

NOTICE OF ADOPTION OF REGULATION

The Nevada Funeral and Cemetery Services Board adopted regulation assigned LCB File No. R067-15 which pertain to Chapters 451 and 642 of the Nevada Administrative Code on September 20, 2016. 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. R067-15

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

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

This regulation is necessary to update the regulations as a result of the passage of Senate Bill 286 which became effective on January 1, 2016. Changes include setting forth requirements of locations in regards to identity and dignity of human remains, procedures for obtaining approval of continuing education, interpretation of good moral character, requirements for managing a location, recusal requirements for Board members, procedures for violation notices, disclosures for the statement of funeral goods and services, and requirements for embalmers, funeral directors, and funeral arrangers.

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
501 Hammill Lane
Reno, NV 89511

A workshop was held on December 15, 2015 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. An Additional workshop was held on March 15, 2016, and the minutes of that

meeting are attached hereto and contains a summary of the discussion held regarding the proposed regulations. Therefore, on or about July 28, 2016, 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 December 15, 2015 and March 15, 2016 meetings.

A public hearing was then held on September 20, 2016 and the minutes of that public hearing are attached hereto as Exhibit "C" and contains a summary of the discussion held regarding the proposed regulations. At that hearing, the Board moved to adopt the regulations with one minor non-substantive change.

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

3. The number persons who:

(a) Attended each hearing:

December 15, 2015 Workshop, Video-Conferenced in Las Vegas and Reno: 37
(not including Nevada Funeral and Cemetery Services Board members and staff)

March 15, 2016 Workshop, Video-Conferenced in Las Vegas and Reno: 11 (not
including Nevada Funeral and Cemetery Services Board members and staff)

September 20, 2016 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:

December 15, 2015 Workshop: 11

March 15, 2016 Workshop: 5

September 20, 2016 Hearing: 2

(c) Submitted to the agency written comments:

There was one written statement submitted for the September 20, 2016 Hearing.

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:

Gerald Hitchcock
Freitas Rupracht Funeral Home
25 Hwy 208, Yearington, NV 89447
775-463-2911

John Lawrence
Autumn Funerals and Cremations
1575 N. Lompa, Carson City, NV 89701
775-888-6800

Warren Hardy
La Paloma Funeral Services
5811 E. Charleston Blvd, Suite 230-475

Timothy Wilmeth
Pahrump Family Mortuary
5441 S. Vicki Ann, Pahrump, NV 89048

Las Vegas, NV 89142
702-408-6666

775-727-4099

James Lee
Hites Funeral Home
438 W. Sunset Road, Henderson, NV 89011
702-568-1747

William “Bill” Wimberly
Davis Funeral Home
6200 S. Eastern, Las Vegas, NV 89119
337-580-5287

Michelle Bowen
SCI – Neptune Society
8570 Del Webb, Las Vegas, NV 89134
702-474-6699

Laura Sussman
Kraft-Sussman
3975 S. Durango, #104, Las Vegas, NV
89147
702-485-6500

Tyron Seals
702-400-9994

Jay Gunter
Gunter’s Funeral Home
705 E. 10th Street, Hawthorne, NV 89415
775-945-2047

Joe Eckart
443-858-1073

Ryan Bowen
La Paloma Funeral Services
ryanbowen@gmail.com
702-732-7070

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 proposed changes to NAC 642 and NAC 451 pursuant to passage of SB286 and additional changes as a result of regulation review. The legislative subcommittee of the Funeral and Cemetery Services Board held a meeting on July 2, 2015 to discuss potential changes and those changes were approved by the Funeral and Cemetery Services Board at a meeting held on July 14, 2015. The changes were sent to the Legislative Counsel Bureau and returned as file number R067-15. A meeting was held on October 13, 2015 for review of file number R067-15 and a workshop and meeting were held on December 15, 2015 to further discuss the regulations.

Comments were solicited during public comment regarding the proposed changes. Prior to the December 15, 2015 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. Fifteen businesses responded and an initial small business impact statement was prepared. During the meeting on December 15, 2015, the Board made a considerable number of changes to address the concerns presented. A second small business impact survey was sent to business owners on February 10, 2016 to ascertain whether there were still concerns regarding the impact on small businesses. There were three responses to the survey. The Board again made additional changes to address the concerns presented.

Comments were solicited during the public hearing. One business requested one change. The Board adopted the regulation with the change requested.

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.

Regulation was adopted with changes.

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

Potential adverse effects on the businesses due to possible increased costs by requiring licensed individuals to conduct certain activities. This may require locations to train or license staff. Funeral industry locations which already have licensed staff performing these duties would benefit from others in the industry meeting the same standard.

There are no known adverse effects to the public, but the public would benefit from having trained individuals performing specific duties.

(b) Both immediate and long-term effects.

Immediate effects for the businesses include obtaining licensure or training for employees. Long-term, there would only be the need to train or license new employees.

The immediate and long-term benefits to the public again include having trained individuals performing specific duties.

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.