



DR. RANDY SHARP
Board Chair

STEPHANIE BRYANT MCGEE
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION
LCB File Number R143-23

NOTICE OF HEARING FOR THE ADOPTION AND AMENDMENT
OF REGULATIONS OF THE NEVADA FUNERAL AND CEMETERY SERVICES BOARD

The Nevada Funeral and Cemetery Services Board will hold a public hearing at 9:00 a.m., on May 15, 2024, at the Nevada Funeral & Cemetery Services Board meeting held in Reno, Nevada.

For those wishing to attend in person, the physical location of the Hearing is the Nevada Funeral and Cemetery Services Board Office, 3740 Lakeside Drive, Suite 201, Reno, Nevada 89509.

For those wishing to attend virtually by computer, mobile app, or telephone, the Hearing will also be held virtually via Zoom. The link to the Zoom Meeting is:

To join on your computer or mobile app:

<https://us06web.zoom.us/j/2539775871?pwd=R1NSVGtucG5rd29NMG5zb1VhSmEwdz09&omn=86159639784>

To join by Meeting ID through Zoom:

Meeting ID: 253 977 5871
Passcode: 668556

To join by telephone:

669-900-6833
Meeting ID: 253 977 5871
Passcode: 668556

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, and repeal of regulations that pertain to chapter 642 of the Nevada Administrative Code, LCB File No. R143-23.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. A statement of the need for and purpose of the proposed regulation.

On January 12, 2023, Nevada Governor Joe Lombardo issued Executive Order 2023-003. Section 1 of that Executive Order requires the Nevada Funeral and Cemetery Services Board (Board) to

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conduct a comprehensive review of the regulations subject to the Board's enforcement. Pursuant to that Executive Order, the Board was to identify any regulations that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State of Nevada without unnecessarily inhibiting economic growth.

An additional proposed amendment is offered to provide guidance for compliance with reporting and paying regulatory fees required pursuant to NRS 642.0696.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

A copy of the proposed regulation amendment is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

- (a) Both adverse and beneficial effects

Adverse effects

The Board does not anticipate any adverse economic impact from this regulation on businesses or the public.

Beneficial effects

The Board anticipates the beneficial effect to the public would be the adoption, amendment, or repeal of any regulations that need clarification, improvement, or unnecessarily inhibit economic growth. The beneficial effects are that the proposed regulations are reasonably necessary and expedient for the orderly conduct of the Board's administration of NRS 642.

- (b) Both immediate and long-term effects

Immediate effects

The Board does not anticipate any immediate economic effect on businesses or the public.

Long-term effects

The Board does not anticipate any long-term economic effect on businesses or the public.

4. The methods used by the agency in determining the impact on a small business.

The Board discussed the regulatory changes at a workshop on November 15, 2023. There were no public comments regarding any opposition to any of the changes or any concerns regarding any economic impact on small business. In addition, the Board sent an email to each business holding a license issued by the Board requesting a response to a small business impact survey. The Board received no response to the survey.

5. The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of the regulation will be performed by the Board in the normal conduct of its affairs. There should not be any additional costs associated with enforcement of the proposed regulation.

6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This regulation is not required by federal law.

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

The proposed regulations do not include any provisions that duplicate or are more stringent than any federal, state, or local regulations or standards regulating the same activity.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not provide for any new or increased fees.

Persons wishing to comment upon the proposed action of the Nevada Funeral and Cemetery Services Board may appear at the scheduled Public Hearing in person or via the Zoom videoconference or may address their comments, data, views, or opinions, in written form, to the Funeral and Cemetery Services Board, 3740 Lakeside Drive, Suite 201, Reno, Nevada 89509, or via email to nvfuneralboard@fb.nv.gov. Written submissions must be received by the Board by May 1, 2024, at 5:00 p.m. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the text of the proposed regulation to be adopted, amended, and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Funeral and Cemetery Services Board Office at 3740 E. Lakeside Drive, Suite 201, Reno, Nevada, and <https://funeral.nv.gov> for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

- The Board's Office at 3740 Lakeside Drive, Suite 201 in Reno, Nevada.
- The Nevada Public Notice website: <https://notice.nv.gov/>
- The Board's website: <https://funeral.nv.gov/>
- The Nevada Legislature notice website: <https://www.leg.state.nv.us/register/>

Notice has also been sent via email or physical mail, as requested, to all licensees of the Board and persons on the agency's mailing list for administrative regulations. Notices were also sent via email for posting by the Nevada State Library and Archives and the Nevada Legislative Counsel Bureau.

Dated April 9, 2024

**PROPOSED REGULATION OF THE
NEVADA FUNERAL AND CEMETERY SERVICES BOARD**

LCB File No. R143-23

January 30, 2024

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

AUTHORITY: § 1, NRS 642.063 and 642.0696; § 2, NRS 642.060 and 642.063.

A REGULATION relating to funeral services; requiring funeral establishments and direct cremation facilities to submit monthly to the Nevada Funeral and Cemetery Services Board a report and certain regulatory fees relating to agreements for funeral services; authorizing the Board to request additional information about such reports; repealing certain provisions relating to practicing before the Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Nevada Funeral and Cemetery Services Board to adopt regulations to carry out certain provisions of law governing funeral establishments and direct cremation facilities. (NRS 642.063) Existing law also requires the Board to collect a regulatory fee for each written and signed agreement for funeral services at the time the agreement for funeral services is fully executed. (NRS 642.0696) **Section 1** of this regulation requires each funeral establishment and direct cremation facility to submit to the Board each month a report of all written and signed agreements to furnish funeral services and each regulatory fee for such agreements received during the immediately preceding month. **Section 1** also authorizes the Board to request any additional information from a funeral establishment or direct cremation facility to verify the information provided in the report.

Existing law sets forth certain administrative procedures relating to contested cases which, with certain exceptions, apply to regulatory bodies which have authority to regulate certain occupations or professions. (Chapters 233B and 622A of NRS) Existing law further provides that a regulatory body may adopt certain procedures relating to contested cases so long as the procedures do not hinder the duty of the regulatory body to protect the public. (NRS 622A.130) Existing regulations set forth certain specific requirements for practice before the Board, including that: (1) all testimony considered by the Board at a hearing, with certain exceptions, be sworn testimony; (2) the member of the Board who is presiding at a hearing will follow certain preliminary procedures before the parties may make opening statements; and (3) evidence at a hearing will ordinarily be received in a certain order unless the Board modifies such order. (NAC 642.225, 642.230, 642.235) Existing regulations further: (1) set forth the procedure to request a rehearing of the Board; and (2) provide that the Board will conduct a rehearing in accordance with the procedure for hearings. (NAC 642.260) **Section 2** of this

regulation repeals these provisions from the Nevada Administrative Code. As a result, the applicable provisions of the Nevada Revised Statutes relating to contested cases which apply generally to regulatory bodies will apply to the Board. (NRS 622A.380, 622A.390)

Section 1. Chapter 642 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Each funeral establishment and direct cremation facility shall submit to the Board on or before the 15th day of each month:

(a) A report on a form prescribed by the Board of all written and signed agreements to furnish funeral services entered into during the immediately preceding month; and

(b) Each regulatory fee for a written and signed agreement to furnish funeral services received pursuant to NRS 642.0696 during the immediately preceding month.

2. The Board may request from a funeral establishment or direct cremation facility any additional information necessary to verify the information provided in the report submitted pursuant to subsection 1, including, without limitation, a list or copies of the written and signed agreements to furnish services.

Sec. 2. NAC 642.225, 642.230, 642.235 and 642.260 are hereby repealed.

TEXT OF REPEALED SECTIONS

642.225 Oath or affirmation required for testimony. All testimony considered by the Board at a hearing, except facts which have been noticed by the Board or entered into the record

by stipulation of the parties, must be sworn testimony. Each witness shall declare, by oath or affirmation, that he or she will testify truthfully.

642.230 Preliminary procedure. The member of the Board who is presiding at a hearing will call the hearing to order, take the appearances of the parties and act upon any pending motions or petitions. The parties may then make opening statements.

642.235 Order of presentation: Generally.

1. Evidence at a hearing will ordinarily be received from the parties in the following order:
 - (a) The Board or person who filed the charge or petition.
 - (b) Members of the staff of the Board, if different from the petitioner.
 - (c) The respondent.
 - (d) Rebuttal by the person who filed the charge or petition.
 - (e) If permitted by the Board, closing statements.
2. The Board may modify the order in which evidence is received.

642.260 Rehearing.

1. Within 15 days after the Board renders a decision or order, the aggrieved party may apply for a rehearing by filing a written petition which sets forth the grounds for a rehearing. While the petition for a rehearing is pending, the aggrieved party shall comply with the decision or order of the Board, except upon order of the Board.

2. The Board will make a decision on a petition for a rehearing within 30 days after the effective date of the order or decision upon which the rehearing is requested. If the Board does not make a decision on the petition for a rehearing within 30 days, the petition shall be deemed denied.

3. The Board may order a rehearing on its own motion within 30 days after it renders a decision if it discovers that a mistake, fraud or misconception of fact existed when it rendered the original decision or order.

4. The Board will conduct a rehearing in accordance with the procedure for hearings.