After consultation, the coroner or designee may allow the recovery by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part.

6. Following the consultation under subsection 5, if the coroner or designee still intends to deny recovery, the coroner or designee, at the request of the procurement organization, shall consult additionally with the physician or technician designated by the procurement organization to remove the part before making a final determination not to allow the procurement organization to recover the part. The additional consultation must be based on the protocols developed pursuant to subsection 10 to resolve conflicts and to maximize the recovery of parts for the purpose of transplantation or therapy, except that the coroner retains the right to deny recovery based on clear need for the postmortem examination, including, without limitation, preservation of the part. After such additional consultation, the coroner or designee may:

(a) Allow recovery by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part; or

(b) If the coroner or designee reasonably believes that the part may be involved in determining the decedent's cause or manner of death, deny recovery by the procurement organization.

7. If the coroner or designee denies recovery under subsection 6:

(a) The coroner or designee shall:

(1) Document in a record the specific reasons for not allowing recovery of the part;

(2) Include the specific reasons in the records of the coroner; and

(3) Share such records, including, without limitation, the specific reasons documented by the coroner or designee for not allowing recovery of the part, with the procurement organization in the interest of improving the protocols developed pursuant to subsection 10; and

(b) The procurement organization shall include in its records the specific reasons documented by the coroner or designee for not allowing recovery of the part.

8. If the coroner or designee allows recovery of a part under subsection 4, 5 or 6, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the coroner, in a timely manner, with a record describing the condition of the part, a biopsy, a photograph and any other information and observations that would assist in the postmortem examination.

9. If a coroner or designee elects to attend and witness a removal procedure under subsection 5 or 6, the procurement organization requesting the recovery of the part shall, upon request by the coroner or designee, reimburse the coroner or designee for the additional costs incurred in attending and witnessing the removal procedure.

10. For purposes of subsection 6, the coroner and the procurement organization shall develop mutually agreed-upon protocols to resolve conflicts between the coroner and the procurement organization regarding the recovery of parts. The protocols:

(a) Must focus on maximizing the recovery of parts for the purpose of transplantation or therapy;

(b) Must allow the coroner the right to deny recovery of a part where recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death; and

(c) May include, without limitation, requirements and procedures concerning:

(1) Consultations and cooperation between the coroner or designee and the physician or technician designated by the procurement organization to remove the part;

(2) The taking of photographs before, during and after removal of the part;

(3) Video recording the removal procedure; and

(4) The taking of tissue samples from the part and the conducting of biopsies, testing or other examinations of the part.

(Added to NRS by 2007, 791)

NRS 451.598 Relation to Electronic Signatures in Global and National Commerce Act. NRS 451.500 to 451.598, inclusive, modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(a) of that Act, 15 U.S.C. § 7001(a), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).

(Added to NRS by 2007, 793)

CREMATION

NRS 451.600 Definitions. As used in NRS 451.600 to 451.715, inclusive, unless the context otherwise requires, the words and terms defined in NRS 451.605 to 451.630, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1993, 2601; A 2017, 2735)

NRS 451.605 "Agent" defined. "Agent" means, with respect to a particular deceased person, a person authorized to order the cremation of his or her human remains.

(Added to NRS by 1993, 2601)

NRS 451.607 "Alkaline hydrolysis" defined. "Alkaline hydrolysis" means the:

1. Reduction of human remains to bone fragments through a water-based process of dissolution using alkaline chemicals and agitation to accelerate natural decomposition; and

2. Processing of the hydrolyzed human remains after their removal from the container in which the process of dissolution occurs.

(Added to NRS by 2017, 2735)

NRS 451.610 "Communicable disease" defined. "Communicable disease" has the meaning ascribed to it in NRS 441A.040.

(Added to NRS by 1993, 2601)

NRS 451.615 "Container" defined. "Container" means a vessel, whether or not a casket, in which human remains are placed for cremation.

(Added to NRS by 1993, 2601)

NRS 451.617 "Cremation" defined. "Cremation" means the technical process that reduces human remains to bone fragments by using alkaline hydrolysis or incineration.

(Added to NRS by 2017, 2735)

NRS 451.620 "Human remains" defined. "Human remains" means the body of a deceased person, or part of the body which has been removed from a living person, in any stage of decomposition.

(Added to NRS by 1993, 2601)

NRS 451.625 "Operator" defined. "Operator" of a crematory means the person licensed to conduct its business.

(Added to NRS by 1993, 2601)

NRS 451.630 "Urn" defined. "Urn" means a vessel in which cremated remains can be placed and which can be closed to prevent leaking or spilling of the remains or the entrance of foreign material.

(Added to NRS by 1993, 2601)

NRS 451.635 Requirements for licensing of crematories and certification of persons operating crematory equipment.

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 of a crematory shall ensure that all persons physically operating the crematory equipment have completed a crematory certification program approved by the Board and maintain proof of completion of the program at the site where the crematory equipment operated by the person is located. Such proof of completion must be made available to the Board upon request or as part of any inspection or investigation conducted by the Board.

3. Except as otherwise provided in subsection 4, 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.

4. If a crematory proposes to cremate human remains only through alkaline hydrolysis, the Board may issue a license to the applicant regardless of the location if the board of county commissioners of the county or the governing body of the city or town, as applicable, in which the crematory is proposed to be located provides written notice to the Board consenting to the proposed location of the crematory.

5. 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.

6. 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.

7. 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.

8. 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; 2015, 1968; 2017, 2735)

NRS 451.637 Operator of crematory to provide notice to certain entities concerning equipment for alkaline hydrolysis; entity that receives notice to ensure compliance with state and local requirements.

1. After obtaining a license pursuant to NRS 451.635 and at least 90 days before the operator of a crematory purchases equipment for alkaline hydrolysis for cremation, the operator must provide to the Division of Environmental Protection of the State Department of Conservation and Natural Resources and any private, public or cooperative operator of a sanitary sewer in the area in which the crematory is located written notice containing:

(a) The date on which the equipment for alkaline hydrolysis is proposed to be purchased; and

(b) A list of the equipment that is proposed to be purchased.

2. The Division and each operator of a sanitary sewer notified pursuant to subsection 1 shall ensure that the equipment which the operator proposes to purchase for alkaline hydrolysis complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and any local law, ordinance or regulation.

(Added to NRS by 2017, 2735)

NRS 451.640 Adoption of regulations; injunctive relief.

1. The Nevada Funeral and Cemetery Services Board shall adopt regulations for the administration of NRS 451.600 to 451.715, inclusive. Unless governed by the regulations of the State Board of Health, the regulations of the Nevada Funeral and Cemetery Services Board must include, without limitation:

(a) The conditions under which the remains of a person who has died from a communicable or otherwise dangerous disease may be transported to a crematory for cremation; and

(b) The minimum standards for sanitation, required equipment and protection from fire.

2. The Nevada Funeral and Cemetery Services Board may bring legal proceedings to enjoin any person who violates any provision of NRS 451.600 to 451.715, inclusive, any regulation adopted pursuant thereto or any order of the Board from operating a crematory. Any person who is so enjoined is liable to the Board for attorney's fees and court costs.

(Added to NRS by 1993, 2602; A 2003, 1279; 2017, 2736)

NRS 451.645 Authority of cemetery or funeral home to erect and conduct crematory; placement.

1. A cemetery or funeral home may erect and conduct a crematory if licensed as the operator.

2. Except as otherwise provided in subsections 3 and 4 of NRS 451.635, a crematory may be erected on or adjacent to the premises of a cemetery or funeral establishment if the location is zoned for commercial or industrial use, or at any other location where the local zoning permits. A crematory must conform to all local building codes and environmental standards.

(Added to NRS by 1993, 2602; A 2013, 237; 2015, 1969; 2017, 2737)

NRS 451.655 Order of person for cremation and disposition of remains.

1. A prepaid contract for services to be rendered upon the death of a beneficiary which includes cremation must specify the disposition of the cremated remains, and that portion of the contract must be initialed by the person paying for the services. If no additional or different instructions are given by the agent at the time of the beneficiary's death, the operator of a crematory may dispose of the remains as specified. Upon that disposition, the operator has no further liability with respect to the remains.

2. A person may order his or her own cremation and the disposition of his or her own cremated remains. The order must be signed by the person and by two witnesses. The order may designate the crematory. A copy of the order must be retained by the signer and a copy sent to the crematory if designated. The signer may revoke the order or change the designation of the crematory, and must provide written notice of the action to the operator of the crematory if designated.

3. When a person who has ordered his or her own cremation dies, a person in possession of the order and a person charged with arranging for disposition of the decedent's body who is aware of the order shall use their best efforts to ensure that the decedent is cremated, and the cremated remains are disposed of, according to the order.

4. If a completed order for cremation, executed before death, and the human remains to which it pertains are in the possession of the operator of a crematory, and the operator has received payment for the cremation and the disposition of the cremated remains, the operator shall perform those acts as ordered and incurs no liability by their performance.

(Added to NRS by 1993, 2602)

NRS 451.660 Requirements for death certificate and written authorization; delegation of authority of authorized agent; unavailability of authorized agent.

1. The operator of a crematory shall not cremate human remains until a death certificate has been signed and, except as otherwise provided in NRS 451.655, without first receiving a written authorization, on a form provided by the operator, signed by the agent or by the living person from whom the remains have been removed:

(a) Identifying the deceased person or the remains removed;

(b) Stating whether or not death occurred from a communicable or otherwise dangerous disease;

(c) Stating the name and address of the agent and the agent's relation to the deceased person;

(d) Representing that the agent is aware of no objection to cremation of the remains by any person who has a right to control the disposition of the deceased person's remains; and

(e) Stating the name of the person authorized to claim the cremated remains or the name of the cemetery or person to whom the remains are to be sent.

2. An authorized agent may delegate his or her authority to another person by a written and signed statement containing the agent's name, address and relationship to the deceased person and the name and address of the person to whom the agent's authority is delegated. The operator of a crematory incurs no liability by relying upon a signed order for cremation received by mail or upon a delegation of authority.

3. If the authorized agent is not reasonably available or is unable to act as the authorized agent, the person's right to be the authorized agent shall pass to the next person or category of persons in the order of priority pursuant to subsection 1 of NRS 451.024.

4. It shall be presumed that an authorized person is not reasonably available to act as an authorized agent in accordance with subsection 3 if the crematory, cemetery, funeral establishment or direct crematory facility, after exercising due diligence, has been unable to contact the person, or if the person has been unwilling or unable to make final arrangements for the disposition of the deceased person's remains, within 30 days after the initial contact or attempted contact by the crematory, cemetery, funeral establishment or direct cremation facility.

5. If a person with a lower authorization priority than another person pursuant to subsection 1 of NRS 451.024 has been designated as the authorized agent to order the disposition of the deceased person's remains and, subsequently, a person with a higher authorization priority makes an initial contact with the crematory, cemetery, funeral establishment or direct crematory facility and is available to perform the duties of an authorized agent pursuant to NRS 451.024 before the final disposition of the remains, the person with the higher authorization priority shall be deemed to be the authorized agent to order the disposition of the remains.

(Added to NRS by 1993, 2603; A 2015, 1969)

NRS 451.665 Maintenance of records; identification of remains.

1. The operator of a crematory, funeral establishment or direct cremation facility shall keep a record of:

(a) Each authorization received;

(b) The name of each person whose human remains are received;

(c) The date and time of receipt, and a description of the container in which received;

(d) The date of cremation; and

(e) The final disposition of the cremated remains.

2. The operator of a crematory shall not accept unidentified human remains. If the remains are received in a container, the operator shall place appropriate identification upon the exterior of the container.

3. If a permit for transportation of human remains to the crematory is required by the local health authority, the operator shall file the permit in his or her records.

(Added to NRS by 1993, 2603; A 2015, 1970)

NRS 451.670 Prohibition against requiring placement of remains in casket; construction and incineration or dissolution of container.

1. No operator of a crematory may require that human remains be placed in a casket, or refuse to accept human remains for cremation because they are not in a casket.

2. The container used must:

(a) Consist of readily combustible materials or, if alkaline hydrolysis will be used to cremate the human remains, materials that are readily dissolvable by alkaline hydrolysis;

(b) Cover the human remains completely when closed;

(c) Resist leaking or spilling;

(d) Be rigid enough for easy handling or, if alkaline hydrolysis will be used to cremate the human remains, be properly supported during transport; and

(e) Protect the health and safety of employees of the operator.

3. Unless otherwise ordered in writing by the agent, the operator shall incinerate or dissolve the container, as applicable, as the remains are cremated.

(Added to NRS by 1993, 2604; A 2017, 2737)

NRS 451.675 Holding of remains awaiting cremation.

1. If the operator of a crematory cannot cremate human remains immediately after receiving them, the operator shall place them in a holding facility within or adjacent to the crematory which:

(a) Preserves the dignity of the remains;

(b) Protects for the health and safety of employees of the operator; and

(c) Is secure from access by anyone other than those employees, except a laborer in the ordinary course of his or her work.

2. If human remains are not embalmed, they may not be held longer than 24 hours unless the holding facility is refrigerated.

3. An operator need not accept for holding a container from which there is any evidence of leakage of bodily fluids.

(Added to NRS by 1993, 2604)

NRS 451.680 Procedure and space for cremation.

1. The agent, or the person charged with arranging for disposition of the body of a person who has ordered his or her own cremation, shall ensure that any artificial device that would be dangerous if incinerated or subjected to alkaline hydrolysis, as applicable, is removed from the human remains before their cremation. If he or she is unable to arrange for its removal before the remains are delivered to a crematory, he or she shall inform the operator of the crematory.

2. The space within a crematory where cremation takes place must be enclosed and must not be used for any other purpose than the cremation of human remains. Immediately before a container is placed in this chamber, the identification of the human remains within it must be verified by the operator and any identifying document or label for the urn must be removed from the container and kept near the control panel until cremation is complete.

3. Upon the completion of cremation, the operator shall:

(a) Remove the recoverable residue from the chamber;

(b) Place the bone fragments in an urn with proper identification and insofar as practicable place no other material with them unless authorized by the agent; and

(c) Dispose of the remaining residue.

4. If the cremated remains will not fit in the urn selected by the agent, the operator of the crematory shall hold the remains until the agent selects an urn or urns in which the remains will fit.

(Added to NRS by 1993, 2604; A 2017, 2737)

NRS 451.685 Allowance of persons near remains awaiting cremation; simultaneous cremation of remains of more than one person.

1. The operator of a crematory shall not permit a person to be present near human remains awaiting cremation, being cremated, or being removed from the chamber unless the presence of the person is within the normal scope of his or her work or his or her presence is authorized by the family of the deceased.

2. The operator of a crematory shall not simultaneously cremate the remains of more than one person in the same chamber unless so authorized in writing by the agent for each person whose remains are to be so cremated. Such a written authorization releases the operator from liability for commingling of the cremated remains.

(Added to NRS by 1993, 2605)

NRS 451.690 Delivery and transportation of cremated remains.

1. When cremated remains are called for or delivered, the person receiving the remains and a representative of the operator of the crematory shall sign a receipt showing the name of the person whose remains are received and the date, time and place of receipt. The operator shall retain the receipt. Thereafter, the remains may be transported in any manner, with a permit if required by the local health authority.

2. If a temporary urn is used to deliver the cremated remains to the person authorized to claim them, that urn must be placed in a suitable outer box to increase its security and integrity. The temporary urn must be marked with the name of the person whose remains it contains and the name of the operator of the crematory.

3. If cremated remains are to be shipped, the urn must be packed in a sealed package. A method of shipment must be used which has an internal tracing system and provides a receipt signed by the person accepting delivery.

(Added to NRS by 1993, 2605)

NRS 451.695 Disposition of cremated remains: Responsibility; operator of crematory.

1. Except as otherwise provided in subsection 2:

(a) The agent who orders cremation is responsible for the disposition of cremated remains. If within 30 days after cremation the person named in the authorization has not claimed the cremated remains and no other disposition is specified in the authorization, the operator of a crematory may place the vessel containing the cremated remains in a common compartment with other unclaimed cremated remains. The operator may charge a fee for storage when the cremated remains are claimed.

(b) If within 2 years after cremation the agent has not claimed the cremated remains or specified their ultimate disposition, the operator may dispose of the cremated remains in any manner not prohibited by NRS 451.700. The agent is liable to the operator for all reasonable expenses of disposition.

2. If cremation was ordered pursuant to subsection 6 of NRS 451.024:

(a) The operator may dispose of the cremated remains in any manner not prohibited by NRS 451.700, if the cremated remains are not claimed by the agent within 1 year after cremation.

(b) The operator has a claim against the estate of the decedent for the reasonable expenses of the disposition if those expenses are not paid by the State or a political subdivision of the State.

(c) The operator shall not charge a public officer a fee for storage of the cremated remains.

3. An operator who complies with subsection 1 or 2, or both, has no further legal liability concerning the cremated remains so treated.

(Added to NRS by 1993, 2605; A 1997, 2580; 2015, 1970)

NRS 451.700 Disposition of cremated remains: Restrictions on manner and location.

1. Except as otherwise provided in subsection 2 or authorized by the agent who ordered the cremation, no person may:

(a) Scatter cremated remains in such a manner or location that the remains are commingled with those of another person; or

(b) Place the cremated remains of more than one person in the same urn unless the persons are friends or members of the same family and the urn is designed for the remains of more than one person.

2. Cremated remains may be scattered at sea or over a public waterway, or by air, from individual closed vessels, or scattered in an area of a dedicated cemetery from which there is no means of location or recovery and which is used exclusively for this purpose.

3. Cremated remains may be disposed of in any manner upon private property if the agent who ordered the cremation so directs and the owner of the property consents in writing.

4. Cremated remains for disposition pursuant to subsection 2 or 3 must be, and any other cremated remains may be, reduced to particles no larger than 1/8 of an inch.

(Added to NRS by 1993, 2605)

NRS 451.705 Effect of execution of order for cremation; liability for article of value delivered with remains.

1. The signer of an order for the cremation of human remains warrants the truth of the facts set forth in the order, including the identity of the person whose remains are to be cremated, and his or her own authority to order cremation. The signer is personally liable for any damage resulting from the falsity of a warranted fact or from his or her lack of authority.

2. The operator of a crematory may cremate human remains upon receipt of an order signed by the agent. The operator has no liability for cremating the remains or releasing the cremated remains pursuant to the order.

3. The operator of a crematory is not liable for any article of value delivered with human remains.

(Added to NRS by 1993, 2606)

NRS 451.710 Refusal to accept or cremate remains or to release cremated remains pending resolution of dispute.

1. The operator of a crematory incurs no liability by refusing to accept or to cremate human remains until the operator receives a court order or other suitable confirmation that a dispute has been settled:

(a) If the operator is aware of a dispute concerning cremation of the remains;

(b) If the operator has a reasonable basis for questioning any of the representations made by the agent; or

(c) For any other lawful reason.

2. If the operator of a crematory is aware of a dispute concerning the release or disposition of cremated human remains, the operator may refuse to release the remains until the dispute has been resolved or the operator receives a court order authorizing the release or disposition of the remains. The operator incurs no liability by such a refusal.

(Added to NRS by 1993, 2606)

NRS 451.715 Unlawful acts; abatement of unlawful crematory as public nuisance.

1. It is unlawful for any person to:

(a) Hold himself or herself out to the public as the operator of a crematory without being licensed pursuant to NRS 451.635;

(b) Sign an order for cremation knowing that the order contains incorrect information; or

(c) Violate any other provision of NRS 451.600 to 451.715, inclusive, any regulation adopted pursuant thereto or any order of the Nevada Funeral and Cemetery Services Board.

2. It is unlawful for the operator of a crematory to perform a cremation without an order signed by a person authorized to order the cremation pursuant to NRS 451.024 or 451.655.

3. If a crematory is operated in this State in violation of any provision of NRS 451.600 to 451.715, inclusive, any regulation adopted pursuant thereto or any order of the Nevada Funeral and Cemetery Services Board, the crematory is a public nuisance and may be abated as such.

(Added to NRS by 1993, 2606; A 1995, 715; 2003, 1280; 2015, 1971; 2017, 2738)

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CHAPTER 451 - DEAD BODIES

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GENERAL PROVISIONS

NAC 451.001 Definitions. (NRS 451.640, 452.026, 642.063**)** As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 451.002 to 451.007, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 451.002 "Cremation" defined. (NRS 451.640, 452.026, 642.063**)** "Cremation" has the meaning ascribed to it in NRS 451.617.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 451.003 "Crematory" defined. (NRS 451.640, 452.026, 642.063) "Crematory" has the meaning ascribed to it in NRS 642.012.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 451.004 "Direct cremation facility" defined. (NRS 451.640, 452.026, 642.063) "Direct cremation facility" has the meaning ascribed to it in NRS 642.0135.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 451.005 "Embalmer" defined. (NRS 451.640, 452.026, 642.063) "Embalmer" means a person who is licensed as an embalmer pursuant to chapter 642 of NRS.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 451.006 "Funeral director" defined. (NRS 451.640, 452.026, 642.063) "Funeral director" has the meaning ascribed to it in NRS 642.015.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 451.007 "Funeral establishment" defined. (NRS 451.640, 452.026, 642.063) "Funeral establishment" has the meaning ascribed to it in NRS 642.016.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

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 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.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

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;
3. Sweeping the chamber; and
4. Processing human remains, including the initial placement of the human remains into temporary urns.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

PRESERVATION

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, in the interest of public health, take such steps as may be reasonably necessary to preserve the dead body or may store the dead body in a sealed container.

[Bd. of Health, Disposition of Dead Bodies Reg. Art. I, eff. 4-21-78]

NAC 451.015 Maintenance of dead body; exceptions. (NRS 451.640, 452.026, 642.063)

1. Except as otherwise provided in this section and NAC 451.010, the operator of a crematory, funeral establishment or direct cremation facility shall ensure that each dead body of a human being is embalmed or refrigerated in a self-contained, mechanical

refrigeration unit which has been inspected by the Board at a temperature of not more than 42 degrees Fahrenheit within 24 hours after the operator receives the human remains. A temporary rise in temperature above 42 degrees Fahrenheit within the mechanical refrigeration unit caused by the opening of the mechanical refrigeration unit does not constitute a violation of this section, but in no event may the temperature inside the mechanical refrigeration unit exceed 48 degrees Fahrenheit.

2. Except as otherwise provided in subsection 3, a funeral director, embalmer or another person assisting in the preparation of human remains for final disposition may delay the refrigeration of or remove the human remains from refrigeration for identification viewing and for the following activities:

(a) Embalming the human remains;

(b) Transporting the human remains;

(c) Cremating or burying the human remains;

(d) Washing, anointing, clothing, praying over, viewing or otherwise accompanying the unembalmed human remains, for a period of time not to exceed 8 consecutive hours, by a person acting according to the directions of the decedent or a person having the right to control the disposition of the human remains of the deceased person; or

(e) Any other activity approved by the local health officer after evaluating the specific circumstances, the need to protect the public health and the recognition of religious beliefs.

3. A funeral director, embalmer or another person assisting in the preparation of human remains for final disposition shall not delay the refrigeration of or remove the human remains from refrigeration for identification viewing or an activity set forth in paragraph (d) of subsection 2 if he or she is informed by a local health officer or medical examiner that doing so would pose a direct threat to human health.

4. Nothing in this section restricts the authority of a coroner or medical examiner concerning human remains that are under the jurisdiction of the coroner or medical examiner.

5. As used in this section, "identification viewing" means the viewing of human remains for identification purposes, for a period of time not to exceed 1 hour, by a person who is potentially capable of identifying the human remains.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016; A by R086-18, 12-19-2018)

NAC 451.020 Severability. (NRS 439.200**)** If any provision of NAC 451.010 is declared unconstitutional or invalid for any reason, the remainder of its provisions are not affected thereby.

[Bd. of Health, Disposition of Dead Bodies Reg. Art. II, eff. 4-21-78]

CREMATION

NAC 451.050 Written authorization: Allowance of person to witness cremation; allowance of simultaneous cremation of remains of two or more persons. (NRS 451.640**,** 451.685**,** 642.063**)**

1. Before an operator of a crematory allows:

(a) A person to witness a cremation, the operator shall obtain, on a form provided by the crematory, written authorization from a person authorized pursuant to NRS 451.650 to order the cremation of human remains.

(b) The remains of two or more persons to be simultaneously cremated in the same chamber, the operator shall obtain, on a form provided by the crematory, written authorization from the agent of each person whose remains are to be simultaneously cremated.

2. A form required pursuant to subsection 1 must:

(a) Be written in language that is easily understood;

(b) Include a clear explanation of the purpose of the form; and

(c) Be maintained by an operator of a crematory for 1 year after the cremation of the remains of a person.

3. Any failure by the operator of a crematory to maintain the written documentation required by paragraph (c) of subsection 2 is a violation of this chapter.

(Added to NAC by Funeral Bd. by R043-02, 11-26-2003)

NAC 451.070 Duties of operator of crematory, funeral establishment or direct cremation facility related to cremation. (NRS 451.640**,** 452.026**,** 642.063**)** The operator of a crematory, funeral establishment or direct cremation facility shall ensure that:

1. Any human remains awaiting cremation are properly identified at all times.

2. The identity of the human remains is maintained throughout the entire cremation process.

3. The identifying document or label for the urn referred to in NRS 451.680 is affixed to the urn in a secure manner.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

TRANSPORTATION

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.

[Bd. of Health, Transportation of Dead Bodies Reg. § 1, eff. 3-15-66]

NAC 451.110 Bodies subject to trauma or disinterred more than 30 days after burial. (NRS 439.200**)** The body of a person, or the remains of the body of a person, whose death was caused by a severe trauma, or the remains of a human dead body in which decomposition has occurred and in which either the effects of the trauma or decomposition prohibit normal embalming and preparation procedures or a body disinterred more than 30 days after burial may be transported only:

1. In a sealed casket enclosed in a transportation case;
2. In a sound casket with a sealed inner liner enclosed in a transportation case; or
3. In a sound casket encased in a sealed transportation case.

[Bd. of Health, Transportation of Dead Bodies Reg. § 2, eff. 3-15-66]

NAC 451.120 Transportation by funeral directors or embalmers. (NRS 439.200**)** Nothing in NAC 451.100 to 451.140, inclusive, prohibits or limits in any respect the transportation of dead human bodies within Nevada by licensed funeral directors or embalmers in properly licensed motor vehicles or aircraft owned, operated, chartered or leased by licensed funeral directors or mortuaries, nor prohibits the transportation of embalmed bodies within Nevada by relatives or other authorized persons.

[Bd. of Health, Transportation of Dead Bodies Reg. § 4, eff. 3-15-66]

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 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 it is consigned.

[Bd. of Health, Transportation of Dead Bodies Reg. § 3, eff. 3-15-66]

NAC 451.140 Responsibility of Division of Public and Behavioral Health. (NRS 439.200**)** Nothing in NAC 451.100 to 451.140, inclusive, makes the Division of Public and Behavioral Health of the Department of Health and Human Services responsible for any financial obligations incurred by the fulfillment of those sections, except as provided by law.

[Bd. of Health, Transportation of Dead Bodies Reg. § 5, eff. 3-15-66]

MISCELLANEOUS PROVISIONS

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

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)

NAC 451.210 Adherence to order of priority of persons authorized to request disinterment or removal of human remains; exception. (NRS 452.026**)**

1. Except as otherwise provided in this section, in determining whether a relative of a decedent is authorized to request the disinterment or removal of the human remains of the decedent, the cemetery authority must follow the order of priority set forth in paragraphs (c) to (g), inclusive, of subsection 1 of NRS 451.024.
2. Absent a court order, a cemetery authority may refuse to disinter or remove the human remains of a decedent as requested by a person listed in paragraphs (c) to (g), inclusive, of subsection 1 of NRS 451.024 if:

(a) The cemetery authority has reason to believe there is a dispute regarding the disinterment or removal of the remains of the decedent between persons within a particular priority class set forth in subsection 1; or

(b) The person requesting the disinterment or removal is not the person who ordered the initial burial or cremation of the human remains of the decedent.

3. "Cemetery authority" has the meaning ascribed to it in NRS 451.069.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R086-18, eff. 12-19-2018)

CHAPTER 440 - VITAL STATISTICS

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NRS 440.010 "Board" defined.
NRS 440.020 "Dead body" defined.
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NRS 440.040 "Person in charge of interment" defined.
NRS 440.050 "Physician" defined.
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NRS 440.070 "Stillbirth" defined.
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NRS 440.125 State Registrar required to ensure security and confidentiality of vital statistics; release of certain vital statistics.
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NRS 440.155 Registration of altered or amended certificates.
NRS 440.160 Preservation, indexing and copying of certificates.
NRS 440.165 Reproduction of original records and files.
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NRS 440.210 Certificates of birth and death: Examination by local health officer.
NRS 440.220 Certificates of birth and death: Enforcement of requirements by local health officer.
NRS 440.230 Certificates of birth and death: Numbering; attestation of date of filing by local health officer.
NRS 440.240 Certificates of birth and death: Preservation of copies by local health officer.
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NRS 440.380 Medical certificate of death: Signature; contents.
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NRS 440.420 Duties of funeral director, health officer, coroner and coroner's deputy when death occurs without medical attendance.
NRS 440.430 Duties of coroner.
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NRS 440.437 Death caused by sudden infant death syndrome: Report by State Registrar.
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NRS 440.460 Personal and statistical information.
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NRS 440.480 Statement as to disposition of body.
NRS 440.490 Presentation of completed certificate of death to local registrar.
NRS 440.495 Notification of county clerk or registrar of voters.
NRS 440.500 Burial and removal permits: Issuance; contents; death from infectious, contagious or communicable disease.
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NRS 440.605 Reports to be filed by clerk of district court with State Registrar; fees.

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NRS 440.660 Certified copy of record of birth or death is prima facie evidence.
NRS 440.670 Abstracted birth certificate: Issuance; contents; form; use as evidence.
NRS 440.690 Receipt of fees: Accounting; deposit; refunding overpayments; use of certain proceeds.
NRS 440.700 Fees for services and copies of certificates; certificates available without fee to certain persons. [Effective through December 31, 2019.]
NRS 440.700 Fees for services and copies of certificates; certificates available without fee to certain persons. [Effective January 1, 2020.]
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NRS 440.730 False certification of cause of death by physician or advanced practice registered nurse.
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NRS 440.770 Furnishing false information for certificate of birth or death.
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NRS 440.775 Injunction against sale for profit of copy of certificate of marriage.
NRS 440.780 Violation of chapter or regulations of Board.

NRS 440.350 Form and contents of certificate of death or stillbirth. The certificate of death or of stillbirth that shall be used is the standard form approved by the United States Public Health Service.

[Part 7:199:1911; A 1941, 381; 1931 NCL § 5241] — (NRS A 1977, 351)

NRS 440.360 Authentication of personal and statistical information concerning certificate. The personal and statistical particulars of the death or stillbirth certificate shall be authenticated by the name of the informant, who may be any competent person acquainted with the facts.

[Part 7:199:1911; A 1941, 381; 1931 NCL § 5241]

NRS 440.370 Signature required on statement of facts concerning disposition of body. The statement of facts relating to the disposition of the body must be signed by the funeral director or person acting as undertaker or by an authorized representative of the crematory if the body is cremated.

[Part 7:199:1911; A 1941, 381; 1931 NCL § 5241] — (NRS A 1983, 135; 1985, 290, 946)

NRS 440.380 Medical certificate of death: Signature; contents.

1. The medical certificate of death must be signed by the physician or advanced practice registered nurse, if any, last in attendance on the deceased, or pursuant to regulations adopted by the Board, it may be signed by the attending physician's associate physician, the chief medical officer of the hospital or institution in which the death occurred, or the pathologist who performed an autopsy upon the deceased. The person who signs the medical certificate of death shall specify:

(a) The social security number of the deceased.

(b) The hour and day on which the death occurred.

(c) The cause of death, so as to show the cause of disease or sequence of causes resulting in death, giving first the primary cause of death or the name of the disease causing death, and the contributory or secondary cause, if any, and the duration of each.

2. In deaths in hospitals or institutions, or of nonresidents, the physician or advanced practice registered nurse shall furnish the information required under this section, and may state where, in his or her opinion, the disease was contracted.

[Part 7:199:1911; A 1941, 381; 1931 NCL § 5241] — (NRS A 1977, 352; 1981, 466; 1997, 2340; 2017, 1754)

NRS 440.390 Presentation of certificate of stillbirth. The certificate of stillbirth must be presented by the funeral director or person acting as undertaker to the physician or advanced practice registered nurse in attendance at the stillbirth, for the certificate of the fact of stillbirth and the medical data pertaining to stillbirth as the physician or advanced practice registered nurse can furnish them in his or her professional capacity.

[Part 7:199:1911; A 1941, 381; 1931 NCL § 5241] — (NRS A 1983, 135; 1985, 290; 2017, 1754)

NRS 440.400 Effect of using indefinite or unsatisfactory terms on certificate. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit. Any certificate containing only such terms as defined by the State Board of Health shall be returned to the physician or advanced practice registered nurse for correction and more definite statement.

[Part 7:199:1911; A 1941, 381; 1931 NCL § 5241] — (NRS A 2017, 1754)

NRS 440.410 Manner of defining cause of death. Causes of death, which may be the result of either disease or violence, shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal or homicidal.

[Part 7:199:1911; A 1941, 381; 1931 NCL § 5241]

NRS 440.415 Pronouncement of death by registered nurse or physician assistant: Conditions; release of body; regulations.

1. A physician who anticipates the death of a patient because of an illness, infirmity or disease may authorize a specific registered nurse or physician assistant or the registered nurses or physician assistants employed by a medical facility or program for hospice care to make a pronouncement of death if they attend the death of the patient. An advanced practice registered nurse who anticipates the death of a patient because of an illness, infirmity or disease may authorize a specific registered nurse or the registered nurses employed by a medical facility or program for hospice care to make a pronouncement of death if they attend the death of the patient.

2. Such an authorization is valid for 120 days. Except as otherwise provided in subsection 3, the authorization must:

(a) Be a written order entered on the chart of the patient;

(b) State the name of the registered nurse or nurses or physician assistant or assistants authorized to make the pronouncement of death; and

(c) Be signed and dated by the physician or advanced practice registered nurse.

3. If the patient is in a medical facility or under the care of a program for hospice care, the physician may authorize the registered nurses or physician assistants employed by the facility or program, or an advanced practice registered nurse may authorize

such a registered nurse, to make pronouncements of death without specifying the name of each nurse or physician assistant, as applicable.

4. If a pronouncement of death is made by a registered nurse or physician assistant, the physician or advanced practice registered nurse who authorized that action shall sign the medical certificate of death within 24 hours after being presented with the certificate.

5. If a patient in a medical facility is pronounced dead by a registered nurse or physician assistant employed by the facility, the registered nurse or physician assistant may release the body of the patient to a licensed funeral director pending the completion of the medical certificate of death by the attending physician or attending advanced practice registered nurse if the physician, advanced practice registered nurse or the medical director or chief of the medical staff of the facility has authorized the release in writing.

6. The Board may adopt regulations concerning the authorization of a registered nurse or physician assistant to make pronouncements of death.

7. As used in this section:

(a) "Advanced practice registered nurse" means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.

(b) "Medical facility" means:

(1) A facility for skilled nursing as defined in NRS 449.0039;

(2) A facility for hospice care as defined in NRS 449.0033;

(3) A hospital as defined in NRS 449.012;

(4) An agency to provide nursing in the home as defined in NRS 449.0015; or

(5) A facility for intermediate care as defined in NRS 449.0038.

(c) "Physician assistant" means a person who holds a license as a physician assistant pursuant to chapter 630 or 633 of NRS.

(d) "Program for hospice care" means a program for hospice care licensed pursuant to chapter 449 of NRS.

(e) "Pronouncement of death" means a declaration of the time and date when the cessation of the cardiovascular and respiratory functions of a patient occurs as recorded in the patient's medical record by the attending provider of health care in accordance with the provisions of this chapter.

(Added to NRS by 1993, 1158; A 1999, 247; 2005, 2519; 2007, 1855; 2017, 1755)

NRS 440.420 Duties of funeral director, health officer, coroner and coroner's deputy when death occurs without medical attendance.

1. In case of any death occurring without medical attendance, the funeral director shall notify the local health officer, coroner or coroner's deputy of such death and refer the case to the local health officer, coroner or coroner's deputy for immediate investigation and certification.

2. Where there is no qualified physician or advanced practice registered nurse in attendance, and in such cases only, the local health officer is authorized to make the certificate and return from the statements of relatives or other persons having adequate knowledge of the facts.

3. If the death was caused by unlawful or suspicious means, the local health officer shall then refer the case to the coroner for investigation and certification.

4. In counties which have adopted an ordinance authorizing a coroner's examination in cases of sudden infant death syndrome, the funeral director shall notify the local health officer whenever the cause or suspected cause of death is sudden infant death syndrome. The local health officer shall then refer the case to the coroner for investigation and certification.

5. The coroner or the coroner's deputy may certify the cause of death in any case which is referred to the coroner by the local health officer or pursuant to a local ordinance.

[Part 8:199:1911; A 1937, 162; 1931 NCL § 5242] — (NRS A 1975, 1416; 1977, 352; 1983, 135; 2013, 148; 2017, 1756)

NRS 440.430 Duties of coroner.

1. Any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in the coroner's certificate the name of the disease causing death, or, if from external causes:

(a) The means of death; and

(b) Whether (probably) accidental, suicidal or homicidal.

2. In either case, the coroner shall furnish such information as may be required by the Board in order to classify the death properly.

[Part 8:199:1911; A 1937, 162; 1931 NCL § 5242]

NRS 440.433 Notice to parents or guardian of autopsy upon body of minor; placement of internal organs.

1. When an autopsy is performed upon the body of a minor, the person who orders the autopsy shall make a diligent effort to give the parents or guardian of the minor notice of the autopsy in person, by telephone or by mail.

2. The internal organs must, if feasible, be kept with the body after such an autopsy is completed.

(Added to NRS by 1987, 1793)

NRS 440.435 Death caused by sudden infant death syndrome: Ordinance may authorize postmortem examination; duties of coroner.

1. The board of county commissioners of any county may provide by ordinance that in all cases where the cause or suspected cause of a death is sudden infant death syndrome, the coroner may take possession of the body, exhuming the body if necessary, and authorize the performance of a postmortem examination thereon. Such examination may include an analysis of the stomach, stomach contents, blood, organs, fluids or tissues of the body.

2. The findings resulting from the examination performed under subsection 1, including the opinions and conclusions of the examining physician, shall be reduced to writing and included in the coroner's record of death. The coroner shall file a copy of such report with the State Registrar.

(Added to NRS by 1975, 1415)

NRS 440.437 Death caused by sudden infant death syndrome: Report by State Registrar. The State Registrar shall annually publish a report specifying the number of postmortem examinations performed, pursuant to NRS 440.435, where the cause or suspected cause of death was sudden infant death syndrome. Such report shall also specify the number of such cases in which the cause of death was determined by the coroner to be sudden infant death syndrome.

(Added to NRS by 1975, 1415)

NRS 440.440 Duties of funeral director and sheriff upon death of unknown person.

1. In any case of a death occurring to anyone whose identity is unknown, before burying the body the funeral director shall annex to the certificate of death a certificate from the sheriff that the sheriff has on file in his or her office the fingerprints of the body.

2. Sheriffs of the respective counties shall maintain in their respective offices a file known as the unidentified deceased persons file. Sheriffs shall, without further compensation, see that such fingerprints are obtained as provided in this section and placed in the file as a public record.

[Part 8:199:1911; A 1937, 162; 1931 NCL § 5242] — (NRS A 1983, 135)

NRS 440.450 Prerequisites to disposal of body. The funeral director or person acting as undertaker is responsible for obtaining and filing the certificate of death with the local health officer, or his or her deputy, in the registration district in which the death occurred, and for securing a burial or removal permit prior to any disposition of the body.

[Part 9:199:1911; RL § 2960; NCL § 5243] — (NRS A 1983, 135)

NRS 440.460 Personal and statistical information. The funeral director or person acting as undertaker shall obtain the personal and statistical particulars required from the person best qualified to supply them, over the signature and address of his or her informant.

[Part 9:199:1911; RL § 2960; NCL § 5243] — (NRS A 1983, 136)

NRS 440.470 Presentation of certificate of death. The funeral director or person acting as undertaker shall present the certificate to the attending physician or attending advanced practice registered nurse, if any, or to the health officer or coroner, for the medical certificate of the cause of death and other particulars necessary to complete the record unless the attending physician or attending advanced practice registered nurse initiated the record of death and provided the required information at the time of death.

[Part 9:199:1911; RL § 2960; NCL § 5243] — (NRS A 1983, 136; 2017, 1756, 2765)

NRS 440.480 Statement as to disposition of body. The funeral director or person acting as undertaker shall state the facts required relative to the date and place of burial over his or her signature and with his or her address.

[Part 9:199:1911; RL § 2960; NCL § 5243] — (NRS A 1983, 136)

NRS 440.490 Presentation of completed certificate of death to local registrar. The funeral director or person acting as undertaker shall present the completed certificate of death to the local registrar within 72 hours after the occurrence or discovery of the death. If a case is referred to the coroner, he or she shall present a completed certificate to the local registrar upon disposition of the investigation.

[Part 9:199:1911; RL § 2960; NCL § 5243] — (NRS A 1977, 352; 1981, 467; 1983, 136)

NRS 440.495 Notification of county clerk or registrar of voters. Upon presentation of a completed certificate of death, the county health officer shall send a certified copy of the certificate of death or a certified list of any person who, at the time of death was 17 years of age or older, to the county clerk or registrar of voters of the county where the deceased person resided. Each certified list must contain the social security numbers of the persons whose names are included on the list.

(Added to NRS by 1989, 2174; A 1997, 2341)

NRS 440.500 Burial and removal permits: Issuance; contents; death from infectious, contagious or communicable disease.

1. Except as provided in subsections 2 and 3, if a certificate of death is properly executed and complete, the local health officer shall then issue a burial or removal permit to the funeral director. The permit must indicate the name of the cemetery, mausoleum, columbarium or other place of burial where the human remains will be interred, inurned or buried.

2. In case the death occurred from some disease that is held by the Board to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body may be granted by the local health officer except under such conditions as may be prescribed by the Board.

3. The Board may by regulation provide for the issuance of the burial transit permit prior to the filing of the completed death certificate if that requirement would result in undue hardship.

[Part 19:199:1911; RL § 2970; NCL § 5253] — (NRS A 1961, 255; 1977, 352; 1983, 136)

NRS 440.510 Contents of burial permit. If the interment or other disposition of the body is to be made within the State, the wording of the burial permit may be limited to a statement by the local health officer and over his or her signature that a satisfactory certificate of death having been filed with him or her as required by law, permission is granted to inter, remove or otherwise dispose of the body of the deceased. The permit must include the name, age, sex, social security number and cause of death of the decedent, the name of the place where the human remains will be interred, inurned or buried, and any other details required on the form prescribed by the Board.

[10:199:1911; RL § 2961; NCL § 5244] — (NRS A 1961, 255; 1997, 2341)

NRS 440.520 Disposition of burial or removal permit. The funeral director shall:

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

2. Attach the removal permit to the box containing the body, when shipped by any transportation company.

[Part 9:199:1911; RL § 2960; NCL § 5243] — (NRS A 1983, 136)

NRS 440.530 Burial permit to accompany body. The permit shall accompany the body to its destination, where, if within the State of Nevada, it shall be delivered to the sexton or to any other person in charge of the place of burial.

[Part 9:199:1911; RL § 2960; NCL § 5243]

NRS 440.540 Necessity for permit to inter more than 72 hours after death; removal of body to another registration district.

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

2. If the person who is to certify the cause of death consents, a body may be moved from the place of death into another registration district to be prepared for final disposition.

[Part 23:199:1911; RL § 2974; NCL § 5257] — (NRS A 1977, 353)

NRS 440.550 Body transported from another state. When a dead body is transported by a common carrier into a local health district in Nevada for burial, the transit and removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local health officer of the district into which the body has been transported for burial or other disposition as a basis upon which he or she shall issue a local burial permit in the same way as if the death occurred in his or her district. The local health officer shall plainly enter upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death.

[Part 23:199:1911; RL § 2974; NCL § 5257] — (NRS A 1977, 353)

NRS 440.560 Interment without burial permit prohibited. No sexton or other person in charge of any premises in which interments are made shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial, removal or transit permit as provided in this chapter.

[Part 11:199:1911; RL § 2962; NCL § 5245]

NRS 440.570 Validity of burial permit in another district. A burial permit shall not be required from the local health officer of the district in which interment is made when a body is removed from one district in Nevada to another in this state for the purpose of burial or other disposition, either by common carrier, hearse or other conveyance.

[Part 23:199:1911; RL § 2974; NCL § 5257]

NRS 440.580 Signature, endorsement and return of permit. Each sexton or person in charge of any burial ground shall endorse upon the permit the date of interment, over his or her signature, and shall return all permits so endorsed to the local health officer of his or her district within 10 days from the date of interment or within the time fixed by the local health officer or by the Board.

[Part 11:199:1911; RL § 2962; NCL § 5245]

NRS 440.590 Records of interments.

1. Each sexton or person in charge of any burial ground shall keep a record of all interments made in the premises under his or her charge, stating:

(a) The name of the deceased person.

(b) The place of death.

(c) The date of burial.

(d) The name and address of the funeral director.

2. The record must be open to public inspection at all times.

[Part 11:199:1911; RL § 2962; NCL § 5245] — (NRS A 1983, 136)

[Rev. 2/20/2020 12:26:20 PM]

[NAC-440 Revised Date: 2-20]

CHAPTER 440 - VITAL STATISTICS

REGISTRATION OF BIRTHS AND DEATHS

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FEES

440.400 Fees.

(Added to NAC by Bd. of Health by R066-16, eff. 11-2-2016)

NAC 440.160 Certification of cause of death; completion of rejected certificate. (NRS 440.120**,** 440.380**,** 632.237**)**

1. The person who is required to certify the cause of death shall complete the portions of the death certificate pertaining to the cause of death and the certification of death within 48 hours after being assigned as the certifier.

2. If the death did not occur in a hospital or other institution and the death was attended by a physician or advanced practice registered nurse who will not be available within 48 hours after the death, the certificate must be presented or assigned to an associate physician or advanced practice registered nurse who has access to the attending physician's or advanced practice registered nurse's medical files on the deceased. The associate physician or advanced practice registered nurse shall complete and certify the death certificate within 48 hours after such presentation or after being assigned as the certifier.

3. If the death occurred in a hospital or other institution and the death was attended by a physician or advanced practice registered nurse who will not be available within 48 hours after the death, the certificate must be presented or assigned to the chief medical officer of the institution or an associate physician or advanced practice registered nurse who has access to the medical records of the deceased. The chief medical officer or associate physician or advanced practice registered nurse shall complete and certify the death certificate before the end of the next business day after such presentation or after being assigned as the certifier.

4. Any certificate rejected for not containing a certification of cause of death, lack of information or lack of certifier signature must be completed by the certifier within 24 hours after such rejection.

[Bd. of Health, Births and Deaths Art. 7, eff. 2-24-78] — (NAC A by R066-16, 11-2-2016; R150-18, 1-30-2019)

NAC 440.162 Time for initiation of certificate of death or fetal death. (NRS 440.120**)**

A person completing a certificate of death or fetal death must initiate the certificate:

1. If initiated by a certifier, not later than 24 hours after the death occurred; or

2. If initiated by a funeral director, not later than 24 hours after the funeral director receives the corpse.

(Added to NAC by Bd. of Health by R150-18, eff. 1-30-2019)

NAC 440.165 Statement of the cause of death; electronic submission to approved electronic death registry system. (NRS 440.120**,** 440.380**,** 440.410**)**

1. The statement of the cause of death in a medical certificate of death is the certifier's best medical opinion and must be:

(a) Written legibly, when completed on a paper certificate; and

(b) Expressed clearly and concisely.

2. The State Registrar or local registrar shall return a medical certificate of death to the certifier to be corrected or made more definite if the statement:

(a) Consists of only the term "natural causes";

(b) Consists solely of mechanisms of death which merely attest to the fact of death or contains any other indefinite or obsolete term which denotes only the symptom of a disease or the conditions resulting from a disease;

(c) Is illogically or confusingly written; or

(d) Contains abbreviations, misspellings or is written in shorthand or in all capital letters.

3. Part I of the statement of the cause of death in the standard certificate of death approved by the United States Public Health Service may contain only the sequence of disease or the injury or other trauma directly resulting in death, as follows:

(a) Line "A" must show the immediate (primary) cause of death;

(b) Lines "B" and "C" must show the contributory or intermediate cause of death; and

(c) Line "D" must show the underlying cause of death.

➥ The underlying cause of death must be the last cause listed. If there are no intermediate causes, the underlying cause must be entered on line "B". If the immediate cause and the underlying cause are synonymous, only one entry is necessary. It is permissible for a certifier to qualify a cause of death as "probable" or "presumed," even if the cause has not been definitively diagnosed.

4. Part II of the statement of the cause of death must show the diseases, injuries or other factors which are medically or statistically significant but not directly related to the cause of death.

5. The statement of the cause of death must be submitted electronically by the certifier to an electronic death registry system approved by the Division of Public and Behavioral Health of the Department of Health and Human Services and attested to by the certifier by means of an electronic signature.

6. As used in this section, "electronic signature" means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(Added to NAC by Bd. of Health, eff. 12-3-84; A by R126-12, 2-20-2013; R066-16, 11-2-2016)

NAC 440.170 Attendance at death. (NRS 439.200**,** 440.120**,** 632.237**)** Except as otherwise provided in NAC 440.180, a death shall be considered to have been attended by a physician or advanced practice registered nurse if the deceased:

1. Had been examined or treated, including, without limitation, having been prescribed medications or provided care by the physician or advanced practice registered nurse, as applicable, for an acute or chronic condition, within 180 days preceding the death;

2. Was pronounced dead by a registered nurse or physician assistant pursuant to NRS 440.415; or

3. Was diagnosed by a physician or advanced practice registered nurse as having an anticipated life expectancy of not more than 6 months.

[Bd. of Health, Births and Deaths Art. 8 § 8.1, eff. 7-3-76] — (NAC A by R045-99, 9-27-99; R066-16, 11-2-2016; R150-18, 1-30-2019)

NAC 440.180 Death not attended. (NRS 439.200**,** 440.120**,** 632.237**)** If the deceased had been under the care of a physician or advanced practice registered nurse under the conditions set forth in NAC 440.170, but the cause of death was unrelated to the purpose for which the deceased consulted the physician or advanced practice registered nurse, as applicable, the death shall not be considered to have been attended and must be referred to the county coroner or medical examiner for review.

[Bd. of Health, Births and Deaths Art. 8 §§ 8.2 & 8.2.1, eff. 7-3-76] — (NAC A by R045-99, 9-27-99; R066-16, 11-2-2016; R150-18, 1-30-2019)

NAC 440.185 Issuance of burial or removal permit without certificate of death. (NRS 440.120**)** The State Registrar or a local registrar of vital statistics may issue a burial or removal permit without a completed certificate of death, or a certificate eligible to be registered, for:

1. A case of a coroner or medical examiner which is pending investigation; or
2. Any case requiring significant difficulty or expense to the applicant.

(Added to NAC by Bd. of Health by R066-16, eff. 11-2-2016)

NAC 440.190 Disinterment. (NRS 440.120**)**

1. Prior to any disinterment or removal of human remains, the funeral director or person who will perform the disinterment shall send a copy of the permit for the disinterment and file an affidavit for correction of a certificate pursuant to NAC 440.026 to the State Registrar.
2. Upon receipt of the copy of the permit and the affidavit, the State Registrar shall:

(a) Change the statement of the place of interment on the certificate of death to show the new place of interment if the remains have been interred in a new place; and

(b) Send a copy of the changed certificate to the local registrar in the county of the new place of interment.

[Bd. of Health, Births and Deaths Art. 13, eff. 7-3-76] — (NAC A 12-3-84; R066-16, 11-2-2016; R150-18, 1-30-2019)

Complying With the Funeral Rule

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Introduction

These guidelines are intended to help you, the funeral provider, comply with the Federal Trade Commission (FTC or Commission) Funeral Rule. The Funeral Rule went into effect on April 30, 1984. The Commission revised the Rule early in 1994; revisions became effective later that year.

The Funeral Rule requires you to give consumers accurate, itemized price information and various other disclosures about funeral goods and services. In addition, the Rule prohibits you from:

- misrepresenting legal, crematory, and cemetery requirements;
- embalming for a fee without permission;
- requiring the purchase of a casket for direct cremation;
- requiring consumers to buy certain funeral goods or services as a condition for furnishing other funeral goods or services; and
- engaging in other deceptive or unfair practices.

If you violate the Funeral Rule, you may be subject to penalties of up to $43,280* per violation.

These guidelines do not amend or modify the Rule. They explain the requirements of the revised Funeral Rule and discuss how to prepare documents required by the Rule — the General Price List, the Casket Price List, the Outer Burial Container Price List, and the Statement of Funeral Goods and Services Selected. The guidelines also include sample price lists and a sample itemized statement form. These guidelines represent the FTC staff's view of what the law requires. They are not binding on the Commission.

Who Must Comply With the Funeral Rule?

All "funeral providers" must comply with the Rule. You are a funeral provider if you sell or offer to sell both funeral goods and funeral services to the public.

Funeral goods are all products sold directly to the public in connection with funeral services.

Funeral services are:

- services used to care for and prepare bodies for burial, cremation, or other final disposition; and
- services used to arrange, supervise, or conduct the funeral ceremony or final disposition of human remains.

You are a funeral provider if you sell or offer to sell funeral goods ***and*** both types of funeral services. You do not have to be a licensed funeral director and your business does not have to be a licensed funeral home to be covered by the Funeral Rule. Cemeteries, crematories, and other businesses can also be "funeral providers" if they market both funeral goods and services.

You must comply with the Rule even if a particular consumer buys only goods or only funeral services, but not both. If you offer to sell both goods and services, you must comply with the Rule for every customer. However, you are not covered by the Rule if you sell only funeral goods, such as caskets, but ***not*** services relating to the disposition of remains.

You are covered by the Rule even if you organize your business to sell goods through one company and services through another. If you are a funeral provider, you cannot avoid being covered by the Rule by restructuring your business.

* Civil penalty amount increased January 2020

Does the Rule Apply to Pre-Need Arrangements?

The Rule's requirements, as described on the following pages, apply to both pre-need and at-need funeral arrangements.

In pre-need situations, you must comply with all Rule requirements at the time funeral arrangements are pre-planned. You also need to comply with the Rule after the death of the individual who made pre-need arrangements. If the survivors inquire about goods or services, alter the pre-planned arrangements, or are required to pay additional sums of money, you must give them all relevant disclosures and price lists. For example, survivors may be asked to pay additional amounts if the pre-paid plan does not guarantee prices at the time of death. In other cases, survivors may change arrangements specified in the pre-need plan, adding or subtracting certain goods or services. In both situations, the requirements of the Rule apply. You must give the survivors relevant price lists, as well as an itemized Statement of Funeral Goods and Services Selected.

You also must comply with the Rule if you sell pre-need contracts on behalf of one or more funeral homes, but do not yourself provide funeral goods and services. In such a case, even though you don't provide the funeral items, you are an agent of a funeral provider and therefore are covered by the Rule.

The Rule does not apply to pre-need contracts entered into before the Rule went into effect in 1984. However, if a pre-need contract signed before 1984 is modified after 1984, the modification triggers all of the Rule's requirements.

> **Example:** Mr. Green made pre-need arrangements in 1980; he dies in 2010. At the time of his death, his wife wants to change the casket specified in the pre-need contract and to add visitation hours. Because Mrs. Green is changing the contract after 1984, the funeral provider must comply with all of the Rule's requirements, including giving Mrs. Green a General Price List, showing her a Casket Price List, and providing her with an itemized Statement of Goods and Services Selected.
>
> **Note:** In a situation like the example, you should check your state law to determine whether it allows you to alter the terms of such a contract.

The General Price List

The General Price List (GPL) is the keystone of the Funeral Rule. It must contain identifying information (see page 4), itemized prices for the various goods and services that you sell (see pages 7-11), and other important disclosures (see pages 5-7). The GPL enables consumers to comparison shop and to purchase, on an itemized basis, only the goods and services they want.

Who Gets a GPL?

You must give the General Price List to ***anyone*** who asks, in person, about funeral goods, funeral services, ***or*** the prices of such goods or services. You must give the GPL to such individuals to keep. The request for information does not have to come from a consumer or someone who wants to make funeral arrangements now or in the future. You must give a GPL to all persons who inquire about funeral arrangements. This may include competitors, journalists, and representatives of businesses, religious societies, government agencies, or consumer groups.

> **Note:** If someone asks you about the goods and services that you sell, you must give that person a General Price List. If you are uncertain whether the Rule applies in a particular situation, it would be sensible to provide the list.

When Should the GPL Be Offered?

You do not have to hand out the General Price List as soon as someone walks into your business. But, you must offer the price list ***when you begin*** to discuss any of the following:

- the type of funeral or disposition that you can arrange;
- the specific goods and services that you offer; or
- the prices of your goods and services.

Before giving a GPL to a bereaved individual, you may offer your condolences and discuss preliminary matters like veteran's benefits or death certificates.

The triggering event for giving out the GPL is a face-to-face meeting. The ***face-to-face*** meeting can occur anywhere, not just at the funeral home. For example, you must give out a General Price List even if the discussion of prices or arrangements takes place in the family's home or while removing the deceased from a hospital or a nursing home. You should tell your employees to carry extra price lists with them.

> **Exception:** You are not required to offer a General Price List if you remove the deceased for transportation to the funeral home and, at that time, only request the authorization to embalm. When you request authorization to embalm, however, you also must:
>
> Disclose that embalming is not required by law (except in special cases, if relevant); and
>
> Refrain from further discussion about prices or the selection of funeral goods or services while you remove the deceased. Any further discussion of prices or the selection of goods or services at this time would trigger the requirement to provide a GPL.

What About Phone or Mail Inquiries?

You must give certain information to people who telephone (see page 17), but the Rule does not require you to send callers a General Price List. Similarly, you do not have to send a GPL in response to mail inquiries about funeral goods and services. Of course, you certainly are free to send a GPL to someone who calls or writes for information if you wish to do so. However, if a telephone or mail inquiry is followed up by a meeting at the funeral home or elsewhere, you must provide a GPL at that time.

> **Note:** Some states require funeral providers to mail a price list upon request. You should check to see what the requirements are in your state.

Does the Rule Require the GPL Be Given to Keep?

A verbal offer of a GPL is not enough to comply with the Rule. You cannot merely tell consumers that a GPL is available for inspection. You also cannot show them a GPL in a booklet or binder where it appears that there is only one copy available or that the booklet is solely for the funeral director's use. You must physically offer consumers a General Price List that they can keep and take home with them. If the consumer does not want to accept or look at the General Price List, you do not have to do anything else. However, you should do nothing to discourage customers from looking at the GPL, such as telling them that it is unnecessary or difficult to understand.

> **Note:** You cannot charge a fee for the price list or place any conditions upon giving consumers information that the Rule requires you to give to them. You must give all required information to anyone who asks, free of charge.

What About the GPL and Pre-need Arrangements?

You must give out a General Price List in all pre-need situations. Because you may sell different goods and services on a pre-need basis, your pre-need GPL may vary from the GPL you use in at-need situations. However, any General Price List that you use for pre-need arrangements must include all required disclosures (see pages 5-7) and offer goods and services on an itemized basis (see pages 7-11). You cannot offer only package funerals to pre-need customers.

In addition, as stated above (see page 2), you must give a GPL to anyone who wishes to modify the funeral goods or services already purchased under a pre-need contract or to a survivor who must pay an additional sum because prices have increased since the time the arrangements were pre-planned.

> **Example:** Mr. Stone made pre-need arrangements before his death. His wife wants to change the casket and the services that he bought under the pre-need contract. You must give Mrs. Stone a General Price List at the beginning of the discussions and show her a Casket Price List before she looks at any caskets.

Information Required on the GPL

Identifying Information

The General Price List should be printed or typewritten, and must contain the following identifying information:

- the name, address, and telephone number of the funeral provider's place of business, including (where relevant) the address and telephone number for each branch;
- the caption: "General Price List;" and
- the effective date of the price list.

Required Disclosures on the GPL

The Rule also requires you to make six disclosures on your General Price List.[1] These disclosures discuss:

1. The consumer's right to select only the goods and services desired
2. Embalming
3. Alternative containers for direct cremation
4. The basic services fee
5. The Casket Price List
6. The Outer Burial Container Price List

Each of these disclosures is discussed in the following sections. You must place these required disclosures on the General Price List exactly as the Rule provides. (See the Sample GPL at the end of this publication.)

In addition, you must use the ***identical wording*** given in the Rule. You cannot edit or paraphrase.

> **Note:** You can include additional information, such as a reference to your own state laws. But, you cannot change the FTC language or add anything that will modify the FTC language.

1. Right of Selection

The first disclosure informs consumers that they have a right to select only the items they want to buy, besides a non-declinable basic services fee (see pages 9-10 for a detailed description of this fee).[2] You should place this statement immediately above the prices of the goods and services that you offer. The statement should read as follows:

> The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. **However, any funeral arrangements you select will include a charge for our basic services and overhead.** If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected.

You must include the third sentence of the disclosure, indicated in bold-face above, if customers cannot decline the basic services fee. You may add the phrase "and overhead" after the word "services," as shown above, if the fee includes the recovery of overhead costs.

2. Embalming

The second disclosure tells consumers that the law usually does not require embalming.[3] The statement should read as follows:

> [Except in certain special cases,] [E]mbalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial.

Delete the phrase, "Except in certain special cases," from the embalming disclosure if state or local law in the area where you do business does not require embalming for a viewing or funeral. If you want to add information about state law requirements, you can do so after the FTC disclosure. You should place this disclosure in immediate conjunction with the price for embalming.

> **Note:** "In immediate conjunction" means that the embalming disclosure must appear directly next to the price for embalming. You should not put the disclosure on a separate page or anywhere else on the GPL apart from the embalming price. (See the Sample GPL at the end of this publication.)

3. Alternative Containers

The third disclosure informs consumers that they may use alternative containers (defined in the revised Rule) for direct cremations.[4] This disclosure must read as follows:

> If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are (*specify containers*).

You should place this disclosure in immediate conjunction with (directly next to) the price range for direct cremation. At the end of the last sentence, you should describe the specific kind of container(s) that you offer. If you don't arrange direct cremations, you don't need to include this disclosure on the GPL.

4. Basic Services Fee

The fourth disclosure tells consumers about any "basic services fee" (the fee for the professional services of the funeral director and staff) that you will add to the total cost of the funeral arrangements.[5] This basic services fee could include a charge for the services you perform in conducting the arrangements conference, planning the funeral, securing the necessary permits, preparing the notices, and coordinating the cemetery or crematory arrangements. This fee also may include overhead that you have not allocated elsewhere. You can include this fee on your General Price List in one of two ways:

Option 1: If you list a separate basic services fee and the charge is non-declinable (the consumer does not have the option of declining the charge), you must provide the following disclosure:

> This fee for our basic **services and overhead** will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)

If you decide on Option 1, this disclosure must appear together with the price for the basic services and with a description of the services you include for that price. (You cannot place this disclosure on a separate page or anywhere else on the GPL apart from the basic services price.) If this basic services fee is non-declinable, the price also must include all charges for the recovery of overhead that you have not allocated elsewhere. In this situation, the first sentence of your disclosure can include the phrase **"and overhead"** after the word **"services,"** as shown above.

Option 2: Instead of charging a separate basic services fee, you can include the services fee in your casket prices. With this alternative, you must include the following disclosure:

> Please note that a fee of (*specify dollar amount*) for the use of our basic **services and overhead** is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket. Our services include (*specify*).

If you decide on Option 2, the fee should include all charges for the recovery of overhead costs not allocated elsewhere, and you may add the phrase **"and overhead"** after the word **"services"** in the first sentence, indicated in bold-face above. The disclosure must appear on the GPL together with the prices for the individual caskets or together with the casket price range if you have a separate Casket Price List.

5. Casket Price List

The fifth disclosure tells consumers that a Casket Price List is available.[6] You may list casket prices either on the General Price List or on a separate "Casket Price List." If you use a separate Casket Price List, your GPL should state the range of prices for the caskets you sell, together with the following disclosure: **A complete price list will be provided at the funeral home.**

6. Outer Burial Container Price List

The sixth disclosure informs consumers that an Outer Burial Container Price List is available.[7] Again, you can either put the prices for the outer burial containers on your General Price List, or you can provide a separate "Outer Burial Container Price List." If you use a separate price list, your GPL should

state the range of prices for the outer burial containers you sell, together with the following disclosure: **A complete price list will be provided at the funeral home.**

If you put the prices for the outer burial containers on your General Price List, you also must include the following disclosure in immediate conjunction with (directly next to) the outer burial container prices.

> [In most areas of the country], [S]tate or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.

If instead you provide a separate price list for outer burial containers, then you must include the above disclosure on your Outer Burial Container Price List (see page 14). Delete the phrase, "in most areas of the country," from the disclosure if your state or local law does not require a container to surround the casket in the grave.

Required Itemized Prices on the GPL

The Rule requires you to itemize the prices for certain goods and services so consumers may choose only those elements of a funeral that they want. You must list the following 16 specified items of goods and services on the GPL, together with the price for each item:[8]

1. Forwarding of remains to another funeral home
2. Receiving remains from another funeral home
3. Direct cremation
4. Immediate burial
5. Basic services of funeral director and staff, and overhead
6. Transfer of remains to funeral home
7. Embalming
8. Other preparation of the body
9. Use of facilities and staff for viewing
10. Use of facilities and staff for funeral ceremony
11. Use of facilities and staff for memorial service
12. Use of equipment and staff for graveside service
13. Hearse
14. Limousine
15. Either individual casket prices or the range of casket prices that appear on the Casket Price List
16. Either individual outer burial container prices or the range of outer burial container prices that appear on the Outer Burial Container Price List

You can list these items in any order you want. You only have to list the items that you actually offer. If you do not offer one or more of the 16 items, you need not list those items on the General Price List. In addition to these 16 items, you also may list other items that you offer, such as acknowledgement cards

and cremation urns. You also may provide prices for package funerals on your GPL. However, you must offer any package funerals ***in addition to and not in place of*** the required itemized prices.[9]

The itemized prices on your General Price List, as well as your Casket Price List and Outer Burial Container Price List, should be accurate and up-to-date. These prices should reflect the prices that you actually charge your customers.

Of course, you can offer a discount when there are special circumstances, such as arrangements for a friend or relative or a family that otherwise could not afford your services. The Rule does not prevent you from doing this. However, you should not inflate the prices on any of your price lists in order to offer all or most of your customers a discount. In that case, the "discounted" prices would be the *accurate* prices and should be reflected on the price lists.

Items 1-4: Minimal Services

Four items that the Rule requires you to list are: (1) forwarding of remains; (2) receiving remains; (3) direct cremation; and (4) immediate burial. Unlike the rest of the goods and services that you must list on the GPL, the prices for these four items ***must include*** any fee that you will charge consumers for the basic professional services of the funeral director and staff.

> **Example:** Ms. James wants to arrange an immediate burial for her father. In addition, she chooses acknowledgement cards, use of a limousine, and a graveside service. You should charge her the fee for an immediate burial plus the fees for the other items that she wants. But, you should not charge her an additional non-declinable basic services fee. **A charge for your basic services is already included in the price for the immediate burial.** The required disclosure about the basic services fee (see pages 9-10) informs the consumer of this fact.

For ***forwarding of remains*** and ***receiving remains,*** the GPL should list one price for each of these items and describe all services you will provide for the quoted price. The prices for these items should include all charges relating to each service, including any basic services fee and any facilities or equipment fees.

If you offer ***direct cremations,*** your GPL must state a price range, make the required disclosure about the availability of an alternative container (see page 5), and list each of these options within the range:

- a price for direct cremation if the consumer provides the casket or container
- a price for each direct cremation you offer with an alternative container

If you offer direct cremations, the Rule requires you to offer at least one alternative container. If you offer direct cremations with more than one alternative container, separately list a description of each container and its price.

Your GPL must describe the services you provide for each direct cremation you offer, such as direct cremation with a memorial service or direct cremation with scattering of ashes.

If you include the cost of cremation in your direct cremation price, **include the words "and cremation"** in your GPL's description of what you provide for direct cremation. However, if you use a crematory that someone else owns, you may treat the cremation charge as a cash advance item. In that case:

- **do not include** the words "and cremation" in your GPL's description of what you provide for direct cremation, and
- clearly explain that the added crematory charge will be estimated or itemized in the Statement of Funeral Goods and Services Selected.

For ***immediate burials,*** you must give a price range, together with each of the following separate options within the range:

- one price where the purchaser provides the casket; and
- a separate price for each form of immediate burial offered where you provide a casket or alternative container. (You are not required to make an alternative container available for this purpose. However, you may choose to offer this option.)

You also must describe in the GPL the services and container provided for each price. If the immediate burial option is available with any casket on your Casket Price List, the General Price List can simply state the price of the service and refer the customer to the Casket Price List for casket prices.

Item 5: Basic Services of Funeral Director and Staff (and Overhead)

The charge for services of funeral director and staff is a fee for the basic services that you furnish in arranging any funeral.[10] This is the "basic services fee" that is discussed in the Required Disclosures section. If the customer cannot decline this fee, the disclosure that appears on page 6 is required.

This basic services fee should include services that are common to virtually all forms of disposition or arrangements that you offer, such as conducting the arrangements conference, securing the necessary permits, preparing the notices, sheltering of remains, and coordinating the arrangements with the cemetery, crematory, or other third parties. The basic services fee should ***not*** include charges related to other items that must be separately listed on the General Price List and that the customer may decline to purchase.

> **Note:** You should include any charges for the ordinary sheltering of remains by your funeral home in this basic services fee. However, you can list a separate charge for sheltering of remains if: 1) a significant percentage of your customers do not use the funeral home to hold the remains at any point, or 2) you receive a request to hold the remains for an unusually long period of time.

The basic services fee also may include overhead from various aspects of your business operation, such as the parking lot, reception and arrangements rooms, and other common areas. It also may include insurance, staff salaries, taxes, and fees that you must pay. Alternatively, instead of including all overhead in your basic services fee, you can spread the overhead charges across the various individual goods and services you offer. As a third alternative, you can combine the first two approaches: spread some portion of the overhead charges across the individual items, while including the remainder of such charges in your basic services fee.

> **Note:** These are the only ways to recoup overhead costs. In addition, if this basic services fee is non-declinable, the fee must include any charges for overhead that have not been allocated to the other goods and services.

You have two options for listing your basic services fee on the General Price List.

Option 1: You may list a separate price for the basic services of the funeral director and staff, together with a list of the principal services provided for the price and the required disclosures (see pages 5-7). If consumers cannot decline this fee, you should include in this separate price all charges for "unallocated overhead" — that is all overhead not distributed among the other items listed on the GPL.

Option 2: Instead of charging a separate basic services fee, you may include the fee in your casket prices. With this alternative, you must include the appropriate disclosure (see page 6) on the General Price List, together with the prices for the individual caskets or with the casket price range (if you have a separate Casket Price List). This fee also must include all charges for the recovery of unallocated overhead. As the disclosure indicates, you must specify the amount of the basic services fee that is included in the price of the caskets. If the customer provides a casket obtained elsewhere, that same basic services fee must be added to the total cost of the arrangements selected.

The Rule expressly states that the basic services fee is the ***only non-declinable*** fee allowed for services, facilities, or unallocated overhead, unless state or local law requires otherwise. Other than the basic

services fee, you cannot charge any separate fee for overhead. Charging a second non-declinable fee, such as a "basic facilities fee" or a "casket handling fee," in addition to the basic services fee would violate the Rule. Moreover, you cannot list fees for "additional services" of the funeral director and staff, if those fees should be included in the basic services fee or in one of the other items required to be listed on the GPL.

> **Example:** You have a non-declinable fee for the basic services of funeral director and staff. You also list the following fee on your General Price List: Additional Services of the Funeral Director and Staff. This charge includes: a) coordinating and directing funeral ceremony; b) paying competitive salaries to employees; c) providing 24-hour on-call service to each family; d) maintaining funeral service licensing; and e) complying with federal and state codes and regulations.

This fee for additional services violates the Rule. All of the charges listed should be included elsewhere on the GPL. You should include charge (a) for coordinating and directing the funeral ceremony in the separate charge for a funeral ceremony. The other items, (b) through (e), relate to basic overhead. You either should include such charges in the basic services fee or allocate these costs among all the items listed on the GPL.

Items 6 - 16

You must list the following items separately with their respective prices. The charge for each item should include all service fees and any equipment or facility charges for providing that particular good or service. (You will not, however, include any portion of the "basic services fee," in any of these items.)

Transfer of remains to funeral home. You can choose any pricing method, such as a flat fee, an hourly charge, or a mileage charge. For example, you can charge a flat fee with or without an additional mileage charge for distances beyond a certain specified radius.

Embalming. Your price for embalming should include use of the preparation room, as well as the professional services, equipment, and materials involved in performing embalming. In addition, as discussed on page 5, you must tell consumers that the law does not require embalming.

Other preparation of the body. This charge should include such services as cosmetic work to prepare the deceased for viewing. Under this category, you can also show a price for washing and disinfecting when that procedure is used instead of embalming.

Use of facilities and staff for viewing. You may charge a flat fee or an hourly fee for the use of your facilities for viewing. Your price for a viewing should include charges for both the services of staff and the facilities used in connection with a viewing. You should not list two separate charges relating to a viewing, such as one for the facilities and another for the staff services. However, if you provide staff services for viewing held at another facility, such as a church or a home, you should list a separate fee for such services. (In this situation, a facilities charge would not be appropriate because your own facilities are not being used.)

Use of facilities and staff for funeral ceremony. The charge for a funeral ceremony, that is, a commemorative service with the body present, at the funeral home should include both the use of facilities and the necessary staff services. You should not list two separate charges relating to a funeral ceremony, such as one for the facilities and another for the staff services. However, if you provide staff services for a funeral ceremony at another facility, such as a church, you should list a separate fee for such services.

Use of facilities and staff for memorial service. This is a charge for a commemorative service ***without*** the body present. The charge should include both the use of facilities and the staff services. You should not list two separate charges relating to a memorial service, one for the use of facilities and another for the staff services. However, if you provide staff services for a memorial service at another facility, such as a church, you should list a separate fee for such services.

Use of equipment and staff for graveside service. Some families may choose to have a graveside service ***instead*** of a funeral ceremony at the funeral home. Your charge for this service should include both staff services and any equipment you may provide (such as a tent and chairs). You should not list two separate charges relating to a graveside service, one for equipment and another for staff services. If your charge for a funeral ceremony normally includes a committal service at the grave following the funeral, you can continue this practice, or you may offer a separate charge for a committal service following a funeral ceremony. The separate charge for a ***graveside service*** is intended for those situations where there is no funeral ceremony at the funeral home or elsewhere.

Hearse. You can use any pricing method for the use of a hearse, such as a flat fee, an hourly charge, or a mileage charge. For example, you can charge a flat fee with or without an additional mileage charge for distances beyond a certain specified radius.

Limousine. You can use any pricing method for the use of a limousine, such as a flat fee, an hourly charge, or a mileage charge. For example, you can charge a flat fee with or without an additional mileage charge for distances beyond a certain specified radius.

Casket prices. You can list casket prices in either of two ways: (1) you can list a casket price range, with the disclosure about the availability of the Casket Price List (see page 6); or (2) you can list the prices of individual caskets on your General Price List.

Outer burial container prices. As with casket prices, you can list outer burial container prices in either of two ways: (1) you can list an outer burial container price range, with the relevant disclosure about the Outer Burial Container Price List (see pages 6-7); or (2) you can list the prices of individual containers on your General Price List.

Alternative Price Lists for Special Groups

In certain limited situations, you may use alternative price lists.

> **Remember:** Even if you use alternative price lists, you still must comply with all Rule provisions, including mandatory disclosures and itemized prices.

1. Children and Infants

You can set different prices for funeral arrangements for children and infants. You can list the different fees in two ways. You can place these items on your General Price List, Casket Price List and Outer Burial Container Price List, along with your regular offerings; or you can prepare separate price lists for these arrangements. If you prepare separate price lists, you need not give them out to anyone except those persons inquiring about a funeral for a child or an infant.

2. Government Agencies

Some funeral providers enter into agreements with government agencies to provide funeral arrangements for indigent persons (or other persons entitled to a government benefit). When entering into such arrangements, you must follow all Rule requirements, including giving price lists to the government agent at the time you make or discuss such arrangements. You can add the prices for these special situations to your regular price list or prepare a separate price list for these arrangements. If you prepare a separate price list, you need not make it available to anyone except the government agency or persons who qualify for the special arrangements.

Some government agencies choose to contract for funeral arrangements on a package basis. You can offer funeral arrangements to anyone — including a government agency — on a package basis, as long as the funeral packages are offered in addition to, not in place of, itemized prices.

When qualifying persons inquire about these package funeral arrangements, you still should provide the GPL, with itemized prices and disclosures, and comply with all other Rule requirements at this time.

> **Note:** You should check your state laws to determine whether arrangements handled as part of an agreement with a government agency can be supplemented or modified by qualifying persons.

3. Religious Groups and Memorial Societies

Some funeral providers enter into agreements with religious groups, burial societies, or memorial societies to arrange funerals for their members at special prices. You are free to enter into such arrangements, but you must still comply with the Rule's requirements. You must provide price lists to representatives of these groups when they inquire about funeral arrangements on behalf of their members. In addition, if an individual group member inquires in-person about funeral arrangements, you must provide the individual with your price lists. Even if a member chooses a package available only to society members, the member must have the opportunity to look at your price lists. You can either have separate price lists for qualifying members or include such prices on your regular price lists.

The Casket Price List: Information and Use

If you do not list the retail price of each casket on your General Price List, you must prepare a separate printed or typewritten Casket Price List (CPL).[11]

Information to be Included

The CPL must include the following basic information:

- the name of your business;
- the caption "Casket Price List;"
- the effective date for the Casket Price List; and
- the retail price of each casket and alternative container that does not require special ordering, with enough information to identify it.

You must give enough descriptive information about each casket on the CPL to enable consumers to identify the specific casket or container and understand what they are buying. For example, the CPL could describe the exterior appearance (including the gauge of metal or type of wood), the exterior trim, and the interior fabric. You also may give any other information, such as a photograph or manufacturer name and model number. However, a photograph or model number alone is not a sufficient description under the Rule.

You need list only those caskets that you ***usually offer*** for sale that do not require special ordering, as well as the alternative container(s) you offer for direct cremation. "Special ordering" means purchasing a casket or container that is not in stock and not part of your regular offerings to your customers. Except for the requirement that you make an alternative container available if you offer direct cremation, the Rule does not require you to offer any particular caskets or alternative containers. However, both caskets and alternative containers should be listed on the CPL. You should not have a separate list for alternative containers.

The Rule does not require you to list the caskets or containers that you offer in any particular format or order. The Casket Price List can be in any form, including in a notebook or on a chart, as long as it contains the required information, displayed in a clear and conspicuous manner.

Moreover, you do not have to include customized caskets on your CPL, or list caskets that you keep in your inventory to fill pre-existing, pre-need contracts, but which you no longer regularly offer for

sale. Nor is it necessary to prepare a new price list if a casket or container is temporarily out-of-stock. You can simply tell the consumer which casket is not available when you give the consumer the CPL. Also, if a particular casket is available in a variety of interior materials and designs or exterior hardware and finishes, you can simply note that fact on the Casket Price List; you need not list each variation separately. (See also Sample CPL at the end of this publication.)

Using the Casket Price List

You must show the CPL to anyone who asks in person about the caskets or alternative containers that you offer or inquires about their prices. You must offer the CPL ***when you begin discussing caskets or alternative containers — but before showing these items.*** Consumers must be able to look at the price list before discussing their options or seeing the actual caskets.

> **Note:** Consumers should not first learn of casket prices by entering the casket showroom and reading price cards placed on individual caskets or by having the funeral director recite such information orally.

You can use individual price cards, but only in addition to a Casket Price List. Unlike the General Price List, you do not have to give the consumer a Casket Price List to keep. However, you may do so if you wish.

The Rule does not require that you display the caskets in any specific manner. (Note, however, that many states have regulations regarding the manner of display.) In fact, the Rule does not require that you display any caskets. Some funeral providers present their selections through a book containing photographs of the various caskets offered for sale. In this case, you must incorporate in the book all the information required for the CPL (see page 12), including the heading "Casket Price List."

If you use a manufacturer's or supplier's casket showroom outside of the funeral home, you must offer the CPL when the discussion of caskets begins. If you begin discussing caskets in your place of business, you must offer the Casket Price List at that time. However, if you do not begin discussing caskets until you arrive at the manufacturer's or supplier's showroom, you do not have to show a CPL until you arrive and the discussion begins.

In addition to using a CPL as described, you must show a Casket Price List to anyone who wishes to modify the particular casket already purchased under a pre-need contract.

> **Example:** Ms. Todd's father entered into a pre-need contract in 1989. If Ms. Todd chooses to upgrade the casket provided under the pre-need contract or inquires about other casket offerings, you should show her a CPL.

The Outer Burial Container Price List: Information and Use

If you sell outer burial containers and do not list the retail price of each such container on your General Price List, you must prepare a separate printed or typewritten Outer Burial Container Price List (OBC Price List).[12] The term "outer burial container" refers to any container designed to be placed around the casket in the grave. Such containers may include burial vaults, grave boxes, and grave liners.

Information to be Included on the OBC Price List

The OBC Price List must contain the following basic information:

- the name of your business;
- the caption "Outer Burial Container Price List;"
- the effective date of the price list;

- the retail price of each outer burial container you offer that does not require special ordering, with enough information to identify the container; and
- this disclosure, as discussed on page 7:

  [In most areas of the country], [S]tate, or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.

  Delete the phrase "in most areas of the country" from the disclosure if your state or local law does not require a container to surround the casket in the grave.

You must give enough descriptive information about each outer burial container in your OBC Price List to enable consumers to identify the specific container. You need list only those containers that you ***usually offer*** for sale and that do not require special ordering. "Special ordering" means purchasing an outer burial container that is not in stock and not part of your regular offerings to your customers. However, the Rule does not require you to offer any particular outer burial containers; in fact, it does not require you to sell any outer burial containers.

The Rule does not require listing the containers that you offer in any particular order. The OBC Price List can be in any form, including in a notebook or on a chart, as long as it contains the required information, including the heading "Outer Burial Container Price List," displayed in a clear and conspicuous manner.

You do not have to list containers that you keep in your inventory to fill existing pre-need contracts, but which you no longer regularly offer for sale. Nor is it necessary to prepare a new price list if a container is temporarily out-of-stock. You can simply tell the consumer which container is not available when you give the consumer the OBC Price List. (See the Sample OBC Price List.)

Using the OBC Price List

You must show this price list to all persons asking about outer burial containers or their prices. You must offer this price list ***when you begin to discuss outer burial containers, but before showing the containers.*** Consumers must be able to look at the price list before discussing their options or seeing the actual containers. (The Rule does not require that you display outer burial containers in any specific manner. Note, however, that many states have regulations regarding the manner of display.)

Again, it is ***not*** enough for you to tell consumers about price information or to place price cards on top of individual containers or models of containers. You can use individual price cards, but only in addition to an OBC Price List. Unlike the GPL, you do not have to give the OBC Price List for retention. However, you may do so if you wish.

Some funeral providers present their outer burial container selections through a book containing photographs of the various containers offered for sale. If you choose this approach, you must incorporate all the information required for the OBC Price List (see pages 13-14) into the book.

In addition to using an OBC Price List as described, you must show this price list to anyone who wishes to modify the particular container already purchased under a pre-need contract.

Statement of Funeral Goods and Services Selected: Cost Information and Disclosures

The Statement of Funeral Goods and Services Selected (Statement) is an itemized list of the goods and services that the consumer has selected during the arrangements conference.[13] The Statement allows consumers to evaluate their selections and to make any desired changes.

The Rule does not require any specific form, heading or caption on the Statement. The information required on the Statement can be included on a contract or any other document that you give to customers at the conclusion of the arrangements discussion. The categories of goods and services listed on the Statement (or other similar document) should generally correspond to the items listed on the GPL, so that customers can easily compare the two documents.

You must give each consumer a completed Statement at the end of the arrangements discussion. If arrangements are made in person, you should give the Statement at this time. Giving a consumer a copy of the Statement at the funeral or mailing it to the consumer at some later date does not meet the requirements of the Rule.

> **Note:** The Rule does not address the manner or timing of payment. That is between you and the customer.

If arrangements are made over the telephone, you should give the consumer the Statement at the earliest possible date.

> **Example:** On Wednesday evening, Mrs. Shelley calls you to make funeral arrangements for her father and tells you that she will come to the funeral home on Thursday morning to finalize such arrangements. When Mrs. Shelley arrives the next morning, you should give her the required GPL and confirm the arrangements made. Then, once you finalize the arrangements, you should give Mrs. Shelley the Statement.

If a consumer makes all funeral arrangements by telephone, you should make a reasonable attempt to give a completed Statement to the consumer before a final disposition of the remains occurs. If the consumer does not visit the funeral home in person before the final disposition, you should still give or send a completed Statement to the consumer as soon as possible.

The Rule requires you to include cost information and specific disclosures on the Statement.

Cost Information

You should list all of the individual goods and services that the consumer will purchase, together with the price for each item. You cannot simply lump together goods and services that are listed separately on the GPL.

> **Example:** Your Statement would violate the Rule if it listed only three broad categories for "Services," "Facilities," and "Automotive Equipment."

You may still offer funeral packages, as long as they are offered **in addition to, not in place of,** itemized prices. If the consumer selects a package (after you offer itemized prices), your Statement should describe the package, listing individually each of the goods and services included in the package, and state the package price.

You also must list each cash advance item separately on the Statement, together with the price for each item. Cash advance items are items of service or merchandise that:

- are described to a consumer as a "cash advance," "accommodation," "cash disbursement," or by any similar term; or

- you obtain from a third party and pay for on the consumer's behalf. (See also cash advance disclosure below.)

Cash advance items may include such things as cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.

If you don't know the price of a particular cash advance item, you should enter a good faith estimate. However, you should give a written statement of the actual charges before the final bill is paid.

Finally, you must give the consumer the total cost of the arrangements selected (individual goods and services plus cash advance items).

Disclosures

You must place the following three disclosures on your Statement. They should be set out, word-for-word, ***exactly*** as the Rule prescribes.

1. Legal Requirements

The first disclosure states that you will charge consumers only for the items they have selected and that you will explain any legal, cemetery, or crematory requirements in writing.[14]

> Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below.

The form should leave enough space for you to identify and explain in writing any legal, cemetery, or crematory requirement that compels the consumer to purchase a specific funeral good or service. You should enter this information on the Statement before it is given to the customer.

2. Embalming

The second disclosure relates to embalming and the need for prior approval.[15]

> If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below.

The form should leave enough space for you to explain the reason for embalming. You should enter this information on the Statement before giving it to the customer.

3. Cash Advance Items

The third disclosure relates to your charges for your services in buying cash advance items. If you charge for purchasing a cash advance item, or if you receive and retain a rebate, commission, or trade or volume discount for a cash advance item, you must make the following disclosure:[16]

> We charge you for our services in obtaining: (*specify cash advance items*).

You must place this disclosure in immediate conjunction with (directly next to) the list of itemized cash advance items on your Statement and specify those cash advance items to which the disclosure applies.

You should not put the disclosure on a separate page or elsewhere on the Statement apart from the list of itemized cash advance items. (See the Sample Statement on page 28.)

Telephone Price Disclosures

You must give consumers who telephone your place of business and ask about your prices or offerings ***accurate*** information from your General Price List, Casket Price List, and Outer Burial Container Price List. You also must answer any other questions about your offerings and prices with any readily available information that reasonably answers the question.[17]

> **Note:** You cannot require callers to give their names, addresses, or phone numbers before you give them the requested information. You can ask callers to identify themselves, but you still must answer their questions even if they refuse to do so. You cannot require consumers to come to the funeral home in person to get price information.

You can use an answering machine or answering service to record incoming calls. However, you must respond to questions from callers on an individual basis.

> **Example:** Your answering machine can have a message telling consumers to call a specified number during business hours for information about prices and offerings. You need to provide the requested information when consumers call during those hours, or, you can have an answering machine or answering service take consumers' names and phone numbers so that you can return the calls at your earliest convenience.

You may have an employee answering your phones who can respond to easier questions regarding your offerings and prices by referring to the printed price lists, but who refers more difficult questions to you. If you are unavailable when the call comes in, the employee can take a message so that you can return the call later.

You do not have to give price and other information after business hours if it is not your normal practice to do so. You can tell consumers who call during non-business hours that you will provide the information during regular business hours. However, if a consumer calls after hours to inquire about an at-need situation, and it is your practice to make funeral arrangements during non-business hours, you should provide price or other information the consumer requests.

If you are in the middle of one arrangements conference when another family calls about your offerings, you can take a message and return the call at a later time.

Misrepresentations Prohibited by the Rule

The Funeral Rule prohibits specific misrepresentations in six areas.[18]

1. Embalming

You cannot tell consumers that state or local law requires embalming if that is not true. If state law does require embalming, you may tell the family that embalming is required due to the specific circumstances.

> **Example**: Your state law requires either refrigeration or embalming after a certain period of time. If you have refrigeration facilities available, you must give the consumer the option of either refrigeration or embalming.

You also must tell the consumer ***in writing*** that embalming is not required by law if that's true in your state. You do this by including on your GPL the mandatory embalming disclosure.

> **Note:** You must make this disclosure to all consumers, even if embalming is necessary.

Unless state or local law requires embalming, you may not tell consumers that embalming is required for practical purposes in the following situations:

- when the consumer wants a direct cremation;
- when the consumer wants an immediate burial; or
- when refrigeration is available and the consumer wants a closed-casket funeral with no formal viewing or visitation.

  Example 1: A family wants to arrange a funeral with a formal viewing. The funeral will take place three days after death has occurred on a hot summer day. Your state does not require embalming. You do not have refrigeration facilities. In this situation, you can tell the family that the funeral home requires embalming as a practical necessity to delay decomposition of the remains and to preserve them for viewing. You may not tell the family that the law requires embalming in this case because that is not true.

  Example 2: A family wants to arrange an immediate burial, but does not want to pay for embalming. Embalming is not required by your state law. Before burial takes place, one family member wants to look briefly at the deceased by lifting the lid of the casket. Here, you may not tell the family that embalming is required. The request to see the deceased does not constitute a formal viewing.

In situations like the Example 2, you also cannot require the family to pay for "other preparation of the body," if they decline embalming.

2. Casket for Direct Cremation

You cannot tell consumers that state or local law requires them to buy a casket if they are arranging a direct cremation. (A direct cremation is one that occurs without any formal viewing of the remains or any visitation or ceremony with the body present.) You also must not tell consumers, in the case of direct cremations, that they must buy a casket for any other reason.

If you offer direct cremations, you must make an alternative container available and inform consumers that such containers are available for direct cremations. You do this by including on your GPL the mandatory disclosure about alternative containers discussed on pages 5-6.

An "alternative container" is an unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains. It is made of fiberboard, pressed-wood, composition materials or like materials, with or without an outside covering.

Note: The Rule also prohibits crematories from requiring that a casket be purchased for direct cremation. However, the Rule allows crematories to set standards for the kind of alternative containers that they will accept. For example, a crematory might stipulate that it will accept only rigid containers.

3. Outer Burial Container

You cannot tell consumers that state or local law requires them to buy an outer burial container, if that is not true. You also must tell consumers that state law does not require them to purchase an outer burial container. You satisfy this obligation by including the mandatory disclosure (discussed on pages 6-7) on the Outer Burial Container Price List. The mandatory disclosure about outer burial containers also tells consumers that grave liners are suitable for meeting any cemetery requirement.

You may not tell consumers that a particular cemetery requires an outer burial container, if that is not true. You may want to keep updated rules of local cemeteries to make sure that your information is accurate. If the particular cemetery does require a container, then you should explain this to the family.

4. Legal and Cemetery Requirements

You cannot tell consumers that any federal, state, or local law or a particular cemetery or crematory requires them to buy a particular good or service, if that is not true. If you do tell a consumer that he or she must buy a particular item because of any legal, cemetery, or crematory requirement, you must identify and describe the particular requirement in writing on the Statement of Funeral Goods and Services Selected.

5. Preservative and Protective Value Claims

You cannot make any representations to consumers that funeral goods or services will delay the natural decomposition of human remains for a long term or an indefinite time. Although the Rule flatly prohibits you from making this representation, the Commission recognizes that it is possible for some funeral goods or services to delay decomposition for a short period.

> **Example:** A family selects a funeral with a viewing. You may explain to the family that embalming will temporarily preserve the body to make it suitable for viewing. But, you cannot tell them that the embalming will preserve the body indefinitely.

You cannot tell consumers that funeral goods (such as caskets or vaults) have protective features or will protect the body from gravesite substances when that is not true.

Federal law requires you to make all warranty information available to consumers. Therefore, you must allow the family to read any of the manufacturer's warranties. However, you should indicate that these claims are made by the manufacturer and not by you.

> **Example:** Mr. Morton has chosen casket A. You should allow him to read the written warranty that the manufacturer offers, but you must not adopt as your own any statement about preservation or protection that you know to be in violation of the Rule. You may want to inform Mr. Morton that the manufacturer has made certain statements about the product, but that you do not have personal knowledge of the protective value of the merchandise.

6. Cash Advance Items

If you mark up the charge on cash advance items or receive a commission, discount, or rebate that is not passed on to the consumer, you cannot state that the price charged for the cash advance item is the same as your cost. If there ***is*** an added charge, or if you receive and keep a rebate, commission, or trade or volume discount, you must tell the consumer that the price is not the same as your cost. You do this by including the mandatory disclosure (discussed on page 16) on your Statement of Funeral Goods and Services Selected.

The Rule does not prevent you from adding a service charge, nor does it require you to disclose the amount of that charge. However, some states may have laws or regulations that prohibit any mark-up on cash advance items.

7. Other Misrepresentations

Other kinds of misrepresentations, though not specifically prohibited by the Funeral Rule, are also illegal. The FTC Act prohibits deceptive acts or practices. Likewise, the consumer protection laws of most states prohibit deceptive practices.

What Consumers Cannot Be Required to Purchase

You cannot require consumers to buy unwanted or unneeded goods and services to get the items that they do want. Consumers must be able to choose only the goods and services that they want, with certain limited exceptions noted below.[19]

Accordingly, you cannot condition the furnishing of any funeral good or service to a consumer on the purchase of any other funeral good or service ***except for your basic services fee and any items required by law.***[20] You also cannot refuse to serve a family because they do not purchase one particular item (e.g., a casket or embalming) or a combination of items or services from you.

In addition, you cannot include the charge for an optional item of service (such as embalming) in a non-declinable basic services fee. This would have the effect of making the optional item a required purchase for every customer.

The Rule expressly prohibits you from charging any fee as a condition of furnishing any funeral goods or services, other than the fees for:

- the basic services of funeral director and staff (the one non-declinable fee allowed by the Rule);
- the funeral goods and services selected by the consumer; and
- the funeral goods and services required to be purchased by law (or by the cemetery or crematory),[21] as identified and explained on the itemized Statement (see page 15).

This means that ***you cannot charge an additional fee or surcharge to consumers who purchase a casket elsewhere.*** Such a fee would not fall within the three categories of allowable charges listed above. This extra "casket handling" fee is simply a hidden penalty for those consumers who exercise the right to purchase a casket from another seller.

Moreover, you cannot alter your prices based upon the particular selections of each customer. Such a practice also would defeat the purpose of the Rule to give people accurate, itemized price information that affords them the opportunity to select the arrangements they want.

Exceptions: The three exceptions to the consumer's general right to choose only the goods and services wanted are:

- the one non-declinable basic services fee;
- items required by law (or by the cemetery or crematory); and
- impossible, impractical or excessively burdensome requests. You do not have to comply with such requests.[22] However, you cannot refuse a request simply because you don't like it or don't approve of it.

Example: During July, a family requests that a funeral occur five days after death, but does not want embalming. You don't have refrigeration facilities. Your state law does not require embalming under any circumstances. However, in this situation, you can refuse to provide these arrangements, unless the family buys embalming. You can consider such a request impractical or excessively burdensome.

Note: If a customer requests an item that you do not normally offer, you do not have to comply with the request. However, you are free to do so.

"Free" Items: You cannot list any of the 16 items required to be separately itemized on the GPL as "free" or "no charge." Because you recover the cost of the free item in your other prices on the GPL, the customer may not have the choice of rejecting the charge. However, you can offer items not required to be separately itemized on the General Price List (such as acknowledgment cards) at "no charge," as long as your state or local laws do not prohibit this practice.

Prior Approval for Embalming

You can charge a fee for embalming, ***only in one of the following three circumstances***:[23]

1. State or local law requires embalming under the particular circumstances regardless of any wishes the family might have. If this is the case, you must note on the itemized Statement of Funeral Goods and Services Selected that embalming was performed because of a legal requirement and briefly explain that requirement. (Also see the discussion on page 16.)

   Note: Federal law does not require embalming under any circumstances.

2. You have obtained prior approval for embalming from a family member or other authorized person. (The Rule does not address the issue of who is an "authorized person" to give such approval. That is a matter of state or local law.) You must get ***express*** permission to embalm; it cannot be implied.

   Example: A family states that they want a viewing before burial and asks you to "prepare" the deceased. You must specifically ask the family for permission to embalm and must receive their permission before you embalm the body.

In order to obtain the family's express consent to embalm, you must: 1) specifically ask for and obtain their permission, and 2) not misrepresent when embalming is required.

Example: While making funeral arrangements, you tell a family that they will be charged for embalming, no matter what type of funeral arrangements they choose. If they agree to the funeral arrangements in general, this does not constitute express consent to embalm. In addition, if you charge a family for embalming here, you would be charging a second non-declinable fee that violates the Rule (see page 9).

Note: When an individual makes pre-need arrangements and gives express approval for embalming at that time, you do not need to get any additional approval to embalm at the time of death.

The Rule does not require you to get the permission in writing, as long as it is express approval. Some states, however, may require written authorization.

On the Statement of Funeral Goods and Services Selected, you must explain the ***reason*** that you charged a fee for embalming. The reason may be that the family requested this service. However, if you tell a consumer that embalming is required for a specific reason (e.g., viewing or legal requirement), then you should list this specific reason on the Statement. Simply noting "family consent" for embalming does not convey the reason for embalming, only that the family has consented.

3. All of the following apply:

- You are unable to contact a family member or other authorized person after exercising due diligence. In trying to contact the family, you must exhaust all means known, given the time constraints.

  Note: If refrigeration is available, you may be required to take more steps to contact the family and to obtain embalming authorization than if no refrigeration is available.

- You have no reason to believe that the family does not want embalming performed.

- After embalming the body, you obtain subsequent approval. In seeking approval, you must tell the family that if they select a funeral where embalming would be required (such as a funeral with formal viewing), you will charge a fee, but that you will not charge a fee if they select a funeral where embalming would not be necessary (such as a direct cremation with a memorial service). If the family then ***expressly*** approves embalming or chooses a funeral where embalming is required, you may charge them for the embalming you performed. But, if the family chooses a funeral where no embalming would be required, you cannot charge for the embalming.

Note: The required disclosure regarding embalming on the itemized Statement (see page 16) will let consumers know that they do not have to pay for embalming if you did not get their prior approval.

Recordkeeping

You must keep price lists for at least one year from the date you last distributed them to customers. You also must keep a copy of each completed Statement of Funeral Goods and Services Selected for at least one year from the date of the arrangements conference. You must make these documents available for inspection by FTC representatives upon request.[24]

Comprehension of Disclosures

You must make all the required disclosures to consumers in a clear and conspicuous manner. Your goal should be to present the information in a reasonably understandable form. In addition, the disclosures must be legible. The print or type must be large and prominent enough that consumers can easily notice and read the information. Finally, your price lists cannot include any information that alters or contradicts the information the Rule requires you to give in those price lists.[25] You can include other information on your price lists if you wish. But, this should not be done in such a way as to confuse or obscure the required information.

State Exemption Provisions

State agencies may apply to the Commission for a statewide exemption from the Funeral Rule.[26] The Commission may grant an exemption if it finds that:

1. There is a state requirement in effect that applies to the same transactions that the Funeral Rule covers; and
2. The state requirement provides an overall level of protection that is as great as, or greater than, the protection provided by the Funeral Rule.

If granted, the exemption will be in effect, as specified by the Commission, for as long as the state administers and enforces effectively the state requirement. An application for state exemption can be filed only by a state government agency. Funeral providers and trade associations cannot file for statewide exemption.

If your state has obtained such an exemption, you only need to comply with your state regulations. If the Commission has not granted your state an exemption, you must comply with all state regulations, as well as the FTC Funeral Rule. You must comply with your state regulations, even if they are more stringent than the Funeral Rule.

For More Information

About the FTC

The FTC works for the consumer to prevent fraudulent, deceptive, and unfair practices in the marketplace and to provide information to businesses to help them comply with the law. For free compliance resources visit the Business Center at business.ftc.gov.

Opportunity to Comment

The National Small Business Ombudsman and 10 Regional Fairness Boards collect comments from small businesses about federal compliance and enforcement activities. Each year, the Ombudsman evaluates the conduct of these activities and rates each agency's responsiveness to small businesses. Small businesses can comment to the Ombudsman without fear of reprisal. To comment, call toll-free 1-888-REGFAIR (1-888-734-3247) or go to www.sba.gov/ombudsman.

Sample Price Lists

The FTC staff provides these sample price lists to help you to understand the Funeral Rule's requirements. You do not have to adopt these sample price lists. They are only examples. In addition, the fact that the FTC staff has developed these price lists does not mean that this format is the only appropriate one. A variety of formats will satisfy the Rule's requirements.

Please read the information in the footnotes. It explains how you can modify the GPL to fit different situations.

Sample 1

ABC FUNERAL HOME
100 Main Street
Yourtown, USA 12345
(123) 456-7890

GENERAL PRICE LIST

These prices are effective as of [date].

The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. However, any funeral arrangements you select will include a charge for our basic services and overhead. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected.

Basic Services of Funeral Director and Staff and Overhead . . . . . $_____

Our services include: conducting the arrangements conference; planning the funeral; consulting with family and clergy; shelter of remains; preparing and filing of necessary notices; obtaining necessary authorizations and permits; coordinating with the cemetery, crematory, or other third parties. In addition, this fee includes a proportionate share of our basic overhead costs.

This fee for our basic services and overhead will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)

Embalming. . . . . $_____

[Except in certain special cases]* [E]mbalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial.

Other Preparation of the Body. . . . . $_____

[List individual services and prices]

Transfer of Remains to the Funeral Home (within ___ mile radius) . . . . . $_____

beyond this radius we charge ___ per mile

---

* Delete “[Except in certain special cases]” if state law does not require embalming.

Use of Facilities and Staff For Viewing at the Funeral Home . . . . . $_____

Use of Facilities and Staff For Funeral Ceremony at the Funeral Home . . . . . $_____

Use of Facilities and Staff For Memorial Service at the Funeral Home. . . . . $_____

Use of Equipment and Staff For Graveside Service . . . . . $_____

Hearse . . . . . $_____

Limousine . . . . . $_____

Caskets . . . . . .$_____ to $_____

A complete price list will be provided at the funeral home.

Outer Burial Containers . . . . . .$_____ to $_____

A complete price list will be provided at the funeral home.

Forwarding of Remains to Another Funeral Home. . . . . $_____

Our charge includes: basic services of funeral director and staff; a proportionate share of overhead costs; removal of remains; preparation of remains [including embalming][†], and local transportation.

Receiving Remains from Another Funeral Home . . . . . $_____

Our charge includes: basic services of funeral director and staff; a proportionate share of overhead costs; care of remains; transportation of remains to funeral home and to cemetery or crematory.

Direct Cremation . . . . . .$_____ to $_____

Our charge for a direct cremation (without ceremony) includes: basic services of funeral director and staff; a proportionate share of overhead costs; removal of remains; transportation to crematory; necessary authorizations [and cremation] [°].

If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are a fiberboard container or an unfinished wood box.

A. Direct cremation with container provided by the purchaser . . . . . $_____

B. Direct cremation with a fiberboard container. . . . . $_____

C. Direct cremation with an unfinished wood box . . . . . $_____

Immediate Burial . . . . . .$_____ to $_____

Our charge for an immediate burial (without ceremony) includes: basic services of funeral director and staff; a proportionate share of overhead costs; removal of remains; and local transportation to cemetery.

A. Immediate burial with casket provided by the purchaser . . . . . $_____

B. Immediate burial with alternative container [if offered] . . . . . $_____

C. Immediate burial with cloth covered wood casket . . . . . $_____

[†] Delete "[including embalming]" unless embalming is required by state law or common carrier.

[°] Delete "[and cremation]" if you bill cremation as a cash advance item. See items 1-4: Minimal Services on page 8.

Sample 2

ABC FUNERAL HOME
CASKET PRICE LIST

These prices are effective as of [date].

Alternative Containers:

1. Fiberboard Box . . . . . $_____
2. Plywood Box . . . . . $_____
3. Unfinished Pine Box . . . . . $_____

Caskets:

1. Beige cloth-covered soft-wood
   with beige interior . . . . . $_____
2. Oak stained soft-wood
   with pleated blue crepe interior . . . . . $_____
3. Mahogany finished soft-wood
   with maroon crepe interior . . . . . $_____
4. Solid White Pine
   with eggshell crepe interior . . . . . $_____
5. Solid Mahogany
   with tufted rosetan velvet interior . . . . . $_____
6. Hand finished solid Cherry
   with ivory velvet interior . . . . . $_____
7. 18 gauge rose colored Steel
   with pleated maroon crepe interior (available in a variety of interiors) . . . . . $_____
8. 20 gauge bronze colored Steel
   with blue crepe interior . . . . . $_____
9. Solid Bronze (16 gauge)
   with brushed finish white ivory velvet interior . . . . . $_____
10. Solid Copper (32 oz.) with Sealer (Oval Glass)
    and medium bronze finish with rosetan velvet interior . . . . . $_____

Sample 3

ABC FUNERAL HOME
OUTER BURIAL CONTAINER PRICE LIST

These prices are effective as of [date].

[In most areas of the country]*, [S]tate or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.

1. Concrete Grave Liner. . . . . $_____

2. Acme Reinforced Concrete Vault (lined) . . . . . $_____

3. Acme Reinforced Concrete Vault (stainless steel lined) . . . . . $_____

4. Acme Solid Copper Vault . . . . . $_____

5. Acme Steel Vault (12 gauge) . . . . . $_____

* Delete “[In most areas of the country]” if state law does not require a grave liner or vault.

Sample 4

ABC FUNERAL HOME
STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED

Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below.

Deceased: _____

Purchaser: _____

Address: _____

Tel. No. _____

_____ _____
Date of Death Date of Arrangements

Basic Services of Funeral Director and Staff and Overhead . . . . . $_____

Embalming. . . . . $_____

If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below.

Other Preparation of the Body

1. Cosmetic Work for Viewing . . . . . $_____
2. Washing and Disinfecting Unembalmed Remains. . . . . $_____

Transfer of Remains to the Funeral Home . . . . . $_____

Use of Facilities and Staff For Viewing. . . . . $_____

Use of Facilities and Staff For Funeral Ceremony . . . . . $_____

Use of Facilities and Staff For Memorial Service . . . . . $_____

Use of Equipment and Staff For Graveside Service. . . . . $_____

Hearse . . . . . $_____

Limousine . . . . . $_____

Casket . . . . . $_____

Outer Burial Container . . . . . $_____

Forwarding of Remains to Another Funeral Home. . . . . $_____

Receiving Remains from Another Funeral Home . . . . . $_____

Direct Cremation . . . . . $_____

Immediate Burial . . . . . $_____

CASH ADVANCE ITEMS

We charge you for our services in obtaining: [specify relevant cash advance items].

Cemetery charges . . . . . $_____

Crematory charges . . . . . $_____

Flowers . . . . . $_____

Obituary notice. . . . . $_____

Death certificate. . . . . $_____

Music . . . . . $_____

Total Cash Advance Items $_____

TOTAL COST OF ARRANGEMENTS
(including all services, merchandise, and cash advance items). . . . . $_____

If any legal, cemetery, or crematory requirement has required the purchase of any of the items listed above, we will explain the requirement below:

_____

_____

_____

Reason for Embalming:

_____

Endnotes

[1] Note: Before the 1994 revision, the Rule also required the following disclosure on the GPL:

> This list does not include prices for certain items that you may ask us to buy for you, such as cemetery or crematory services, flowers, and newspaper notices. The prices for those items will be shown on your bill or statement describing the funeral goods and services selected. [And if appropriate] We charge you for our services in buying these items.
>
> The Rule no longer requires this disclosure on the GPL. Instead, you must place a shorter version of the disclosure on the Statement of Goods and Services Selected (see pages 15-16). However, you may continue to place this disclosure on your GPL, if you wish.

[2] See Section 453.4(b) (2) (i) (A).

[3] See Section 453.3(a) (2) (ii).

[4] See Section 453.3(b) (2).

[5] See Section 453.2(b) (4) (iii) (C).

[6] See Section 453.2(b) (4) (iii) (A).

[7] See Section 453.2(b) (4) (iii) (B).

[8] See Sections 453.2(b) (4) (ii) - (iii).

[9] See Section 453.2(b) (6).

[10] See Section 453.2(b) (4) (iii) (C).

[11] See Section 453.2(b) (2).

[12] See Section 453.2(b) (3).

[13] See Section 453.2(b) (5).

[14] See Section 453.4(b) (2) (i) (B).

[15] See Section 453.5(b).

[16] See Section 453.3(f) (2).

[17] See Section 453.2(b) (1).

[18] See Section 453.3.

[19] See Section 453.4.

[20] See Section 453.4(b) (1) (i).

[21] See Section 453.4(b) (1) (ii).

[22] See Section 453.4(b) (2) (ii).

[23] See Section 453.5

[24] See Section 453.6.

[25] See Section 453.7.

[26] The Commission's staff has issued guidelines regarding exemption proceedings, which were published in the Federal Register on March 29, 1985. See 50 Fed. Reg. 12,521 (1985).

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