

**ADOPTED REGULATION OF THE
NEVADA STATE FUNERAL BOARD**

LCB File No. R021-04

Effective October 31, 2005

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

AUTHORITY: §§1-3 and 5, NRS 642.063; §4, NRS 451.640 and 642.063.

A REGULATION relating to funerary professions; providing interpretations of certain statutory terms; establishing standards for the transportation of dead human bodies under certain circumstances; and providing other matters properly relating thereto.

Section 1. Chapter 642 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *The Board interprets the term “inventory of funeral caskets,” as used in NRS 642.016, to mean an inventory that consists of one or more of the following:*

- 1. A complete, full-size funeral casket.*
- 2. A partial funeral casket, or cross section of a funeral casket, that:*
 - (a) Is executed in the same scale as a full-size casket; and*
 - (b) Includes a portion of a complete casket, and each significant feature or component thereof, sufficient to provide a prospective purchaser with information that is reasonably equivalent to that obtainable from inspection of a complete casket.*
- 3. Photographs of one or more caskets available for viewing in the display room by means of a catalog or connection to the Internet.*

Sec. 3. *The Board interprets the term “full-time employees,” as used in NRS 642.180, to mean employees who work not less than 32 hours a week.*

Sec. 4. 1. *A licensed funeral director, or a person who holds a license to conduct direct cremations or immediate burials, may transport a dead human body if it is embalmed and prepared by a licensed embalmer.*

2. A licensed funeral director may transport a dead human body that is not embalmed if the body is:

(a) Sealed in a container that is approved by the Board; and

(b) Transported in a properly licensed motor vehicle or aircraft owned, operated, chartered or leased by a licensed funeral director or mortuary.

3. This section does not apply to the immediate transportation of a dead human body to the care of a funeral establishment.

Sec. 5. 1. *For the purpose of taking disciplinary action, pursuant to NRS 642.470, against a person who holds a funeral director’s license, a permit to operate a funeral establishment or a license to conduct direct cremations or immediate burials, the term:*

(a) “Unprofessional conduct” includes, in addition to the conduct set forth in NRS 642.480, stating or implying that the holder of the license or permit is willing to carry out a duty for which a license or permit is required pursuant to chapter 642 of NRS if that duty is not authorized by the holder’s license or permit. For example, advertising in any form, including, without limitation, signs, telephone books, newspapers, messages conveyed by telephone, television, e-mail and other electronic or photographic means, that states or implies that a proposed funeral establishment is an operating funeral establishment before the Board has issued all licenses and permits necessary for the operation of the establishment.

(b) “False or misleading advertising” includes, in addition to the conduct set forth in NRS 642.490, advertising that states or implies that the holder of the license or permit is willing to carry out a duty for which a license or permit is required pursuant to chapter 642 of NRS if that duty is not authorized by the holder’s license or permit. For example, advertising in any form, including, without limitation, signs, telephone books, newspapers, messages conveyed by telephone, television, e-mail and other electronic or photographic means, that states or implies that a proposed funeral establishment is an operating funeral establishment before the Board has issued all licenses and permits necessary for the operation of the establishment.

2. For the purposes of this section, an applicant for a license or permit who obtains, pursuant to NRS 642.515, a temporary authorization to carry out the duties authorized by the license or permit for which he has applied shall be deemed a holder of that license or permit.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R021-04**

The Nevada State Funeral Board adopted regulations assigned LCB File No. R021-04 which pertain to chapter 642 of the Nevada Administrative Code on November 10, 2004.

Notice date: 9/28/2004
Hearing date: 11/10/2004

Date of adoption by agency: 11/10/2004
Filing date: 10/31/2005

INFORMATIONAL STATEMENT

1. 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.

On September 28, 2004 the Funeral Board posted a Notice of Intent to Act Upon a Regulation in all county libraries, the state library and faxed the notice to all licensed funeral establishments.

The Open Meeting Law agenda of the board meeting on July 23, 2004 included discussion of the proposed regulations and the comments received at the Workshop held on March 24, 2004.

The notice of Workshop for March 24, 2004 was posted not less than 15 days in advance of the Workshop date at all county libraries and was faxed to all licensed funeral establishments.

The Open Meeting Law agenda of the board meeting on September 17, 2003 included discussion of the proposed regulations. The agenda was posted at the Washoe County Health District, the Clark County Health District, the Office of Vital Statistics in Carson City and the Green Valley Public Library in Henderson.

The Open Meeting Law agenda of the board meeting on May 13, 2003 included discussion of the proposed regulations.

The Open Meeting Law agenda of the board meeting on January 15, 2003 included discussion of the proposed regulations.

Public comments focused on the practical problems faced by customers and the licensees in choosing caskets, maintaining physical inventories, and the current industry practices in that regard. The comments dealt with the number and timing of hours spent by apprentice embalmers. Additional comments addressed the practices of family members, establishments and others who were involved in transporting dead bodies. The comments also focused on the advertising practices of establishments that were expanding operations to new locations and of persons who were advertising in advance of being legally licensed to conduct business.

A copy of the written comments as contained in the minutes and recordings of the meetings may be obtained by calling the Nevada Funeral Board at 702-290-5366 or by writing to the Board at 4894 Lone Mountain Road, Las Vegas, Nevada 89130.

2. The number persons who:

(a) Attended each hearing: 10

(b) Testified at each hearing: 6

(c) Submitted to the agency written comments: No comments were submitted by any agency.

3. 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.

Comments were solicited from affected businesses by the notices outlined in #1, and by direct mail to interested persons subscribing to the Board's mailing list. Comments from interested businesses included those from several licensed funeral establishments and focused on advertising by persons not yet licensed, the accounting of hours of practice by apprentice embalmers, the transport of dead bodies and the nature and extent of casket inventories in today's market. A copy of the written comments as contained in the minutes and recordings of the meetings may be obtained by calling the Nevada Funeral Board at 702-290-5366 or by writing to the Board at 4894 Lone Mountain Road, Las Vegas, Nevada 89130.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted with certain changes in the proposed regulation. The change relating to the background check reflected the unacceptably long periods of time and other difficulties experienced by applicants under the new proposed process, which had been implemented on a trial basis as a board policy pending the placing of the policy in a regulation. The board has reverted to its prior practices and policies for obtaining background information on applicants.

5. 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. The proposed revisions are expected to have an immediate and long-term beneficial economic effect upon the regulated businesses.

b. There is no estimated economic effect on the public, either adverse or beneficial, immediate or long-term.

6. 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.

7. 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 known to the board that the proposed amendments duplicate.

8. 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 known federal regulations which regulate the same activity.

9. 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