ADOPTED REGULATION OF THE NEVADA FUNERAL

AND CEMETERY SERVICES BOARD

LCB File No. R142-23

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

AUTHORITY: §§ 1-3, NRS 451.640 and 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) 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) 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, 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;

(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, 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.