

Joe Lombardo
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

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**SMALL BUSINESS IMPACT STATEMENT FY23
PROPOSED AMENDMENTS TO NAC 445A**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should have no adverse effect upon a small business or impact the formation, operation or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes NRS 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608 (3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

Background

The Division of Public and Behavioral Health is putting forth proposed changes to Nevada Administrative Code (NAC) Chapter 445A. This change is a result of the Governor's Executive Order #2023-003. Pursuant to the order, the Division of Public and Behavioral Health has requested input from the public.

The Division is committed to streamlining permitting of bottled water firms in Nevada to assist businesses seeking to send water to Nevada from other states or countries. The water produced in these states and countries is regulated through the U.S. Food and Drug Administration and the state or country of origin. The State of Nevada retains full authority to require testing any food product which may constitute a substantial health hazard. Firms are also subject to comply with the Federal Food Safety Modernization Act, 21 U.S.C. 22001, and any regulations adopted pursuant thereto as per NRS 446.923.

The revised language removes the requirement for water bottled in a plan outside of Nevada to have a permit or pay a fee. This language clarifies that water bottled within Nevada will still require a permit.

1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health has requested input from Nevada residents.

A Small Business Impact Questionnaire along with a copy of the proposed regulation changes, on March 22nd, 2023. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Response

Summary Of Comments Received (Two (2) responses were received out of 9,053 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Yes: 0	Yes: 1	Yes: 1	Yes: 1
No: 2	No: 1	No: 1	No:1

2) Describe the manner in which the analysis was conducted.

An online small business impact survey was distributed via email and posted publicly on the DPBH website, as described above. All questionnaire responses were conducted via the web, and none were received via email, fax or mail. The proposed regulations, as well as existing regulations, were reviewed. EHS analyzed the information from the questionnaire to determine if the proposed regulation had an impact on small businesses or if it was existing regulations that had an impact on small businesses. The statement was prepared by the EHS Manager.

3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.

The proposed change will allow businesses from all states and countries to import water into Nevada enabling small businesses to participate in commerce.

4) Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The Division of Public and Behavioral Health has held several opportunities for the public to provide input and comments regarding the proposed 445A regulations, including a Stakeholder Feedback Meeting on March 22nd, 2023 in addition to soliciting the economic impact the proposed regulations may have on the public and business. Modifications to the proposed regulations have been made as a result of this input. Workshops will be held on April 21st, 2023 allowing for further input by the public regarding the proposed regulations and how they will impact businesses. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

5) The estimated cost to the agency for enforcement of the proposed regulation.

There is not direct cost to the agency for enforcement of the proposed regulations.

- 6) **If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH expects to collect and the manner in which the money will be used.**

The proposed regulations do not provide for a new fee or increase any existing fee.

- 7) **An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.**

The proposed regulations are not duplicative or more stringent than any federal, state, or local standards.

- 8) **Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

In summary, the proposed changes to regulation to Nevada Administrative Code (NAC) Chapter 445A. The change is a result of the Governor's Executive Order 2023-003.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Teresa Hayes at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89701
Teresa Hayes
Phone: (775) 546-5530
Email: thayes@health.nv.gov

Certification by Person Responsible for the Agency

I, Lisa Sherych, Administrator of the Division of Public and Behavioral Health certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature  Date: 04/05/2023