

**LCB File No. R031-09**

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

(This regulation was previously proposed as T012-08)

Section 1. Chapter 433 of NAC is hereby amended by adding thereto the provisions set forth as section 2 to 10 inclusive of this regulation.

Section 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8 of this regulation have the meanings ascribed to them in those sections.*

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

Section 4. *“Cemetery Authority” means the Administrator of the Division of Mental Health and Developmental Services.*

Section 5. *“Grave” means space of ground in the cemetery for the interment of human remains.*

Section 6. *“Cremation” means the disposition of human remains by total consumption from the incineration in a cremator.*

Section 7. *“Inurnment” means the disposition of cremated human remains by inserting them in an urn and placing the urn in a niche or grave.*

Section 8. *“Removal” means the disinterment of human remains from a grave.*

Section 9. *Removal of Remains.*

1. *No remains will be removed unless the Cemetery Authority determines maintenance of all or part of the cemetery is not in accordance with the health, safety, comfort or welfare of the public.*
2. *If the Cemetery Authority determines removal of some or all of the remains are necessary the remains shall be removed in accordance with the laws of the properly constituted authorities of the city, county and state.*
3. *Any remains removed will be subject to cremation and reinterment or reinternment at the discretion of the Cemetery Authority.*
4. *No remains will be cremated unless requested by a family member.*
5. *Any reinternment by family or friend will be at their expense.*
6. *No cremation will occur without the order of the appropriate public officer in accordance with NRS 451.650.*

Section 10. *Process for Removal of Remains*

1. *If the Cemetery Authority determines that removal of remains is necessary notice of the removal shall be published in the local newspaper of general circulation.*
2. *The notice will be published at least once a week for four consecutive weeks.*
3. *Copies of the notice shall also be posted in the cemetery in at least three conspicuous locations.*
4. *No remains shall be removed for a period of no less than a year following publication of the notice of removal.*

5. *Prior to removal of remains the Cemetery Authority will make all reasonable attempts to review public records for the existence of family members of those remains to be removed.*
6. *If any family members are located notice of the removal shall be sent to their last known address.*
7. *If it is determined that any of the remains subject to removal may belong to a Native American Tribe notice shall also be sent to the Tribal Council of that Tribe.*

Section 11. *Request for removal of remains by family member or Native American Tribe.*

1. *If a family member of any decedent buried in the cemetery wishes to remove the remains of their family a request shall be submitted to the Cemetery Authority in writing. All documentation verifying the familial relationship must also be attached to the request.*
2. *If a Native American Tribe wishes to remove the remains of a member of the Tribe buried in the cemetery a request shall be submitted to the Cemetery Authority in writing. All documentation verifying the Tribal relationship must also be attached to the request.*
3. *Removal of the remains will be at the family member or Native American Tribe's expense.*
4. *To the extent possible, the Cemetery Authority may assist the family member or Native American Tribe to ensure the removal is in accordance with the laws of the properly constituted authorities of the city, county and state.*