

ASSEMBLY BILL NO. 289—ASSEMBLYMEN CARTER; LA RUE
HATCH, C.H. MILLER, SUMMERS-ARMSTRONG AND WATTS

MARCH 14, 2023

JOINT SPONSOR: SENATOR PAZINA

Referred to Committee on Health and Human Services

SUMMARY—Enacts provisions relating to the natural organic reduction of human remains. (BDR 40-606)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 human remains; authorizing the use of natural organic reduction for the cremation of human remains; revising various provisions relating to the disposition of human remains; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes provisions for the cremation of human remains and the operation of facilities for cremation, regulated by the Nevada Funeral and Cemetery Services Board. (NRS 451.600-451.715) This bill authorizes the use of natural organic reduction for the disposition of human remains, which is defined by **section 1** of this bill as the contained, accelerated conversion of human remains to soil.

Section 3 of this bill revises the definition of “cremation” to include natural organic reduction. As a result of the incorporation of natural organic reduction into this definition, certain penalty provisions for violations of various requirements governing the disposition of human remains and the licensing, permitting and certification of operators and facilities are also applicable to natural organic reduction. (Chapter 642 of NRS, NRS 451.635, 451.715) **Section 9** of this bill makes a conforming change to indicate that a violation of the provisions governing natural organic reduction is subject to certain criminal penalties.

Section 6 of this bill requires containers used for natural organic reduction to consist of materials that are readily reducible by natural organic reduction.

Section 5 of this bill authorizes the Board to adopt regulations governing natural organic reduction.



18 Existing law imposes restrictions on where crematories in certain cities and
19 towns may be located, but provides an exception for crematories proposing to
20 cremate human remains only using alkaline hydrolysis if the board of county
21 commissioners of the county or the governing body of the city or town, as
22 applicable, provides written notice to the Board consenting to the proposed
23 location. (NRS 451.635) **Section 4** of this bill adds crematories proposing to
24 cremate human remains using only natural organic reduction to this exception.

25 Existing law requires cremated remains for certain disposition be reduced to
26 particles no larger than one-eighth of an inch. (NRS 451.700) **Section 8** of this bill
27 exempts the soil resulting from natural organic reduction from this size
28 requirement.

29 **Section 7** of this bill makes a conforming change to account for the inclusion of
30 natural organic reduction, and the soil resulting from it, in the definition of
31 cremation.

32 **Section 2** of this bill makes a conforming change to indicate the proper
33 placement of **section 1** in the Nevada Revised Statutes.

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

1 **Section 1.** Chapter 451 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Natural organic reduction” means the contained, accelerated*
4 *conversion of human remains to soil.*

5 **Sec. 2.** NRS 451.600 is hereby amended to read as follows:

6 451.600 As used in NRS 451.600 to 451.715, inclusive, *and*
7 *section 1 of this act*, unless the context otherwise requires, the
8 words and terms defined in NRS 451.605 to 451.630, inclusive, *and*
9 *section 1 of this act* have the meanings ascribed to them in those
10 sections.

11 **Sec. 3.** NRS 451.617 is hereby amended to read as follows:

12 451.617 “Cremation” means the technical process that reduces
13 human remains to bone fragments *or soil* by using alkaline
14 hydrolysis, ~~or~~ incineration ~~or~~ *or natural organic reduction.*

15 **Sec. 4.** NRS 451.635 is hereby amended to read as follows:

16 451.635 1. No person may cremate human remains except in
17 a crematory whose operator is licensed by the Nevada Funeral and
18 Cemetery Services Board.

19 2. The licensed operator of a crematory shall ensure that all
20 persons physically operating the crematory equipment have
21 completed a crematory certification program approved by the Board
22 and maintain proof of completion of the program at the site where
23 the crematory equipment operated by the person is located. Such
24 proof of completion must be made available to the Board upon
25 request or as part of any inspection or investigation conducted by
26 the Board.



1 3. Except as otherwise provided in subsection 4, if a crematory
2 is proposed to be located in an incorporated city whose population is
3 60,000 or more or in an unincorporated town that is contiguous to
4 such an incorporated city, the Board shall not issue a license to the
5 applicant unless the proposed location of all structures associated
6 with the crematory are:

7 (a) In an area which is zoned for mixed, commercial or
8 industrial use; and

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

11 4. If a crematory proposes to cremate human remains only
12 through alkaline hydrolysis ~~§~~ *or natural organic reduction*, the
13 Board may issue a license to the applicant regardless of the location
14 if the board of county commissioners of the county or the governing
15 body of the city or town, as applicable, in which the crematory is
16 proposed to be located provides written notice to the Board
17 consenting to the proposed location of the crematory.

18 5. The Board shall prescribe and furnish forms for application
19 for licensing. An application must be in 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 reasonably
25 require.

26 6. 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 7. The Board shall examine the structure and equipment and, if
31 applicable, the location and shall issue the license if:

32 (a) It appears that the proposed operation will meet the
33 requirements of NRS 451.600 to 451.715, inclusive, ~~§~~ and *section*
34 *1 of this act; and*

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

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

39 **Sec. 5.** NRS 451.640 is hereby amended to read as follows:

40 451.640 1. The Nevada Funeral and Cemetery Services
41 Board shall adopt regulations for the administration of NRS 451.600
42 to 451.715, inclusive ~~§~~, *and section 1 of this act*. Unless governed
43 by the regulations of the State Board of Health, the regulations of
44 the Nevada Funeral and Cemetery Services Board must include,
45 without limitation:



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

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

6 2. The Nevada Funeral and Cemetery Services Board may
7 bring legal proceedings to enjoin any person who violates any
8 provision of NRS 451.600 to 451.715, inclusive, *and section 1 of*
9 *this act*, any regulation adopted pursuant thereto or any order of the
10 Board from operating a crematory. Any person who is so enjoined is
11 liable to the Board for attorney's fees and court costs.

12 **3. *The Board may adopt regulations prescribing requirements***
13 ***for the conduct of natural organic reduction.***

14 **Sec. 6.** NRS 451.670 is hereby amended to read as follows:

15 451.670 1. No operator of a crematory may require that
16 human remains be placed in a casket, or refuse to accept human
17 remains for cremation because they are not in a casket.

18 2. The container used must:

19 (a) Consist of ~~[readily]~~ :

20 (1) *Readily* combustible materials ~~[or, if alkaline hydrolysis~~
21 ~~will be used to cremate the human remains, materials]~~ *if*
22 *incineration will be used to cremate the human remains;*

23 (2) *Materials* that are readily dissolvable by alkaline
24 hydrolysis ~~[;]~~, *if alkaline hydrolysis will be used to cremate the*
25 *human remains; or*

26 (3) *Materials that are readily reducible by natural organic*
27 *reduction if natural organic reduction will be used to cremate the*
28 *human remains;*

29 (b) Cover the human remains completely when closed;

30 (c) Resist leaking or spilling;

31 (d) Be rigid enough for easy handling or, if alkaline hydrolysis
32 will be used to cremate the human remains, be properly supported
33 during transport; and

34 (e) Protect the health and safety of employees of the operator.

35 3. Unless otherwise ordered in writing by the agent, the
36 operator shall incinerate, ~~[or]~~ dissolve *or reduce* the container, as
37 applicable, as the remains are cremated.

38 **Sec. 7.** NRS 451.680 is hereby amended to read as follows:

39 451.680 1. The agent, or the person charged with arranging
40 for disposition of the body of a person who has ordered his or her
41 own cremation, shall ensure that any artificial device that would be
42 dangerous if ~~[incinerated or subjected to alkaline hydrolysis, as~~
43 ~~applicable,]~~ *cremated* is removed from the human remains before
44 their cremation. If he or she is unable to arrange for its removal



1 before the remains are delivered to a crematory, he or she shall
2 inform the operator of the crematory.

3 2. The space within a crematory where cremation takes place
4 must be enclosed and must not be used for any other purpose than
5 the cremation of human remains. Immediately before a container is
6 placed in this chamber, the identification of the human remains
7 within it must be verified by the operator and any identifying
8 document or label for the urn must be removed from the container
9 and kept near the control panel until cremation is complete.

10 3. Upon the completion of cremation, the operator shall:

11 (a) Remove the recoverable residue from the chamber;

12 (b) Place the bone fragments *or soil, as applicable*, in an urn
13 with proper identification and insofar as practicable place no other
14 material with them unless authorized by the agent; and

15 (c) Dispose of the remaining residue.

16 4. If the cremated remains will not fit in the urn selected by the
17 agent, the operator of the crematory shall hold the remains until the
18 agent selects an urn or urns in which the remains will fit.

19 **Sec. 8.** NRS 451.700 is hereby amended to read as follows:

20 451.700 1. Except as otherwise provided in subsection 2 or
21 authorized by the agent who ordered the cremation, no person may:

22 (a) Scatter cremated remains in such a manner or location that
23 the remains are commingled with those of another person; or

24 (b) Place the cremated remains of more than one person in the
25 same urn unless the persons are friends or members of the same
26 family and the urn is designed for the remains of more than one
27 person.

28 2. Cremated remains may be scattered at sea or over a public
29 waterway, or by air, from individual closed vessels, or scattered in
30 an area of a dedicated cemetery from which there is no means of
31 location or recovery and which is used exclusively for this purpose.

32 3. Cremated remains may be disposed of in any manner upon
33 private property if the agent who ordered the cremation so directs
34 and the owner of the property consents in writing.

35 4. Cremated remains for disposition pursuant to subsection 2 or
36 3, *except soil resulting from natural organic reduction*, must be,
37 and any other cremated remains may be, reduced to particles no
38 larger than 1/8 of an inch.

39 **Sec. 9.** NRS 451.715 is hereby amended to read as follows:

40 451.715 1. It is unlawful for any person to:

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

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



1 (c) Violate any other provision of NRS 451.600 to 451.715,
2 inclusive, *and section 1 of this act*, any regulation adopted pursuant
3 thereto or any order of the Nevada Funeral and Cemetery Services
4 Board.

5 2. It is unlawful for the operator of a crematory to perform a
6 cremation without an order signed by a person authorized to order
7 the cremation pursuant to NRS 451.024 or 451.655.

8 3. If a crematory is operated in this State in violation of any
9 provision of NRS 451.600 to 451.715, inclusive, *and section 1 of*
10 *this act*, any regulation adopted pursuant thereto or any order of the
11 Nevada Funeral and Cemetery Services Board, the crematory is a
12 public nuisance and may be abated as such.

13 **Sec. 10.** 1. This section becomes effective upon passage and
14 approval.

15 2. Sections 1 to 9 of this act become effective:

16 (a) Upon passage and approval for the purpose of adopting any
17 regulations and performing any other preparatory administrative
18 tasks that are necessary to carry out the provisions of this act; and

19 (b) On January 1, 2024, for all other purposes.

