

Assembly Bill No. 289–Assemblymen Carter; La Rue Hatch, C.H.
Miller, Summers-Armstrong and Watts

Joint Sponsor: Senator Pazina

CHAPTER.....

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.

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

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

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

Section 2 of this bill makes a conforming change to indicate the proper 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:

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

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

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

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

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

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

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

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

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

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

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

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

4. If a crematory proposes to cremate human remains only through alkaline hydrolysis ~~or~~ *or natural organic reduction*, the



Board may issue a license to the applicant regardless of the location if the board of county commissioners of the county or the governing body of the city or town, as applicable, in which the crematory is proposed to be located provides written notice to the Board consenting to the proposed location of the crematory.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The Nevada Funeral and Cemetery Services Board may bring legal proceedings to enjoin any person who violates any provision of NRS 451.600 to 451.715, inclusive, and *section 1 of this act*, any regulation adopted pursuant thereto or any order of the



Board from operating a crematory. Any person who is so enjoined is liable to the Board for attorney's fees and court costs.

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

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

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

2. The container used must:

(a) Consist of ~~readily~~ :

(1) *Readily* combustible materials ~~for, if alkaline hydrolysis will be used to cremate the human remains, materials~~ *if incineration will be used to cremate the human remains;*

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

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

(b) Cover the human remains completely when closed;

(c) Resist leaking or spilling;

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

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

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

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

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

2. The space within a crematory where cremation takes place must be enclosed and must not be used for any other purpose than the cremation of human remains. Immediately before a container is placed in this chamber, the identification of the human remains within it must be verified by the operator and any identifying



document or label for the urn must be removed from the container and kept near the control panel until cremation is complete.

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

(a) Remove the recoverable residue from the chamber;

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

(c) Dispose of the remaining residue.

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

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

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

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

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

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

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

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

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

451.715 1. It is unlawful for any person to:

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

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

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



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

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

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

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

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

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



