

NOTICE OF ADOPTION OF REGULATION

The Nevada Funeral and Cemetery Services Board adopted regulation assigned LCB File No. R086-18 which pertain to Chapters 451, 452 and 642 of the Nevada Administrative Code on October 2, 2018. A copy of the regulations as adopted is attached hereto.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS INFORMATIONAL STATEMENT AS REQUIRED BY NRS 233B.066

LCB FILE NO. R086-18

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapters 451, 452 and 642.

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

This regulation is necessary to set forth requirements on order of priority for ordering disinterment of human remains, establishing that continuing education credits do not carry over, to revise various provisions regarding refrigeration and storage, and to revising provisions regarding the notice of violation.

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

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of funeral industry regulations as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Funeral and Cemetery Services Board www.funeral.nv.gov, on the Nevada Public Notice Website, on the Legislative Counsel Bureau Website and mailed to all county libraries in Nevada and posted at the following locations:

Grant Sawyer State Office Building
555 E. Washington Ave.
Las Vegas, NV 89101

Office of the Attorney General
100 N. Carson Street
Carson City, NV 89701

Funeral and Cemetery Services Board
3740 Lakeside Drive
Reno, NV 89509

A workshop was held on June 5, 2018 and the minutes of that public workshop is attached hereto as Exhibit "A" and contains a summary of the discussion held regarding the proposed regulations. Amendments were made to the proposed regulation based on the input from the public. Then, on or about August 27, the Executive Director of the Funeral and Cemetery Services Board issued a Notice of Intent to Act Upon a Regulation which incorporated the proposed amendments and suggestions of the parties attending the June 5, 2018 Board meeting.

A public hearing was then held on October 2, 2018 and the portion of the minutes of that public hearing pertaining to the regulation are attached hereto as Exhibit "B" and contains a summary of the discussion held regarding the proposed regulations. At that hearing, the Board moved to adopt the regulations.

A copy of the summary of the public response to the proposed regulation may be obtained from the Nevada Funeral and Cemetery Services Board, 3740 Lakeside Drive, Suite 201, Reno, Nevada 89509, (775) 825-5535, or emailed to nvfuneralboard@fb.nv.gov

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3. The number persons who:

(a) Attended each hearing:

June 5, 2018 Workshop, Video-Conferenced in Las Vegas and Carson City: 12 (not including Nevada Funeral and Cemetery Services Board members and staff)

October 2, 2018 Adoption Hearing, Video-Conferenced in Las Vegas and Carson City: 24 (not including Nevada Funeral and Cemetery Services Board members and staff)

(b) Testified at each hearing:

June 5, 2018 Workshop: 1
October 2, 2018 Hearing: 1

(c) Submitted to the agency written comments:

There was one written statement submitted for the June 5, 2018 Workshop.

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

Warren Hardy
La Paloma Funeral Services
5811 E. Charleston Blvd, Suite 230-475
Las Vegas, NV 89142
702-408-6666

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

The Nevada Funeral and Cemetery Services Board discussed changes to NRS 451, NRS 452 and NRS 642 pursuant to the Funeral and Cemetery Services Board meeting held on February 20, 2018. The changes were sent to the Legislative Counsel Bureau and returned as file number R086-18. A workshop was held on June 5, 2018. A meeting and adoption hearing was held on October 2, 2018.

Comments were solicited during public comment regarding the proposed changes at the February 20, 2018 and June 5, 2018 meetings. Prior to the June 5, 2018, regulation workshop, a small business impact survey was sent to all individuals and businesses on the agency's mailing list asking for information on whether the proposed changes could pose an economic impact on their small business. One business responded and an initial small business impact statement was prepared.

One person commented during the workshop. One business suggested changes regarding the initial refrigeration language and the notice of violation language. The Board then requested that LCB make the changes suggested by the business. The Board adopted the revised regulation at the October 2, 2018 hearing.

Summaries can be obtained as instructed in the response to question #1.

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.

Proposed regulation was revised based on comments from one business during the workshop. The regulation was then adopted as presented at the hearing.

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7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

(a) Both adverse and beneficial effects

None have been determined.

(b) Both immediate and long-term effects.

None have been determined.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

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

There are no federal regulations that apply.

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.

This regulation does not provide a new fee or increase an existing fee.