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**Form For Filing
Administrative Regulations**

LCB File No. R143-23

Agency:

Nevada Funeral & Cemetery Services
Board

FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____

Governor's signature

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY TEMPORARY

Brief description of action:

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

Authority citation other than 233B: NRS 642.060, NRS 642.063, and NRS 642.0696

Notice date: April 9, 2024

Date of Adoption by Agency: May 15, 2024

Hearing date: May 15, 2024

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

LCB File No. R143-23

Filed on November 15, 2024

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

AUTHORITY: § 1, NRS 642.063 and 642.0696; § 2, NRS 642.060 and 642.063.

A REGULATION relating to funeral services; requiring funeral establishments and direct cremation facilities to submit monthly to the Nevada Funeral and Cemetery Services Board a report and certain regulatory fees relating to agreements for funeral services; authorizing the Board to request additional information about such reports; repealing certain provisions relating to practicing before the Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Nevada Funeral and Cemetery Services Board to adopt regulations to carry out certain provisions of law governing funeral establishments and direct cremation facilities. (NRS 642.063) Existing law also requires the Board to collect a regulatory fee for each written and signed agreement for funeral services at the time the agreement for funeral services is fully executed. (NRS 642.0696) **Section 1** of this regulation requires each funeral establishment and direct cremation facility to submit to the Board each month a report of all written and signed agreements to furnish funeral services and each regulatory fee for such agreements received during the immediately preceding month. **Section 1** also authorizes the Board to request any additional information from a funeral establishment or direct cremation facility to verify the information provided in the report.

Existing law sets forth certain administrative procedures relating to contested cases which, with certain exceptions, apply to regulatory bodies which have authority to regulate certain occupations or professions. (Chapters 233B and 622A of NRS) Existing law further provides that a regulatory body may adopt certain procedures relating to contested cases so long as the procedures do not hinder the duty of the regulatory body to protect the public. (NRS 622A.130) Existing regulations set forth certain specific requirements for practice before the Board, including that: (1) all testimony considered by the Board at a hearing, with certain exceptions, be sworn testimony; (2) the member of the Board who is presiding at a hearing will follow certain preliminary procedures before the parties may make opening statements; and (3)

evidence at a hearing will ordinarily be received in a certain order unless the Board modifies such order. (NAC 642.225, 642.230, 642.235) Existing regulations further: (1) set forth the procedure to request a rehearing of the Board; and (2) provide that the Board will conduct a rehearing in accordance with the procedure for hearings. (NAC 642.260) **Section 2** of this regulation repeals these provisions from the Nevada Administrative Code. As a result, the applicable provisions of the Nevada Revised Statutes relating to contested cases which apply generally to regulatory bodies will apply to the Board. (NRS 622A.380, 622A.390)

Section 1. Chapter 642 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Each funeral establishment and direct cremation facility shall submit to the Board on or before the last calendar day of each month:

(a) A report on a form prescribed by the Board of all written and signed agreements to furnish funeral services entered into during the immediately preceding month; and

(b) Each regulatory fee for a written and signed agreement to furnish funeral services received pursuant to NRS 642.0696 during the immediately preceding month.

2. The Board may request from a funeral establishment or direct cremation facility any additional information necessary to verify the information provided in the report submitted pursuant to subsection 1, including, without limitation, a list or copies of the written and signed agreements to furnish services.

Sec. 2. NAC 642.225, 642.230, 642.235 and 642.260 are hereby repealed.

TEXT OF REPEALED SECTIONS

642.225 Oath or affirmation required for testimony. 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.

642.230 Preliminary procedure. 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.

642.235 Order of presentation: Generally.

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.

642.260 Rehearing.

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.



DR. RANDY SHARP
Board Chair

STEPHANIE BRYANT MCGEE
Executive Director

INFORMATIONAL STATEMENT

Nevada Board of Funeral & Cemetery Services
LCB File No. R143-23

The following information is provided pursuant to NRS 233B.066 regarding adopted amendments to Nevada Administrative Code Chapter 642:

1. A clear and concise explanation of the need for the adopted regulation.

Pursuant to Nevada Governor Joe Lombardo's Executive Order 2023-003, the Nevada Funeral and Cemetery Services Board (Board) conducted a comprehensive review of the regulations subject to the Board's enforcement. Pursuant to that Executive Order, the Board identified certain provisions of NAC 642 that duplicated provisions of Nevada Revised Statutes, specifically NRS Chapter 233B.

The regulation is being further amended to provide guidance to funeral establishments and direct cremation facilities for compliance with the reporting and paying regulatory fees required pursuant to NRS 642.0696.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

The Board solicited public comment by emailing the proposed regulation, notice of workshop, notice of intent to act upon the regulation, and small business impact statement to persons who were known to have an interest in the Nevada Funeral and Cemetery Services Board regulation of funeral and cemetery services, specifically individuals and business entities holding an active license issued by the Board, as well as any person who had specifically requested such notice. These documents were also made available at the following locations:

- The Board's Office, 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 Administrative Regulation Notices website: <https://www.leg.state.nv.us/App/Notice/A/>

On November 15, 2023, the Board held a workshop to solicit comments on the proposed regulations. There were 16 individuals from the public in attendance at the workshop. Thereafter, on or about April 9, 2024, a Notice of Intent to Action Upon Regulations was issued. On May 15, 2024, the Board held a public hearing. There were no written or oral public comments presented at the hearing. There were 17 individual members of the public present at the hearing.

As no comments were submitted, no summary is available. Interested persons requesting information may contact the Board via the office, telephone, or email at:

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

Telephone: 775-825-5535

Email: nvfuneralboard@fb.nv.gov.

- 3. The number of persons who:**
 - a. Attended each hearing;**
 - b. Testified at each hearing; and**
 - c. Submitted to the Board written comments.**

Sixteen members of the public attended the workshop on November 15, 2023. One person testified at the workshop. There were no public comments during the workshop.

Seventeen members of the public attended the hearing on May 15, 2024. One person testified at the hearing. There were no public comments during the hearing.

No written comments were submitted to the Board regarding the proposed changes to the regulation.

- 4. For each person identified in paragraphs 3b. and 3c, the name, telephone number, business address, business telephone number, electronic mail address, and the name of the entity or organization represented:**

No person submitted written comments at the workshop or the hearing.

The following individual testified at the hearing:

Stephanie Bryant McGee
Executive Director
Nevada Funeral and Cemetery Services Board
3740 Lakeside Drive, Suite 201
Reno, Nevada 89521
(775)-825-5535
nvfuneralboard@fb.nv.gov

- 5. A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

The Board solicited public comment by emailing the proposed regulation, notice of workshop, notice of intent to act upon the regulation, and small business impact statement to persons who were known to have an interest in the Nevada Funeral and Cemetery Services Board regulation of funeral and cemetery services, specifically individuals and business entities holding an active license issued by the Board, as well as any person who had specifically requested such notice. These documents were also made available at the following locations:

- The Board's Office, 3740 Lakeside Drive, Suite 201 in Reno, Nevada.
- The Nevada Public Notice website: [https //notice.nv.gov/](https://notice.nv.gov/)
- The Board's website: [https //funeral.nv.gov/](https://funeral.nv.gov/)
- The Nevada Legislature Administrative Regulation Notices website: <https://www.leg.state.nv.us/App/Notice/A/>

On October 20, 2023, the Board sent via email a survey, along with a of the proposed regulation and notice of workshop, to each business entity holding a license issued by the Board.

1. How many employees are currently employed by your business?
2. Will a specific regulation have an adverse economic effect upon your business?
3. Will the regulation(s) have any beneficial effect upon your business?
4. Do you anticipate any indirect adverse effects upon your business?
5. Do you anticipate any indirect beneficial effects upon your business?

None of the business entities submitted a survey response.

The Board discussed the regulatory changes during a public workshop on November 15, 2023. The workshop was open to the public, including representatives of any business that may be impacted by the regulation. There were no public comments in opposition to any of the changes or regarding any economic impact on small businesses.

On May 15, 2024, the Board held a public hearing regarding adoption of the proposed regulation. There were no public comments submitted at this hearing. In addition, there were no comments regarding the proposed changes or any economic impact on small businesses.

As no comments were submitted, no summary is available. Interested persons requesting information may contact the Board via the office, telephone, or email at:

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

Telephone: 775-825-5535

Email: nvfuneralboard@fb.nv.gov

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The Board adopted the regulation on May 15, 2024, with one change. The Board voted to change Section 1 of the regulation to extend the due date of the required filing and payment of fees from the 15th of the month to the last calendar day of the month.

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- 7. 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

The Board determined that the regulation would have no adverse economic impact on businesses it regulates or the public.

The beneficial economic effect to the public is the improved efficiency of the Board's administration due to clarification and guidance with respect to compliance with statutes and repeal of regulations that are duplicated elsewhere in law.

(b) Both immediate and long-term effects

None. The Board does not anticipate any direct immediate or long-term economic effects on businesses or the public as a result of the adopted regulation. Any immediate or long-term economic impact would be in the improved efficiency of the Board's regulatory activities due to clarification of existing law and elimination of redundant regulatory provisions.

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

None. There is no additional cost to the Board for enforcement of the regulation, as enforcement will be performed by the Board in the normal conduct of its affairs.

- 9. 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.**

None. No other state or governmental agency regulations will be overlapped or duplicated as a result of the adopted regulation. The regulation does not overlap or duplicate a federal regulation.

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

None. The proposed changes to NAC 642 do not include any provisions that duplicate or are more stringent than any federal, state, or local regulations or standards regulating the same activity.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

None. The regulation does not provide for any new or increased fees.