

**PROPOSED REGULATION OF THE
NEVADA STATE FUNERAL BOARD**

LCB File No. R021-04

March 23, 2004

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

AUTHORITY: §§1-3, 5 and 6, NRS 642.063; §4, NRS 451.640 and 642.063.

A REGULATION relating to funerary professions; providing an interpretation of the statutory definition of “funeral establishment”; establishing the minimum number of hours each week that a registered apprentice serving under a licensed embalmer must work to receive apprenticeship credit for that week; establishing standards for the transportation of dead human bodies under certain circumstances; providing additional grounds for which the Nevada State Funeral Board may take disciplinary action against persons who hold certain licenses; requiring an applicant for a license, permit or certificate to submit certain reports of the applicant’s criminal history; and providing other matters properly relating thereto.

Section 1. Chapter 642 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *The Board interprets the term “inventory of funeral caskets,” as that term is used in NRS 642.016, to mean a physical inventory that consists of one or more of the following:*

- 1. A complete, full-size funeral casket; or*
- 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.

Sec. 3. *A registered apprentice serving under a licensed embalmer pursuant to NRS 642.180 must work at least 32 hours in a week to receive apprenticeship credit for that week.*

Sec. 4. 1. *A licensed funeral director, or a person who holds a license to conduct direct cremations or immediate burials, may transport a dead human body if it is embalmed and prepared by a licensed embalmer.*

2. A 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. This section does not apply to the immediate transportation of a dead human body to the care of a funeral establishment.

Sec. 5. 1. *For the purpose of taking disciplinary action, pursuant to NRS 642.470, against a person who holds a funeral director's license, a permit to operate a funeral establishment or a license to conduct direct cremations or immediate burials, the term:*

(a) "Unprofessional conduct" includes, in addition to the conduct set forth in NRS 642.480, stating or implying that the holder of the license or permit is willing to carry out a duty for which a license or permit is required pursuant to chapter 642 of NRS if that duty is not authorized by the holder's license or permit.

(b) “False or misleading advertising” includes, in addition to the conduct set forth in NRS 642.490, advertising that states or implies that the holder of the license or permit is willing to carry out a duty for which a license or permit is required pursuant to chapter 642 of NRS if that duty is not authorized by the holder’s license or permit.

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

Sec. 6. 1. *An applicant for a license, permit or certificate issued by the Board pursuant to chapter 642 of NRS must cause:*

(a) The Central Repository for Nevada Records of Criminal History to send the applicant’s record of criminal history directly to the Board; and

(b) The Federal Bureau of Investigation to send a copy of the applicant’s identification record directly to the Board.

2. The Board will not issue a license, permit or certificate until after it has received the evidence of good moral character as set forth in subsection 1.

3. As used in this section:

(a) “Record of criminal history” has the meaning ascribed to it in NRS 179A.070.

(b) “Identification record” has the meaning ascribed to it in 28 C.F.R § 16.31.