



DR. RANDY SHARP
Board Chair

STEPHANIE BRYANT MCGEE
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION
LCB File Number R142-23

NOTICE OF HEARING FOR THE ADOPTION AND AMENDMENT
OF REGULATIONS OF THE NEVADA FUNERAL AND CEMETERY SERVICES BOARD

The Nevada Funeral and Cemetery Services Board will hold a public hearing at 9:00 a.m., on May 14, 2025, at the Nevada Funeral & Cemetery Services Board meeting to be held in Reno, Nevada.

For those wishing to attend in person, the physical location of the hearing is the Nevada Funeral and Cemetery Services Board Office, 3740 Lakeside Drive, Suite 201, Reno, Nevada 89509.

For those wishing to attend virtually by computer, mobile app, or telephone, the Hearing will also be held virtually via Zoom. The link to the Zoom Meeting is:

To join on your computer or mobile app:

<https://us06web.zoom.us/j/2539775871?pwd=R1NSVGtucG5rd29NMG5zbVhSmEwdz09&omn=83626763316>

To join by Meeting ID through Zoom:

Meeting ID: 253 977 5871

Passcode: 668556

To join by telephone:

669-900-6833

Meeting ID: 253 977 5871

Passcode: 668556

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, and repeal of regulations that pertain to chapter 451 of the Nevada Administrative Code, LCB File No. R142-23.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. A statement of the need for and purpose of the proposed regulation.

On January 12, 2023, Nevada Governor Joe Lombardo issued Executive Order 2023-003. Section 1 of that Executive Order requires the Nevada Funeral and Cemetery Services Board (Board) to conduct a comprehensive review of the regulations subject to the Board's enforcement. Pursuant to that Executive Order, the Board was to identify any regulations that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State of Nevada without unnecessarily inhibiting economic growth.

An additional proposed amendment is offered as guidance for compliance with NRS Chapter 451 as amended by Assembly Bill 289 (2023) regarding natural organic reduction.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

A copy of the proposed regulation amendment is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:

- (a) Both adverse and beneficial effects

Adverse effects

The Board does not anticipate any adverse economic impact from this regulation on businesses or the public.

Beneficial effects

The Board anticipates the beneficial effect to the public would be the adoption, amendment, or repeal of any regulations that need clarification, improvement, or unnecessarily inhibit economic growth. The beneficial effects are that the proposed regulations are reasonably necessary and expedient for the orderly conduct of the Board's administration of NRS 642 and NRS 451.

- (b) Both immediate and long-term effects

Immediate effects

The Board does not anticipate any immediate economic effect on businesses or the public.

Long-term effects

The Board does not anticipate any long-term economic effect on businesses or the public.

4. The methods used by the agency in determining the impact on a small business.

The Board discussed the regulatory changes at a workshop on November 15, 2023. There were no public comments regarding any opposition to any of the changes or any concerns regarding any economic impact on small business. In addition, the Board sent an email to each business holding a license issued by the Board requesting a response to a small business impact survey. The Board received no response to the survey.

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

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

6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This regulation is not required by federal law.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

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

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not provide for any new or increased fees.

Persons wishing to comment upon the proposed action of the Nevada Funeral and Cemetery Services Board may appear at the scheduled Public Hearing in person or via the Zoom videoconference or may address their comments, data, views, or opinions, in written form, to the Funeral and Cemetery Services Board, 3740 Lakeside Drive, Suite 201, Reno, Nevada 89509, or via email to nvfuneralboard@fb.nv.gov. Written submissions must be received by the Board by May 1, 2025, at 5:00 p.m. If no person who is directly affected by the proposed action

appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the text of the proposed regulation to be adopted, amended, and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Funeral and Cemetery Services Board Office at 3740 E. Lakeside Drive, Suite 201, Reno, Nevada, and <https://funeral.nv.gov> for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

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

Notice has also been sent via email or physical mail, as requested, to all licensees of the Board and persons on the agency's mailing list for administrative regulations. Notices were also sent via email for posting by the Nevada State Library and Archives and the Nevada Legislative Counsel Bureau.

**PROPOSED REGULATION OF THE NEVADA FUNERAL
AND CEMETERY SERVICES BOARD**

LCB File No. R142-23

January 29, 2024

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

AUTHORITY: §§ 1-3, NRS 451.640, as amended by section 5 of Assembly Bill No. 289, chapter 85, Statutes of Nevada 2023, at page 417, and NRS 642.063.

A REGULATION relating to cremation; revising the interpretation of certain phrases relating to cremation; clarifying requirements relating to the maintenance of certain records; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits the use of space within a crematory where cremation takes place for any purpose other than the cremation of human remains. (NRS 451.680, as amended by section 7 of Assembly Bill No. 289, chapter 85, Statutes of Nevada 2023, at page 418) Existing law requires the licensed operator of a crematory to ensure that all persons physically operating the crematory equipment have completed an approved crematory certification program. (NRS 451.635, as amended by section 4 of Assembly Bill No. 289, chapter 85, Statutes of Nevada 2023, at page 416) Assembly Bill No. 205 of the 2017 Legislative Session and Assembly Bill No. 289 of the 2023 Legislative Session: (1) authorized the use of alkaline hydrolysis and natural organic reduction, respectively, for the disposition of human remains; and (2) revised the definition of “cremation” to include alkaline hydrolysis and natural organic reduction, respectively. (Chapter 406, Statutes of Nevada 2017, at page 2734, chapter 85, Statutes of Nevada 2023, at page 415) **Sections 1 and 2** of this regulation make conforming changes to incorporate terms used in reference to alkaline hydrolysis and natural organic reduction in existing sections of the Nevada Administrative Code interpreting the terms “cremation of human remains” and “physically operating the crematory equipment.”

Existing law requires an operator of a crematory, funeral establishment or direct cremation facility to keep certain records. (NRS 451.665) Existing regulations require that such records be maintained for at least 7 years. (NAC 451.200) **Section 3** of this regulation clarifies that such records must be maintained for at least 7 years after the date of the final disposition of the human remains to which the records pertain.

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

451.008 1. For the purposes of NRS 451.680, *as amended by section 7 of Assembly Bill No. 289, chapter 85, Statutes of Nevada 2023, at page 418*, the Nevada Funeral and Cemetery Services Board interprets the phrase “cremation of human remains” to include:

(a) The container, unless incinerating, *dissolving or reducing* the container is prohibited pursuant to ~~subsection 3 of~~ NRS 451.670 ~~;~~, *as amended by section 6 of Assembly Bill No. 289, chapter 85, Statutes of Nevada 2023, at page 417*;

(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.

Sec. 2. NAC 451.009 is hereby amended to read as follows:

451.009 For the purposes of NRS 451.635, *as amended by section 4 of Assembly Bill No. 289, chapter 85, Statutes of Nevada 2023, at page 416*, the Nevada Funeral and Cemetery Services Board interprets the phrase “physically operating the crematory equipment” to mean:

1. Starting the crematory equipment;

2. Loading the chamber ~~;~~ *or equipment for natural organic reduction*;

3. Sweeping the chamber ~~;~~ *or removing human remains from the equipment for natural organic reduction*; and

4. Processing human remains, including the initial placement of the human remains into temporary urns.

Sec. 3. NAC 451.200 is hereby amended to read as follows:

451.200 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 ~~+~~ *after the date of the final disposition of the human remains to which the records pertain.*

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