

ASSEMBLY BILL NO. 494—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE SUNSET SUBCOMMITTEE)

MARCH 25, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the Nevada State
Funeral Board. (BDR 54-573)

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.

AN ACT relating to the Nevada State Funeral Board; revising provisions governing the Board and transferring its powers and duties to the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Nevada State Funeral Board licenses and regulates
2 funeral directors, embalmers, apprentice embalmers, the owners of funeral
3 establishments and certain persons who conduct cremations and burials. (Chapter
4 642 of NRS) The Board also licenses and regulates the operators of crematories and
5 cemeteries, and regulates certain aspects of the operation of cemeteries. (NRS
6 451.635, 451.640, 452.026, 452.310-452.590)

7 **Section 6** of this bill renames the Board as the Nevada Funeral Advisory
8 Board, and **section 9** of this bill makes the Board purely advisory to the Health
9 Division of the Department of Health and Human Services, as recommended by the
10 Sunset Subcommittee of the Legislative Commission. **Sections 7, 8, 13-80 and 84**
11 of this bill, also upon recommendation of the Sunset Subcommittee, transfer the
12 existing powers and duties of the Board to the Health Division, effective on
13 January 1, 2014.

14 Existing law establishes certain procedural requirements for an administrative
15 proceeding involving the holder of a license, certificate, permit or similar
16 authorization issued by a regulatory body. (Chapter 622A of NRS) The Board is
17 currently subject to some of those requirements, but the Health Division is entirely
18 exempted from them unless it elects by regulation to comply with them. (NRS
19 622A.120, 642.075, 642.524, 642.570) Accordingly, **sections 21, 59, 61 and 63-65**
20 of this bill delete existing references to those requirements in the provisions



21 amended by those sections. With the transfer of the Board's powers and duties to
22 the Health Division, the result is that proceedings involving a person licensed and
23 regulated by the Board under existing law will not be subject to those requirements
24 after the effective date of the transfer, unless the Health Division so provides by
25 regulation.

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

1 **Section 1.** Chapter 642 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *“Health Division” means the Health Division of the*
4 *Department of Health and Human Services.*

5 **Sec. 3.** *“Special regulatory authority” means any of the*
6 *powers and duties vested in the Health Division by this chapter,*
7 *NRS 451.065, 451.600 to 451.715, inclusive, and sections 69 and*
8 *70 of this act, 452.026, 452.027 or 452.310 to 452.590, inclusive,*
9 *as applicable.*

10 **Sec. 4.** 1. *Any fees, fines or other money collected by the*
11 *Health Division pursuant to its special regulatory authority, or by*
12 *a hearing officer or panel appointed pursuant to NRS 642.075:*

13 (a) *Must be deposited in the State Treasury and accounted for*
14 *separately in the State General Fund.*

15 (b) *May be used only to defray the necessary expenses*
16 *incurred by the Health Division in the exercise of its special*
17 *regulatory authority and to pay the salary, per diem and travel*
18 *expenses of members of the Board pursuant to NRS 642.030.*

19 (c) *Does not revert to the State General Fund at the end of any*
20 *fiscal year.*

21 2. *Any interest or income earned on the account created*
22 *pursuant to paragraph (a) of subsection 1 must be credited to the*
23 *account. Any claims against the account must be paid in the*
24 *manner that other claims against the State are paid.*

25 3. *The Administrator of the Health Division shall administer*
26 *the account.*

27 **Sec. 5.** NRS 642.005 is hereby amended to read as follows:

28 642.005 As used in this chapter, unless the context otherwise
29 requires, the words and terms defined in NRS 642.010 to 642.0175,
30 inclusive, *and sections 2 and 3 of this act* have the meanings
31 ascribed to them in those sections.

32 **Sec. 6.** NRS 642.010 is hereby amended to read as follows:

33 642.010 “Board” means the Nevada ~~{State}~~ Funeral *Advisory*
34 Board.



1 **Sec. 7.** NRS 642.019 is hereby amended to read as follows:
2 642.019 Each holder of a license, permit or certificate issued
3 by the ~~{Board}~~ **Health Division** pursuant to ~~{this chapter or chapter~~
4 ~~451 or 452 of NRS}~~ **its special regulatory authority** shall comply
5 with the provisions of Part 453 of Title 16 of the Code of Federal
6 Regulations.

7 **Sec. 8.** NRS 642.0195 is hereby amended to read as follows:
8 642.0195 1. In addition to any other requirements set forth in
9 this chapter:

10 (a) An applicant for the issuance of a license to practice the
11 profession of embalming, a funeral director's license, a license to
12 conduct direct cremations or immediate burials or a certificate of
13 registration as an apprentice embalmer shall include the social
14 security number of the applicant in the application submitted to the
15 ~~{Board}~~ **Health Division**.

16 (b) An applicant for the issuance or renewal of a license to
17 practice the profession of embalming, a funeral director's license, a
18 license to conduct direct cremations or immediate burials or a
19 certificate of registration as an apprentice embalmer shall submit to
20 the ~~{Board}~~ **Health Division** the statement prescribed by the
21 Division of Welfare and Supportive Services of the Department of
22 Health and Human Services pursuant to NRS 425.520. The
23 statement must be completed and signed by the applicant.

24 2. The ~~{Board}~~ **Health Division** shall include the statement
25 required pursuant to subsection 1 in:

26 (a) The application or any other forms that must be submitted
27 for the issuance or renewal of the license or certificate of
28 registration; or

29 (b) A separate form prescribed by the ~~{Board}~~ **Health Division**.

30 3. A license or certificate of registration described in
31 subsection 1 may not be issued or renewed by the ~~{Board}~~ **Health**
32 **Division** if the applicant:

33 (a) Fails to submit the statement required pursuant to subsection
34 1; or

35 (b) Indicates on the statement submitted pursuant to subsection
36 1 that the applicant is subject to a court order for the support of a
37 child and is not in compliance with the order or a plan approved by
38 the district attorney or other public agency enforcing the order for
39 the repayment of the amount owed pursuant to the order.

40 4. If an applicant indicates on the statement submitted pursuant
41 to subsection 1 that the applicant is subject to a court order for the
42 support of a child and is not in compliance with the order or a plan
43 approved by the district attorney or other public agency enforcing
44 the order for the repayment of the amount owed pursuant to the
45 order, the ~~{Board}~~ **Health Division** shall advise the applicant to



1 contact the district attorney or other public agency enforcing the
2 order to determine the actions that the applicant may take to satisfy
3 the arrearage.

4 **Sec. 9.** NRS 642.020 is hereby amended to read as follows:

5 642.020 1. The Nevada ~~{State}~~ Funeral *Advisory* Board,
6 consisting of five members appointed by the Governor, is hereby
7 created.

8 2. The Governor shall appoint:

9 (a) One member who is actively engaged as a funeral director
10 and embalmer.

11 (b) One member who is actively engaged as an operator of a
12 cemetery.

13 (c) One member who is actively engaged in the operation of a
14 crematory.

15 (d) Two members who are representatives of the general public.

16 3. No member who is a representative of the general public
17 may:

18 (a) Be the holder of a license or certificate issued by the ~~{Board}~~
19 *Health Division* or be an applicant or former applicant for such a
20 license or certificate.

21 (b) Be related within the third degree of consanguinity or
22 affinity to the holder of a license or certificate issued by the ~~{Board}~~
23 *Health Division*.

24 (c) Be employed by the holder of a license or certificate issued
25 by the ~~{Board}~~ *Health Division*.

26 *↪ A license or certificate issued by the Health Division, or an*
27 *application for such a license or certificate, is disqualifying*
28 *pursuant to this subsection only if the license or certificate is*
29 *issued by the Health Division pursuant to its special regulatory*
30 *authority.*

31 4. After the initial terms, members of the Board serve terms of
32 4 years, except when appointed to fill unexpired terms.

33 5. The Chair of the Board must be chosen from the members of
34 the Board who are representatives of the general public.

35 *6. The Board shall advise and make recommendations to the*
36 *Health Division concerning the exercise of its special regulatory*
37 *authority.*

38 **Sec. 10.** NRS 642.030 is hereby amended to read as follows:

39 642.030 1. Before entering upon their duties, the members of
40 the Board shall respectively take and subscribe to the oath required
41 of other state officers. The Secretary of State is authorized to
42 administer the oath, and each oath must be filed in the Office of the
43 Secretary of State.

44 2. The members of the Board are entitled to receive:



1 (a) A salary of not more than \$150 per day, as fixed by the
2 Board, while engaged in the business of the Board; and

3 (b) A per diem allowance and travel expenses at a rate fixed by
4 the Board, while engaged in the business of the Board. The rate
5 must not exceed the rate provided for state officers and employees
6 generally.

7 ~~{3. While engaged in the business of the Board, each employee~~
8 ~~of the Board is entitled to receive a per diem allowance and travel~~
9 ~~expenses at a rate fixed by the Board. The rate must not exceed the~~
10 ~~rate provided for state officers and employees generally.}~~

11 **Sec. 11.** NRS 642.040 is hereby amended to read as follows:

12 642.040 ~~{1.}~~ The members of the Board ~~{shall have the~~
13 ~~power to select from their number a President, a Secretary and a~~
14 ~~Treasurer.~~

15 ~~—2.} *may appoint a Secretary from among their number.* The~~
16 ~~Secretary shall keep {:~~

17 ~~—(a) A} *a record of all the meetings of the Board.*~~

18 ~~{(b) A register of the names, residence addresses and business~~
19 ~~addresses of all embalmers duly licensed under the provisions of~~
20 ~~this chapter, and the numbers and dates of licenses. The register~~
21 ~~shall be open to public examination at all reasonable times. A copy~~
22 ~~of the register shall be furnished to all those registered and to the~~
23 ~~various railroad, transportation and express companies doing~~
24 ~~business in the State of Nevada.~~

25 ~~—3. The Treasurer shall give a bond, to be approved by the~~
26 ~~Board, in the sum of \$500 for the honest and faithful discharge of~~
27 ~~his or her duties.}~~

28 **Sec. 12.** NRS 642.050 is hereby amended to read as follows:

29 642.050 1. The Board shall meet at least once every year, and
30 may also hold special meetings, if the proper discharge of its duties
31 requires, at a time and place to be fixed by the rules and bylaws of
32 the Board. The rules and bylaws of the Board must provide for the
33 giving of timely notice of all special meetings to all members of the
34 Board. ~~{and to all applicants for licenses or certificates.}~~

35 2. Four of the members of the Board at any meeting may
36 organize and constitute a quorum for the transaction of business.

37 **Sec. 13.** NRS 642.055 is hereby amended to read as follows:

38 642.055 **1.** The ~~{Board}~~ *Health Division* may:

39 ~~{1.}~~ (a) Maintain offices in as many localities in the State as it
40 finds necessary to ~~{carry out the provisions of this chapter and~~
41 ~~chapters 451 and 452 of NRS.~~

42 ~~—2.} *the exercise of its special regulatory authority.*~~

43 (b) Employ ~~{attorneys,}~~ investigators, ~~{and other}~~ professional
44 consultants and clerical personnel necessary to the ~~{discharge}~~
45 ~~exercise of its {duties.} *special regulatory authority. While engaged*~~



1 *in the business of the Health Division, each such employee is*
2 *entitled to receive the per diem allowance and travel expenses*
3 *provided for state officers and employees generally.*

4 *2. The Attorney General shall act as legal counsel to the*
5 *Health Division in all matters pertaining to the exercise of its*
6 *special regulatory authority.*

7 **Sec. 14.** NRS 642.060 is hereby amended to read as follows:

8 642.060 ~~{1.}~~ The ~~{members of the}~~ Board ~~{shall have power~~
9 ~~to}~~ *may* adopt such regulations for the transaction of *its* business ~~{of~~
10 ~~the Board}~~ and *the* management of its affairs as ~~{they may deem}~~ *it*
11 *deems* expedient.

12 ~~{2. The Board is authorized to adopt and use a common seal.}~~

13 **Sec. 15.** NRS 642.063 is hereby amended to read as follows:

14 642.063 The ~~{Board}~~ *Health Division* may adopt reasonable
15 rules and regulations for the purpose of carrying into effect the
16 provisions of this chapter.

17 **Sec. 16.** NRS 642.066 is hereby amended to read as follows:

18 642.066 1. The ~~{Board}~~ *Health Division* may publish a guide
19 for persons who purchase services provided by cemeteries,
20 crematories and funeral establishments. The guide must contain:

21 (a) A list of the name and address of each cemetery, crematory
22 and funeral establishment located in the State.

23 (b) A list of the services and the price for each service provided
24 by each cemetery, crematory and funeral establishment in this State.

25 (c) The procedure for filing a complaint with the ~~{Board}~~ *Health*
26 *Division* concerning services provided by a cemetery, crematory or
27 funeral establishment.

28 (d) Any other information which the ~~{Board}~~ *Health Division*
29 *deems* appropriate and useful to the public.

30 2. If the ~~{Board}~~ *Health Division* publishes a guide, it shall:

31 (a) Maintain the guide by republishing it with revised
32 information at least once each year.

33 (b) Distribute the guide and the information contained in the
34 guide in any manner it *deems* appropriate.

35 **Sec. 17.** NRS 642.067 is hereby amended to read as follows:

36 642.067 The ~~{Board}~~ *Health Division* may inspect any
37 premises in which the business of funeral directing is conducted or
38 where embalming is practiced and, for that purpose, may employ a
39 licensed embalmer of the State of Nevada as an inspector to aid in
40 the enforcement of ~~{this chapter and chapters 451 and 452 of NRS~~
41 ~~and the regulations adopted pursuant thereto, whose}~~ *any statute or*
42 *regulation within the scope of the Health Division's special*
43 *regulatory authority. The* compensation and expenses ~~{shall}~~ *of the*
44 *inspector must* be paid ~~{out of the fees collected by the Board.}~~
45 *from the account established pursuant to section 4 of this act.*



1 **Sec. 18.** NRS 642.069 is hereby amended to read as follows:
 2 642.069 1. The ~~{Board}~~ *Health Division* shall charge and
 3 collect an annual fee from each holder of a license or certificate
 4 issued by the ~~{Board}~~ *Health Division* pursuant to ~~{chapter 451 or~~
 5 ~~452 of}~~ NRS ~~{}~~ *451.600 to 451.715, inclusive, and sections 69 and*
 6 *70 of this act, or 452.310 to 452.590, inclusive.*

7 2. The ~~{Board}~~ *Health Division* shall adopt regulations which
 8 establish the annual fee in an amount that is sufficient in the
 9 aggregate, together with the fees received from applicants during
 10 the previous year, to defray the ~~{Board's}~~ necessary expenses *of the*
 11 *Health Division* in performing its duties ~~{pursuant to chapters 451~~
 12 ~~and 452 of NRS.}~~ *as they relate to the holders of the licenses or*
 13 *certificates described in subsection 1.*

14 **Sec. 19.** NRS 642.0693 is hereby amended to read as follows:
 15 642.0693 The ~~{Board}~~ *Health Division* may charge a fee for
 16 providing materials relating to ~~{the provisions of this chapter or~~
 17 ~~chapter 451 or 452 of NRS}~~ *its special regulatory authority* which
 18 are requested by persons who have been issued permits, licenses and
 19 certificates pursuant to ~~{this chapter or chapter 451 or 452 of NRS}~~
 20 *its special regulatory authority* or by members of the general
 21 public. The fee may not exceed the cost incurred by the ~~{Board}~~
 22 *Health Division* to provide those materials.

23 **Sec. 20.** NRS 642.0696 is hereby amended to read as follows:
 24 642.0696 In addition to the fees that the ~~{Board}~~ *Health*
 25 *Division* is authorized or required to collect pursuant to the
 26 provisions of a specific statute, the ~~{Board}~~ *Health Division* shall
 27 charge and collect the following fees ~~{}~~ *in the exercise of its special*
 28 *regulatory authority:*

29

30	Application for a license, certificate or permit.....	\$375
31	Examination for a license, certificate or permit	375
32	Renewal of a license, certificate or permit	200
33	Late renewal of a license, certificate or permit	275
34	Placement of a license on inactive status	175
35	Reactivation of a license to active status	175
36	Reinstatement of a lapsed license.....	300
37	Transfer of a license, certificate or permit to another	
38	location.....	225
39	Issuance of a duplicate license, certificate or permit.....	75
40	Provision of an administrative service <i>not otherwise</i>	
41	<i>specified</i>	75

42 **Sec. 21.** NRS 642.075 is hereby amended to read as follows:
 43 642.075 1. ~~{Except as otherwise provided in subsection 4, all~~
 44 ~~reasonable expenses incurred by the Board in carrying out the~~
 45 ~~provisions of this chapter and chapters 451 and 452 of NRS must be~~



1 ~~paid from the money which it receives. No part of the salaries or~~
2 ~~expenses of the Board may be paid out of the State General Fund.~~

3 ~~—2. Except as otherwise provided in this section, all money~~
4 ~~collected by the ~~{Board}~~ **Health Division** from the imposition of~~
5 ~~finances must be deposited with the State Treasurer for credit to the~~
6 ~~State General Fund. ~~{All other money received by the Board must~~~~
7 ~~be deposited in qualified banks, credit unions or savings and loan~~
8 ~~associations in this State and paid out on its order for its expenses.~~

9 ~~—3. In a manner consistent with the provisions of chapter 622A~~
10 ~~of NRS, the Board}~~

11 **2. The Health Division** may delegate to a hearing officer or
12 panel its authority to take any disciplinary action pursuant to ~~{this~~
13 ~~chapter or chapter 451 and 452 of NRS.}~~ **its special regulatory**
14 **authority, and** to impose and collect fines therefor ~~and to deposit~~
15 ~~the money therefrom in banks, credit unions or savings and loan~~
16 ~~associations in this State.~~

17 ~~—4.}~~ **, for use in accordance with section 4 of this act.**

18 **3.** If a hearing officer or panel is not authorized to take
19 disciplinary action pursuant to subsection ~~{3}~~ **2** and the ~~{Board}~~
20 **Health Division** deposits the money collected from the imposition
21 of fines with the State Treasurer for credit to the State General Fund,
22 it may present a claim to the State Board of Examiners for
23 recommendation to the Interim Finance Committee if money is
24 needed to pay attorney's fees or the costs of an investigation, or
25 both.

26 **Sec. 22.** NRS 642.080 is hereby amended to read as follows:

27 642.080 Except as otherwise provided in NRS 642.100, an
28 applicant for a license to practice the profession of embalming in the
29 State of Nevada ~~{shall.}~~ **must:**

30 1. Have attained the age of 18 years.

31 2. Be of good moral character.

32 3. Be a high school graduate and have completed 2 academic
33 years of instruction by taking 60 semester or 90 quarter hours at an
34 accredited college or university. Credits earned at an embalming
35 college or school of mortuary science do not fulfill this requirement.

36 4. Have completed 12 full months of instruction in an
37 embalming college or school of mortuary science which is
38 accredited by the International Conference of Funeral Service
39 Examining Boards and approved by the ~~{Board.}~~ **Health Division,**
40 and have not less than 1 year's practical experience under the
41 supervision of an embalmer licensed in the State of Nevada.

42 5. Have actually embalmed at least 50 bodies under the
43 supervision of a licensed embalmer prior to the date of application.

44 6. Present to the ~~{Board}~~ **Health Division** affidavits of at least
45 two reputable residents of the county in which the applicant



1 proposes to engage in the practice of an embalmer to the effect that
2 the applicant is of good moral character.

3 **Sec. 23.** NRS 642.090 is hereby amended to read as follows:

4 642.090 1. Every person who wishes to practice the
5 profession of embalming must appear before ~~{the Board}~~ *a person*
6 *designated by the Health Division* and must be examined in the
7 knowledge of the subjects set forth in subsection 5.

8 2. If a person *to be examined* is a registered apprentice, the
9 person must fulfill the requirements of NRS 642.310 and 642.330
10 before the person may take the examination.

11 3. If a person *to be examined* is not a registered apprentice, the
12 person must pay the examination fee prescribed in NRS 642.0696
13 before the person may take the examination.

14 4. Examinations must be in writing, and the ~~{Board}~~ *Health*
15 *Division or the person designated to conduct the examination* may
16 require actual demonstration on a cadaver. An applicant who has
17 passed the national examination given by the International
18 Conference of Funeral Service Examining Boards is not required to
19 take any portion of the examination set forth in subsection 5 that
20 repeats or duplicates a portion of the national examination. All
21 examination papers must be kept on record by the ~~{Board}~~ *Health*
22 *Division*.

23 5. The ~~{members of the Board}~~ *Health Division* shall examine
24 applicants for licenses in the following subjects:

25 (a) Anatomy, sanitary science and signs of death.

26 (b) Care, disinfection, preservation, transportation of and burial
27 or other final disposition of dead bodies.

28 (c) The manner in which death may be determined.

29 (d) The prevention of the spread of infectious and contagious
30 diseases.

31 (e) Chemistry, including toxicology.

32 (f) Restorative art, including plastic surgery and derma surgery.

33 (g) The laws and regulations of this State relating to funeral
34 directing and embalming.

35 (h) Regulations of the State Board of Health relating to
36 infectious diseases and quarantine.

37 (i) Any other subject which the ~~{Board may determine}~~ *Health*
38 *Division determines* by regulation to be necessary or proper to
39 prove the efficiency and qualification of the applicant.

40 6. If an applicant fulfills the requirements set forth in this
41 chapter to be licensed to practice the profession of embalming, has
42 passed the examination required by this chapter and has paid all fees
43 related to the application and the examination, the ~~{Board}~~ *Health*
44 *Division* shall issue to the applicant a license to practice the
45 profession of embalming for 1 year.



1 **Sec. 24.** NRS 642.100 is hereby amended to read as follows:

2 642.100 Reciprocity may be arranged by the ~~{Board}~~ **Health**
3 **Division** if an applicant:

4 1. Is a graduate of an embalming college or a school of
5 mortuary science which is accredited by the International
6 Conference of Funeral Service Examining Boards and approved by
7 the ~~{Board;}~~ **Health Division;**

8 2. Is licensed as an embalmer in another state;

9 3. Has practiced embalming successfully for at least 5 years
10 and practiced actively for 2 years immediately preceding the
11 application for a license by reciprocity;

12 4. Is of good moral character;

13 5. Has passed the examination given by the ~~{Board}~~ **Health**
14 **Division** on the subjects set forth in subsection 5 of NRS 642.090 or
15 the national examination given by the International Conference of
16 Funeral Service Examining Boards;

17 6. Possesses knowledge of the applicable statutes and
18 regulations of this State governing embalmers; and

19 7. Pays to the ~~{Secretary of the Board}~~ **Health Division** the fees
20 prescribed in NRS 642.0696.

21 **Sec. 25.** NRS 642.110 is hereby amended to read as follows:

22 642.110 ~~{1. All licenses shall be signed by the President and~~
23 ~~the Secretary of the Board and attested by the seal of the Board.~~

24 ~~—2.}~~ Each license ~~{shall}~~ **issued by the Health Division pursuant**
25 **to its special regulatory authority must** specify the name of the
26 person to whom **the license is** issued. ~~{Every}~~ **A** license ~~{shall be~~
27 ~~nonassignable and nontransferable,}~~ **may not be assigned or**
28 **transferred** and ~~{shall}~~ **must** be displayed by ~~{each}~~ **the** licensee in a
29 conspicuous place in the office or place of business of the licensee.

30 **Sec. 26.** NRS 642.115 is hereby amended to read as follows:

31 642.115 1. Upon written request to the ~~{Board}~~ **Health**
32 **Division** and payment of the fee prescribed in NRS 642.0696, a
33 person who is licensed to practice the profession of embalming in
34 this State and who is a licensee in good standing may have his or her
35 license placed on inactive status. A licensee whose license has been
36 placed on inactive status shall not engage in the practice of the
37 profession of embalming during the period in which the license is
38 inactive.

39 2. If a licensee wishes to resume the practice of the profession
40 of embalming, the ~~{Board}~~ **Health Division** shall reactivate the
41 license upon the:

42 (a) Demonstration, if deemed necessary by the ~~{Board;}~~ **Health**
43 **Division**, that the licensee is qualified and competent to practice;

44 (b) Completion of an application; and



1 (c) Payment of the fee for the renewal of the license and any
2 other fees related to the reactivation of the license.

3 3. A licensee is not required to pay the fee for the renewal *or*
4 *late renewal* of his or her license ~~for any fees or penalties related to~~
5 ~~the renewal of the license~~ for any year during the period in which
6 the license was inactive.

7 **Sec. 27.** NRS 642.120 is hereby amended to read as follows:

8 642.120 1. If a licensee wishes to renew his or her license,
9 the ~~Board~~ *Health Division* shall renew the license, except for
10 cause, if the licensee complies with the provisions of this section.

11 2. The renewal fee prescribed in NRS 642.0696 and all
12 information required to complete the renewal are due on *or before*
13 January 1 of each year. If the renewal fee is not paid or all required
14 information is not submitted ~~by~~ *on or before* February 1, ~~the~~ *the*
15 fee for ~~the~~ late renewal ~~of the license will~~ *prescribed in NRS*
16 *642.0696 must* be added to the renewal fee, and in no case ~~will~~
17 *may* the fee for late renewal be waived.

18 3. Upon receipt of the renewal fee, all required information and
19 any fee for late renewal, ~~imposed pursuant to subsection 2,~~ the
20 ~~Board~~ *Health Division* shall issue a renewal certificate to the
21 licensee.

22 **Sec. 28.** NRS 642.130 is hereby amended to read as follows:

23 642.130 The following acts are grounds for which the ~~Board~~
24 *Health Division* may take disciplinary action against a person who
25 is licensed to practice the profession of embalming pursuant to this
26 chapter or refuse to issue such a license : ~~to an applicant therefor.~~

27 1. Gross incompetency.

28 2. Unprofessional, unethical or dishonest conduct.

29 3. Habitual intemperance.

30 4. Fraud or misrepresentation in obtaining or attempting to
31 obtain a license to practice the profession of embalming.

32 5. Employment by the licensee of persons commonly known as
33 "cappers," "steerers" or "solicitors," or of other persons to obtain
34 funeral directing or embalming business.

35 6. Malpractice.

36 7. Gross immorality.

37 8. The unlawful use of any controlled substance.

38 9. Conviction of a felony relating to the practice of embalming.

39 10. False or misleading advertising as defined in NRS 642.490,
40 or false or misleading statements in the sale of merchandise or
41 services.

42 11. Refusal to surrender promptly the custody of a dead human
43 body upon the request of a person who is legally entitled to custody
44 of the body.



1 12. Violation by the licensee of any ~~provision of this chapter,~~
2 ~~any regulation adopted pursuant thereto, any order of the Board or~~
3 ~~any other law of this State relating to the practice of any of the~~
4 ~~professions regulated by the Board.:~~

5 (a) *Provision of statute or regulation; or*

6 (b) *Order entered by the Health Division,*

7 *↪ within the scope of the Health Division's special regulatory*
8 *authority.*

9 13. The theft or misappropriation of money in a trust fund
10 established and maintained pursuant to chapter 689 of NRS.

11 **Sec. 29.** NRS 642.135 is hereby amended to read as follows:

12 642.135 1. If the ~~Board~~ *Health Division* determines that a
13 person who is licensed to practice the profession of embalming
14 pursuant to this chapter has committed any of the acts set forth in
15 NRS 642.130, the ~~Board~~ *Health Division* may:

16 (a) Refuse to renew the license;

17 (b) Revoke the license;

18 (c) Suspend the license for a definite period or until further order
19 of the ~~Board~~ *Health Division;*

20 (d) Impose a fine of not more than \$5,000 for each act which
21 constitutes a ground for disciplinary action;

22 (e) Place the person on probation for a definite period subject to
23 any reasonable conditions imposed by the ~~Board~~ *Health Division;*

24 (f) Administer a public reprimand; or

25 (g) Impose any combination of disciplinary actions set forth in
26 this section.

27 2. The ~~Board~~ *Health Division* shall not administer a private
28 reprimand.

29 3. An order that imposes discipline and the findings of fact and
30 conclusions of law supporting that order are public records.

31 **Sec. 30.** NRS 642.140 is hereby amended to read as follows:

32 642.140 1. *The Health Division shall maintain a register of*
33 *the names, residence addresses and business addresses of all*
34 *embalmers who are licensed pursuant to this chapter, with the*
35 *number and date of expiration of each license. The register must*
36 *be open to public examination at all reasonable times. The Health*
37 *Division shall furnish a copy of the register, on request, to any*
38 *licensed embalmer and to any railroad, transportation or express*
39 *company doing business in this State.*

40 2. Upon the revocation of a license to practice the profession of
41 embalming, the ~~Secretary of the Board~~ *Health Division* shall
42 strike the name of the licensee from the register of licensed
43 embalmers and notify all railroad, transportation and express
44 companies doing business in ~~the State of Nevada~~ *this State*, and
45 all licensed embalmers in this State, of that action.



1 **Sec. 31.** NRS 642.180 is hereby amended to read as follows:

2 642.180 1. No person may serve as an apprentice under a
3 licensed embalmer or attempt to serve as an apprentice to a licensed
4 embalmer without first having ~~procured~~ *applied for and obtained*
5 from the ~~Board~~ *Health Division* a certificate of registration as a
6 registered apprentice.

7 2. Registered apprentices must be regularly employed *for 1*
8 *year* as full-time employees *at a funeral establishment* to receive
9 apprenticeship credit.

10 3. *Credit for serving as a registered apprentice for the period*
11 *of apprenticeship required by this section begins on the date the*
12 *application for the certificate of registration is filed with the*
13 *Health Division.*

14 **Sec. 32.** NRS 642.190 is hereby amended to read as follows:

15 642.190 Each applicant for a certificate of registration as a
16 registered apprentice must:

17 1. Be of good moral character and possess temperate habits;

18 2. Be at least 18 years of age;

19 3. Fulfill the requirements set forth in this chapter to be a
20 registered apprentice;

21 4. Present an affidavit from his or her ~~preceptor that such~~
22 ~~applicant shall~~ *instructor that the applicant will* enter upon his or
23 her duties as soon as the certificate is granted; and

24 5. Pay any fees related to the application.

25 **Sec. 33.** NRS 642.220 is hereby amended to read as follows:

26 642.220 1. Each registered apprentice must pay:

27 (a) The annual fee prescribed in NRS 642.0696; and

28 (b) Any other fees prescribed in NRS 642.0696.

29 2. Each registered apprentice shall carry an apprentice card
30 certified by the ~~Secretary of the Board~~ *Health Division.*

31 **Sec. 34.** NRS 642.230 is hereby amended to read as follows:

32 642.230 ~~Apprentices shall~~ *An apprentice must* be registered
33 with the ~~Secretary of the Board~~ *Health Division* at the ~~time of~~
34 beginning of *the* apprenticeship . ~~and~~ *If the apprenticeship is*
35 *terminated for any reason, the instructor shall immediately submit*
36 *to the Health Division a written* notice of *the* termination , ~~of the~~
37 ~~same during interim, in case an apprentice changes tutor, shall be~~
38 ~~forwarded to the Secretary of the Board,~~ giving the date of *the*
39 termination . ~~with the first instructor~~ *If the registered apprentice*
40 *begins an apprenticeship with another instructor, that instructor*
41 *shall immediately submit to the Health Division an affidavit*
42 *stating that the registered apprentice has entered upon his or her*
43 *duties* and the date ~~of beginning with the second instructor, and~~
44 ~~each subsequent instructor in like manner as provided in this chapter~~
45 ~~for the first instructor.~~ *those duties commenced.*



1 **Sec. 35.** NRS 642.240 is hereby amended to read as follows:

2 642.240 Each licensed embalmer who ~~has under his or her~~
3 ~~supervision or control~~ **is instructing** a registered apprentice shall
4 **submit a** report ~~[such fact]~~ to the ~~[Board]~~ **Health Division**
5 semiannually on or before January 1 and July 1 of each year. The
6 ~~[Secretary of the Board]~~ **Health Division** shall ~~immediately~~
7 ~~forward~~ **provide** to ~~[such embalmer]~~ **the instructor** forms wherein
8 information desired by the ~~[Board shall]~~ **Health Division must** be
9 requested by interrogations. ~~[Such reports shall]~~ **Each report**
10 **submitted pursuant to this section must** disclose the work which
11 ~~[such]~~ **the registered** apprentice has performed during the
12 semiannual period preceding the first of the month on which ~~[such]~~
13 **that** report is made, including the number of bodies ~~[such]~~ **the**
14 **registered** apprentice has assisted in embalming or otherwise
15 prepared for disposition during that period.

16 **Sec. 36.** NRS 642.260 is hereby amended to read as follows:

17 642.260 All embalming of any nature whatsoever performed
18 by a registered apprentice ~~[shall]~~ **must** be done ~~[in]~~ :

19 **1.** **In** the place of business owned or conducted by the
20 registered apprentice's ~~[preceptor]~~ **instructor** or where the
21 ~~[preceptor]~~ **instructor** is employed ; ~~[;]~~ and ~~[must be in]~~

22 **2.** **In** the presence of ~~[the preceptor or preceptors.]~~
23 the personal supervision of the ~~[preceptor or preceptors.]~~ **instructor.**

24 **Sec. 37.** NRS 642.280 is hereby amended to read as follows:

25 642.280 Each registered apprentice shall ~~[have]~~ **post** his or her
26 certificate of registration ~~[posted]~~ in a conspicuous place in his or
27 her ~~[preceptor's]~~ **instructor's** place of business.

28 **Sec. 38.** NRS 642.290 is hereby amended to read as follows:

29 642.290 1. A registered apprentice may apply for a leave of
30 absence and for the extension of any leave of absence by:

31 (a) Filing an application with the ~~[Secretary of the Board;]~~
32 **Health Division;** and

33 (b) Paying any fees related to the application.

34 2. The application may be granted by the ~~[Board.]~~ **Health**
35 **Division,** if the facts of the case disclose sufficient reason for
36 granting the request.

37 **Sec. 39.** NRS 642.300 is hereby amended to read as follows:

38 642.300 1. A certificate of registration **as a registered**
39 **apprentice** expires 1 year after the date of issuance of the certificate
40 by the ~~[Board.]~~ **Health Division,** unless the certificate is renewed in
41 accordance with the regulations adopted by the ~~[Board.]~~ **Health**
42 **Division.**

43 2. No person may hold a certificate of registration as a
44 registered apprentice ~~[entitling the person to practice the occupation~~
45 ~~of an embalmer's apprentice under a licensed embalmer]~~ more than



1 2 consecutive years without successfully passing the examination
2 for a license to practice the profession of embalming pursuant to
3 NRS 642.090.

4 **Sec. 40.** NRS 642.310 is hereby amended to read as follows:

5 642.310 Before a registered apprentice may take the
6 examination for a license to practice the profession of embalming
7 pursuant to NRS 642.090, the registered apprentice must file an
8 application with the ~~{Secretary of the Board}~~ **Health Division** and
9 pay the examination fee prescribed in NRS 642.0696, not later than
10 30 days before the date of ~~{such}~~ **the** examination.

11 **Sec. 41.** NRS 642.340 is hereby amended to read as follows:

12 642.340 1. A person shall not engage in or conduct, or hold
13 himself or herself out as engaging in or conducting, the business of a
14 funeral director unless the person is licensed as a funeral director by
15 the ~~{Board}~~ **Health Division**.

16 2. The business of a funeral director must be conducted and
17 engaged in at a funeral establishment.

18 **Sec. 42.** NRS 642.345 is hereby amended to read as follows:

19 642.345 1. A funeral director shall not manage a funeral
20 establishment unless the funeral director has been approved by the
21 ~~{Board}~~ **Health Division** to manage the funeral establishment.

22 2. If a funeral director manages more than one funeral
23 establishment, the funeral director must obtain approval from the
24 ~~{Board}~~ **Health Division** for each funeral establishment that he or
25 she manages.

26 3. A funeral director is responsible for the proper management
27 of each funeral establishment of which the funeral director is the
28 manager.

29 **Sec. 43.** NRS 642.360 is hereby amended to read as follows:

30 642.360 1. An application for a funeral director's license or a
31 license to conduct direct cremations or immediate burials must be in
32 writing and verified on a form provided by the ~~{Board}~~ **Health**
33 **Division**.

34 2. Each applicant must be over 18 years of age and of good
35 moral character.

36 3. Except as otherwise provided in subsection 4, each applicant
37 for a funeral director's license must pass an examination given by
38 the ~~{Board}~~ **Health Division** upon the following subjects:

39 (a) The signs of death.

40 (b) The manner by which death may be determined.

41 (c) The laws governing the preparation, burial and disposal of
42 dead human bodies, and the shipment of bodies of persons dying
43 from infectious or contagious diseases.

44 (d) Local health and sanitary ordinances and regulations relating
45 to funeral directing and embalming.



1 (e) Federal regulations governing funeral practices.

2 (f) The laws and regulations of this State relating to funeral
3 directing and embalming.

4 4. An applicant who has passed the national examination given
5 by the International Conference of Funeral Service Examining
6 Boards is not required to take any portion of the examination set
7 forth in subsection 3 that repeats or duplicates a portion of the
8 national examination.

9 5. An application for:

10 (a) A funeral director's license must be accompanied by the
11 application fee and the examination fee prescribed in
12 NRS 642.0696.

13 (b) A license to conduct direct cremations or immediate burials
14 must be accompanied by the application fee prescribed in
15 NRS 642.0696.

16 **Sec. 44.** NRS 642.363 is hereby amended to read as follows:

17 642.363 1. The owner of a funeral establishment shall not
18 operate or allow another person to operate the establishment unless
19 the owner has been issued a permit by the ~~Board~~ *Health Division*
20 to operate the funeral establishment.

21 2. If a person owns more than one funeral establishment, the
22 person must submit an application and obtain a permit for each
23 funeral establishment he or she owns.

24 **Sec. 45.** NRS 642.365 is hereby amended to read as follows:

25 642.365 1. An application for a permit to operate a funeral
26 establishment must be in writing and be verified on a form provided
27 by the ~~Board~~ *Health Division*.

28 2. Each applicant must furnish proof satisfactory to the ~~Board~~
29 *Health Division* that:

30 (a) The applicant is of good moral character;

31 (b) The applicant is at least 18 years old; and

32 (c) The funeral establishment for which the applicant is
33 requesting the permit is constructed, equipped and maintained in the
34 manner described in NRS 642.016.

35 3. Each application must be accompanied by the application
36 fee prescribed in NRS 642.0696.

37 **Sec. 46.** NRS 642.370 is hereby amended to read as follows:

38 642.370 Each applicant for a funeral director's license or a
39 license to conduct direct cremations or immediate burials must
40 furnish proof satisfactory to the ~~Board~~ *Health Division* that the
41 applicant is of good moral character.

42 **Sec. 47.** NRS 642.390 is hereby amended to read as follows:

43 642.390 Upon receipt of an application for a permit to operate
44 a funeral establishment, a funeral director's license or a license to
45 conduct direct cremations or immediate burials, the ~~Board~~ *Health*



1 **Division** shall cause an investigation to be made as to the character
2 of the applicant, and may require such showing as will reasonably
3 prove the applicant's good moral character.

4 **Sec. 48.** NRS 642.400 is hereby amended to read as follows:

5 642.400 1. The ~~{Board}~~ **Health Division** may subpoena
6 witnesses.

7 2. After a proper hearing, the ~~{Board}~~ **Health Division** shall
8 issue to an applicant a funeral director's license or a license to
9 conduct direct cremations or immediate burials if it finds that the
10 applicant:

11 (a) Is of good moral character;

12 (b) Fulfills the requirements set forth in this chapter for the
13 license; and

14 (c) Has paid all fees related to the application.

15 **Sec. 49.** NRS 642.430 is hereby amended to read as follows:

16 642.430 1. The ~~{Board}~~ **Health Division** shall mail, on or
17 before January 1 of each year, to each licensed funeral director and
18 each person licensed to conduct direct cremations or immediate
19 burials, addressed to such licensee at his or her last known address,
20 a notice ~~{that}~~ :

21 (a) *That* the renewal fee is due ~~{and that}~~ ;

22 (b) *That the fee for late renewal prescribed in NRS 642.0696*
23 *will be added to the renewal fee* if the renewal fee is not paid by
24 February 1 ; ~~{, a fee for the late renewal of the license will be added~~
25 ~~to the renewal fee.}~~ and

26 (c) *That* in no case will the fee for late renewal be waived.

27 2. Upon receipt of the renewal fee, all information required to
28 complete the renewal and any fee for late renewal , ~~{imposed~~
29 ~~pursuant to subsection 1.}~~ the ~~{Board}~~ **Health Division** shall issue a
30 renewal certificate to the licensee.

31 **Sec. 50.** NRS 642.435 is hereby amended to read as follows:

32 642.435 1. Each person who is issued a permit to operate a
33 funeral establishment must pay the annual fee prescribed in NRS
34 642.0696 for the renewal of the permit.

35 2. The ~~{Board}~~ **Health Division** shall, before renewing a permit
36 to operate a funeral establishment, make *or cause to be made* an
37 unannounced inspection of the establishment for which the permit
38 was issued to ensure compliance with:

39 (a) The laws governing the preparation, burial and disposal of
40 dead human bodies, and the shipment of bodies of persons who have
41 died from infectious or contagious diseases;

42 (b) Local health and sanitary ordinances and regulations relating
43 to funeral directing and embalming; and

44 (c) Federal regulations governing funeral practices.



1 ↪ Each person who is issued a permit to operate a funeral
2 establishment shall be deemed to have consented to such an
3 inspection as a condition ~~{for}~~ of the issuance of the permit.

4 3. The ~~{Board}~~ **Health Division** shall, on or before January 1 of
5 each year, mail to each holder of a permit to operate a funeral
6 establishment a notice ~~{that}~~ :

7 (a) ~~That~~ the renewal fee for the permit is due ~~{and that}~~ ;

8 (b) ~~That the fee for late renewal prescribed in NRS 642.0696~~
9 ~~will be added to the renewal fee~~ if the renewal fee is not paid by
10 February 1 ; ~~{a penalty will be added to the renewal fee,}~~ and

11 (c) ~~That~~ in no case will the ~~{penalty}~~ **fee for late renewal** be
12 waived.

13 4. Upon receipt of the renewal fee and any ~~{penalties imposed~~
14 ~~by the Board pursuant to subsection 3,}~~ **fee for late renewal**, the
15 ~~{Board}~~ **Health Division** shall issue a renewal certificate to the
16 holder of the permit.

17 **Sec. 51.** NRS 642.440 is hereby amended to read as follows:

18 642.440 When a licensed funeral director has for any reason
19 allowed the license to lapse, the ~~{Board}~~ **Health Division** may
20 reinstate ~~{such}~~ the license if ~~an~~ application ~~{therefor}~~ **for**
21 **reinstatement** is made within a period of 3 years ~~{from}~~ **after** the
22 ~~{time}~~ **date** of the lapse and is accompanied by:

23 1. All fees, including ~~{penalties,}~~ **the fee for late renewal**
24 **prescribed in NRS 642.0696, accruing** from the ~~{time}~~ **date** of the
25 lapse to **the** date of reinstatement; and

26 2. All information required to complete the reinstatement.

27 **Sec. 52.** NRS 642.450 is hereby amended to read as follows:

28 642.450 1. In case of the death of a licensed funeral director
29 who leaves a funeral establishment as ~~{part or all}~~ **property** of his or
30 her estate, the ~~{Board}~~ **Health Division** may issue to the legal
31 representative of the deceased funeral director, if the legal
32 representative is of good moral character, a special temporary
33 license as a funeral director for the duration of the administration of
34 the estate, but in no case to exceed 1 year.

35 2. The fees for the application, issuance and renewal of a
36 special temporary license and any other fees related to the special
37 temporary license and the time for payment of ~~{such}~~ the fees ~~{must~~
38 ~~be}~~ **are** the same as those required for regular licenses.

39 **Sec. 53.** NRS 642.455 is hereby amended to read as follows:

40 642.455 1. Upon written request to the ~~{Board}~~ **Health**
41 **Division** and payment of the fee prescribed in NRS 642.0696, a
42 person who holds a funeral director's license or a license to conduct
43 direct cremations or immediate burials and who is a licensee in good
44 standing may have the license placed on inactive status. A licensee
45 whose license has been placed on inactive status shall not engage in



1 the business of funeral directing or conducting direct cremations or
2 immediate burials during the period in which the license is inactive.

3 2. If a licensee wishes to resume the business of funeral
4 directing or conducting direct cremations or immediate burials, the
5 ~~{Board}~~ **Health Division** shall reactivate the license upon the:

6 (a) Demonstration, if deemed necessary by the ~~{Board,}~~ **Health**
7 **Division**, that the licensee is qualified and competent to practice;

8 (b) Completion of an application; and

9 (c) Payment of the fee for the renewal of the license and any
10 other fees related to the reactivation of the license.

11 3. A licensee is not required to pay the ~~{fee}~~ **fees** for the
12 renewal **or late renewal** of his or her license ~~{or any fees or~~
13 ~~penalties related to the renewal of the license}~~ for any year during
14 the period in which the license was inactive.

15 **Sec. 54.** NRS 642.470 is hereby amended to read as follows:

16 642.470 The following acts are grounds for which the ~~{Board}~~
17 **Health Division** may take disciplinary action against a person who
18 holds a funeral director's license, a permit to operate a funeral
19 establishment or a license to conduct direct cremations or immediate
20 burials, or may refuse to issue such a license or permit : ~~{to an~~
21 ~~applicant therefor:}~~

22 1. Conviction of a crime involving moral turpitude.

23 2. Unprofessional conduct.

24 3. False or misleading advertising.

25 4. Conviction of a felony relating to the practice of funeral
26 directors.

27 5. Conviction of a misdemeanor that is related directly to the
28 business of a funeral establishment.

29 **Sec. 55.** NRS 642.473 is hereby amended to read as follows:

30 642.473 1. If the ~~{Board}~~ **Health Division** determines that a
31 person who holds a funeral director's license, a permit to operate a
32 funeral establishment or a license to conduct direct cremations or
33 immediate burials has committed any of the acts set forth in NRS
34 642.470, the ~~{Board}~~ **Health Division** may:

35 (a) Refuse to renew the license or permit;

36 (b) Revoke the license or permit;

37 (c) Suspend the license or permit for a definite period or until
38 further order of the ~~{Board,}~~ **Health Division;**

39 (d) Impose a fine of not more than \$5,000 for each act that
40 constitutes a ground for disciplinary action;

41 (e) Place the person on probation for a definite period subject to
42 any reasonable conditions imposed by the ~~{Board,}~~ **Health Division;**

43 (f) Administer a public reprimand; or

44 (g) Impose any combination of disciplinary actions set forth in
45 paragraphs (a) to (f), inclusive.



1 2. The ~~Board~~ *Health Division* shall not administer a private
2 reprimand.

3 3. An order that imposes discipline and the findings of fact and
4 conclusions of law supporting that order are public records.

5 **Sec. 56.** NRS 642.480 is hereby amended to read as follows:

6 642.480 For the purposes of NRS 642.470, unprofessional
7 conduct includes:

8 1. Misrepresentation or fraud in the operation of a funeral
9 establishment or the practice of a funeral director or person licensed
10 to conduct direct cremations or immediate burials.

11 2. Solicitation of dead human bodies by the licensee or his or
12 her agents, assistants or employees, whether the solicitation occurs
13 after death or while death is impending, but this does not prohibit
14 general advertising.

15 3. Employment by a holder of a permit to operate a funeral
16 establishment or licensee of persons commonly known as “cappers,”
17 “steerers” or “solicitors,” or of other persons to obtain funeral
18 directing or embalming business.

19 4. Employment, directly or indirectly, of any apprentice, agent,
20 assistant, embalmer, employee or other person, on part- or full-time
21 or on commission, to call upon natural persons or institutions by
22 whose influence dead human bodies may be turned over to a
23 particular funeral director or embalmer.

24 5. The buying of business by a holder of a permit to operate a
25 funeral establishment or a licensee or his or her agents, assistants or
26 employees, or the direct or indirect payment or offer of payment of a
27 commission by the holder of a permit or a licensee or his or her
28 agents, assistants or employees, to secure business.

29 6. Gross immorality.

30 7. Aiding or abetting an unlicensed person to practice funeral
31 directing or embalming.

32 8. Using profane, indecent or obscene language in the presence
33 of a dead human body, or within the immediate hearing of the
34 family or relatives of a deceased whose body has not yet been
35 interred or otherwise disposed of.

36 9. Solicitation or acceptance by a holder of a permit to operate
37 a funeral establishment or licensee of any commission, bonus or
38 rebate in consideration of recommending or causing a dead human
39 body to be disposed of in any crematory, mausoleum or cemetery.

40 10. Except as otherwise provided in this subsection, using any
41 casket or part of a casket which has previously been used as a
42 receptacle for, or in connection with, the burial or other disposition
43 of a dead human body. The provisions of this subsection do not
44 prohibit the rental of the outer shell of a casket into which a
45 removable insert containing a dead human body is placed for the



1 purpose of viewing the body or for funeral services, or both, and
2 which is later removed from the outer shell for cremation.

3 11. Violation of any provision of this chapter, any regulation
4 adopted pursuant thereto or any order ~~of the Board.~~ *entered by the*
5 *Health Division pursuant to its special regulatory authority.*

6 12. Violation of any state law or municipal or county ordinance
7 or regulation affecting the handling, custody, care or transportation
8 of dead human bodies, including, without limitation, NRS 451.400.

9 13. Fraud or misrepresentation in obtaining a permit or license.

10 14. Refusing to surrender promptly the custody of a dead
11 human body, upon the express order of the person lawfully entitled
12 to the custody thereof.

13 15. Taking undue advantage of the patrons of a funeral
14 establishment or being guilty of fraud or misrepresentation in the
15 sale of merchandise to those patrons.

16 16. The theft or misappropriation of money in a trust fund
17 established and maintained pursuant to chapter 689 of NRS.

18 17. Habitual drunkenness or the unlawful use of a controlled
19 substance.

20 **Sec. 57.** NRS 642.500 is hereby amended to read as follows:

21 642.500 1. A petition for the revocation or suspension of a
22 permit to operate a funeral establishment, funeral director's license
23 or license to conduct direct cremations or immediate burials may be
24 filed by the Attorney General or by the district attorney of the
25 county in which the funeral establishment exists or the licensee
26 resides or has practiced, or by any person residing in this State.

27 2. The petition must be filed with the ~~Board~~ *Health Division*
28 and state the charges against the licensee with reasonable
29 definiteness.

30 **Sec. 58.** NRS 642.515 is hereby amended to read as follows:

31 642.515 1. The ~~Board~~ *Health Division* may provide for a
32 temporary authorization for an applicant for a license, certificate or
33 permit issued by the ~~Board~~ *Health Division* pursuant to ~~this~~
34 ~~chapter or chapter 451 or 452 of NRS.~~ *its special regulatory*
35 *authority.* The temporary authorization allows an applicant who has
36 satisfied the requirements of and paid the applicable fees for the
37 license, certificate or permit to carry out the duties authorized by the
38 license, certificate or permit.

39 2. The temporary authorization is effective during the period
40 which begins upon issuance by the ~~Board~~ *Health Division* and
41 ends when the ~~Board~~ *Health Division* takes action on the
42 application for the license, certificate or permit.

43 **Sec. 59.** NRS 642.518 is hereby amended to read as follows:

44 642.518 ~~Notwithstanding the provisions of chapter 622A of~~
45 ~~NRS.~~



1 1. If the ~~{Board}~~ *Health Division* finds that probable cause
2 exists for the revocation of a license, permit or certificate issued ~~by~~
3 ~~the Board}~~ pursuant to ~~{the provisions of this chapter or chapter 451~~
4 ~~or 452 of NRS,}~~ *its special regulatory authority* and that
5 enforcement of the provisions ~~{of this chapter or chapter 451 or 452~~
6 ~~of NRS}~~ *within the scope of its special regulatory authority*
7 requires immediate suspension of the license, permit or certificate
8 pending an investigation, the ~~{Board}~~ *Health Division* may, upon 5
9 days' written notice and a preliminary hearing, enter an order
10 suspending the license, permit or certificate for a period of not more
11 than 60 days, pending a hearing upon the revocation of the license,
12 permit or certificate.

13 2. For the purposes of this section, notice shall be deemed to be
14 sufficient if the notice is personally served on the holder of the
15 license, permit or certificate or posted at the address of the holder,
16 as indicated in the records of the ~~{Board,}~~ *Health Division*, at least 5
17 days before the preliminary hearing.

18 3. The provisions of NRS 241.034 do not apply to any action
19 that is taken by the ~~{Board}~~ *Health Division* pursuant to this section.

20 **Sec. 60.** NRS 642.521 is hereby amended to read as follows:

21 642.521 1. If the ~~{Board}~~ *Health Division* receives a copy of
22 a court order issued pursuant to NRS 425.540 that provides for the
23 suspension of all professional, occupational and recreational
24 licenses, certificates and permits issued to a person who is the
25 holder of a license to practice the profession of embalming, a
26 funeral director's license, a license to conduct direct cremations or
27 immediate burials or a certificate of registration as an apprentice
28 embalmer, the ~~{Board}~~ *Health Division* shall deem the license or
29 certificate of registration issued to that person to be suspended at the
30 end of the 30th day after the date on which the court order was
31 issued unless the ~~{Board}~~ *Health Division* receives a letter issued to
32 the holder of the license or certificate of registration by the district
33 attorney or other public agency pursuant to NRS 425.550 stating
34 that the holder of the license or certificate of registration has
35 complied with the subpoena or warrant or has satisfied the arrearage
36 pursuant to NRS 425.560.

37 2. The ~~{Board}~~ *Health Division* shall reinstate a license to
38 practice the profession of embalming, a funeral director's license, a
39 license to conduct direct cremations or immediate burials or a
40 certificate of registration as an apprentice embalmer that has been
41 suspended by a district court pursuant to NRS 425.540 if the
42 ~~{Board}~~ *Health Division* receives a letter issued by the district
43 attorney or other public agency pursuant to NRS 425.550 to the
44 person whose license or certificate of registration was suspended
45 stating that the person whose license or certificate of registration



1 was suspended has complied with the subpoena or warrant or has
2 satisfied the arrearage pursuant to NRS 425.560.

3 **Sec. 61.** NRS 642.524 is hereby amended to read as follows:

4 642.524 1. Except as otherwise provided in this section and
5 NRS 239.0115, a complaint filed with the ~~{Board,}~~ *Health Division*,
6 all documents and other information filed with the complaint and all
7 documents and other information compiled as a result of an
8 investigation conducted to determine whether to initiate disciplinary
9 action against a person are confidential, unless the person submits a
10 written statement to the ~~{Board,}~~ *Health Division* requesting that
11 such documents and information be made public records.

12 2. The charging documents filed with the ~~{Board,}~~ *Health*
13 *Division* to initiate disciplinary action ~~{pursuant to chapter 622A of~~
14 ~~NRS}~~ and all documents and information considered by the ~~{Board,}~~
15 *Health Division* when determining whether to impose discipline are
16 public records.

17 3. The provisions of this section do not prohibit the ~~{Board,}~~
18 *Health Division* from communicating or cooperating with or
19 providing any documents or other information to any other licensing
20 *agency or* board or any other agency that is investigating a person,
21 including, without limitation, a law enforcement agency.

22 **Sec. 62.** NRS 642.530 is hereby amended to read as follows:

23 642.530 1. Except as otherwise provided in subsection 2, a
24 person may seek judicial review of any final decision of the ~~{Board,}~~
25 *Health Division* that is made pursuant to ~~{the provisions of this~~
26 ~~chapter or chapter 451 or 452 of NRS. Such judicial}~~ *its special*
27 *regulatory authority. The* review must be conducted as provided by
28 law.

29 2. A person may not seek judicial review of any decision of the
30 ~~{Board,}~~ *Health Division* that orders an immediate suspension of a
31 license, permit or certificate pursuant to NRS 642.518.

32 **Sec. 63.** NRS 642.540 is hereby amended to read as follows:

33 642.540 ~~{Notwithstanding the provisions of chapter 622A of~~
34 ~~NRS, if}~~ *If* a holder of a license, permit or certificate seeks judicial
35 review of the decision of the ~~{Board,}~~ *Health Division* to revoke or
36 suspend the license, permit or certificate, the decision of the ~~{Board,}~~
37 *Health Division* must not be stayed by the proceedings on judicial
38 review and the judicial review must not operate to restore the right
39 of the holder of the license, permit or certificate to operate or
40 practice pending the judicial review, unless a bond with a sufficient
41 surety approved by the clerk of the district court is posted with the
42 clerk, in such an amount as the district court ~~{may require,}~~
43 *requires*, conditioned that the judicial review will be prosecuted
44 without unnecessary delay and that, if the decision of the ~~{Board,}~~



1 **Health Division** is affirmed, the holder of the license, permit or
2 certificate will pay all costs.

3 **Sec. 64.** NRS 642.557 is hereby amended to read as follows:

4 642.557 ~~[Notwithstanding the provisions of chapter 622A of~~
5 ~~NRS:]~~

6 1. If the ~~[Board]~~ **Health Division** has reasonable cause to
7 believe that any person is violating or is threatening to or intends to
8 violate any ~~[provision of this chapter or chapter 451 or 452 of NRS,~~
9 ~~any regulation adopted by the Board pursuant thereto or any order of~~
10 ~~the Board, the Board]~~ :

11 (a) *Provision of statute or regulation; or*

12 (b) *Order entered by the Health Division,*

13 *↪ within the scope of the Health Division's special regulatory*
14 *authority, the Health Division* may enter an order requiring the
15 person to desist or refrain from engaging in the violation.

16 2. The provisions of NRS 241.034 do not apply to any action
17 that is taken by the ~~[Board]~~ **Health Division** pursuant to this section.

18 **Sec. 65.** NRS 642.570 is hereby amended to read as follows:

19 642.570 ~~[In a manner consistent with the provisions of chapter~~
20 ~~622A of NRS, the Board]~~ **The Health Division** shall cause the
21 prosecution of ~~[all persons]~~ *any person* violating any provision of
22 ~~[this chapter or chapter 451 or 452 of NRS.]~~ *statute within the*
23 *scope of its special regulatory authority.*

24 **Sec. 66.** NRS 642.575 is hereby amended to read as follows:

25 642.575 The ~~[Board]~~ **Health Division** may bring legal
26 proceedings to enjoin any person who violates any provision of this
27 chapter, any regulation adopted pursuant thereto or any order ~~[of the~~
28 ~~Board]~~ *entered by the Health Division pursuant to its special*
29 *regulatory authority* from practicing the profession of embalming.
30 Any person who is so enjoined is liable to the ~~[Board]~~ **Health**
31 **Division** for attorney's fees and court costs.

32 **Sec. 67.** NRS 439.150 is hereby amended to read as follows:

33 439.150 1. The State Board of Health is hereby declared to
34 be supreme in all nonadministrative health matters. It has general
35 supervision over all matters, except for administrative matters and
36 as otherwise provided in NRS 439.950 to 439.983, inclusive,
37 relating to the preservation of the health and lives of citizens of this
38 State and over the work of the State Health Officer and all district,
39 county and city health departments, boards of health and health
40 officers.

41 2. The Department is hereby designated as the agency of this
42 State to cooperate with the federal authorities in the administration
43 of those parts of the Social Security Act which relate to the general
44 promotion of public health. It may receive and expend all money
45 made available to the Health Division by the Federal Government,



1 the State of Nevada or its political subdivisions, or from any other
2 source, for the purposes provided in this chapter. In developing and
3 revising any state plan in connection with federal assistance for
4 health programs, the Department shall consider, without limitation,
5 the amount of money available from the Federal Government for
6 those programs, the conditions attached to the acceptance of that
7 money and the limitations of legislative appropriations for those
8 programs.

9 3. Except as otherwise provided in NRS *452.310, 452.590,*
10 *576.128, 642.069, 642.0693 and 642.0696,* the State Board of
11 Health may set reasonable fees for the:

12 (a) Licensing, registering, certifying, inspecting or granting of
13 permits for any facility, establishment or service regulated by the
14 Health Division;

15 (b) Programs and services of the Health Division;

16 (c) Review of plans; and

17 (d) Certification and licensing of personnel.

18 ➔ Fees set pursuant to this subsection must be calculated to produce
19 for that period the revenue from the fees projected in the budget
20 approved for the Health Division by the Legislature.

21 **Sec. 68.** Chapter 451 of NRS is hereby amended by adding
22 thereto the provisions set forth as sections 69 and 70 of this act.

23 **Sec. 69.** *“Health Division” means the Health Division of the*
24 *Department of Health and Human Services.*

25 **Sec. 70.** *“Special regulatory authority” means any of the*
26 *powers and duties vested in the Health Division by this section and*
27 *NRS 451.065, 451.600 to 451.715, inclusive, and section 69 of this*
28 *act, 452.026, 452.027, 452.310 to 452.590, inclusive, and chapter*
29 *642 of NRS, as applicable.*

30 **Sec. 71.** NRS 451.065 is hereby amended to read as follows:

31 451.065 1. Except as otherwise provided in subsections 2 and
32 3, no crematory, funeral home, cemetery or other place that accepts
33 human remains for disposition may require the remains to be
34 embalmed or otherwise prepared before their disposition by
35 cremation, interment or otherwise, or before their removal from or
36 into any registration district.

37 2. The State Board of Health may require embalming or other
38 preparations if necessary to protect the public.

39 3. If embalming is not required by the State Board of Health
40 pursuant to subsection 2, the ~~Nevada State Funeral Board~~ *Health*
41 *Division of the Department of Health and Human Services* may
42 authorize the embalming of a body if it determines that it is
43 necessary to preserve the body and the crematory, funeral home,
44 cemetery or other place that accepts human remains for disposition:

45 (a) Has held the body for at least 72 hours;



1 (b) Is unable to notify a member of the family or other
2 authorized person to obtain approval to embalm the body; and

3 (c) Has no reason to believe that the family or other authorized
4 person does not wish to have the body embalmed.

5 4. Any person who violates this section is guilty of a
6 misdemeanor.

7 **Sec. 72.** NRS 451.600 is hereby amended to read as follows:

8 451.600 As used in NRS 451.600 to 451.715, inclusive, *and*
9 *sections 69 and 70 of this act*, unless the context otherwise requires,
10 the words and terms defined in NRS 451.605 to 451.630, inclusive,
11 *and sections 69 and 70 of this act* have the meanings ascribed to
12 them in those sections.

13 **Sec. 73.** NRS 451.635 is hereby amended to read as follows:

14 451.635 1. No person may cremate human remains except in
15 a crematory whose operator is licensed by the ~~{Nevada State Funeral~~
16 ~~Board}~~ *Health Division pursuant to this section.*

17 2. The ~~{Board}~~ *Health Division* shall prescribe and furnish
18 forms for *an* application for licensing. An application must be in
19 writing and contain:

20 (a) The name and address of the applicant and the location or
21 proposed location of the crematory;

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

24 (c) Any further information that the ~~{Board may}~~ *Health*
25 *Division* reasonably ~~{require}~~ *requires.*

26 3. An application must be signed by the applicant personally,
27 by one of the partners if the applicant is a partnership, or by an
28 authorized officer if the applicant is a corporation or other form of
29 business organization.

30 4. The ~~{Board}~~ *Health Division* shall examine the structure and
31 equipment *to be used in operating the crematory* and shall issue the
32 license if:

33 (a) It appears that the proposed operation will meet the
34 requirements of NRS 451.600 to 451.715, inclusive ~~{}~~ , *and*
35 *sections 69 and 70 of this act*; and

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

37 5. If the ownership of a crematory is to be changed, the
38 proposed operator shall apply for licensing at least 30 days before
39 the change.

40 **Sec. 74.** NRS 451.640 is hereby amended to read as follows:

41 451.640 1. The ~~{Nevada State Funeral Board}~~ *Health*
42 *Division* shall adopt regulations for the administration of NRS
43 451.600 to 451.715, inclusive ~~{}~~ , *and sections 69 and 70 of this*
44 *act*. Unless governed by the regulations of the State Board of



1 Health, the regulations of the ~~{Nevada State Funeral Board}~~ *Health*
2 *Division* must include, without limitation:

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

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

8 2. The ~~{Nevada State Funeral Board}~~ *Health Division* may
9 bring legal proceedings to enjoin any person who violates any
10 provision of NRS 451.600 to 451.715, inclusive, *and sections 69*
11 *and 70 of this act*, any regulation adopted pursuant thereto or any
12 order ~~{of the Board}~~ *entered by the Health Division pursuant to its*
13 *special regulatory authority* from operating a crematory. Any
14 person who is so enjoined is liable to the ~~{Board}~~ *Health Division*
15 for attorney's fees and court costs.

16 **Sec. 75.** NRS 451.715 is hereby amended to read as follows:

17 451.715 1. It is unlawful for any person to:

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

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

22 (c) Violate any other provision of NRS 451.600 to 451.715,
23 inclusive, *and sections 69 and 70 of this act*, any regulation adopted
24 pursuant thereto or any order ~~{of the Nevada State Funeral Board}~~
25 *entered by the Health Division pursuant to its special regulatory*
26 *authority*.

27 2. It is unlawful for the operator of a crematory to perform a
28 cremation without an order signed by a person authorized to order
29 the cremation pursuant to NRS 451.650 or 451.655.

30 3. If a crematory is operated in this state in violation of any
31 provision of NRS 451.600 to 451.715, inclusive, *and sections 69*
32 *and 70 of this act*, any regulation adopted pursuant thereto or any
33 order ~~{of the Nevada State Funeral Board}~~ *entered by the Health*
34 *Division pursuant to its special regulatory authority*, the crematory
35 is a public nuisance and may be abated as such.

36 **Sec. 76.** NRS 452.026 is hereby amended to read as follows:

37 452.026 The ~~{Board}~~ *Health Division* may adopt reasonable
38 regulations, suitably designed to protect the public, for those aspects
39 of the operation of a cemetery which are not governed by the
40 regulations of the Commissioner of Insurance pertaining to
41 endowment care.

42 **Sec. 77.** NRS 452.027 is hereby amended to read as follows:

43 452.027 The Administrator and the ~~{Board}~~ *Health Division*
44 shall cooperate in the performance of their respective duties
45 pursuant to this chapter and shall exchange any information,



1 statistics or data in their records that is necessary to carry out those
2 duties.

3 **Sec. 78.** NRS 452.310 is hereby amended to read as follows:

4 452.310 1. No person may engage in the business of
5 operating a cemetery in this state without first obtaining a certificate
6 of authority from the ~~{Board.}~~ **Health Division.**

7 2. Applications for a certificate of authority to operate a
8 cemetery must be filed with the ~~{Board.}~~ **Health Division.** Each
9 application must be accompanied by:

10 (a) A filing fee of \$1,000 and any other fees related to the
11 application. No part of the fees is refundable.

12 (b) A copy, certified by the proper officials, of the:

13 (1) Articles of incorporation, if any.

14 (2) Bylaws of the corporation, if any.

15 (3) Application to the city or county planning commission
16 for a use permit or the rezoning for the proposed cemetery.

17 (4) Land use or zoning permit.

18 (5) Declaration of dedication of land to cemetery purposes.

19 (6) Deed, contract of purchase or other document which
20 provides the applicant with merchantable title to the land dedicated.

21 (7) Endowment care trust fund agreement executed by the
22 proper officers of the cemetery authority.

23 (c) A statement, executed by the proper officers of the applicant,
24 setting forth:

25 (1) If the applicant is a corporation, the names and addresses
26 of the board of directors and officers.

27 (2) If the applicant is not a corporation, the names and
28 addresses of the natural persons in charge.

29 (3) The names and addresses of the trustees of the
30 endowment care fund.

31 (4) The name and address of the person in charge of sales.

32 ↪ The statement must contain a description of the general character,
33 experience and fitness to engage in the cemetery business for each
34 person named.

35 (d) A complete, detailed and audited financial statement
36 showing assets, liabilities and reserve.

37 (e) An itemized statement of all estimated receipts and
38 expenditures for the succeeding 2-year period or such other period
39 as ~~{may be}~~ **is** required by the ~~{Board.}~~ **Health Division.**

40 (f) A map of the proposed cemetery in such detail and size as
41 ~~{may be}~~ **are** required by the ~~{Board.}~~ **Health Division.**

42 (g) A statement of the proposed plan of operation in such detail
43 as ~~{may be}~~ **is** required by the ~~{Board.}~~ **Health Division.**

44 (h) A statement of the amount deposited in the endowment care
45 fund and the type of investment made of such amount.



1 (i) A statement from the depository showing the deposit in the
2 endowment care fund of the amount required by NRS 452.120 and
3 452.130.

4 (j) Such other information as ~~may be~~ *is* required by written
5 notice from the ~~Board~~ *Health Division*.

6 3. Upon request, the ~~Board~~ *Health Division* shall provide to
7 the Administrator a copy of the following information contained in
8 an application for a certificate of authority filed with the ~~Board~~
9 *Health Division* pursuant to this section:

10 (a) The endowment care trust fund agreement;

11 (b) The names and addresses of the trustees of the endowment
12 care fund; and

13 (c) The statements described in paragraphs (h) and (i) of
14 subsection 2.

15 **Sec. 79.** NRS 452.340 is hereby amended to read as follows:

16 452.340 1. If the ~~Board~~ *Health Division* finds that the
17 proposed cemetery authority has in good faith complied with all
18 lawful requirements, it shall within 30 days issue a certificate of
19 authority for the operation of a cemetery.

20 2. The certificate of authority is valid for 6 months ~~from~~ *after*
21 the date of issuance . ~~and if~~ *If* the cemetery authority has not
22 begun operations within that time , the certificate expires unless the
23 ~~Board~~ *Health Division* has, for good cause, extended the period.
24 No such extension may be given for more than 6 months ~~from~~
25 *after* the date of extension.

26 **Sec. 80.** NRS 452.590 is hereby amended to read as follows:

27 452.590 1. A person who proposes to purchase or acquire
28 control of an existing cemetery authority, either by purchase of the
29 outstanding capital stock of a cemetery authority or the interest of
30 the owner or owners, and thereby to change the control of the
31 cemetery authority, shall first make application to the ~~Board~~
32 *Health Division* for a certificate of approval of the proposed change
33 of control in the cemetery authority.

34 2. The application must contain the name and address of the
35 proposed new owners, and the ~~Board~~ *Health Division* may only
36 issue a certificate of approval after it is reasonably satisfied that the
37 proposed new owners are qualified by character, experience and
38 business and financial reputability and responsibility to control and
39 operate the cemetery in a suitable and proper manner, and that the
40 interest of the public generally will not be jeopardized by the
41 proposed change in ownership and management. The ~~Board~~
42 *Health Division* shall not issue a certificate of approval without the
43 approval of the Administrator.



1 3. The application must be accompanied by a filing and
2 investigation fee of \$250 and any other fees related to the
3 application. No part of the fees is refundable.

4 **Sec. 81.** NRS 452.0055, 642.0677, 642.068, 642.070 and
5 642.210 are hereby repealed.

6 **Sec. 82.** 1. Any money received by the Nevada State Funeral
7 Board and deposited in banks, credit unions or savings and loan
8 associations pursuant to NRS 642.075 must, before January 1, 2014,
9 be deposited by the Board with the State Treasurer for credit to the
10 account created pursuant to section 4 of this act for the use of the
11 Health Division of the Department of Health and Human Services.

12 2. Notwithstanding the amendatory provisions of sections 13,
13 17 and 21 of this act, any person employed by the Nevada State
14 Funeral Board pursuant to NRS 642.055 or 642.067 before
15 January 1, 2014, or to whom the Board has, before that date,
16 delegated its authority to take disciplinary action pursuant to NRS
17 642.075, shall be deemed to have been employed, or to have been
18 delegated such authority, by the Health Division.

19 3. Notwithstanding the amendatory provisions of sections 15,
20 18, 23, 39, 74 and 76 of this act, any regulation adopted by the
21 Nevada State Funeral Board pursuant to NRS 451.640, 452.026,
22 642.063, 642.069, 642.090 or 642.300 before January 1, 2014, shall
23 be deemed to have been adopted by, and may be enforced, amended
24 or repealed by, the Health Division.

25 4. Notwithstanding the amendatory provisions of sections 23,
26 24, 26, 27, 31, 41, 42, 44, 48 to 53, inclusive, 58, 59, 60, 71, 73, 78,
27 79 and 80 of this act, any license, certificate, approval, permit or
28 authorization issued, renewed, reactivated, reinstated, granted,
29 suspended or placed on inactive status by the Nevada State Funeral
30 Board pursuant to NRS 451.065, 451.635, 452.310, 452.340,
31 452.590, 642.090, 642.100, 642.115, 642.120, 642.180, 642.340,
32 642.345, 642.363, 642.400, 642.430 to 642.455, inclusive, 642.515,
33 642.518 or 642.521 before January 1, 2014, shall be deemed to have
34 been issued, renewed, reactivated, reinstated, granted, suspended or
35 placed on inactive status, as applicable, by the Health Division.

36 5. Notwithstanding the amendatory provisions of sections 28,
37 29, 55 and 64 of this act, any disciplinary action taken by the
38 Nevada State Funeral Board pursuant to NRS 642.130, 642.135,
39 642.473 or 642.557 before January 1, 2014, shall be deemed to have
40 been taken by the Health Division.

41 6. Notwithstanding the amendatory provisions of section 38 of
42 this act, any leave of absence or extension of a leave of absence
43 granted to a registered apprentice embalmer by the Nevada State
44 Funeral Board pursuant to NRS 642.290 before January 1, 2014,
45 shall be deemed to have been granted by the Health Division.



1 7. Notwithstanding the amendatory provisions of sections 57
2 and 61 of this act, any petition or complaint filed with the Nevada
3 State Funeral Board pursuant to NRS 642.500 or 642.524 before
4 January 1, 2014, shall be deemed to have been filed with the Health
5 Division.

6 8. Notwithstanding the amendatory provisions of sections 65,
7 66 and 74 of this act, any prosecution or proceeding brought by or at
8 the instance of the Nevada State Funeral Board pursuant to NRS
9 451.640, 642.570 or 642.575 and commenced with the filing of a
10 complaint, petition or charging document before January 1, 2014,
11 shall be deemed to have been brought by or at the instance of the
12 Health Division. Notwithstanding the provisions of NRS 622A.120,
13 any such prosecution brought pursuant to NRS 642.570 and alleging
14 a violation of any provision of chapter 642 of NRS is governed by
15 the provisions of chapter 622A of NRS.

16 9. Notwithstanding any amendatory provision of this act:

17 (a) Any contract or agreement entered into by the Nevada State
18 Funeral Board before January 1, 2014, shall be deemed to have been
19 entered into by, and may be enforced by or against, the Health
20 Division;

21 (b) Any asset or liability of the Nevada State Funeral Board that
22 was acquired or incurred before January 1, 2014, shall be deemed to
23 be an asset or liability of the Health Division; and

24 (c) Any other action taken by the Nevada State Funeral Board
25 before January 1, 2014, remains in effect as if taken by the Health
26 Division.

27 **Sec. 83.** The Legislative Counsel shall, in preparing the
28 supplements to the Nevada Administrative Code, change any
29 references to the Nevada State Funeral Board to refer to the Nevada
30 Funeral Advisory Board or the Health Division of the Department of
31 Health and Human Services, as appropriate.

32 **Sec. 84.** This act becomes effective:

33 1. Upon passage and approval for the purposes of adopting
34 regulations and performing any other preparatory administrative
35 tasks that are necessary to carry out the provisions of this act; and

36 2. On January 1, 2014, for all other purposes.

TEXT OF REPEALED SECTIONS

452.0055 “Board” defined. “Board” means the Nevada State Funeral Board.



642.0677 Investigation of alleged violation; report to and action by Attorney General.

1. A member of the Board's staff who is designated by the Board may investigate an alleged violation of any provision of this chapter or chapter 451 or 452 of NRS, any regulation adopted pursuant thereto or any order of the Board.

2. The designated member of the Board's staff shall report his or her findings to the Attorney General, who shall:

(a) Dismiss the investigation;

(b) Proceed in accordance with the provisions of this chapter or chapter 451 or 452 of NRS, as appropriate, and chapter 233B of NRS; or

(c) Investigate the matter further before acting pursuant to paragraph (a) or (b).

642.068 Fiscal year. The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.

642.070 Deposit and use of fees. All fees collected under the provisions of this chapter and chapters 451 and 452 of NRS must be paid to the Treasurer of the Board to be used to defray the necessary expenses of the Board. The Treasurer shall deposit the fees in banks, credit unions or savings and loan associations in the State of Nevada.

642.210 Filing of application; date when apprenticeship commences; credit for time spent.

1. An applicant for a certificate of registration as a registered apprentice shall immediately notify the Secretary of the Board of such fact in order to receive credit for time spent.

2. Credit on the required apprenticeship commences on the date the application for the certificate of registration is filed with the Secretary of the Board, and no applications may be accepted antedated.

