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ASSEMBLY BILL NO. 205—ASSEMBLYMAN ARAUJO

PREFILED FEBRUARY 13, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to cremation.  
(BDR 40-649)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

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AN ACT relating to cremation; authorizing the use of alkaline hydrolysis for cremation; exempting a crematory that uses only alkaline hydrolysis from certain limitations on the location of a crematory; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law regulates the cremation of human remains and the operation of  
2 facilities for cremation. (NRS 451.600-451.715, chapter 642 of NRS) For the  
3 purposes of those provisions, **sections 3 and 10** of this bill expand the current  
4 definition of cremation to include “alkaline hydrolysis,” which is a water-based  
5 process for reducing human remains to bone fragments through the use of alkaline  
6 chemicals and agitation. A result of this change is to make certain fee and penalty  
7 provisions applicable to this type of cremation. In certain cities and towns, existing  
8 law limits the location of a crematory to an area that is zoned for mixed,  
9 commercial or industrial use and at least 1,500 feet from any parcel zoned for  
10 residential use. (NRS 451.635) **Section 5** of this bill exempts from those limitations  
11 a crematory that uses only alkaline hydrolysis. **Sections 7 and 8** of this bill make  
12 conforming changes to account for differences between cremation by incineration  
13 and cremation by alkaline hydrolysis.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 451 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3       **Sec. 2.** *“Alkaline hydrolysis” means the:*

4       1. *Reduction of human remains to bone fragments through a*  
5 *water-based process of dissolution using alkaline chemicals and*  
6 *agitation to accelerate natural decomposition; and*

7       2. *Processing of the hydrolyzed human remains after their*  
8 *removal from the container in which the process of dissolution*  
9 *occurs.*

10       **Sec. 3.** *“Cremation” means the technical process that*  
11 *reduces human remains to bone fragments by using alkaline*  
12 *hydrolysis or incineration.*

13       **Sec. 4.** NRS 451.600 is hereby amended to read as follows:

14       451.600 As used in NRS 451.600 to 451.715, inclusive, *and*  
15 *sections 2 and 3 of this act*, unless the context otherwise requires,  
16 the words and terms defined in NRS 451.605 to 451.630, inclusive,  
17 *and sections 2 and 3 of this act* have the meanings ascribed to them  
18 in those sections.

19       **Sec. 5.** NRS 451.635 is hereby amended to read as follows:

20       451.635 1. No person may cremate human remains except in  
21 a crematory whose operator is licensed by the Nevada Funeral and  
22 Cemetery Services Board.

23       2. The licensed operator of a crematory shall ensure that all  
24 persons physically operating the crematory equipment have  
25 completed a crematory certification program approved by the Board  
26 and maintain proof of completion of the program at the site where  
27 the crematory equipment operated by the person is located. Such  
28 proof of completion must be made available to the Board upon  
29 request or as part of any inspection or investigation conducted by  
30 the Board.

31       3. ~~##~~ *Except as otherwise provided in this subsection, if* a  
32 crematory is proposed to be located in an incorporated city whose  
33 population is 60,000 or more or in an unincorporated town that is  
34 contiguous to such an incorporated city, the Board shall not issue a  
35 license to the applicant unless the proposed location of all structures  
36 associated with the crematory are:

37       (a) In an area which is zoned for mixed, commercial or  
38 industrial use; and

39       (b) At least 1,500 feet from the boundary line of any parcel  
40 zoned for residential use.



1 **↪ The provisions of this subsection do not apply to a crematory at**  
2 **which alkaline hydrolysis is the only process to be used for**  
3 **cremation.**

4 4. The Board shall prescribe and furnish forms for application  
5 for licensing. An application must be in writing and contain:

6 (a) The name and address of the applicant and the location or  
7 proposed location of the crematory;

8 (b) A description of the structure and equipment to be used in  
9 operating the crematory; and

10 (c) Any further information that the Board may reasonably  
11 require.

12 5. An application must be signed by the applicant personally,  
13 by one of the partners if the applicant is a partnership, or by an  
14 authorized officer if the applicant is a corporation or other form of  
15 business organization.

16 6. The Board shall examine the structure and equipment and, if  
17 applicable, the location and shall issue the license if:

18 (a) It appears that the proposed operation will meet the  
19 requirements of NRS 451.600 to 451.715, inclusive **†**, **and**  
20 **sections 2 and 3 of this act;** and

21 (b) The applicant has paid all fees related to the application.

22 7. If the ownership of a crematory is to be changed, the  
23 proposed operator shall apply for licensing at least 30 days before  
24 the change.

25 **Sec. 6.** NRS 451.640 is hereby amended to read as follows:

26 451.640 1. The Nevada Funeral and Cemetery Services  
27 Board shall adopt regulations for the administration of NRS 451.600  
28 to 451.715, inclusive **†**, **and sections 2 and 3 of this act.** Unless  
29 governed by the regulations of the State Board of Health, the  
30 regulations of the Nevada Funeral and Cemetery Services Board  
31 must include, without limitation:

32 (a) The conditions under which the remains of a person who has  
33 died from a communicable or otherwise dangerous disease may be  
34 transported to a crematory for cremation; and

35 (b) The minimum standards for sanitation, required equipment  
36 and protection from fire.

37 2. The Nevada Funeral and Cemetery Services Board may  
38 bring legal proceedings to enjoin any person who violates any  
39 provision of NRS 451.600 to 451.715, inclusive, **and sections 2 and**  
40 **3 of this act,** any regulation adopted pursuant thereto or any order of  
41 the Board from operating a crematory. Any person who is so  
42 enjoined is liable to the Board for attorney's fees and court costs.



1       **Sec. 7.** NRS 451.670 is hereby amended to read as follows:

2       451.670 1. No operator of a crematory may require that  
3 human remains be placed in a casket, or refuse to accept human  
4 remains for cremation because they are not in a casket.

5       2. The container used must:

6       (a) Consist of readily combustible materials ~~†~~ *or, if alkaline*  
7 *hydrolysis will be used to cremate the human remains, materials*  
8 *that are readily dissolvable by alkaline hydrolysis;*

9       (b) Cover the human remains completely when closed;

10       (c) Resist leaking or spilling;

11       (d) Be rigid enough for easy handling ~~†~~ *or, if alkaline*  
12 *hydrolysis will be used to cremate the human remains, be properly*  
13 *supported during transport;* and

14       (e) Protect the health and safety of employees of the operator.

15       3. Unless otherwise ordered in writing by the agent, the  
16 operator shall incinerate *or dissolve* the container, *as applicable*, as  
17 the remains are cremated.

18       **Sec. 8.** NRS 451.680 is hereby amended to read as follows:

19       451.680 1. The agent, or the person charged with arranging  
20 for disposition of the body of a person who has ordered his or her  
21 own cremation, shall ensure that any artificial device ~~†whose~~  
22 ~~incineration†~~ *that* would be dangerous *if incinerated or subjected to*  
23 *alkaline hydrolysis, as applicable*, is removed from *the* human  
24 remains before their cremation. If he or she is unable to arrange for  
25 its removal before the remains are delivered to a crematory, he or  
26 she shall inform the operator of the crematory.

27       2. The space within a crematory where cremation takes place  
28 must be enclosed and must not be used for any other purpose than  
29 the cremation of human remains. Immediately before a container is  
30 placed in this chamber, the identification of the human remains  
31 within it must be verified by the operator and any identifying  
32 document or label for the urn must be removed from the container  
33 and kept near the control panel until cremation is complete.

34       3. Upon the completion of cremation, the operator shall:

35       (a) Remove the recoverable residue from the chamber;

36       (b) Place the bone fragments in an urn with proper identification  
37 and insofar as practicable place no other material with them unless  
38 authorized by the agent; and

39       (c) Dispose of the remaining residue.

40       4. If the cremated remains will not fit in the urn selected by the  
41 agent, the operator of the crematory shall hold the remains until the  
42 agent selects an urn or urns in which the remains will fit.

43       **Sec. 9.** NRS 451.715 is hereby amended to read as follows:

44       451.715 1. It is unlawful for any person to:



1 (a) Hold himself or herself out to the public as the operator of a  
2 crematory without being licensed pursuant to NRS 451.635;

3 (b) Sign an order for cremation knowing that the order contains  
4 incorrect information; or

5 (c) Violate any other provision of NRS 451.600 to 451.715,  
6 inclusive, *and sections 2 and 3 of this act*, any regulation adopted  
7 pursuant thereto or any order of the Nevada Funeral and Cemetery  
8 Services Board.

9 2. It is unlawful for the operator of a crematory to perform a  
10 cremation without an order signed by a person authorized to order  
11 the cremation pursuant to NRS 451.024 or 451.655.

12 3. If a crematory is operated in this State in violation of any  
13 provision of NRS 451.600 to 451.715, inclusive, *and sections 2 and*  
14 *3 of this act*, any regulation adopted pursuant thereto or any order of  
15 the Nevada Funeral and Cemetery Services Board, the crematory is  
16 a public nuisance and may be abated as such.

17 **Sec. 10.** NRS 642.011 is hereby amended to read as follows:

18 642.011 "Cremation" ~~means the technical process that reduces~~  
19 ~~human remains to bone fragments by using heat and evaporation.~~  
20 *has the meaning ascribed to it in section 3 of this act.*

21 **Sec. 11.** This act becomes effective upon passage and approval  
22 for the purpose of adopting regulations and performing any other  
23 preparatory administrative tasks that are necessary to carry out the  
24 provisions of this act, and on January 1, 2018, for all other purposes.

