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ASSEMBLY BILL NO. 69—ASSEMBLYMAN ELLIOT ANDERSON

PREFILED JANUARY 9, 2013

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JOINT SPONSOR: SENATOR KIHUEN

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the location of a crematory for human remains. (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.

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AN ACT relating to crematories; revising provisions governing the location of a crematory for human remains; 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 restriction upon the operation of a crematory that is proposed to be located in an  
8 incorporated city whose population is 60,000 or more (currently Henderson, Las  
9 Vegas, North Las Vegas, Reno and Sparks) or in an unincorporated town that is  
10 contiguous to such an incorporated city by prohibiting the Board from issuing a  
11 license to the applicant unless the proposed location of all structures associated  
12 with the crematory are: (1) in an area which is zoned for mixed, commercial or  
13 industrial use; and (2) at least 1,500 feet from the boundary line of any parcel zoned  
14 for residential use. **Section 1** also requires the Board to examine the location of a  
15 crematory when issuing a license to the operator of the crematory to determine  
16 whether any restriction relating to the location of the crematory is applicable.  
17 **Section 2** of this bill makes the additional restriction relating to the location of a  
18 crematory apply to a crematory which is proposed to be erected on or adjacent to a  
19 cemetery or funeral home in an incorporated city whose population is 60,000 or  
20 more or in an unincorporated town that is contiguous to such an incorporated city.  
21 **Section 3** of this bill provides that the new restriction relating to the location of a



22 crematory does not apply to a crematory whose operator is the holder of a license  
23 issued or renewed 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 operator is licensed by the Nevada State Funeral  
4 Board.

5       2. *If a crematory is proposed to be located in an incorporated*  
6 *city whose population is 60,000 or more or in an unincorporated*  
7 *town that is contiguous to such an incorporated city, the Board*  
8 *shall not issue a license to the applicant unless the proposed*  
9 *location of all structures associated with the crematory are:*

10       (a) *In an area which is zoned for mixed, commercial or*  
11 *industrial use; and*

12       (b) *At least 1,500 feet from the boundary line of any parcel*  
13 *zoned for residential use.*

14       3. The Board shall prescribe and furnish forms for application  
15 for licensing. An application must be in writing and contain:

16       (a) The name and address of the applicant and the location or  
17 proposed location of the crematory;

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

20       (c) Any further information that the Board may reasonably  
21 require.

22       ~~3-~~ 4. An application must be signed by the applicant  
23 personally, by one of the partners if the applicant is a partnership, or  
24 by an authorized officer if the applicant is a corporation or other  
25 form of business organization.

26       ~~4-~~ 5. The Board shall examine the structure and equipment  
27 *and, if applicable, the location* and shall issue the license if:

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

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

31       ~~5-~~ 6. If the ownership of a crematory is to be changed, the  
32 proposed operator shall apply for licensing at least 30 days before  
33 the change.

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

35       451.645 1. A cemetery or funeral home may erect and  
36 conduct a crematory if licensed as the operator.

37       2. ~~1A~~ *Except as otherwise provided in subsection 2 of NRS*  
38 *451.635, a* crematory may be erected on or adjacent to the premises  
39 of a cemetery or funeral establishment if the location is zoned for



1 commercial or industrial use, or at any other location where the  
2 local zoning permits. A crematory must conform to all local  
3 building codes and environmental standards.

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

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

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

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

9 ➔ This subsection does not require the performance of any act by a  
10 licensed funeral director unless other law requires that such an act  
11 be performed only by him or her.

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

