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A.B. 69

ASSEMBLY BILL NO. 69—ASSEMBLYMAN ELLIOT ANDERSON

PREFILED JANUARY 9, 2013

JOINT SPONSOR: SENATOR KIHUEN

Referred to Committee on Health and Human Services

SUMMARY—Requires a crematory for human remains to be located in a certain area. (BDR 40-25)

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

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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 crematories; requiring a crematory for human remains to be located in a certain area; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a person may not cremate any human remains except in a
2 crematory whose operator is licensed by the Nevada State Funeral Board. (NRS
3 451.635) Existing law further provides that a crematory may be erected on or
4 adjacent to the premises of a cemetery or funeral establishment if the location of the
5 crematory is zoned for commercial or industrial use or at any other location where
6 local zoning permits. (NRS 451.645) **Section 1** of this bill imposes an additional
7 requirement upon the operation of a crematory by prohibiting a person from
8 cremating any human remains in the crematory unless the crematory is located in
9 an area which is zoned for industrial use and which is at least 1,000 feet from
10 any area which is not zoned for that use. **Section 1** also requires the Board to
11 examine the location of such a crematory when issuing a license to the operator of
12 the crematory. **Section 2** of this bill revises the requirements for the operation of a
13 crematory which is on or adjacent to a cemetery or funeral home by requiring the
14 crematory to be in a location specified in **section 1**. **Section 3** of this bill provides
15 that the new requirements for the operation of a crematory for human remains do
16 not apply to a crematory whose operator is the holder of a license issued or renewed
17 by the Board before October 1, 2013.



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

1 **Section 1.** NRS 451.635 is hereby amended to read as follows:
2 451.635 1. No person may cremate human remains except in
3 a crematory ~~whose~~ :

4 (a) *That is located in an area which is zoned for industrial use*
5 *and which is at least 1,000 feet from any area which is not zoned*
6 *for that use; and*

7 (b) *Whose* operator is licensed by the Nevada State Funeral
8 Board.

9 2. The Board shall prescribe and furnish forms for application
10 for licensing. An application must be in writing and contain:

11 (a) The name and address of the applicant and the location or
12 proposed location of the crematory;

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

15 (c) Any further information that the Board may reasonably
16 require.

17 3. An application must be signed by the applicant personally,
18 by one of the partners if the applicant is a partnership, or by an
19 authorized officer if the applicant is a corporation or other form of
20 business organization.

21 4. The Board shall examine the *location*, structure and
22 equipment and shall issue the license if:

23 (a) It appears that the proposed operation will meet the
24 requirements of NRS 451.600 to 451.715, inclusive; and

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

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

29 **Sec. 2.** NRS 451.645 is hereby amended to read as follows:

30 451.645 1. A cemetery or funeral home may erect and
31 conduct a crematory if licensed as the operator.

32 2. A crematory may be erected on or adjacent to the premises
33 of a cemetery or funeral establishment if the ~~location is zoned for~~
34 ~~commercial or industrial use, or at any other location where the~~
35 ~~local zoning permits.~~ *crematory is in a location specified in NRS*
36 *451.635.* A crematory must conform to all local building codes and
37 environmental standards.

38 3. The operator of a crematory may contract with or employ a
39 licensed funeral director to:

40 (a) Deal with the public in arranging for cremations;

41 (b) Transport human remains to the crematory; or

42 (c) Distribute, fill out or obtain the return of necessary papers.



1 ↳ This subsection does not require the performance of any act by a
2 licensed funeral director unless other law requires that such an act
3 be performed only by him or her.

4 **Sec. 3.** The amendatory provisions of this act do not apply to a
5 crematory which has been lawfully and continuously operated as a
6 crematory since before October 1, 2013.

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