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WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

REGULATIONS
OF
THE WASHOE COUNTY DISTRICT BOARD OF HEALTH
GOVERNING

PUBLIC ACCOMMODATION FACILITIES

**Washoe County Health District
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**ADOPTED BY THE WASHOE COUNTY DISTRICT BOARD OF HEALTH (DBOH) ON DECEMBER 21, 2020
APPROVED BY THE NEVADA STATE BOARD OF HEALTH ON MARCH 5, 2021**



Public Health
Prevent. Promote. Protect.

Health Regulations Governing Public Accommodation Facilities

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AUTHORITY

**WASHOE COUNTY HEALTH DISTRICT
REGULATIONS GOVERNING THE SANITATION AND SAFETY OF
PUBLIC ACCOMMODATION FACILITIES**

WHEREAS, the Washoe County Health District has been established by the County of Washoe and the cities of Reno and Sparks, as the Public Health Authority for those entities, pursuant to Nevada Revised Statutes (NRS) 439; and

WHEREAS, the Washoe County District Board of Health is the governing body of the Washoe County Health District, and is vested with jurisdiction over all public health matters within its district of Washoe County, Nevada, and is authorized to adopt Regulations necessary to protect and promote the public health and safety in the geographical area subject to its jurisdiction; and

WHEREAS, the Washoe County District Board of Health finds that the sanitation and safety of public accommodation facilities does affect the public health, and that it is necessary to adopt Regulations Governing the Sanitation and Safety of Public Accommodation Facilities to prevent and control the spread of communicable disease, and to promote and regulate the safety and sanitary condition of those establishments; and

WHEREAS, the Washoe County District Board of Health believes that the following Regulations are designed to protect the public health and safety, it does therefore publish, promulgate and order compliance with the substantive and procedural requirements hereinafter set forth within Washoe County, Nevada.

NOW, THEREFORE, BE IT RESOLVED that the Washoe County District Board of Health does hereby adopt the following regulations governing Public Accommodation Facilities within the Washoe County Health District.

SECTION 010

GENERAL PROVISIONS

Summary of Acronyms used in this Regulation

EPA = United States Environmental Protection Agency

°F = Degrees Fahrenheit

FIFRA = Federal Insecticide, Fungicide and Rodenticide Act

IDLH = Immediately Dangerous to Life or Health

NAC = Nevada Administrative Code

NRS = Nevada Revised Statute

NSF = National Sanitation Foundation International

OCD = Office of Communicable Disease (Health District)

OSHA = Occupational Safety and Health Administration

PPE = Personal Protective Equipment

ppm = parts per million

psi = pounds per square inch

SOP = Standard Operating Procedure

UBC = Uniform Building Code (latest edition)

UPC = Uniform Plumbing Code (latest edition)

WCHD = Washoe County Health District

DEFINITIONS

General

As used in these Regulations, unless the context otherwise requires, the following words and terms set forth in sections 010.005 through 010.470 have the meanings ascribed to them in those sections.

- 010.005 “Agency of jurisdiction” defined.** The agency of jurisdiction is the local building department, safety authority, fire marshal, business licensing, police or other federal, state or local health agency, federal regulatory agencies, departments of agriculture, other than the Health Authority, having jurisdiction concerning construction, operation, maintenance, and public safety of a public accommodation facility.
- 010.010 “Approved” defined.** Approved means acceptable to the Health Authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health.
- 010.015 “Bathroom” defined.** A bathroom is a room which contains bathtub or a shower, or both, and a toilet.
- 010.020 “Bed and breakfast facility” defined.** A bed and breakfast facility is a public accommodation facility located within a commercial home offering bed and breakfast accommodations to one or more persons.
- 010.025 “Bed frame” defined.** A bed frame is an open metal or wooden support framework upon which a bed is placed to allow floor clearance.
- 010.030 “Bedding” defined.** Bedding includes mattresses, box springs quilts, blankets, sheets, pillows, comforters and spreads.
- 010.035 “Biocide” defined.** A biocide is an Environmental Protection Agency (EPA)-registered physical or chemical agent capable of killing microorganisms.
- 010.040 “Biofilm” defined.** Biofilm means an assemblage of microbial cells attached to an environmental surface and enclosed in a matrix primarily composed of polysaccharides that is not easily removed by normal rinsing or water flow. Mineral crystals (scale), corrosion particles, clay or silt particles, may be present within or on the biofilm matrix.
- 010.045 “Biohazardous Waste” defined.** Biohazardous Waste means waste which, because of its characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Reference: Regulations of the Washoe County District Board of Health Governing Solid Waste

Management, Section 080.

- 010.050 “Biohazardous Waste Management Plan defined.** Biohazardous Waste Management Plan means a written document that explains how a facility manages its biohazardous waste, from generation to disposal.
- 010.055 “Biohazard event” defined.** A biohazard event is an event in which a biological agent, including pathogenic microorganisms and their toxins, causes a condition that may constitute a threat to human health and safety.
- 010.060 “Board of Health” defined.** Board of Health means the District Board of Health of the Washoe County Health District created pursuant to Chapter 439 of the Nevada Revised Statutes and by the interlocal agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada.
- 010.065 “Box frame” defined.** A box frame is a closed support frame upon which a bed is placed to allow floor clearance.
- 010.070 “Cease and Desist Order” defined.** A Cease and Desist Order is a written Order issued by the Health Authority which directs the responsible person to immediately stop doing or allowing a specific action to occur at a public accommodation facility. A Cease and Desist Order does not include a direction to completely cease operating a public accommodation facility. Under certain circumstances, a Cease and Desist Order can include a timeframe to achieve compliance with the Order so long as there is not an imminent threat to public health or safety.
- 010.075 “Certified applicator” defined.** A certified applicator is a person who is certified by the Nevada Department of Agriculture and is qualified to use or supervise the use of restricted-use pesticides.
- 010.080 “Clean” defined.** Clean means free of visible dirt, dust, sludge, foam, slime (including algae and fungi), rust, scale, mineral deposits, accumulation of impurities, and/or other foreign material.
- 010.085 “Common bathroom” defined.** A common bathroom is a guest bathroom that is to be shared by the guests of more than one (1) guest room.
- 010.090 “Communicable disease” defined.** A communicable disease means a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism. Communicable diseases are those listed in NAC 441A.040.
- 010.095 “Community Assistance Facilities” defined.** A Community Assistance Facility is a public accommodation facility consisting of a building or group of buildings designed or intended to be used for the purpose of offering lodging to transitory individuals or families for a designated period of time. Community Assistance Facilities are supervised and may include a common restroom, bathroom, and/or kitchen facilities.

- 010.100 “Decorative items” defined.** Decorative items mean upholstered or fabric items displayed in the room, including, but not limited to, accent pillows for beds and furniture.
- 010.105 “Designee” defined.** A designee is a person(s) selected or designated to carry out a duty or role.
- 010.110 “Disinfect” defined.** Disinfect means to carry out a process that kills most or significantly reduces pathogenic microorganisms.
- 010.115 “Disinfectant” defined.** A disinfectant is an EPA-registered antimicrobial agent, such as a chemical, or heat that destroys, neutralizes, or inhibits the growth of pathogenic microorganisms. All chemical disinfectants must provide a strength equivalent to at least 50 ppm of free available chlorine at a pH of 7.0 to 7.6 in their normal use concentration.
- 010.120 “Disposable article” defined.** A disposable article is a cup, container, lid, closure, plate, knife, fork, spoon, stirrer, paddle, straw, placemat, napkin, doily, wrapper or similar article which is made wholly or in part from a synthetic or other readily destructible material and which is intended to be discarded after a single use.
- 10.125 “Easily cleanable” defined.** “Easily cleanable” means a characteristic of a surface that:
- A. Allows effective removal of soil by normal cleaning methods;
 - B. Is dependent on the material, design, construction, and installation of the surface; and
 - C. Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants based on the surface's approved placement, purpose, and use.
- 010.130 “Environmental surface” defined.** An environmental surface is the surface of any furniture, equipment, fixture, walls, floors, ceilings, bathtubs, showers or similar surface which is part of a public accommodation facility.
- 010.135 “EPA-registered” defined.** EPA-registered means any chemical or substances, including sanitizers, sterilizers, biocides, or other substances which must be registered with the United States EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) prior to their distribution and use by industry and consumers.
- 010.140 “Faucet” defined.** A faucet is a device that regulates the flow rate of water at the point of delivery at a sink or bathtub.
- 010.145 “Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)” defined.** Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is the federal law found in Title 7 of the United States Code, Chapter 6, Subsection 136 et. seq., amended 1996 which provides for federal control of pesticide distribution, sale, and use. EPA was given

authority under FIFRA not only to study the consequences of pesticide usage but also to require users (farmers, utility companies, and others) to register when purchasing pesticides. Later amendments to the law require users to take exams for certification as applicators of pesticides. All pesticides used in the United States must be registered (licensed) by EPA.

- 010.150 “Foot-candle” defined.** Foot-candle is a unit of measure of the intensity of light falling upon a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.
- 010.155 “Fumigation” defined.** Fumigation is the application of a poisonous substance that has a vapor pressure greater than five (5) millimeters of mercury at 77° F that is intended to destroy living organisms (e.g., methyl bromide).
- 010.160 “Furniture” defined.** Furniture is the movable articles in a guest room or public area that make it fit for living or working. Furniture includes but is not limited to, tables, chairs, bed headboards, bed frames, box frames, sofas, carpets, curtains, pictures, vases, mirrors, televisions and other electrical equipment, and appliances. Bedding, utensils, and tableware are NOT considered furniture.
- 010.165 “Garbage” defined.** “Garbage” means putrescible animal and vegetable waste resulting from the handling, storage, preparation, cooking, sale and serving of food and beverage. This includes, but is not limited to:
- A. Offal, swill, kitchen and table waste, and other organic animal and vegetable waste;
 - B. Bottles, cans, cups, plates, utensils, containers, and any other materials that have been in direct contact with a food or beverage; and
 - C. Components used in the preparation or manufacture of food intended for animal or human consumption.
- 010.170 “Guest” defined.** A guest is any person other than employees, either paying or non-paying, that uses any part of a public accommodation facility.
- 010.175 “Guest room” defined.** A guest room is any sleeping or resting rooms and contiguous areas such as bathrooms, kitchens, kitchenettes, etc., intended for private use by a guest or guests of a public accommodation facility.
- 010.180 “Guest room attendant” defined.** A guest room attendant is any public accommodations facility employee who, as part of his or her normal work assignment, performs the routine cleaning and upkeep (excluding maintenance items) of one or more guest rooms.
- 010.185 “Health Authority” defined.** “Health Authority” means the officers and agents of the Washoe County District Board of Health.
- 010.190 “Health District” defined.** “Health District” means the Washoe County Health District created pursuant to NRS 439 and the interlocal agreement of the City of Reno,

the City of Sparks, and the County of Washoe, Nevada. It includes all the incorporated cities and unincorporated areas within the geographic boundaries of Washoe County, Nevada.

- 010.195 “Health Permit” defined.** A Health Permit is written approval by the WCHD to operate a public accommodation facility, under the provisions of these Regulations. Approval is given in accordance with these Regulations and is separate from any other licensing requirements of other agencies of jurisdiction that may exist within communities or political subdivisions comprising the WCHD.
- 010.200 “Health Permit revocation” defined.** Health Permit revocation occurs when the Health Authority revokes all permission to operate a public accommodation facility based on cause due to the presence of significant health and safety hazards. Upon receipt of the revocation Order, the public accommodation facility must cease immediately all renting, leasing, or other occupation of guest rooms and must close all facilities such as laundry facilities operated under the Health Permit. Revocations are intended to result in permanent closure of the public accommodation facility. The public accommodation facility may seek relief through the appeal process outlined in these regulations.
- 010.205 “Health Permit suspension” defined.** Health Permit suspension occurs when the Health Authority suspends all permission to operate a public accommodation facility based on cause due to the presence of significant health and safety hazards that are facility wide or are of such severity to cause an imminent hazard to the health and safety of guests and employees. Suspensions may lead to eventual Health Permit Revocation. The public accommodation facility may seek relief through the appeal process outlined in these Regulations.
- 010.210 “Hostel” defined.** A hostel is a public accommodation facility consisting of a building or group of buildings in which there are five (5) or more guest rooms used, designed, or intended to be used, let, or rented out for the purpose of offering to the general public transitory lodging. Hostels are supervised, and may include a common restroom, bathroom, and kitchen facilities.
- 010.215 “Hotel” defined.** A hotel is any public accommodation facility which is a building or group of buildings in which there are three (3) or more guest rooms used, designed, or intended to be used, let, or rented out for the purpose of offering to the general public lodging, on a day-to-day basis, where the primary entrance is through a lobby or foyer.
- 010.220 “Hot water” defined.** Hot water is water that attains and maintains a temperature between 90- and 120-degrees Fahrenheit. Each use of hot water in a public accommodation facility may require a more specific temperature range, (e.g., water at a hand sink should range from 100 to 110 degrees Fahrenheit).
- 010.225 “Housekeeping cart” defined.** A housekeeping cart is any cart used by guest room attendants to facilitate cleaning, linen exchange, and other routine housekeeping activities associated with guest room upkeep.

- 010.230 “Immediately Dangerous to Life or Health (IDLH)” defined.** Immediately Dangerous to Life or Health (IDLH) means conditions that pose an immediate threat to life or health or conditions that pose an immediate threat of severe exposure to contaminants which are likely to have adverse cumulative or delayed effects on health.
- 010.235 “Kitchenette” defined.** A kitchenette is a room or area within a single guest room of a public accommodation facility that must have the following amenities: a kitchen sink supplied with hot and cold potable water; cooking facilities such as a microwave oven, convection oven, or stove; a washable counter for food preparation; a refrigerator; and a cupboard or other kitchen cabinetry, and a ventilation hood. A kitchenette may also have an automatic dishwasher with a sanitizing cycle. Any other amenities are optional (NAC 447.170).
- 010.240 “Laundry” defined.** Laundry means washing using a mechanical washer and dryer.
- 010.245 “Medical attention” defined.** Medical attention is care given to an individual by a medical professional or other legally credentialed allied health practitioner, such as an emergency medical technician or first responder.
- 010.250 “Medical professional” defined.** A medical professional is a licensed, certified, or registered provider of health care such as a physician, physician assistant, osteopathic physician, advanced practitioner of nursing, registered nurse, podiatric physician, or a licensed hospital as the employer of any such person.
- 010.255 “Mold” defined.** Mold is any of the microscopic organisms of the kingdom Fungi, which possess a filamentous structure or mycelium. Molds are devoid of chlorophyll and generally have cell walls made primarily of chitin.
- 010.260 “Motel” defined.** A motel is a public accommodation facility which consists of a building or group of two (2) or more detached or semi-detached buildings containing one (1) or more guest rooms, each with a separate exterior entrance, used as a room for lodging on a day-to-day basis.
- 010.265 “National Sanitation Foundation International (NSF)” defined.** National Sanitation Foundation International (NSF) is an independent, not-for-profit organization that offers programs and services to augment and support the work of regulatory officials. This includes the development of public health standards, certification of products to those standards, and education and training in all areas of environmental health, including air, water, and food safety.
- 010.270 “Nuisance” defined.** A nuisance is anything which is injurious to health or offensive to the senses, so as to interfere with the comfort or endanger the health or safety of the public.
- 010.275 “Outbreak” defined.** An outbreak is the occurrence of cases of a communicable disease in a community, geographic region or particular population at a rate in excess of that which is normally expected in that community, geographic region or particular

population (NAC 441A.130).

- 010.280 “Overflow Facility” defined.** An Overflow Facility is a public accommodation facility consisting of a building or group of buildings designed or intended to be used for the purpose of offering lodging to transitory individuals during periods of time when the primary facility is at capacity. The overflow facility must comply with all standard operating procedures outlined by the Community Assistance Facility they operate under, that have been approved by the Health Authority.
- 010.285 “Owner/Operator” defined.** The owner/operator is the person or persons who own, manage, lease, act as the primary point of contact or otherwise control the construction, remodeling, operation or maintenance of a public accommodation facility.
- 010.290 “Pathogenic” defined.** Pathogenic means the ability to produce disease.
- 010.295 “Permit holder” defined.** “Permit holder” means the entity that:
- A. Is legally responsible for the operation of the public accommodation facility such as the owner, the owner's agent, or other person; and
 - B. Possesses a valid permit to operate a public accommodation facility.
- 010.300 “Person” defined.** “Person” means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.
- 010.305 “Personal hygiene items” defined.** Personal hygiene items are articles such as bars of soap, bath gel, bubble bath, shampoo, conditioner, lotion, mouthwash, toothbrushes, toothpaste, cotton swabs, cotton balls, razors, shaving cream, emery boards, combs, brushes, tweezers, menstrual products, powder, etc., which are used for personal cleanliness and/or grooming.
- 010.310 “Plumbing Code (PC)” defined.** Plumbing Code means the current adopted (by the building department of the agency of jurisdiction) Uniform Plumbing Code - "UPC".
- 010.315 “Potable water” defined.** Potable water means any water, from an approved source such as an approved domestic water supply, which is bacteriologically safe and otherwise suitable for drinking and meets the standards established by the Nevada Division of Environmental Protection as defined in NRS 445A.855.
- 010.320 “Premises” defined means:**
- A. The physical facility, its contents, and the contiguous land or property under the control of the permit holder; or
 - B. The physical facility, its contents, and the land or property not described in Subsection A of this definition if its facilities and contents are under the control of the permit holder and may impact public accommodation personnel, facilities, or operations.
- 010.325 “Principal” defined.** A principal is an owner, officer, partner, member or technician

of a pest control business who has qualified by examination in one or more of the categories of pest control set forth in NAC 555.280.

- 010.330 “Primary principal” defined.** A primary principal is a principal who:
- A. Is the only principal for a pest control business; or
 - B. Has been designated by a pest control business licensed pursuant to NAC 555.370 as the person responsible for the daily supervision of the category or categories of pest control performed by each business location of the pest control business within this state.
- 010.335 “Public accommodation facility” defined.** A public accommodation facility is a hotel/casino, resort, hotel, motel, bed and breakfast facility, hostel, or other facility offering rooms or areas to the public for monetary compensation or other financial consideration on an hourly, daily, or weekly basis.
- 010.340 “Public area” defined.** A public area is any area open to public view, whether indoors or outdoors, excluding guest rooms, at a public accommodation facility to which the public has approved access.
- 010.345 “Public water system” defined.** “Public water system” means a system, regardless of ownership, that provides the public with water for human consumption through pipes or other constructed conveyances, as defined in NRS 445A. The term includes:
- A. A facility for the collection, pumping, treatment, storage or distribution of water which is controlled by the operator of the system and used primarily in connection with the system; and
 - B. A facility for the collection or storage before treatment of water which is not controlled by the operator of the system but is used primarily in connection with the system.
- 010.350 “Putrescible waste” defined.** “Putrescible waste” means waste that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors, gases, and attract and/or harbor vectors, or cause similar objectionable conditions. Food wastes, offal and dead animals are examples of putrescible waste.
- 010.355 “Recycling” defined.** “Recycling” means the process by which salvaged materials are transformed into new products.
- 010.360 “Refuse” defined.** “Refuse” means garbage for purposes of these regulations.
- 010.365 “Residual pressure” defined.** Residual pressure is the pressure available at the fixture or water outlet after allowance is made for pressure drop due to friction loss, head, meter, and other losses in the system during maximum demand periods.

- 010.370 “Restricted-use pesticide” defined.** A restricted-use pesticide is any pesticide, including any highly toxic pesticide, which the Nevada State Department of Agriculture has determined after a hearing, to be injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or detrimental to vegetation, except weeds; wildlife; or public health and safety; or has been classified for restricted use by or under the supervision of a certified applicator in accordance with Title 7, Agriculture; Chapter 6, Insecticides and Environmental Pesticide Control; Subchapter II, Environmental Pesticide Control; Section 136.
- 010.375 “Restroom” defined.** A restroom is a public room that contains one or more toilets and one or more lavatories.
- 010.380 “Rubbish” defined.** “Rubbish” means non-putrescible waste, consisting of both combustible and noncombustible waste(s) such as, but not limited to, paper, cardboard, bottles, tin and iron cans, wood, glass, bedding, crockery and similar materials.
- 010.385 “Sanitization” defined.** “Sanitization” means the application of cumulative heat or chemicals on cleaned surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5-logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.
- 010.390 “Sealed” defined.** “Sealed” means free of cracks or other openings that could allow the entry or passage of moisture.
- 010.395 “Scale reduction” defined.** Scale reduction is any mechanical or chemical method used to remove the formation of hard water mineral deposits which have formed scale on equipment, plumbing, or any other surfaces where its build up has significantly reduced the function or sanitary condition of the object.
- 010.400 “Service animal” defined.** “Service animal” means an animal that has been trained to assist or accommodate a person with a disability.
- 010.405 “Sewage” defined.** “Sewage” means a combination of the liquid and water-carried wastes from any building or plumbing fixture together with such groundwater, surface water and storm water as may be present. Water-carried wastes include, but are not limited to, excrement and liquid wastes from kitchens, water closets, laundries, portable or non-sewered toilets and holding tanks.
- 010.410 “Showerhead” defined.** A showerhead is a perforated nozzle assembly that sprays water on a guest taking a shower.
- 010.415 “Short-term rental” defined.** A Short-term rental (STR) refers to existing single-family dwelling units where lodging is provided within either the entire home or a portion of the home for a rental period of less than 28 days for compensation.

- 010.420 “Significant water/moisture” defined.** Significant water/moisture means:
- A. The presence of uncontrolled visible water or detectable moisture which persists for more than twenty-four (24) hours from an unmitigated source such as a roof leak, pipe leak or similar unexpected source; or
 - B. The presence of uncontrolled visible water or detectable moisture which originates from the normal activities associated with a public accommodation facility and continues on an ongoing basis.
- 010.425 “Single-service articles” defined.** Single-service articles means tableware, carry-out utensils, and other items such as bags, containers, place mats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one (1) time, one person use after which they are intended for discard.
- 010.430 “Smooth” defined means:**
- A. A surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;
 - B. A surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and
 - C. A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.
- 010.435 “Solid waste” defined.** Solid waste means garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semisolid commercial and industrial waste. The term does not include hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive.
- 010.440 “Substantial Health Hazard” defined.** A Substantial Health Hazard means any factor or condition which has the potential to risk or cause injury to public health.
- 010.445 “Tableware” defined.** “Tableware” means bowls, cups, serving dishes, tumblers, plates, eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons.
- 010.450 “Uniform Building Code” (UBC) defined.** Uniform Building Code means the current adopted (by the building department of the agency of jurisdiction) Uniform Building Code - "UBC".
- 010.455 “Used bedding” defined.** Used bedding is any mattress, box spring, cot, futon, bed sheet, mattress pad, blanket, bedspread, comforter, quilt, dust ruffle, pillow, pillow case, cushion, or other materials used in the filling of any of the above or similar articles which has been previously used prior to receipt by the operator of a public accommodations facility.
- 010.460 “Utensils” defined.** Utensils are any tableware or kitchenware used in the storing, preparing, conveying or serving of food; specifically including, but not limited to, ice buckets, ice scoops, tongs, and coffee pots and/or carafes.

- 010.465 “Variance” defined.** “Variance” means a written document issued by the Health Authority that relieves a permit holder from one (1) or more requirements of these regulations if, in the opinion of the Health Authority, a health hazard or nuisance will not result from the issuance of the variance.
- 010.470 “Vending machine” defined.** “Vending machine” means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.
- 010.475 “Waiver” defined.** “Waiver” means a written agreement between the Health Authority and a permit holder that authorizes an operator to utilize safety controls equivalent to the provisions in these regulations if, in the opinion of the Health Authority, a health hazard will not result. Supporting documents for a waiver may include, but are not limited to operational plans, scientific challenge studies, monitoring logs, and validation studies from certified authorities.
- 010.480 “Warewashing” defined.** “Warewashing” means the cleaning and sanitizing of utensils and food contact surfaces of equipment.

SECTION 020

HEALTH PERMITS

020.005 Health Permit required

- A. It shall be unlawful for any person to operate a public accommodations facility in Washoe County without having first obtained a permit to operate from the Health District in accordance with Section 020 of these regulations.
- B. Permits must be prominently displayed in the public accommodations facility and shall not be defaced or altered in any manner.
- C. The permit holder shall pay a fee in accordance with the approved fee schedule established by the Washoe County District Board of Health.
- D. New permits to operate shall be issued; existing permits shall be renewed annually and shall be conditioned upon full compliance with these regulations.
- E. Permits shall be non-transferable from person to person or place to place.
- F. All public accommodation facilities must have a current and valid Health Permit issued by the Health District in order to operate.

020.010 Exemptions

The Health Authority may exempt a public accommodation facility that meets the following conditions:

- A. Bed and Breakfast facilities are exempt if:
 - 1. The number of guest bedrooms does not exceed six (6); and
 - 2. The bed and breakfast operations does not exceed a capacity of ten (10) persons.
- B. Short term rental facilities are exempt:
 - 1. A Business License has been issued for the facility from the agency of jurisdiction.

020.015 Applications for and issuance of Health Permits to operate

- A. Prior to commencing the operation of any public accommodation facility, the owner/operator designee, business entity, or agent must make written application for a Health Permit on forms provided by the Health Authority, pay all applicable fees, and receive written approval from the Health Authority to operate.
- B. When making application for a Health Permit to operate a public accommodation facility, the following information and items must be brought to the Health Authority for review and/or approval:

1. The name, location and mailing address of the public accommodation facility;
 2. The applicant's full name, mailing address, and signature;
 3. A statement indicating whether the applicant is a natural person, firm or corporation;
 4. If the applicant is a natural person, the name and mailing address shall be provided;
 5. If the applicant is a firm or partnership, the name(s) and mailing address(es) of the managing partner(s) shall be provided;
 6. If the applicant is a corporation, the names and mailing addresses of the corporate officers shall be provided;
 7. If the applicant is a limited liability company, the name(s) and mailing address(es) of the manager(s) shall be provided;
 8. The name of the owner/operator of the public accommodation facility and signature;
 9. Proof of ownership or lease agreement for the property and buildings on which the public accommodation facility will be built;
 10. A complete set of construction plans including all schedules (e.g., floor plans, elevations, electrical schematics, etc.), must be submitted for all proposed construction, remodel, or work requiring building plan submittal.
- C. Health Permits shall be issued by the Health Authority to public accommodation facilities found to be in compliance with these Regulations.
- D. Health Permits shall be subject to review and renewal annually.
- E. Any operations and/or facilities operating at the same address or on the same property as a public accommodation facility that would require a Health Permit to operate, must have a separate Health Permit issued by the Health Authority, respectively.

Fees

020.020 Application fee for permit to operate

An application fee for permit to operate a public accommodation facility must be accompanied by payment of the following fees in accordance with the fee schedule adopted by the Board of Health:

- A. An annual public accommodation facility permit fee; and
- B. An application fee.

020.025 Payment of renewal fees

The operator of a public accommodation facility shall pay an annual permit renewal fee in accordance with the fee schedule adopted by the Board of Health.

020.030 Late Fees

A late fee shall be charged to any permit holder who fails to pay the renewal fee by the permit's annual renewal date. The late fee shall be in accordance with the fee schedule adopted by the Board of Health and must be paid in addition to the annual fee.

020.035 Permit application fee, refund

Permit applicants may request a refund for the fees charged for a permit application. The request must be in writing and the refund shall be processed in accordance with the Washoe County Health District's current refund policy.

020.040 Invalidation of permit, transferring prohibited

A permit issued by the Health Authority is not transferable from person to person and is only valid for the establishment for which it was initially issued.

020.045 Invalidation of a permit for failure to pay renewal fees

A permit shall become invalid if the permit holder fails to pay the required renewal fee and, if applicable, any late fee or reinspection fee. Once a permit becomes invalid, the associated establishment may not be operated again until a new permit is obtained from the Health Authority.

020.050 Operation Plans and SOP's

The Owner/Operator or their designee must provide a copy of the following Standard Operating Procedures (SOP's) and/or Plans to be implemented during day to day operations or in the case of an emergency. The Health Authority may require additional plans and SOP's to those listed below on an as needed basis.

- A. SOP's are required to be submitted for review during the application process and must on site and reviewed at the time of opening inspection and required for all subsequent inspections.
 - 1. SOP's on cleaning/disinfection protocol for facility (to include but not limited to guestrooms, ice buckets, coffee pots and other table/glassware, restrooms, exercise facilities, etc.);
 - 2. SOP's for on-site laundry facilities;
 - 3. SOP's for on-site cleaning and sanitization for incidences of vomiting and diarrhea;

4. SOP's for maintaining and cleaning kitchenettes and tableware;
5. Biohazardous Waste Management Plan as required in the current Regulations of the Washoe County District Board of Health Governing Solid Waste Management; Outbreak response plan for communicable diseases such as but not limited to norovirus.

20.055 Responsibilities of permit holder

Upon acceptance of the permit issued by the Health Authority, the permit holder in order to retain the permit shall:

- A. The current Health Permit must be posted conspicuously behind the front service counter in the lobby at a location visible to the Health Authority upon inspection;
- B. Comply with the provisions in these regulations;
- C. Cooperate fully with the Health Authority during inspections and investigations of complaints;
- D. Replace existing facilities and equipment with facilities and equipment that comply with these regulations if:
 1. The Health Authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria, upon which the facilities and equipment were accepted, or
 2. The Health Authority directs the replacement of facilities and equipment because of a change of ownership.

SECTION 030

PLAN REVIEW

030.005 Plan review, when required

Plans shall be submitted to the local Building Department for review and approval by the Health Authority when:

- A. Constructing a new public accommodation facility;
- B. Renovating an existing structure to use as a public accommodation facility; or
- C. Remodeling an existing public accommodation facility.

Plans must be approved by the Health Authority before starting any construction.

30.010 Plan review, specifications

A plan review shall comply with the regulatory standards of the Health Authority, including:

- A. NAC and NRS;
- B. UBC and UPC; and
- C. Other applicable codes.

The plans for a public accommodation facility must include the following information:

- A. The proposed layout of:
 - 1. Guestrooms;
 - 2. Common areas;
 - 3. Bathrooms;
 - 4. Kitchenettes;
 - 5. Ice machines;
 - 6. Laundry facilities;
 - 7. Linen storage;
 - 8. Sundries storage;
 - 9. Area designed for wash, rinse, sanitization tableware and utensils;
 - 10. Storage area for housekeeping carts;
 - 11. Chemical storage;
 - 12. Biohazardous waste storage, and
 - 13. Area for dumpster(s) including the dumpster pad and trash receptacles;
- B. Construction details for water plumbing:
 - 1. Domestic, Irrigation, Fire backflows;
 - 2. If there is a kitchenette, reference 050.080.
- C. Construction details for sewer plumbing:

3. Floor sinks;
 4. Floor drains; and
 5. Air gaps from ice machines, dishwashers, laundry sink and tableware/utensil sink.
- D. Construction details for ventilation and lighting;
 - E. Construction materials and finish schedules for walls, floors, ceilings and fixtures;
 - F. Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities and installation specifications;
 - G. Evidence that an application has been submitted for a Health Permit to Operate and standard procedures have been developed or are being developed; and
 - H. Any other information for the proper review of the proposed construction, renovation or remodel of a public accommodation facility.

030.015 Plan review, on-site corrections

The Health Authority may approve on-site modifications to approved plans or require corrections of construction deficiencies or omissions when necessary to comply with regulatory standards.

30.020 Plan review, fees

The Health Authority may charge fees for:

- A. Plan review;
- B. Inspections associated with the construction of a public accommodation facility; and
- C. Extension of the expiration date if construction is not completed within 18 months of approval.

030.025 Plan review, expiration

Approved plans expire if construction is not completed within 18 months after approval. The expiration date for plans may be extended for an additional 6 months by written request and a fee. Expired plans must be resubmitted for review and no construction is allowed until the resubmitted plans are approved by the Health Authority.

30.030 Plan review, stop work order

The Health Authority may issue a stop work order when any work is:

- B. Contrary to the regulatory standards; or
- C. Proceeding in a manner not in accordance with approved plans.

A stop work order is a written notice served on any person engaged in work or causing work to be done. A person who is served shall immediately stop work until authorized by the Health Authority. A person constructing a public accommodation facility without approval may be subject to penalties or prosecution pursuant to chapter 447 of NRS and NAC and the applicable regulations.

SECTION 040

SUBSTANTIAL HAZARDS TO PUBLIC HEALTH AND SAFETY

040.005 Substantial health hazard

A substantial health hazard may be created by or result from the operation of any public accommodation facility as defined in Section 010. This may include, but is not limited to the following:

- A. A water supply that is not approved by the Health Authority.
- B. A defect or condition that exists in the system supplying potable water that may result in the contamination of the water. A cross-connection between the potable and non-potable water distribution systems, such as landscape irrigation, air conditioning, heating, and/or fire suppression.
- C. A back siphonage event.
- D. Sewage that is not disposed of in an approved and sanitary manner.
- E. An infestation, harborage or propagation of vermin.
- F. The presence of toxic or noxious gases, vapors, fumes, mists or particulates in concentrations immediately dangerous to life or health, or in concentrations sufficient to cause an environmental disease or a public nuisance.
- G. The presence of any unapproved pesticide residues in the interior building areas of a public accommodation facility, in food establishments contained within the public accommodation facility, or in any food present in the facility; or the presence of excessive restricted-use pesticides in any outdoor area of a public accommodation facility; or any evidence of the indiscriminate use of a pesticide or herbicide which may be injurious to the health of humans.
- H. The presence of any disease-causing organism in water exposed to the atmosphere, which has caused an environmental disease in the public accommodation facility.
- I. An employee infected with a communicable disease which represents an immediate hazard to staff or guests.
- J. Equipment and surfaces that by condition, design, construction or use poses an immediate risk of entrapment, fall, puncture, pinch, crush, trip, or other cause of injury.
- K. Environmental surfaces, furnishings, beds, mattresses, pillows, blankets, linen, towels, chairs or other items within a room that are stained with blood or bodily fluids, soiled, or infested with vermin; or are in an otherwise unsanitary condition.
- L. Any unmitigated biohazardous event.

- M. Missing or inoperable smoke detection equipment in each sleeping or separated living area.
- N. Inability of the heating and cooling equipment to maintain the room temperature between 68°F and 80°F by thermostatic control in all living and sleeping rooms while being used by guests.
- O. The presence of uncontrolled putrescible waste within the public accommodation facility, on the facility grounds, or in waste accumulation and disposal areas in quantity and duration as to create a nuisance.
- P. All illegal clandestine drug laboratories and related activities.

If any hazard is deemed to be a “substantial health hazard” by the Health Authority, and is not mitigated in a timely manner and/or in a timeframe determined by the Health Authority; or if the property owner/operator is found to have prior knowledge of said hazard and did not take appropriate measures to mitigate the issue in a timely manner, enforcement action including fines, notice of violation, permit suspension or revocation for the facility may be implemented.

SECTION 050

PUBLIC AREAS, GUEST ROOMS, COMMON AREAS, AND SANITATION

050.005 Ice Machines and Guest Ice

- A. Ice used in a public accommodation facility must be made of water obtained from a water supply approved by the State of Nevada Division of Environmental Protection, Bureau of Safe Drinking Water or the ice must be obtained from a permitted food establishment approved by the Health Authority.
- B. All ice-making machines must be certified by National Sanitation Foundation (NSF) or an equivalent third-party certification organization and located, installed, operated and maintained so as to prevent contamination of the ice.
- C. The owner/operator or designee at the public accommodation facility must have and adhere to an appropriate or effective routine maintenance and cleaning schedule for ice machines.
- D. Ice must be handled, transported and stored in a manner which protects it from contamination.
- E. Ice machines that are provided for direct use by guests must be designed to dispense ice cubes automatically from a storage area, which is within the machine and is inaccessible to the guest.
- F. Ice buckets, ice scoops and other containers and utensils used for ice, unless of a disposable/single-use type, must be made of a smooth, impervious material and designed to permit effective cleaning. Such containers must be properly cleaned and sanitized in the same manner as tableware and/or utensils as defined in Section 010 of these Regulations after guest check out and must be stored and handled in a sanitary manner.
- G. New, disposable/single-use, food-grade plastic ice bucket liners must be provided each day that the guest room is occupied; unless the ice bucket is discarded and replaced between each guest.

050.010 Tableware

- A. Suitable areas and equipment must be provided for the cleaning, sanitizing, drying and storage of tableware. Such equipment must be installed and/or placed:
 - 1. With a drain indirect to sewer;
 - 2. On, at a minimum, a composite tile or other approved floor, with wall-to-floor junctures sealed with base coving;
 - 3. In a room with a minimum 50 foot-candles of light measured 30 inches above the floor;

4. On adjacent walls with coverings of fiberglass-reinforced plastic paneling or equivalent where moisture is likely to occur;
 5. In a room with an enclosed ceiling, finished with a smooth, washable surface; and
 6. In a room maintained to prevent the contamination of equipment, tableware or utensils.
- B. In-room cleaning and sanitizing of any tableware is permitted in a guest room with use of an in-room automatic dishwasher with a required sanitizing cycle.
 - C. If the tableware is not cleaned using a dishwasher in the guest room, a sink with three (3) compartments and integral double drain boards or a dishwasher having a functional and/or adequate sanitizing cycle must be used in another area of the facility. All sinks must be certified by NSF or equivalent third- party certification organization.
 - D. Dish tables and drain boards must be large enough to accommodate the separate proper handling of soiled and clean tableware.
 - E. A handwashing sink, supplied with hot and cold running water and dispenser-fed liquid soap and disposable towels, must be installed within any room, other than a guest room, used for washing tableware, utensils or glassware.
 - F. The Health Authority may approve any type of facility, device, or procedure for cleaning and sanitizing tableware if the owner/operator or designee demonstrates that it is effective and reliable for that purpose.
 - G. If no dishwashing facilities are available, single-use tableware only must be provided.

Manually washing and sanitizing of required items outside of guest rooms

050.015 Warewashing machines, internal baffles

Warewashing machine wash and rinse tanks must be equipped with baffles, curtains, or other means to minimize internal cross-contamination of the solutions in wash and rinse tanks.

050.020 Warewashing machines, temperature measuring devices

A warewashing machine must be equipped with a temperature measuring device that indicates the temperature of the water:

- A. In each wash and rinse tank; and
- B. As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

050.025 Warewashing machines, flow pressure device

- A. Warewashing machines that provide a fresh hot water sanitizing rinse must be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the warewashing machine; and
- B. If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device must be mounted in a 6.4 millimeter or one-fourth (1/4) inch Iron Pipe Size (IPS) valve.
- C. Subsections A and B of this section do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

050.030 Warewashing sinks and drainboards, self-draining

Sinks and drainboards of warewashing sinks and machines must be integrated and self-draining.

050.035 Manual warewashing equipment, heaters and baskets

If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink must be:

- A. Designed with an integral heating device that is capable of maintaining water at a temperature not less than 171°F (77 °C); and
- B. Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

050.040 Manual warewashing, sink compartment requirements

- A. Except as specified in Subsection C of this section, a sink with at least three (3)-compartments must be provided for manually washing, rinsing, and sanitizing equipment and utensils.
- B. Sink compartments must be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in Subsection C of this section must be used.
- C. Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:
 - 1. High-pressure detergent sprayers;
 - 2. Low- or line-pressure spray detergent foamers;
 - 3. Other task-specific cleaning equipment; and/or

4. Brushes or other implements.

050.045 Temperature measuring devices, manual and mechanical warewashing

- A. In manual warewashing operations, a temperature measuring device must be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.
- B. In hot water mechanical warewashing operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the utensil surface temperature.

050.050 Sanitizing solutions, testing devices

A test kit or other device that accurately measures the concentration in mg/L (ppm) of sanitizing solutions must be provided.

050.055 Cleaning agents and sanitizers, availability

- A. Cleaning agents that are used to clean equipment and utensils as specified in these regulations, shall be provided and available for use during all hours of operation.
- B. Except for those that are generated on-site at the time of use, chemical sanitizers that are used to sanitize equipment and utensils as specified in these regulations, shall be provided and available for use during all hours of operation.

050.060 Warewashing of tableware

All tableware must be cleaned and sanitized in a warewashing machine or washing sink (not located in the guest room) and must meet all specifications for warewashing as required in the Washoe County District Board of Health Regulations Governing Food Facilities.

050.065 Warewashing equipment, determining chemical sanitizer concentration

Concentration of the sanitizing solution must be accurately determined by using a test kit or other device.

050.070 Storage and handling

- A. All tableware must be stored at least six inches above floor level in a clean and dry location so that it is protected from splash, dust and other contamination.

- B. All cleaned and sanitized tableware must be handled by employees of a public accommodation facility in such a manner that no part of their hands or clothing touch any surfaces of the tableware which will later be in contact with the food or the user's mouth.
- C. All cleaned tableware must be protected from contamination. Acceptable methods include, but are not limited to, wrapping, paper caps, a utensil drawer with an organizer, placement upside-down on a doily, cabinets, and bins.

050.075 Kitchenettes

No community kitchen facilities are permitted without approval from the Health Authority. Any approval will require SOP's to be submitted and approved for the use of community kitchen facilities.

- A. A kitchenette, when provided, must have all the following facilities:
 - 1. A sink which is supplied with adequate hot and cold running water. The hot water must be able to reach a temperature of 120°F at the faucet within two minutes and be supplied at a pressure at the faucet of at least 20 psi.
 - 2. Cooking equipment that is properly installed and has a means to remove smoke, fumes, and odors within the guest room, such as a hood with a fan or other ventilation system.
 - 3. A washable container for waste.
 - 4. A counter for food preparation. The surface of the counter must be durable, impervious, smooth, and easily cleanable. Solid surface, stone, laminate, and other surfaces are acceptable.
 - 5. A refrigeration unit for holding cold food. The unit must be capable of maintaining a temperature of 41°F or lower.
 - 6. A cupboard or other receptacle in which utensils, tableware and food can be stored protected from contamination.
- B. All tableware stored for use by guests in a kitchenette must be washed, rinsed, and sanitized between guests in an approved three-compartment sink or a dishwasher with a sanitizing cycle.

050.080 Disposable/single-use articles

- A. All disposable/single-use articles in a public accommodation facility must be stored in closed cartons or containers to protect the contents from contamination and be handled and dispensed in a manner that will prevent contamination.
- B. Disposable/single-use articles may be used only once.

050.085 Public area

All common areas (include but are not limited to: lobbies, elevators, game rooms, exercise rooms, hallways, areas that provide vending machine/ice machine services, stairwells & sitting areas), of public accommodation facilities must be maintained in a clean and sanitary manner, free of nuisances.

050.090 Public restrooms

- A. A toilet room used by persons experiencing menstruation must be provided with a covered receptacle for menstrual products.
- B. All public restrooms must be kept in sanitary condition and good repair.
- C. The floors of all public restrooms must be thoroughly cleaned and sanitized at least daily.
- D. All surfaces of toilets, urinals, and other fixtures which may come in contact with a person's body in a public restroom, must be cleaned and sanitized at least daily. Any other surfaces not specifically addressed must be maintained in a clean condition.
- E. All public restrooms must be stocked with a sufficient supply of toilet paper, disposable paper or single-use cloth towels and liquid soap dispensed from easily cleanable permanent wall- or counter-mounted dispensers.
- F. Cloth towels provided in public restrooms for use by guests and customers must be dispensed in a manner that clearly facilitates single use prior to laundering. If cloth towels are provided for this purpose, they must be stored for use, dispensed, and stored for re-laundering in a sanitary manner

050.095 Guest room bedding, linen and towels

- A. Guest rooms are required to be fully cleaned in between guests and all bedding items are to be removed and replaced with clean, laundered items.
- B. All items of bedding, linen, and towels must be protected from contamination by dust or filth.
- C. All guest room bathrooms must be provided with a sufficient supply of clean towels.
- D. All beds kept or used in any public accommodation facility must be provided with a sufficient supply of clean bedding, which is appropriately sized, while the room is occupied.
- E. Sheets and pillowcases must be replaced at least twice weekly, at the request of a guest, or whenever they have become soiled or are in disrepair.

- F. Clean bedding that is found to be in poor condition during the room make-up process must be discarded and replaced.
- G. Clean linen and bedding must not be stored or transported in laundry bags, laundry carts or other containers which have been used for soiled linen unless the operator of the public accommodation facility demonstrates to the Health Authority that the containers are, or can be, properly cleaned and their surfaces sanitized.

050.100 Third-party linen provider

When a third-party linen provider is used, any bedding, linens, towels, and/or conveyances that are found to be dirty, stained, or otherwise in poor condition must be rejected at the receiving dock and returned to the third-party linen provider.

050.105 Baths, showers, toilets and lavatories

- A. Common bathrooms servicing guest rooms are prohibited in all public accommodations newly built or remodeled one year after the effective date of these regulations.
- B. Each guest room in a public accommodation facility must contain, at a minimum, one toilet, one lavatory, and one shower and/or bathtub, which may include a bathtub/shower combination.
- C. All baths, showers, toilets and lavatories must be kept in good repair.
- D. While being used by guests, the floors of the bathrooms and toilet rooms must be sanitized each day, unless the guest has declined regular guest room services. If a guest declines regular guest room services, the public accommodation facility must ensure that these surfaces are cleaned and sanitized at least once per week and between guests.
- E. While being used by guests, every surface of a bathtub, shower, shower enclosure, toilet and lavatory, which may come in contact with a person's body, must be sanitized each day, unless the guest has declined regular guest room services. If a guest declines regular guest room services, the public accommodation facility must ensure that these surfaces are cleaned and sanitized at least once per week and between guests.
- F. Specialty bath equipment such as fill-and-drain whirlpool spa bathtubs in guest rooms must be thoroughly cleaned and sanitized on a regular basis. Facility must ensure the proper chemicals are utilized to provide scale reduction.
- G. Cloths used for cleaning and sanitizing dirty environmental surfaces of the guest room shall be used in one guest room only, and then be placed in the dirty compartment of the housekeeping cart when the guest room attendant has completed cleaning that room.

- H. All other surfaces of the bathroom must be cleaned and sanitized when visibly soiled or dirty but at least once a week, unless the guest has declined regular guest room services. If a guest declines regular guest room services, the public accommodation facility must ensure that these surfaces are cleaned and sanitized at least once per week. In the event that the guest room remains vacant, the public accommodation facility must ensure that the guest room is cleaned and sanitized prior to use by the next guests.
- I. All under-the-counter cabinets must be maintained in a clean, dry, and structurally sound condition.
- J. The cabinets must be replaced if the understructure shows warping, peeling and/or rotting.

050.110 Exemption from requirement for number of water closets, bathtubs or showers in certain public accommodation facilities

- A. The Health Authority may exempt any public accommodation facility built prior to October 1, 1945, from having the number of water closets, bathtubs, or showers required by NRS 447 for the following reason: The exemption will not result in detriment to the health of the occupants or to the sanitation of the building.
- B. The Health Authority has no authority under this section to exempt any public accommodation facility built after October 1, 1945, from having the number of water closets, bathtubs, or showers required by NRS 447.

050.115 Sanitation of guest room following occupation by guest having a communicable disease

- A. Whenever the responsible person knows or suspects that a guest room has been occupied by a person with a reportable infectious illness, the guest room shall be thoroughly cleaned and sanitized, including fumigation, as needed, depending on the suspected or known pathogen.
- B. All linens, towels, and bedding from the contaminated guest room shall be thoroughly laundered, dried and disinfected before reuse.
- C. The guest room shall not be occupied by new guests until the timeframe recommended by the manufacturer of the treatment substance, such as a fumigant, has passed.

050.120 Pets and service animals

- A. No pet or service animal may be allowed to create a nuisance.
- B. Animal wastes must be cleaned up as often as necessary to prevent nuisances, odors, and transmission of zoonotic diseases.

- C. Facility must have a plan in place to pick up all pet waste and/or rinse down outdoor areas to ensure there is no nuisance. All waste must be removed from the site in accordance with the Washoe County District Board of Health Regulations Governing Solid Waste Management.

SECTION 060

FACILITIES AND EQUIPMENT

060.005 Repair

Physical facilities of a public accommodation facility must be maintained in good repair.

060.010 Certain areas prohibited from use as quarters for living or sleeping

It is unlawful for any person to use, or to permit another person to use, any of the following portions of a public accommodation facility for living or sleeping purposes:

- A. Any kitchen, cellar, hallway, bathroom, bath, shower compartment, or slop-sink room.
- B. Any other room or place which does not comply with the provisions of this chapter, or in which, in the judgment of the Health Authority, living or sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition, a want of light, windows, ventilation or drainage, dampness, or offensive or obnoxious odors or poisonous gases in the room or place, or a lack of exits as required by the version of the Uniform Building Code being used by the agency of jurisdiction.

060.015 Air space, floor area and ceiling height of rooms

No room for sleeping purposes shall have less than 500 cubic feet of air space for each occupant. The floor area of each sleeping room must be at least 80 square feet and at least seven (7) feet in width. All rooms must have a ceiling height of at least eight (8) feet.

060.020 Floors

- A. Every floor and every floor covering, must be kept clean and in good repair, sanitized or replaced so that it will not become a hazard to safety or health.
- B. The floors in areas used for washing and sanitizing tableware and in laundry areas, kitchenettes, and in areas in bathrooms and toilet rooms, which are next to the tub, shower or toilet, must be constructed of smooth, durable, nonabsorbent and easily cleanable material.

- C. The floors must not be covered with carpeting in areas used for washing and sanitizing tableware, in laundry areas, in kitchenettes, and in areas in bathrooms and toilet rooms, which are next to the tub, shower, or toilet. The appropriate Health Authority may prohibit the use of carpeting in any other area, which it deems would be made unsanitary by the use of carpeting.
- D. Every concrete, tile, ceramic and vinyl floor installed in a bathroom, toilet room, laundry room or kitchenette must be coved at the junctures between the floor and the walls. All material used to cove the junctures must be fitted snugly to the floor and the walls so there are no openings large enough to permit the entrance of vermin.

060.025 Walls, ceilings and closures

- A. All walls, ceilings, doors, windows, skylights, other closures, fixtures and decorative material must be kept in good repair, smooth and easily cleanable.
- B. All windows must be properly installed and maintained in good repair.
- C. All guest room windows and sliding glass doors must be properly screened and maintained.
- D. All windows designed to open no further than 4 inches are exempt from screening requirements.
- E. The walls of bathrooms, toilet rooms, rooms for washing tableware, and kitchenettes must be smooth and easily cleanable.
- F. The materials used in constructing the walls and ceilings must be joined along their edges so as to leave no open spaces or cracks.
- G. Studs, joists, rafters and beams must not be left exposed in bathrooms, toilet rooms, laundry rooms or kitchenettes. If left exposed in other areas, these structural members must be suitably finished and be kept clean and in good repair.

060.030 On-site laundry facilities

When bedding, linens, and/or towels are laundered in-house, then:

- A. They must be laundered, folded, and stored in an area that is clean and well maintained.
- B. Separate storage areas must be designated for soiled bedding, linen, and towels away from clean bedding, linen, and towels.
- C. There must be an adequate hot water supply to the on-site laundry facilities.
- D. There must be an adequate number of washing machines, dryers, and folding tables to handle the volume of laundry generated at the public accommodation facility. Such approved equipment must be installed or placed:
 - 1. With a drain indirectly connected to sewer;

2. On, at a minimum, a composite tile or other approved floor, with wall-to-floor junctures sealed with base coving;
 3. In a room with a minimum 50 foot-candles of light measured 30 inches above the floor;
 4. On adjacent walls with coverings of fiberglass-reinforced plastic paneling or equivalent where moisture is likely to occur;
 5. In a room with an enclosed ceiling, finished with a cleanable surface;
 6. Light bulbs must be shielded, coated, or otherwise shatter-resistant.
- E. The washing machines, dryers, and folding tables must be maintained in good operating condition.
 - F. There must be a handwashing sink, supplied with hot and cold running water and dispenser-fed liquid soap and disposable towels installed in the laundry room and/or chemical storage and handling room.
 - G. Prior to their next use, bedding, linens, and towels must be washed with soap or detergent and sanitized with a product labeled for that use.
 - H. Laundry that arrives in the laundry facility, which has been exposed to a biohazardous event, must be handled in accordance with the Biohazardous Waste Management Plan written for the facility and all applicable regulatory requirements.
 - I. Laundered bedding, linen, and towels must be stored at least six (6) inches above the floor level in a clean, ventilated, illuminated, and well-maintained place until used.
 - J. Linen storage shelves or cabinets must be constructed of smooth, non-porous, corrosion, and water damage-resistant material.
 - K. All shelving utilized to store linens, food supplies, tablecloths, bedding, or room supplies is required to be durable, smooth, easily cleanable, and an impervious surface. Any existing wooden or combination shelving that has been sealed with an enamel sealing paint or clear coat is allowable provided the sealant has not degraded or peeled. If the surface has peeled or it is no longer sealed, the shelving will be required to be replaced in accordance with the requirements.

060.035 Housekeeping carts

- A. Each cart shall be maintained in good working condition.
- B. Each cart shall be maintained in clean and sanitary condition.
- C. Clean items shall not come into contact with any soiled articles or chemicals on the cart.

- D. Each cart used for combined delivery of clean articles and removal of items for laundering must have a separate storage bin or bag for the soiled articles. The storage bin shall be made of a cleanable, smooth, and impervious material while storage bags shall be made of a durable material that is machine washable unless the bag is for single use only.
- E. Laundry storage bins and bags shall be washed whenever they become visibly dirty.
- F. All containers of chemicals used for maintaining guest rooms must be labeled.
- G. All containers used for storing dirty or soiled cleaning articles must be labeled.
- H. All laundry carts must be cleaned nightly, or between shifts if they are utilized by separate staff.

060.040 Furniture

All furniture must be kept in good repair, cleanable, and maintained in a clean and sanitary condition. Furniture items observed with tears, worn fabric, or otherwise damaged will be required to be removed and disposed of or repaired.

060.045 Used bedding and furniture

- A. The owner/operator or designee may not sell, trade, give away, or otherwise allow the transfer of any used bedding (as defined in Section 1), carpet, area rugs, and/or used upholstered furniture (this includes but is not limited to sofas, chairs, curtains, or lampshades) from their public accommodation facility for use in another public accommodation facility (unless approved by the Health Authority prior to transfer). This prohibition does not include the exchange of non-upholstered, impervious furniture that is in good condition between properties that are operated under the same management group, when such a need arises.
- B. No used bedding and/or used furniture may be recovered from any landfill, dump, dumpster or other waste disposal, junkyard, or hospital for the purpose of reuse in a public accommodation facility.

060.050 Lighting

- A. At least 50 foot-candles of light at a distance of 30 inches (76.2 cm) from the floor must be provided in each area for washing tableware and in each kitchenette.
- B. At least 20 foot-candles of light at a distance of 30 inches (76.2 cm) from the floor must be provided in each laundromat area for guest use, toilet room, bathroom and in each other area during cleaning.
- C. At least 15 foot-candles of light at a distance of 30 inches (76.2 cm) from the floor must be provided in any area used for living or sleeping.

060.055 Smoke alarms

- A. Each guest room must be equipped with at least one working smoke alarm, which is installed, maintained, and tested according to existing fire codes.
- B. The smoke alarm must be free of foreign matter such as tape or paint that could impair its proper function.

060.060 Heating and ventilating systems

- A. All bathrooms and toilet rooms must be adequately ventilated so that excessive moisture is removed from the room.
- B. Each system for heating, cooling or ventilation must be properly maintained and operational at all times that guest rooms are occupied.
- C. All sleeping rooms, bathrooms and toilet rooms must be capable of being maintained at a temperature between 68°F (20°C) and 80°F (26.7°C) while being used by guests.
- D. The use of portable space heaters is prohibited in guest rooms, unless there is an emergency and the use of additional heating apparatus may be provided on a temporary basis.

060.065 Water supply

- A. The potable water supply for each public accommodation facility must be from a source approved by the State of Nevada Division of Environmental Protection, Bureau of Safe Drinking Water and must meet all NRS 445A requirements.
- B. Each public accommodation facility must be supplied with a hot and cold potable water supply that meets all sanitary purposes, including water for culinary, bathing, lavatory, and laundering.
- C. Anytime the owner/operator receives a water quality-related complaint in which two or more persons report similar illness within 24 hours of each other, the responsible person shall obtain the name, address, phone number (room number if the affected individual is a guest), along with a list of the reported symptoms and name of the medical facility to which the ill persons are being transported, if medical attention is sought. The responsible person shall then report the alleged illnesses to the Health Authority immediately via the Health Authority's 24-hour telephone line.

060.070 Approved plumbing system

- A. Drinking water for public accommodation facilities shall be obtained from an approved source that is a public water system meeting NRS 445A, NAC 445A and 40 CFR 141.

- B. The potable water system must be installed and maintained in such a manner that there is no cross connection between it and any other system.
- C. Every room with laundry facilities must have a drain in the floor of the room. The floor must be sloped to provide proper drainage.
- D. Each washing machine, dishwasher or sink used for washing laundry, tableware or utensils, and all ice machines must drain through an approved air gap to a floor sink. Air gap is required to be a minimum of 2 x diameter of the pipe. If pipe diameter is 0.5 inches or less, the air gap must be a minimum of 1 inch.

060.075 Backflow prevention device, design standard

- A. A backflow or back-siphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.
- B. The written results of annual backflow prevention device testing must be made available at the public accommodation facility for Health Authority review.

060.080 Plumbing system

Except as otherwise provided in these regulations, all plumbing systems including individual sewage disposal system piping, must be sized, constructed, installed, located and maintained according to the requirements in the most recent edition of the Uniform Plumbing Code or pursuant to the authority having jurisdiction. Plumbing systems must also be:

- A. Composed of nontoxic materials;
- B. Repaired in accordance with applicable local or state law; and
- C. Approved by the Health Authority.

060.085 Cleanable fixtures

A plumbing fixture such as a handwashing sink, toilet, or urinal shall be easily cleanable.

060.090 Water damage evaluation

Whenever evidence of significant water/moisture intrusion from any source is found within or on the walls, ceilings, attic spaces, crawl spaces, floors, carpeted surfaces, ventilation ducts, insulation, or other materials or areas which may promote the growth of mold, the source of the water or moisture must be identified and stopped to prevent or reduce mold growth.

060.095 Maintenance areas

- A. Maintenance areas shall be well maintained and chemical storage and use shall be conducted in accordance with manufacturer's instructions.
- B. Maintenance areas where chemicals are processed or mixed shall have a sink supplied with hot and cold running water and dispenser-fed liquid soap and disposable towels.

060.100 Storing maintenance tools

Maintenance tools such as brooms, mops, vacuum cleaners, and similar items must be:

- A. Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and
- B. Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

060.105 Maintaining premises, unnecessary items and litter

The premises must be free of:

- A. Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and
- B. Litter.

060.110 Solid waste storage and disposal

All solid waste storage and disposal must be in compliance with the current Washoe County District Board of Health Regulations Governing Solid Waste Management.

060.115 Indoor storage area

If located within the public accommodation facilities, a storage area for refuse, recyclables, and returnables must meet the requirements set forth by the Health Authority.

060.120 Outdoor storage surface

An outdoor storage surface for refuse, recyclables, and returnables must be smooth and durable, maintained in good repair and constructed of nonabsorbent material such as concrete or asphalt, and sloped to drain when a drain is present.

060.125 Outdoor enclosure

If used, an outdoor enclosure for refuse, recyclables, and returnables must be constructed of durable and cleanable materials.

060.130 Receptacles

- A. Except as specified in Subsection B of this section, receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue must be durable, cleanable, insect- and rodent-resistant, leak-proof, and nonabsorbent.
- B. Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the public accommodation facility, or within closed outside receptacles.
- C. Receptacles and waste handling units for refuse and recyclables such as an on-site compactor must be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

060.135 Outside receptacles

Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the public accommodation facility shall be designed and constructed to have tight-fitting lids, doors, or covers.

060.140 Storage areas, rooms and receptacles, capacity and availability

- A. An inside storage room and area and outside storage area and enclosure, and receptacles must be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.
- B. A receptacle must be provided in each area of the public accommodation facility or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.
- C. If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

060.145 Storing refuse, recyclables and returnables

Refuse, recyclables, and returnables must be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

060.150 Areas, enclosures and receptacles, good repair

Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

060.155 Outside storage prohibitions

- A. Except as specified in Subsection B of this section, refuse receptacles not meeting the requirements specified under Section 060.130 such as receptacles that are not rodent resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.
- B. Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

060.160 Maintaining refuse areas and enclosures

A storage area and enclosure for refuse, recyclables, or returnables must be maintained free of unnecessary items, as specified under Section 060.105 through 060.155 and clean.

060.165 Cleaning receptacles

- A. Receptacles and waste handling units for refuse, recyclables, and returnables must be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and wastewater must be disposed of as specified under Section Conveying sewage.
- B. Soiled receptacles and waste handling units for refuse, recyclables, and returnables must be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

060.170 Approved service

All public accommodation facilities must subscribe to an approved garbage collection service.

060.175 Storing refuse, recyclables and returnables, frequency

Refuse, recyclables, and returnables must be removed from the premises at a frequency not to exceed seven (7) days to minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

060.180 Receptacles or vehicles

Refuse, recyclables, and returnables shall be removed from the premises by way of:

- A. Portable receptacles that are constructed and maintained according to law; or
- B. A transport vehicle that is constructed, maintained, and operated according to law.

060.185 Community or individual facility

Solid waste not disposed of through the sewage system such as through grinders and pulpers shall be recycled or disposed of in an approved public or private community recycling or refuse facility; or solid waste shall be disposed of in an individual refuse facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to law.

Sewage Disposal

060.190 Conveying sewage

Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

060.195 Approved sewage disposal system

Sewage shall be disposed through an approved facility that is:

- A. A public sewage treatment plant; or
- B. An on-site sewage disposal system that is sized, constructed, maintained, and operated according to law.

Any sewage discharge, sewer pipe leaks, spills or backflow onto the ground must be stopped and/or contained within four (4) hours or the facility may be subject to closure by the Health Authority.

All sewage spills must be remediated in a manner that eliminates potential disease transmission, offensive odors, sewage solids, and sewage litter.

060.200 Other liquid wastes and rainwater

Condensate drainage and other nonsewage liquids and rainwater shall be drained from the point of discharge to disposal according to law.

060.205 Personal hygiene supplies

- A. A supply of toilet paper must be provided to guests for use in the guest room bathroom.
- B. A supply of single-use soap must be made available for use by guests.
- C. Used personal hygiene items left by departing guests must be discarded.
- D. Permanently mounted stocked soap and shampoo dispensers may be provided for tub, shower, or lavatory use.

060.210 Outdoor areas

All outdoor areas including, but not limited to, parking areas, walkways, landscaped areas, storage areas, service buildings, and undeveloped grounds must have sufficient drainage to prevent water from collecting and stagnating in pools and must be kept clean and free of any health hazards.

060.215 Pools and spas

All pools and spas are required to be permitted by the Washoe County Health District and must be in compliance with the current Washoe County District Board of Health Regulations Governing Public Pools and Public Spas.

060.220 Fitness centers & gyms

- A. Fitness areas and gym areas must be regularly cleaned and at a minimum once daily, or as needed during the day.
- B. Fitness areas must have a restroom and hand washing station in close proximity for all guests.
 - 1. Guests must have access to the restroom and hand washing area at all times the fitness area and gym are open.

060.225 Exemption of certain existing facilities and equipment from design, construction requirements

If any facility or equipment being used by the owner/operator or his/her designee of a public accommodation facility one year from the implementation date of these Regulations does not meet the requirements for design and construction established in this section, the operator is exempted from those requirements and may continue to use the facility or equipment provided it is in good repair, is capable of being cleaned and maintained in a sanitary condition, and does not create a health hazard, safety hazard, or nuisance condition.

SECTION 070

EMPLOYEES

070.005 Illness reporting and duty status

- A. Any employee who has been diagnosed by a medical professional licensed or registered to practice medicine or nursing in the state in which they practice and excluded from work by that medical professional or the WCHD Division of Communicable Disease program (CD) because he or she:
 - 1. Has a communicable disease,
 - 2. Is in a carrier state of a communicable disease,
 - 3. Has a boil or other infected wound, or
 - 4. Has an acute respiratory infection,
 - 5. Must not work until cleared, in writing, by a medical professional licensed or registered to practice medicine or nursing in the state in which they practice.
- B. The WCHD CD program shall make the final decision whether or not an excluded employee is released to work based on the requirements of NAC 441A.
- C. During the course of an outbreak investigation conducted by the Health Authority at a public accommodation facility, all employees will cooperate with the Health Authority in investigating the outbreak, including providing information on illness signs and symptoms.

070.010 Employee Training

- A. All employees that are directly involved in the servicing or maintenance of guest rooms shall be trained to recognize obvious health hazards in the guest room. Any employee encountering such a health hazard shall immediately report it to his or her supervisor or the owner/operator or designee.
- B. All employees designated to be directly involved in responding to biohazard events must be trained in biohazard issues and handling in accordance with OSHA standards.
- C. All employees must maintain good personal hygiene practices as appropriate for their work assignment.

070.015 Handwashing

Each employee working in a public accommodation who comes in contact with amenities, tableware, linen or who cleans toilets, bathrooms, or restrooms while servicing guest rooms or public restroom facilities shall thoroughly wash their hands with soap and warm water, change soiled gloves:

- A. Before starting work each day,
- B. After personal restroom use,
- C. As often as may be required to remove soil and contamination.

070.020 Employee clothing

- A. The outer garments of each person engaged in handling bedding, linen, towels or tableware in a public accommodation facility must be kept visibly clean.
- B. Soiled employee clothing stored on site must be stored in a designated area away from clean clothing and other laundered items.

070.025 Employee facilities

Employee locker rooms must be maintained in a clean, sanitary, and safe condition.

SECTION 080

FOOD SERVICE AND FOOD SERVICE FACILITIES

- 080.005** All food service, food service facilities, groceries, and other facilities on site must be in compliance with the current Washoe County District Board of Health Regulations Governing Food Establishments.

SECTION 090

COMMUNITY ASSISTANCE FACILITIES

090.005 General provisions

- A. Community assistance facilities must be in compliance with the Public Accommodation regulations prior to opening and operating.
- B. The Owner/Operator of a community assistance facility must submit an operations plan that includes policies and procedures for handling both day to day operations of the facility, and in the case of an emergency.
- C. Overflow facilities for community assistance locations must have a separate permit for each location. The owner/operator must submit an operations plan that includes policies and procedures for handling the day to day operations of the facility, conditions when the facility will open and operate, and in case of emergency. Owner/operator is required to contact the Health Authority a minimum of 48 hours prior to opening facility to arrange for a site inspection.
- D. If food service is provided at any community assistance facility all operations must be in accordance with the Washoe County District Board of Health Regulations Governing Food Establishments and may require specific permits to operate.

SECTION 100

CONTROL OF VERMIN

100.005 General provisions and preventive measures

The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests must be controlled to eliminate their presence on the premises by:

- A. Corrective engineering measures may be required by the Health Authority whenever a pest control problem is identified.
- B. All openings to the exterior of a public accommodation facility must be protected to prevent access of or by rodents, flies and other vermin.
- C. Access doors such as those used for warehouse access must be kept closed when not in use unless a control measure such as an air curtain or bird netting is being used to prevent vermin entry.
- D. The interior and exterior of a public accommodation facility must be maintained in a condition, which will prevent the harborage or feeding of vermin.
- E. Guest rooms found to have live rodents, cockroaches, bed bugs, or other vermin in type and number to cause a public health nuisance must be closed to the public immediately and until the presence or infestation is eliminated.
- F. The solid waste receptacle storage area must be checked for evidence of vermin activity.

Corrective actions must be taken whenever evidence of vermin activity is found

100.010 Removing dead or trapped birds, insects, rodents and other pests

Dead or trapped birds, insects, rodents, and other pests must be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

100.015 Pest control

- A. All pesticides must be used in accordance with the manufacturer's recommended directions and labeling instructions and stored in a safe manner.
- B. Only certified applicators or persons under the direct supervision of a primary principal or principal, as defined by NRS 555.2618, NAC 555.2555, and NAC 555.256, may apply restricted-use pesticides at a public accommodation facility.
- C. Any activities involving fumigation must be performed in compliance with NRS and NAC 555.

- D. The Health Authority may require that the responsible person enter into a contract for licensed commercial pest control service whenever the Health Authority determines that:
1. An In-house pest control applicator does not have a current Nevada Restricted Use Pesticide Certificate issued in their name by the Nevada Department of Agriculture which includes approval in at least the commercial certification categories of Industrial Pest Control and Institutional Pest Control of NAC 555.620 7(a) and 7(b) respectively;
 2. In-house pest control measures are inadequate to maintain control of pests;
 3. An in-house certified applicator is not available or is not being used;
 4. Adequate in-house records as required in Section 100.025 are not being maintained; or
 5. In-house pest control chemicals are being stored or applied improperly.

100.020 Rodent waste clean-up

All rodent waste clean-up must be completed in a manner which reduces the disturbance of rodent feces, urine, and saliva particles and associated mists. Proper PPE must be used during cleanup activities.

100.025 Record keeping

- A. The public accommodations facility must ensure that a copy of all records which document the receipt of pest control services from licensed commercial applicators, for the past two (2) year timeframe, are maintained on-site for review by the Health Authority.
- B. If the public accommodation facility has an in-house certified applicator performing their pesticide applications, then records documenting all pest control applications at the public accommodation facility must be kept as per NAC 555.700 for the past two (2) years indicating the date, type, and location of pest control activities.

100.030 Required reporting

Any out-of-control infestation of vermin must be reported to the Health Authority.

SECTION 110

COMPLIANCE AND ENFORCEMENT

110.005 Modification of regulations/waiver

The Health Authority may modify or augment the requirements of these regulations to assure public health and safety. Requirements may also be waived by the Health Authority when, in their opinion, no imminent health hazard will result.

110.010 Interference with performance of duty

- A. It is unlawful for any person to interfere with the Health Authority in the performance of his or her duties, pursuant to NRS 199.300.
- B. No person shall refuse entry or access to any representative of the Health Authority upon presentation of appropriate credentials, who request to inspect any property, premise or place at which any public accommodation facility is located for the purpose of ascertaining compliance with these regulations. No person shall obstruct, hamper or interfere with any such inspections.
- C. During hours of operation, the Health Authority shall be permitted access to the public accommodation facility as often as necessary, to determine compliance with these regulations.

110.015 Inspection frequency

The Health Authority shall conduct inspections and reinspections of public accommodation facilities:

- A. At least once per calendar year; and
- B. As often as necessary to ensure compliance with any applicable provisions of these regulations.

110.020 Written report

- A. Upon completion of the public accommodation facility inspection, the Health Authority representative shall prepare a written report describing any findings. The report must set forth any deficiencies discovered during the inspection.
- B. Deficiencies may be present that do not constitute a substantial threat to public health and safety.
- C. Corrective actions for these types of deficiencies shall be noted on the inspection report and be assigned a specified period of time within which the indicated corrections must be completed.

- D. A copy of the completed report must be furnished to the owner, operator, or designee of the public accommodation facility upon completion of the inspection. The completed report may be provided electronically.

110.025 Notice of Violation

Whenever the Health Authority determines that any of these regulations have been violated, they may issue a written Notice of Violation (NOV) to the responsible party. If any violation or combination of violations noted on the inspection report constitutes a substantial threat to health and safety, then the following actions may be taken by the Health Authority:

- A. The notice must specify the details of the violation, what section(s) of the regulations are in violation and the time frame for correcting the violation;
- B. The NOV must be issued to the person responsible for the violations; and
- C. Must be on forms approved by the Health Authority for this purpose.
- D. If a violation is located within a guest room or multiple guest rooms operated by the public accommodation facility, then the Guest Room(s) will be identified and closed until a reinspection has been completed.
- E. Guest rooms which have been ordered closed by the Health Authority may not be rented, leased, or otherwise occupied until cleared by the Health Authority following a reinspection.
- G. If all guest rooms are closed; all activities related to the facility's operation must cease until the substantial health hazards noted on the Notice of Violation are corrected and a satisfactory reinspection has occurred.
- H. If the violation is located in any part of the public accommodation facility other than a guest room, then the Notice of Violation issued by the Health Authority describing the violation, its location within the public accommodation facility, the corrective action necessary to remedy the situation in a manner that protects public health and safety, and a time frame within which the corrective action must be completed.

110.030 Failure to correct a deficiency

- A. Failure of the owner/operator or designee to correct a deficiency within the period specified in the written report is a violation of these Regulations.
- B. Violations that constitute a substantial threat to public health and safety and their remedies are addressed in Section 4 of these Regulations.
- C. A public accommodation facility which has any guest room or other area (such as a laundry room, chemical storage area, equipment room, or dish washing area) closed due to a substantial health hazard must pay a reinspection fee prior to requesting a reopening inspection of the guest room(s) or area(s) in question (see the current edition of the Washoe County Health District Fee Schedule).

- D. Pursuant to NRS 447.210, every proprietor, owner/operator or designee, manager, lessee or other responsible person in charge of any public accommodation facility who fails to comply with NRS and/or NAC 447 or these Regulations, whether through their own acts, or those of their agent or employee, is guilty of a misdemeanor.
- E. Every day that any public accommodation facility is in violation of NRS and/or NAC 447 or these Regulations constitutes a separate offense.

SECTION 120

SUSPENSION AND REVOCATION

120.005 Insanitary or other condition

Whenever the Health Authority finds an insanitary or other condition in the operation of public accommodation facility which, in their judgment, constitutes a substantial hazard to the public health, they may, without warning, notice or hearing:

- A. Suspend the permit and all public accommodation facility operations affected must be immediately discontinued.
- B. Any public accommodation facility which operates without a valid Health Permit as part of its facility a food establishment, swimming pool, spa, or potable water supply system, such as a water well, is in substantial noncompliance of these Regulations and is subject to immediate public accommodation facility Health Permit suspension or revocation.
- C. The Health Authority may also suspend the Health Permit of a public accommodation facility if the public accommodation facility:
 1. Does not have a valid Health Permit, license, or other authorization required by applicable government agencies.
 2. Rents, leases, or otherwise lets a room which has been closed by the Health Authority.
 3. Knowingly allows illegal activity to occur at the public accommodation facility, which may cause potential illness, injury, or death of guests or employees.
- C. The Health Authority shall immediately issue and serve a written order specifying the deficiencies upon which the suspension is based.
- D. Any person to whom such an order is issued shall comply with it immediately.
- E. Upon written application to the Health Authority, the permit holder must be afforded a hearing within ten (10) days.
- F. Failure to request a hearing within ten (10) days results in a final order not subject to appeal.

120.010 Suspended permits

Any person whose permit has been suspended may, at any time:

- A. Make application for a re-inspection for reinstatement of the permit within ten (10) calendar days following receipt of a written request.

- B. The written request shall include a statement signed by the applicant that in their opinion the conditions causing suspension of the permit have been corrected. All conditions resulting in permit suspension must be addressed in the written request.
- C. The Health Authority shall make a re-inspection.
- D. If the applicant is in compliance with the requirements of these regulations, the permit shall be reinstated.

120.015 Permit revocation

For serious or repeated violations of any of the requirements of these regulations or for interference with the Health Authority in the performance of their duties:

- A. The permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority.
- B. Before taking such action, the Health Authority shall notify the permit holder in writing:
 - 1. The reason(s) upon which revocation of the permit is sought; and
 - 2. Advising the permit holder of the requirements for filing a request for a hearing.
- C. The Health Authority may permanently revoke a permit after ten (10) calendar days following service of the notice unless a request for a hearing is filed with the Health Authority by the permit holder within said ten (10) calendar days.
- D. The Health Authority may combine a permit holder's suspension and revocation hearing.
- E. Failure to request a hearing within 10 days results in a final order not subject to appeal.

120.020 Hearing procedures

The hearings provided for in this section must be conducted by the Health Authority:

- A. At a time and place designated by the Health Authority;
- B. Based upon the record of the hearing, the Health Authority shall make a finding and recommendation to sustain, modify or rescind any official notice or order considered in the hearing;
- C. A written report of the recommendation must be furnished to the permit holder by the Health Authority within ten (10) days.

120.025 Notices and orders

Service of notices and orders shall be made by either one of the following:

- A. By personal service on the permit holder(s);
- B. By registered or certified mail addressed to the permit holder(s) at their public accommodations facility; and
- C. Service shall be completed at the time of deposit into the United States mail.

120.030 Suspension and/or revocation

At the time and place stated in the suspension and/or revocation of permit hearing, the Health Authority:

- A. Shall hear and consider all relevant evidence;
- B. Shall receive sworn testimony of owners, witnesses, Health District personnel and interested persons; and
- C. The hearing may be continued from time to time.

All hearings held shall be recorded by a video or audio recording device unless the Health Authority chooses to use a court recorder. The hearings need not be conducted according to technical rules of evidence.

120.035 Appeal procedure

Any person aggrieved by a decision of the Health Authority may bring an appeal to the District Board of Health in one or more of the following situations:

- A. When any permit, as required by these regulations, has been issued, denied, renewed, suspended after hearing or revoked after hearing, and said action has adversely affected said person in any manner.
- B. When the Health Authority has taken any other action pursuant to the authority of these regulations, which action has adversely affected said person in any manner.
- C. No person may bring an appeal to the District Board of Health based solely upon issuance of a misdemeanor citation.
- D. All appeals to the District Board of Health shall be initiated by the filing of a petition or written notice of appeal in the office of the Director of Environmental Health Services Division, or any other office designated by the District Health Officer. This must be done within ten (10) working days after the appellant has received an order or been the subject of any action, or has had the required permit denied, or had a permit suspended or revoked by the Health District.

- E. In making its decision, the District Board of Health may receive additional evidence and testimony and may affirm, modify or reverse the decision of the Health Authority.

120.040 Variances

The District Board of Health may, upon petition, grant a variance or waiver of the requirements of these regulations.

- A. The District Board of Health may, in granting a variance or waiver may:
 - 1. Impose appropriate conditions upon any applicant for said waiver or variance; and
 - 2. Revoke the variance for failure of said applicant to comply with the approved conditions.

120.045 Application for variance

Any person who applies for a variance must pay a non-refundable fee as set forth by the District Board of Health.

- A. To request a variance, a person must file a completed variance application on forms approved by the Health Authority.
 - 1. The application must specify all sections of these regulations for which the person seeks a variance; and
 - 2. The application must include such information that the District Board of Health deems necessary to facilitate the equitable and speedy determination of the matter presented.
- B. In addition to any other information which may be required by these regulations, all variance applications shall state briefly the following:
 - 1. The section(s) of the regulations from which the variance is sought;
 - 2. A brief summary of the facts indicating why compliance with said section or sections is not possible;
 - 3. If compliance ultimately will be possible, the period of time for which the variance is sought;
 - 4. The requirements which the petitioner is able to meet, and the date on which the petitioner can comply with the requirements (i.e., schedule of compliance); and
 - 5. An application will not be considered complete until all information specified in this section and the required fees have been received by the Health Authority.
- C. Upon receipt of the completed application by the Health Authority, a time, date and place will be established for the variance hearing.

- D. Within sixty (60) working days of the date on which an application for a variance is filed, the District Board of Health will conduct a hearing to consider the variance request.

120.050 Variance hearing

The District Board of Health, upon receipt of the application for variance specified in Section 120.040, will hold a hearing.

- A. The District Board of Health may receive additional evidence and testimony from any person during the hearing; and
- B. May affirm, modify or reverse staff recommendations.

120.055 Variance action by District Board of Health

The District Board of Health may approve a variance only if, after a hearing on due and proper notice, it finds from a preponderance of evidence that:

- A. Compliance with these regulations would produce serious hardship on the petitioner without equal or greater benefits to the public; and
- B. Owners of the property in the general vicinity of the proposed variance would not be adversely affected.

120.060 Decision

Once the District Board of Health has made its decision, the basis of the decision and any conditions imposed by the decision will be specified in writing and provided to the applicant within thirty (30) days of the hearing.

120.065 Approved decision

If a variance is approved by the District Board of Health:

- A. The applicant shall immediately comply with any condition imposed thereon; and
- B. The variance expires eighteen (18) months from the date on which it was approved unless the District Board of Health specifies otherwise, or the variance has been renewed prior to the expiration date.

120.070 Criminal sanctions

Pursuant to NRS 439.410 and 439.580, any person violating any of the provisions of these regulations, shall be guilty of a misdemeanor. No staff member who acts as an investigator or inspector regarding a public accommodation facility may take any part in the hearing of a suspension or revocation regarding such establishment, except as a suspension or revocation regarding such establishment, except as a witness.

SECTION 130

APPLICATION AND INSPECTION OF PUBLIC ACCOMMODATIONS RELATED TO SARS-COV-2

130.005 Applicability of SARS-COV-2 inspections

The provisions as written in Appendix A of this regulation are applicable for a county whose population is 100,000 or more.

130.010 Appendix A

NAC 447E is in effect upon the following:

- A. During any period in which a public health emergency due to SARS-CoV-2 has been declared by the Governor and remains in effect; or
- B. Each day on which:
 1. The rate of positive test results for SARS-CoV-2 in the county reported by the Division of Public and Behavioral Health of the Department of Health and Human Services exceeds 5 percent in any rolling 14-day period in the 90-day period immediately preceding that day; or
 2. The number of new COVID-19 cases in the county reported by the Division of Public and Behavioral Health of the Department of Health and Human Services exceeds 100 new cases per 100,000 residents in any rolling 14-day period in the 90-day period immediately preceding that day.
- C. The Division of Public and Behavioral Health of the Department of Health and Human Services shall inform the Washoe County Health District when Section 130 is applicable.

130.020 “Appendix A” Section 0447E.048 effective June 1, 2021, was approved and adopted by the Washoe County Health District on May 27, 2021, following prior approval and adoption by the State of Nevada Department of Health and Human Services on April 30, 2021.

130.030 “Appendix A” is by reference the most current version of 447E Regulations related to SARS-COV-2 and Public Accommodation Facilities, including any subsequent amendments, approved and adopted by the State Department of Health and Human Services as required by Senate Bill 4 of the 32nd Special Session (2020).

SECTION 140

SEVERABILITY AND AMENDMENT

- 140.005** If any provision of these regulations or any application thereof to any person, thing or circumstance is held invalid, the Washoe County District Board of Health intends that such invalidity not affect the remaining provisions of application to the extent that they cannot be effective.
- 140.010** By affirmative vote of the Washoe County District Board of Health these regulations governing the operation of Public Accommodation Facilities are adopted this 17th day of December, 2020.

Appendix A

447E Regulations related to SARS-COV-2 and Public Accommodation Facilities

Adopted pursuant to Senate Bill 4 of the 32nd Special Session (2020) by the Director of the Department of Health & Human Services on August 31st, 2020.

447E.001 Definitions. As used in these regulations, unless the context otherwise requires, the words and terms defined in 447E.005 to 447E.045, inclusive, have the meanings ascribed to them in those sections.

447E.005 "CDC" defined. "CDC" means the most recent definition ascribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

447E.010 "Cleaning Product" defined. "Cleaning product" means an article intended by the manufacturer to be used alone or in combination with other products to physically remove dirt, filth, and other contaminants or to otherwise render pathogens non-infectious. This term includes soaps, detergents, degreasers, abrasives, acids, disinfectants, and sanitizers.

447E.015 "Close Contact" defined. "Close contact" has the meaning most currently ascribed to it by the CDC for the purpose of determining when a person has been in close contact with another person who has tested positive for SARS-CoV-2.

447E.020 "Coronavirus disease 2019" or "COVID-19" defined. "Coronavirus disease 2019" or "COVID-19" means:

1. The novel coronavirus identified as SARS-CoV-2;
2. Any mutation of the novel coronavirus identified as SARS-CoV-2; or
3. A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.

447E.025 "Director" defined. "Director" has the meaning ascribed to it in Section 6 of Senate Bill 4 of the 32nd Special Session (2020).

447E.030 "Employee" defined. "Employee" has the meaning ascribed to it in Section 7 of Senate Bill 4 of the 32nd Special Session (2020).

447E.035 "Health Authority" defined. "Health Authority" has the meaning ascribed to it in Section 8 of Senate Bill 4 of the 32nd Special Session (2020).

447E.040 "Public accommodation facility" defined. "Public accommodation facility" or "facility" has the meaning ascribed to it in Section 9 of Senate Bill 4 of the 32nd Special Session (2020).

447E.045 "Resort hotel" defined. "Resort hotel" has the meaning ascribed to it in NRS 463.01865.

447E.048 "To the extent reasonably possible" defined. "To the extent reasonably possible," as used in Section 12(1)(a) of Senate Bill 4 of the 32nd Special Session, means the degree to which a facility can reasonably implement recommended protocols, which may include consideration of the following factors:

1. Practical and economic feasibility of implementation by the facility;
2. Consistency with CDC recommendations;
3. Consistency with any COVID-19 mitigation plans and requirements of the county in which the business is located;
4. Risk of transmission of COVID-19 to employees and public; and
5. Rate of positive test results for COVID-19 and number of new COVID-19 cases in the county reported by the Division.

447E.050 Severability. If any provision of this chapter or any application thereof to any person, thing or circumstance is held invalid, the Director intends that the invalidity not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application.

447E.055 Limitations and applicability. The provisions of this chapter apply under the conditions described in Section 4 of Senate Bill 4 of the 32nd Special Session (2020).

447E.060 Cleaning standards: requirements. The public accommodation facility must establish standards for cleaning that are designed to reduce the transmission of SARS-CoV-2. The standards must address the items specified in Section 11, subsection 1, subparagraphs (a) through (p), inclusive, of Senate Bill 4 of the 32nd Special Session (2020).

447E.065 In-room housekeeping. A public accommodation facility shall not advise or incentivize guests to decline daily in-room housekeeping.

447E.070 Cleaning standards: posting. A public accommodation facility must conspicuously post at each employee entrance and on each bulletin board where the facility regularly posts official communications with employees:

1. A one-page summary of the standards adopted pursuant to 447E.060; and
2. A list of key contact persons at public health agencies.

A public accommodation facility must make available to employees or their bargaining representative a physical or electronic copy of the standards adopted pursuant to 447E.060 upon request at no cost.

447E.075 Prevention and mitigation protocols; employee training. A public accommodation facility must establish and implement protocols to:

1. Limit the transmission of SARS-CoV-2. The protocols must address the items specified in Section 12, subsection 1, subparagraphs (a) through (g), inclusive, of Senate Bill 4 of the 32nd Special Session (2020).
2. Train employees on ways to prevent and mitigate transmission of SARS-CoV-2. The facility must document and maintain records of training. Such records must be made available to the Health Authority upon request.

447E.080 Response plan. A public accommodation facility must establish, implement, and maintain a written SARS-CoV-2 response plan to monitor and respond to instances and potential instances of SARS-CoV-2 infection among employees and guests. The response plan must:

1. Designate a person or persons responsible for overseeing and carrying out on-site compliance with the plan. The designated person or persons must be available to respond to the Health Authority upon request;
2. Include the provisions of Section 13, subsection 1, subparagraphs (b) through (1), inclusive, of Senate Bill 4 of the 32nd Special Session (2020); and
3. Be submitted to the Health Authority upon request.

447E.085 Paid time off: requirements. For the purposes of Section 13, subsection 1 of Senate Bill 4 of the 32nd Special Session (2020), paid time off must be calculated as described in Section 13, subsection 4 of Senate Bill 4 of the 32nd Special Session (2020).

447E.090 Paid time off: request to increase or decrease. A public accommodation facility may submit a request to the Director to increase or decrease the number of days off required by Section 13, subsection 1, subparagraph (h) of Senate Bill 4 of the 32nd Special Session (2020). The Director will grant or deny the request in accordance with the requirements of Section 13, subsection 3 of Senate Bill 4 of the 32nd Special Session (2020).

447E.095 Paid time off: option to work remotely. The provisions of this chapter must not be construed to preclude an employee who is exposed to or tests positive for SARS-CoV-2 or is diagnosed with COVID-19 from choosing to perform their duties remotely instead of taking time off if the job duties of the employee are conducive to remote work.

447E.100 Enforcement: prohibition on retaliation for participating in enforcement proceedings. A public accommodation facility is prohibited from discharging, reducing the compensation of, increasing the workload of, imposing fees or charges on, changing the duties of or otherwise taking adverse action against an employee in retaliation for participating in proceedings related to this chapter, or seeking enforcement of those provisions.

447E.105 Inspection of public accommodation facility; notification of findings.

1. The Health Authority may inspect a public accommodation facility for compliance with this chapter, order corrections of violations, and impose administrative fines in accordance with the provisions of Section 14 of Senate Bill 4 of the 32nd Special Session (2020).
2. When a public health accommodation facility is found in violation or has corrected a violation as required pursuant to subsection 1 of this section, the Health Authority may notify the Nevada Gaming Control Board, the Secretary of State, and any local governmental entity responsible for licensing or regulating the public accommodation facility.

447E.110 Fines. The Health Authority shall charge and collect an administrative fine for violations of the provisions of this chapter and after notice and opportunity for hearing as provided in 447E.105, in accordance with the following schedule:

For each initial violation	\$ 500
For each second or subsequent	\$1,000

Senate Bill No. 4—Committee of the Whole

CHAPTER.....

AN ACT relating to public health; providing certain powers and duties in certain circumstances to a district health department in certain larger counties relating to public health in licensed gaming establishments; requiring the Department of Health and Human Services to establish minimum standards for cleaning in public accommodation facilities in certain counties; requiring the Department to adopt regulations requiring such a facility to adopt protocols and plans concerning the prevention of and response to SARS-CoV-2; providing for inspection of such facilities for compliance with such requirements; limiting the civil liability of certain businesses conducted for profit, governmental entities and private nonprofit organizations for personal injury or death resulting from exposure to COVID-19; authorizing the Secretary of State to suspend the state business license of a person that does not comply with certain health standards related to COVID-19; requiring the transfer of certain money to certain health districts for enforcement purposes; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) creates a health district in a county whose population is 700,000 or more (currently only Clark County); and (2) authorizes the board of county commissioners and the governing bodies of any towns or cities in a smaller county to create a health district. (NRS 439.361, 439.362, 439.370) Existing law provides for the creation of a district health department in a health district. (NRS 439.362, 439.370) **Sections 1 and 2** of this bill: (1) require a district health department in a county whose population is 100,000 or more (currently Clark and Washoe Counties), upon the request of the Nevada Gaming Control Board, to advise the Board concerning public health matters relating to licensed gaming establishments in the health district; and (2) authorize such a district health department, upon the request of the Board, to enforce regulations adopted by the Board concerning matters of public health against such an establishment.

Sections 3-15 of this bill generally: (1) require the Director of the Department of Health and Human Services and district boards of health in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt by regulation requirements to reduce and prevent the transmission of SARS-CoV-2 in public accommodation facilities in those counties which apply only during the duration of a declaration of a public health emergency due to SARS-CoV-2 and during other periods in which conditions concerning the prevalence of SARS-CoV-2 exist; and (2) provide for the enforcement of those regulations.

Section 11 of this bill requires the Director to adopt regulations requiring a public accommodation facility to establish standards for the cleaning of public accommodation facilities that are designed to reduce the transmission of SARS-CoV-2. **Section 12** of this bill requires the Director to adopt regulations requiring each



public accommodation facility to establish protocols to: (1) limit the transmission of SARS-CoV-2; and (2) train staff concerning the prevention and mitigation of SARS-CoV-2 transmission.

Section 13 of this bill requires the Director to adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan that provides testing and time off for employees who have been exposed to SARS-CoV-2 or are experiencing the symptoms of COVID-19. **Section 13** authorizes: (1) the Nevada Gaming Control Board to require a public accommodation facility under its jurisdiction to submit a copy of its written SARS-CoV-2 response plan to the Board; and (2) the health authority to require a public accommodation facility that is not under the jurisdiction of the Board to submit a copy of its written SARS-CoV-2 response plan to the health authority. **Sections 13, 32 and 33** of this bill provide for the confidentiality of those plans. **Section 14** of this bill requires the Director to adopt regulations prohibiting a public accommodation facility from retaliating against an employee for participating in proceedings related to **sections 3-15** or seeking enforcement of those provisions.

Section 31 of this bill exempts the regulations that the Director is required to adopt in **sections 11-14** from the requirements of the Nevada Administrative Procedure Act concerning the adoption, amendment or repeal of regulations. However, **section 10** of this bill requires the Director to allow any interested person to comment on the adoption, amendment or repeal of those regulations. **Section 10** also prohibits the Director from adopting regulations more stringent than necessary to carry out the requirements of this bill. **Section 15** of this bill requires a district board of health of a health district in a county whose population is 100,000 or more to adopt regulations that are substantively identical to the regulations adopted by the Director in **sections 11-14** and to subsequently amend or repeal its regulations in a conforming manner. **Section 14** provides for the enforcement by the health authority and the Nevada Gaming Control Board of the regulations adopted pursuant to and other provisions of **sections 11-15**. **Sections 16-22** of this bill make conforming changes.

Section 29 of this bill provides that certain businesses conducted for profit, governmental entities and private nonprofit organizations are immune from civil liability for personal injury or death resulting from exposure to COVID-19, if the business, governmental entity or private nonprofit organization substantially complied with controlling health standards. **Section 29** also: (1) requires the complaint in any such civil action to be pled with particularity; and (2) provides that such immunity does not apply if the business, governmental entity or private nonprofit organization violated controlling health standards with gross negligence and the gross negligence was the proximate cause of the personal injury or death. **Section 29** requires the court, as a matter of law, to determine substantial compliance with controlling health standards. **Section 34** of this bill provides that these procedures apply to any cause of action or claim that accrues before, on or after the effective date of this bill and before the later of: (1) the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or (2) July 1, 2023.

Section 30 of this bill authorizes the Secretary of State to suspend the state business license of a person holding a state business license who does not comply with controlling health standards. **Section 30** requires the Secretary of State to provide notice of the suspension to the person. **Section 39** of this bill provides that the authority to suspend a state business license expires by limitation on the later of the following dates: (1) the date on which the Governor terminates the emergency described in the Declaration of Emergency issued on March 12, 2020; or (2) July 1, 2023.



Section 33.5 of this bill makes an appropriation from the State General Fund to the Legislative Fund for the costs of the 32nd Special Session.

Section 35 of this bill transfers certain money to the applicable health districts to enforce **sections 3-15** and the regulations adopted pursuant thereto. **Section 36** of this bill requires the Director and applicable district boards of health to adopt the regulations required by **sections 11-15** by a prescribed date.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 439.366 is hereby amended to read as follows:

439.366 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district.

3. *The district health department:*

(a) Shall, upon the request of the Nevada Gaming Control Board, advise and make recommendations to the Board on public health matters related to an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.

(b) May, upon the request of the Nevada Gaming Control Board, enforce regulations adopted by the Board concerning matters of public health against an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.

4. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Prevent and control nuisances;

(b) Regulate sanitation and sanitary practices in the interests of the public health;

(c) Provide for the sanitary protection of water and food supplies;

(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district; and

(e) Improve the quality of health care services for members of minority groups and medically underserved populations.



~~14.1~~ 5. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon;

(b) State each address at which the text of the proposal may be inspected and copied; and

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the board for such purpose.

~~15.1~~ 6. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board of health shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board of health may proceed immediately to act upon any written submissions. The district board of health shall consider fully all written and oral submissions respecting the proposal.

~~16.1~~ 7. The district board of health shall file a copy of all of its adopted regulations with the county clerk.

Sec. 2. NRS 439.410 is hereby amended to read as follows:

439.410 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district, except in matters concerning emergency medical services pursuant to the provisions of chapter 450B of NRS.

3. *The district health department in a county whose population is 100,000 or more but less than 700,000:*

(a) Shall, upon the request of the Nevada Gaming Control Board, advise and make recommendations to the Board on public health matters related to an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.

(b) May, upon the request of the Nevada Gaming Control Board, enforce regulations adopted by the Board concerning matters of public health against an establishment that possesses a



nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.

4. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

- (a) Prevent and control nuisances;
- (b) Regulate sanitation and sanitary practices in the interests of the public health;
- (c) Provide for the sanitary protection of water and food supplies; and
- (d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district.

~~[4.]~~ 5. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon.

(b) State each address at which the text of the proposal may be inspected and copied.

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the district board for such purpose.

~~[5.]~~ 6. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board may proceed immediately to act upon any written submissions. The district board shall consider fully all written and oral submissions respecting the proposal.

~~[6.]~~ 7. Each district board of health shall file a copy of all of its adopted regulations with the county clerk of each county in which it has jurisdiction.



Sec. 3. Chapter 447 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 15, inclusive, of this act.

Sec. 4. 1. *The provisions of sections 4 to 15, inclusive, of this act apply to a county whose population is 100,000 or more.*

2. The regulations adopted pursuant to sections 11 to 15, inclusive, of this act and, except as otherwise provided in subsection 3, the powers, requirements and prohibitions set forth in provisions of sections 4 to 15, inclusive, of this act apply:

(a) During any period in which a public health emergency due to SARS-CoV-2 has been declared by the Governor and remains in effect; or

(b) Each day on which:

(1) The rate of positive test results for SARS-CoV-2 in the county reported by the Division of Public and Behavioral Health of the Department exceeds 5 percent in any rolling 14-day period in the 90-day period immediately preceding that day; or

(2) The number of new COVID-19 cases in the county reported by the Division of Public and Behavioral Health of the Department exceeds 100 new cases per 100,000 residents in any rolling 14-day period in the 90-day period immediately preceding that day.

3. The provisions of subsection 2 do not apply to the requirements relating to the adoption, amendment or repeal of regulations pursuant to sections 11 to 15, inclusive, of this act.

Sec. 5. *As used in sections 4 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *“Director” means the Director of the Department of Health and Human Services.*

Sec. 7. *“Employee” means any natural person in the service of an employer operating a public accommodation facility who provides such service under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed.*

Sec. 8. *“Health authority” means the officers and agents of the district health department or, in a location that is not part of a health district, the officers and agents of the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 9. *“Public accommodation facility” or “facility” means a hotel and casino, resort, hotel, motel, hostel, bed and breakfast*



facility or other facility offering rooms or areas to the public for monetary compensation or other financial consideration on an hourly, daily or weekly basis.

Sec. 10. *1. Any regulation adopted, amended or repealed by the Director pursuant to sections 11 to 14, inclusive, of this act must not exceed or be inconsistent with the requirements of those sections.*

2. The Director must allow any interested person a reasonable opportunity to submit written or oral comment concerning the amendment or repeal of a regulation pursuant to sections 11 to 14, inclusive, of this act.

Sec. 11. *1. The Director shall adopt regulations requiring a public accommodation facility to establish standards for cleaning that are designed to reduce the transmission of SARS-CoV-2. Those standards must require only the following and with no greater frequency than provided in this section:*

(a) The use of cleaning products that are qualified by the United States Environmental Protection Agency for use against SARS-CoV-2 for the cleaning required by paragraphs (b) to (p), inclusive.

(b) Desks, tabletops, minibars that have been used after the most recent cleaning, interior and exterior handles of doors, faucets, toilets, nonporous headboards of beds, light switches, remote controls, telephones, keyboards, touch screens, bed linens, towels, bed scarves and other decorative items on beds in guest rooms to be cleaned every day that the room is in use unless the guest using the room declines in-room housekeeping.

(c) The following high-contact areas and items in locations used by the public and employees to be cleaned regularly throughout the day while in use:

(1) Fixtures with which guests and employees may be expected to have regular physical contact;

(2) Doors and door handles at exterior entrances;

(3) Door handles at interior entrances regularly accessed by guests and employees;

(4) Regularly used computer keyboards, touch screens, credit card readers, printers, telephones, light switches, ice machines, vending machines and other frequently used instruments and equipment; and

(5) Countertops and desks in entrance areas and other high-usage areas.

(d) Glass surfaces, desks, tabletops, door handles and light switches in public areas to be cleaned regularly throughout the day while in use.



(e) Counters, desks, touch screens, keyboards, credit card readers and desktops in front desk areas to be cleaned regularly throughout the day while in use.

(f) Key cards and other types of keys for accessing rooms to be cleaned before those key cards or other keys are issued to another guest or removed from circulation for at least 24 hours after a guest checks out.

(g) Elevator buttons and rails in guest and service elevators to be cleaned regularly throughout the day if the elevator is in use.

(h) Sinks, faucets, walls, toilets, toilet paper dispensers and door handles in employee and public restrooms to be cleaned regularly throughout the day while in use.

(i) Work surfaces, tables, utensils, counters, touch screens and keyboards in areas used for food preparation to be cleaned regularly throughout the day.

(j) Tables, desks, tabletops, door handles and light switches in shared offices, employee locker rooms and employee cafeterias to be cleaned regularly throughout the day while in use.

(k) Exercise equipment, weights, tables, countertops, chairs, lockers and benches in fitness centers to be cleaned regularly throughout the day while in use.

(l) Tabletops in meeting rooms to be cleaned while in use.

(m) Tables, bartops, menus and check presentation holders in bar and dining facilities to be cleaned after use by a guest.

(n) Touch screens and keyboards in bar and dining facilities to be cleaned regularly while in use.

(o) Soiled laundry to be cleaned as necessary.

(p) Laundry carts and hampers to be cleaned regularly throughout the day while in use.

2. A public accommodation facility shall not advise or incentivize guests to decline daily in-room housekeeping.

3. An employer operating a public accommodation facility shall conspicuously post at each employee entrance and on each bulletin board where the facility regularly posts official communications with employees:

(a) A one-page summary of the standards adopted pursuant to subsection 1; and

(b) A list of key contact persons at public health agencies.

4. An employer operating a public accommodation facility shall make available to employees or their bargaining representative a physical or electronic copy of the standards adopted pursuant to subsection 1 upon request at no cost.



Sec. 12. *The Director shall adopt regulations requiring each public accommodation facility to establish protocols to:*

1. Limit the transmission of SARS-CoV-2. Such protocols, must include only the following:

(a) Methods to encourage, to the extent reasonably possible:

(1) Employees to remain at least 6 feet apart from other employees and guests during their work and while on break.

(2) Guests to remain at least 6 feet apart from employees and other guests.

(b) A requirement that employee breaks must be structured to allow social distancing to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

(c) A requirement that workstations must be separated by physical barriers or structured to allow social distancing where practicable to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

(d) Requirements concerning the frequency of hand cleaning for employees.

(e) A requirement that each employee be provided with access to a sink with soap and water for hand washing or hand sanitizer containing at least 60 percent alcohol within reasonable proximity to the work area of the employee.

(f) Policies providing for the availability of hand sanitizer containing at least 60 percent alcohol near locations where employee meetings are held, breakrooms and cafeterias for employees, front desks, bell desks, lobbies, entrances to food and beverage service and preparation areas, principal entrances to the facility and, in a resort hotel, on the casino floor, if:

(1) Those areas are not near hand washing facilities with soap and water; and

(2) A supply of hand sanitizer containing at least 60 percent alcohol is generally available.

(g) Policies for the distribution, at no cost to the employee, of masks and, where appropriate, gloves, based on public health concerns.

2. Train staff concerning the prevention and mitigation of SARS-CoV-2 transmission in the manner prescribed by the Director.

Sec. 13. *1. The Director shall adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan designed to monitor*



and respond to instances and potential instances of SARS-CoV-2 infection among employees and guests. The plan must include only the following:

(a) The designation of a person or persons responsible for overseeing and carrying out on-site enforcement of the plan. The regulations must not require such a person or persons to be on-site at all times.

(b) A requirement that each new employee and each employee returning to work for the first time after March 13, 2020, must undergo testing for SARS-CoV-2, if such testing is available.

(c) The designation of an area of the public accommodation facility where employees will check in every day to receive contact-free temperature measurement and review questions to screen for exposure to SARS-CoV-2.

(d) Requirements that:

(1) The public accommodation facility must notify each employee who is known to have had close contact with a guest or employee who has been diagnosed with COVID-19 not later than 24 hours or as soon as practicable after the employer learns of the diagnosis; and

(2) Each such employee must undergo testing for SARS-CoV-2 and, in addition to any other leave to which the employee is entitled, be given:

(I) Not more than 3 days of paid time off to await testing and testing results; and

(II) Additional paid time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.

(e) A requirement that each employee who otherwise has a reasonable belief or has been advised that he or she has been in close contact with a person who has tested positive for SARS-CoV-2 must undergo testing for SARS-CoV-2.

(f) Requirements that each employee who notifies his or her employer that he or she is experiencing symptoms of COVID-19:

(1) Must undergo testing for SARS-CoV-2; and

(2) Must not return to work while awaiting the results of that testing.

(g) Requirements that each employee described in paragraph (e) or (f) must, in addition to any other leave to which the employee is entitled, be given for the first occurrence on which the employee gives the employer such notification:

(1) Not more than 3 days of paid time off to await testing and testing results; and



(2) Additional paid time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.

(h) A requirement that, except as otherwise provided in subsection 3, each employee who tests positive for SARS-CoV-2 or is otherwise diagnosed with COVID-19 and is working or has been recalled to work at the time of the result or diagnosis must be allowed to take at least 14 days off, at least 10 of which must be paid time off.

(i) A requirement that testing for SARS-CoV-2 required by this section must be:

(1) Provided at no cost to the employee; and

(2) Performed on-site or at a testing facility selected by the public accommodation facility.

(j) A requirement that an employee that is required to be tested pursuant to this section authorize the provision of or provide the testing results to the public accommodation facility;

(k) A requirement that any guest who reports testing positive for SARS-CoV-2 or being diagnosed with COVID-19 must be requested to leave the public accommodation facility if practicable and seek medical attention.

(l) A requirement that information pertaining to employees and guests who test positive for SARS-CoV-2 or who are diagnosed with or report symptoms of COVID-19 must be kept confidential, unless the employee or guest agrees otherwise and except as required to be disclosed to public health officials and for purposes of contact tracing or cleaning.

2. The regulations adopted pursuant to this section must define the term "close contact" to have the meaning most recently ascribed to it by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services for the purpose of determining when a person has been in close contact with another person who has tested positive for SARS-CoV-2.

3. An employer who operates a public accommodation facility may submit a request to the Director to increase or decrease the amount of days off required by paragraph (h) of subsection 1. The Director may grant such a request if it is consistent with the recommendations of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning time off for employees who test positive for SARS-CoV-2 or are otherwise diagnosed with COVID-19.



4. For the purposes of this section, paid time off must be calculated at the base rate of pay for the employee. Paid time off taken pursuant to this section:

(a) Must not be deducted from paid time off provided to the employee pursuant to NRS 608.0197 or a policy or contract of the public accommodation facility.

(b) May be deducted from paid sick leave provided pursuant to section 5102(a)(1)-(3) of the Families First Coronavirus Response Act, P.L. 116-127.

5. The health authority may require a public accommodation facility that is not under the jurisdiction of the Nevada Gaming Control Board to submit a written SARS-CoV-2 response plan to the health authority. Except as otherwise provided in this section and notwithstanding any other law, a written SARS-CoV-2 response plan submitted to the health authority is confidential. The health authority may disclose all or a part of such a plan upon:

(a) The request of an authorized agent of the Federal Government, a foreign government or a state or local governmental entity in this State or any of the several states, territories, possessions and dependencies of the United States, the District of Columbia or Puerto Rico.

(b) The order of a court of competent jurisdiction.

(c) Specific authorization of the chief administrative officer of the health district or, in a location that is not part of a health district, the Chief Medical Officer.

6. The Nevada Gaming Control Board may require a public accommodation facility that is under the jurisdiction of the Board to submit a written SARS-CoV-2 response plan to the Board, either alone or as part of an emergency response plan adopted pursuant to NRS 463.790.

7. The provisions of this section must not be construed to preclude an employee who is exposed to or tests positive for SARS-CoV-2 or is diagnosed with COVID-19 from choosing to perform his or her duties remotely instead of taking time off if the job duties of the employee are conducive to remote work.

Sec. 14. 1. The health authority may, upon receiving a complaint or at any time, inspect a public accommodation facility to ensure compliance with the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted pursuant thereto. The health authority shall inspect for such compliance:

(a) Except as otherwise provided in paragraph (b), each public accommodation facility with more than 200 rooms available for sleeping accommodations at least once every 3 months.



(b) *Each resort hotel at least once every 2 months.*

2. *Upon discovering a violation of the provisions of sections 4 to 15, inclusive, of this act or the regulations adopted pursuant thereto and after notice and the opportunity for a hearing, the health authority:*

(a) *Shall order the public accommodation facility to correct the violation.*

(b) *May impose an administrative fine of not more than \$500 for each initial violation or \$1,000 for each second or subsequent violation.*

(c) *If the violation occurs at a public accommodation facility that is not a resort hotel, may notify any local governmental entity responsible for licensing or regulating the public accommodation facility. Upon receiving such notification, the local governmental entity shall review the violation and may take further action, including, without limitation, suspending or revoking the license of the public accommodation facility, to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted pursuant thereto. Such action must be taken in accordance with any procedures established by the local governmental entity for actions to enforce statutes or regulations or impose disciplinary action generally.*

(d) *If the violation occurs at a facility subject to the jurisdiction of the Nevada Gaming Control Board, shall notify the Board. Upon receiving such notification, the Board may take further action to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted pursuant thereto. Such action must be taken in accordance with any procedures established by the Board for actions to enforce statutes or regulations or impose disciplinary action generally.*

3. *The Director shall adopt regulations prohibiting a public accommodation facility from discharging, reducing the compensation of, increasing the workload of, imposing fees or charges on, changing the duties of or otherwise taking adverse action against an employee in retaliation for participating in proceedings related to sections 4 to 15, inclusive, of this act, or seeking enforcement of those provisions.*

4. *As used in this section, "resort hotel" has the meaning ascribed to it in NRS 463.01865.*

Sec. 15. 1. *Within 15 days after the adoption, amendment or repeal of a regulation by the Director pursuant to sections 11 to 14, inclusive, of this act, a district board of health shall, as applicable,*



adopt a substantively identical regulation or amend or repeal its substantively identical regulation in a conforming manner.

2. The provisions of subsections 5 and 6 of NRS 439.366 or subsections 5 and 6 of NRS 439.410, as applicable, do not apply to the adoption, amendment or repeal of a regulation by a district board of health pursuant to subsection 1.

Sec. 16. NRS 447.003 is hereby amended to read as follows:

447.003 As used in ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive*, unless the context otherwise requires, the words and terms defined in NRS 447.007 and 447.010 have the meanings ascribed to them in those sections.

Sec. 17. NRS 447.020 is hereby amended to read as follows:

447.020 1. All bedding, bedclothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, used in any hotel in this state must be kept clean and free from all filth or dirt.

2. No bedding, bedclothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, shall be used which is worn out or unsanitary for use by human beings according to the true intent and meaning of ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive.*

Sec. 18. NRS 447.050 is hereby amended to read as follows:

447.050 It is unlawful for any person to use, or to permit another person to use, any of the following portions of a hotel for living or sleeping purposes:

1. Any kitchen, cellar, hallway, water closet, bath, shower compartment, or slop-sink room.

2. Any other room or place which does not comply with the provisions of ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive*, or in which, in the judgment of the health authority, living or sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition, a want of light, windows, ventilation or drainage, dampness, or offensive or obnoxious odors or poisonous gases in the room or place, or a lack of exits as required by the Uniform Building Code in the form most recently adopted before January 1, 1985, by the International Conference of Building Officials.

Sec. 19. NRS 447.150 is hereby amended to read as follows:

447.150 1. The health authority may exempt any hotel built prior to October 1, 1945, from having the number of water closets, bathtubs or showers required by ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive*, for the following reason: The exemption will not result in detriment to the health of the occupants or to the sanitation of the building.



2. The health authority has no authority under this section to exempt any hotel or portion of a hotel built after October 1, 1945, from having the number of water closets, bathtubs or showers required by ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive.*

Sec. 20. NRS 447.190 is hereby amended to read as follows:

447.190 The health authority is charged with the enforcement of ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive.* The health authority shall keep a record of hotels inspected, and the record or any part thereof may, in the discretion of the health authority, be included in the biennial report to the Director of the Department of Health and Human Services.

Sec. 21. NRS 447.200 is hereby amended to read as follows:

447.200 The health authority shall have access at any time to any hotel in this State for the purpose of making inspections and carrying out the provisions of ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive.*

Sec. 22. NRS 447.210 is hereby amended to read as follows:

447.210 1. Every proprietor, owner, manager, lessee or other person in charge of any hotel in this state who fails to comply with the provisions of NRS 447.003 to 447.200, inclusive, or any of the provisions of the regulations hereby established whether through the acts of himself or herself, his or her agent or employees is guilty of a misdemeanor.

2. Every day that any hotel is in violation of any of the provisions of ~~[this chapter]~~ *NRS 447.003 to 447.200, inclusive,* constitutes a separate offense.

Sec. 23. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 29, inclusive, of this act.

Sec. 24. *As used in sections 24 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 25 to 28, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 25. 1. *“Business” means a natural person, or a corporation, partnership, association or other business organization, engaging in an activity for profit at a premises located in this State.*

2. *The term does not include a business that operates:*

(a) *An agency to provide nursing in the home as defined in NRS 449.0015;*

(b) *A facility for hospice care as defined in NRS 449.0033;*

(c) *A facility for intermediate care as defined in NRS 449.0038;*

(d) *A facility for skilled nursing as defined in NRS 449.0039;*



- (e) *A hospital as defined in NRS 449.012; or*
- (f) *An independent center for emergency medical care as defined in NRS 449.013.*

Sec. 26. *“COVID-19” means:*

- 1. *The novel coronavirus identified as SARS-CoV-2;*
- 2. *Any mutation of the novel coronavirus identified as SARS-CoV-2; or*
- 3. *A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.*

Sec. 27. 1. *“Governmental entity” means the State of Nevada or any of its agencies or political subdivisions. As used in this subsection, “political subdivision” includes any organization or entity described in NRS 41.0305.*

2. *The term does not include any public school entity for pupils in preschool, kindergarten, or any grades 1 through 12, including, without limitation, a school district, a charter school or a university school for profoundly gifted pupils.*

Sec. 28. 1. *“Nonprofit organization” means any private organization not operated for profit.*

2. *The term, includes, without limitation, an organization for youth sports or an alumni, charitable, civic, educational, fraternal, patriotic, religious, labor or veterans’ organization, a credit union organized under the provisions of chapter 672 of NRS or the Federal Credit Union Act, or a state or local bar association, that:*

(a) *Has been determined pursuant to NRS 372.326 to be created for religious, charitable or educational purposes; or*

(b) *Qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c).*

3. *The term does not include a nonprofit organization that operates:*

(a) *An agency to provide nursing in the home as defined in NRS 449.0015;*

(b) *A facility for hospice care as defined in NRS 449.0033;*

(c) *A facility for intermediate care as defined in NRS 449.0038;*

(d) *A facility for skilled nursing as defined in NRS 449.0039;*

(e) *A hospital as defined in NRS 449.012; or*

(f) *An independent center for emergency medical care as defined in NRS 449.013.*

Sec. 29. 1. *In any civil action where a plaintiff alleges a personal injury or death as a result of exposure to COVID-19 while on a premises owned or operated by an entity, or during an activity conducted or managed by the entity:*

(a) *The complaint must be pled with particularity.*



(b) If the entity was in substantial compliance with controlling health standards, the entity is immune from liability unless the plaintiff pleads sufficient facts and proves that:

(1) The entity violated controlling health standards with gross negligence; and

(2) The gross negligence was the proximate cause of the plaintiff's personal injury or death.

(c) If the entity was not in substantial compliance with controlling health standards:

(1) The plaintiff may pursue any claim recognized at common law or by statute; and

(2) The immunity described in paragraph (b) does not apply to the entity.

2. The court shall determine as a matter of law whether an entity was in substantial compliance with controlling health standards at the time of an alleged exposure to COVID-19. The plaintiff has the burden of establishing the entity was not in substantial compliance with controlling health standards.

3. As used in this section:

(a) "Controlling health standards" means any of the following that are clearly and conspicuously related to COVID-19 and that prescribed the manner in which an entity must operate at the time of the alleged exposure:

(1) A federal, state or local law, regulation or ordinance; or

(2) A written order or other document published by a federal, state or local government or regulatory body.

(b) "Entity" means a business, governmental entity or nonprofit organization and the officers and employees of the business, governmental entity or nonprofit organization.

(c) "Premises" means any real property located in this State.

(d) "Substantial compliance" means the good faith efforts of an entity to help control the spread of COVID-19 in conformity with controlling health standards. The entity may demonstrate substantial compliance by establishing policies and procedures to enforce and implement the controlling health standards in a reasonable manner. Isolated or unforeseen events of noncompliance with the controlling health standards do not demonstrate noncompliance by the entity.

Sec. 30. Chapter 76 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the grounds for suspension or revocation of a state business license set forth in NRS 76.170, if a person who holds a state business license fails to comply with controlling health



standards, the Secretary of State may suspend the state business license of the person until the person complies, in good faith, with controlling health standards.

2. If the license is suspended, the Secretary of State shall provide written notice of the action to the person who holds the state business license.

3. As used in this section:

(a) "Controlling health standards" means any of the following that are clearly and conspicuously related to COVID-19 and that prescribed the manner in which a business must operate at the time the person allegedly failed to comply:

(1) A federal, state or local law, regulation or ordinance; or

(2) A written order or other document published by a federal, state or local government or regulatory body.

(b) "COVID-19" means:

(1) The novel coronavirus identified as SARS-CoV-2;

(2) Any mutation of the novel coronavirus identified as SARS-CoV-2; or

(3) A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.

Sec. 31. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.



(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases, ↪ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;



(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130; ~~for~~

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075 ~~to~~; **or**

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to sections 11 to 14, inclusive, of this act.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 32. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118,



287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510,



645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 13 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and



(2) Is not available in an electronic format; or
(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or
(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 33. NRS 463.120 is hereby amended to read as follows:

463.120 1. The Board and the Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board and the Commission. These records are open to public inspection.

2. The Board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The Board and the Commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this section, all information and data:

(a) Required by the Board or Commission to be furnished to it under chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's or natural person's criminal record, antecedents and background which have been furnished to or obtained by the Board or Commission from any source;

(c) Provided to the members, agents or employees of the Board or Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;

(d) Obtained by the Board from a manufacturer, distributor or operator, or from an operator of an inter-casino linked system,



relating to the manufacturing of gaming devices or the operation of an inter-casino linked system; ~~for~~

(e) *Obtained by the Board from a public accommodation facility pursuant to section 13 of this act; or*

(f) Prepared or obtained by an agent or employee of the Board or Commission pursuant to an audit, investigation, determination or hearing,

↪ are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the Board or Commission.

5. Notwithstanding any other provision of state law, any and all information and data prepared or obtained by an agent or employee of the Board or Commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto, are confidential and absolutely privileged and may be revealed in whole or in part only in the course of the necessary administration of such provisions and with specific authorization and waiver of the privilege by the Board or Commission. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.

6. Notwithstanding any other provision of state law, if any applicant or licensee provides or communicates any information and data to an agent or employee of the Board or Commission in connection with its regulatory, investigative or enforcement authority:

(a) All such information and data are confidential and privileged and the confidentiality and privilege are not waived if the information and data are shared or have been shared with an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country in connection with its regulatory, investigative or enforcement authority, regardless of whether such information and



data are shared or have been shared either before or after being provided or communicated to an agent or employee of the Board or Commission; and

(b) The applicant or licensee has a privilege to refuse to disclose, and to prevent any other person or governmental agent, employee or agency from disclosing, the privileged information and data.

7. Before the beginning of each legislative session, the Board shall submit to the Legislative Commission for its review and for the use of the Legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

8. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Commission.

9. The files, records and reports of the Board are open at all times to inspection by the Commission and its authorized agents.

10. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada Tax Commission must be made available to the Board and the Nevada Gaming Commission as is necessary to the administration of this chapter.

11. For the purposes of this section, "information and data" means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message, paper, record, report or other type of document, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant's or licensee's compliance with statutory or regulatory requirements.

Sec. 33.5. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of \$410,000 for the costs of the 32nd Special Session.

Sec. 34. The provisions of sections 24 to 29, inclusive, of this act apply only to a cause of action or claim arising from a personal injury or death specified in section 29 of this act that accrues before, on or after the effective date of this act and before the later of:

1. The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or
2. July 1, 2023.



Sec. 35. 1. Within 15 days after the effective date of this act, the Chief of the Budget Division of the Office of Finance created by NRS 223.400 shall transfer from Budget Account 101-1327:

(a) The sum of \$2,000,000 to the Southern Nevada Health District created pursuant to NRS 439.362 to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted thereto.

(b) The sum of \$500,000 to the Washoe County Health District created pursuant to NRS 439.370 to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted thereto.

2. All money transferred pursuant to subsection 1 must be expended by the recipient health district on or before December 30, 2020. Any remaining balance of the money must not be committed for expenditure on or after December 30, 2020, by the recipient health district or any entity to which the money is granted or otherwise transferred in any manner, and any portion of the money remaining must not be spent for any purpose after December 30, 2020, by either the recipient health district or the entity to which the money was subsequently granted or transferred, and must be reverted to Budget Account 101-1327 on or before December 30, 2020.

Sec. 36. 1. The Director of the Department of Health and Human Services shall adopt the initial regulations required by sections 11 to 14, inclusive, of this act not later than 20 days after the effective date of this act.

2. Notwithstanding the 15-day requirement set forth in section 15 of this act, a district board of health of a health district, as required by section 15 of this act, shall adopt regulations that are substantively identical to the regulations adopted by the Director pursuant to subsection 1 within 30 days after the effective date of this act or within 10 days after the adoption of the regulations by the Director pursuant to subsection 1, whichever is earlier.

Sec. 37. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 38. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after August 1, 2020.

Sec. 39. 1. This act becomes effective upon passage and approval.

2. Section 30 of this act expires by limitation on the later of:



- (a) The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or
- (b) July 1, 2023.

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