

**PROPOSED REGULATION OF THE ADMINISTRATOR
OF THE DIVISION OF MENTAL HEALTH AND
DEVELOPMENTAL SERVICES OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R031-09

October 13, 2009

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

AUTHORITY: §§1-9, NRS 451.080.

A REGULATION relating to Northern Nevada Adult Mental Health Services; providing for the removal of human remains buried at the cemetery located on the grounds of Northern Nevada Adult Mental Health Services under certain circumstances; and providing other matters properly relating thereto.

Section 1. Chapter 433 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 433.005 and 433.010 and sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Cemetery” means the nonfunctioning burial park located on the grounds of Northern Nevada Adult Mental Health Services at 480 Galletti Way, Sparks, Nevada 89431.*

Sec. 4. *“Cemetery authority” means the Administrator of the Division.*

Sec. 5. *“Removal” means the disinterment and removal of human remains from a grave in the cemetery.*

Sec. 6. 1. The cemetery authority may order the disinterment and removal of human remains interred in all or any part of the cemetery if the cemetery authority determines that the further maintenance of all or part of the cemetery as a burial place for the human dead is not in accordance with the health, safety, comfort or welfare of the public.

2. The cemetery authority will prescribe a reasonable time of not less than 1 year after which the cemetery authority may proceed with a removal.

Sec. 7. 1. If the cemetery authority determines that removal is necessary, the cemetery authority will provide notice of the removal in accordance with the provisions of NRS 451.110, 451.130 and 451.140.

2. If the cemetery authority determines that any of the remains subject to removal may belong to a Native American tribe, notice must be sent to the tribal council of that tribe.

Sec. 8. 1. Except as otherwise provided in this section, the human remains from a removal will be subject to cremation and inurnment or reinterment elsewhere at the discretion of the cemetery authority.

2. Upon the written request to the cemetery authority by a family member or the Native American tribe of the person whose remains are interred in the cemetery, the cemetery authority will allow for the removal by the family member or the Native American tribe. All documentation verifying the familial or tribal relationship must be attached to the written request, and the costs related to the removal must be paid by the family member or tribe.

3. Any removal must be conducted in accordance with the laws and ordinances of the constituted authorities of the city, county and State.

4. As used in this section:

(a) *“Cremation” means the technical process that reduces human remains to bone fragments by using heat and evaporation.*

(b) *“Inurnment” means the disposition of cremated human remains by inserting the remains in an urn and placing the urn in a crypt or niche.*

Sec. 9. NAC 433.005 is hereby amended to read as follows:

433.005 ~~{As used in this chapter, unless the context otherwise requires, “director”}~~

“Director” means the director of the service for which a mental health-mental retardation technician performs his duties.