

NOTICE OF INTENT TO ACT UPON A REGULATION

LCB File Number R001-22

Notice of Hearing for the Adoption of Regulations of the Funeral and Cemetery Services Board

The Funeral and Cemetery Services Board will hold a public hearing at 9:00 a.m., on August 25, 2022, via Zoom videoconference. Meeting ID 253 977 5871; Password 668556. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 642 of the Nevada Administrative Code.

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

1. The need for and the purpose of the proposed regulation or amendment.

This regulation is necessary to aid in the acceptance of out of state apprenticeships for active duty military and spouses, to reduce licensing fees for veterans, and pursuant to AB330, to review vocational and technical programs approved by the State Board of Education.

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 Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.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

i. Adverse effects:

No adverse economic effects have been determined.

ii. Beneficial effects:

The reduction of fees for veterans could potentially be beneficial to small business which hire active duty military, their spouses, veterans and their surviving spouses.

b. Both immediate and long-term effects.

i. Immediate effects

The reduction in fees would be immediate and assist immediately for small businesses which hire active duty military, their spouses, veterans and their surviving spouses.

ii. Long-term effects

The reduction in fees would provide further long term savings for businesses which continue to hire active duty military, their spouses, veterans and their surviving spouses.

4. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The Board discussed the regulatory changes at meetings and workshops held on December 14, 2021, February 8, 2022, and May 24, 2022. There were no public comments regarding any opposition to any of the changes or any concerns regarding any economic impact to small business.

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

No cost of the enforcement of the regulation, but there will be a very slight decrease in revenue from the decrease in fees collected from veterans.

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.

None.

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

None.

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

None.

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

No new fees are being proposed. All fees are established in statute.

Persons wishing to comment upon the proposed action of The Funeral and Cemetery Services Board may appear at the scheduled public hearing via 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. Written submissions may be mailed or emailed to nvfuneralboard@fb.nv.gov and must be received on or before August 10, 2022. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Funeral and Cemetery Services 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 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 Funeral and Cemetery Services Board Office during business hours. The notice and text of the proposed regulation has been posted to the Funeral Board website at <https://funeral.nv.gov>, Nevada Public Notice website at <https://notice.nv.gov>, and the Nevada State Legislature's webpage at <https://leg.state.nv.us>. 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 upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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.

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

LCB File No. R001-22

April 25, 2022

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

AUTHORITY: §§ 1, 2 and 4, NRS 622.510 and 642.063; § 3, NRS 642.063 and section 1 of Assembly Bill No. 330, chapter 360, Statutes of Nevada 2021 at page 2156 (NRS 622.087).

A REGULATION relating to decedents; authorizing the Nevada Funeral and Cemetery Services Board to accept certain training programs obtained in another state by a person serving on active duty in the Armed Forces of the United States or the spouse of such a person for the purposes of qualification for a license as an embalmer or funeral director; providing for the review of certain educational programs by the Board to determine whether to grant equivalent credit toward any requirement for a license, permit or certificate issued by the Board; establishing a charge of one-half of certain fees relating to an application for a license, certificate or permit issued by the Board by an applicant who is a veteran or the surviving spouse of a veteran; 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 relating to funeral directors, funeral arrangers and embalmers. (NRS 642.063) Existing law requires a regulatory body to develop opportunities for reciprocity of licensure for any person who: (1) is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and (2) holds a valid and unrestricted license to practice his or her profession that is not recognized by this State. (NRS 622.510)

Existing law requires an applicant for a license to practice the profession of embalming in this State to have at least 1 year of practical experience under the supervision of an embalmer licensed in this State. (NRS 642.080) Existing law also: (1) requires an applicant for a funeral director's license to have completed 1 year of active practice as a funeral arranger in this State; and (2) authorizes the Board to waive that requirement 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. (NRS 642.360) **Section 2** of this regulation authorizes the Board to accept an apprenticeship under an embalmer licensed in another state or practical experience in a similar position in another state to satisfy the requirement that an applicant for a license to practice the profession of embalming in this State have not less than 1 year's practical experience under the supervision of an embalmer

licensed in this State if: (1) the apprenticeship to an embalmer licensed in another state or practical experience in a similar position in another state had substantially the same requirements as 1 year's practical experience under the supervision of an embalmer licensed in this State; (2) the applicant is a person serving on active duty in the Armed Forces of the United States or the spouse of such a person; and (3) the applicant holds a valid and unrestricted license to practice the profession of embalming in another state. **Section 2** also provides that the Board will waive the requirement that an applicant for a funeral director's license must complete 1 year of active practice as a funeral arranger in this State if the applicant: (1) is a person serving on active duty in the Armed Forces of the United States or the spouse of such a person; and (2) holds a valid and unrestricted license as a funeral director in another state. **Section 4** of this regulation provides that the Board will charge an applicant who is a veteran or the surviving spouse of a veteran one-half of each of the fees for an application and for an examination for a license, permit or certification issued by the Board.

Existing law authorizes a regulatory body to grant equivalent credit towards the satisfaction of requirements for the issuance of any professional and occupational licenses and certifications for a person who, in secondary or postsecondary education, completes a training program for occupational, vocational, career, trade or technical education approved by the State Board of Education and receives a certificate for the completion of that program. Existing law also requires each regulatory body to adopt regulations to effectuate certain provisions relating to equivalent credit. (Section 1 of Assembly Bill No. 330, chapter 360, Statutes of Nevada 2021, at page 2156 (NRS 622.087)) **Section 3** of this regulation: (1) provides that the Board will periodically review the training programs in secondary or postsecondary education for occupational, vocational, career, trade or technical education approved by the State Board of Education relating to funeral directors, funeral arrangers, embalmers and operators of funeral establishments, cemeteries and direct cremation facilities to determine whether to grant equivalent credit towards any requirement for a license, permit or certificate issued by the Board; (2) authorizes a person to petition the Board for a review of such a program; and (3) provides that the Board will provide a determination to a person who has so petitioned the Board within 90 days after the date the petition was submitted.

Section 1. Chapter 642 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *The Board may accept an apprenticeship under an embalmer who holds a valid and unrestricted license in another state or the completion of practical experience in a similar position in another state to satisfy the requirements of NRS 642.080 if:*

(a) The apprenticeship under an embalmer licensed in another state or completion of practical experience in a similar position in another state had substantially the same requirements as set forth in NRS 642.080;

(b) The applicant is a person serving on active duty in the Armed Forces of the United States or the spouse of a person serving on active duty in the Armed Forces of the United States; and

(c) The applicant holds a valid and unrestricted license to practice the profession of embalming in another state.

2. The Board will waive the requirements of subsection 5 of NRS 642.360 if the applicant:

(a) Is a person serving on active duty in the Armed Forces of the United States or the spouse of a person serving on active duty in the Armed Forces of the United States; and

(b) Holds a valid and unrestricted license as a funeral director in another state.

Sec. 3. *1. The Board will periodically review the training programs in secondary or postsecondary education for occupational, vocational, career, trade or technical education approved by the State Board of Education relating to funeral directors, funeral arrangers, embalmers and operators of funeral establishments, cemeteries and direct cremation facilities to determine whether to grant equivalent credit towards any requirement for the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS.*

2. A person may petition the Board for a review of a training program in secondary or postsecondary education for occupational, vocational, career, trade or technical education approved by the State Board of Education to determine whether to grant equivalent credit towards any requirement for the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS. The Board will provide a determination to a person who has petitioned the Board for a review of a training program pursuant to this subsection within 90 days after the date the petition was submitted.

3. The Board may grant equivalent credit towards a requirement for the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS for a training program reviewed pursuant to subsections 1 or 2 if the training program is consistent with the requirements for the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS.

Sec. 4. If an applicant is a veteran or the surviving spouse of a veteran, the Board will charge one-half of the fee set forth in NRS 642.0696 for:

1. An application for a license, certificate or permit issued by the Board pursuant to chapter 451, 452 or 642 of NRS; and

2. An examination for a license, certificate or permit issued by the Board pursuant to chapter 451, 452 or 642 of NRS.