



NOTICE OF PUBLIC HEARING

INTENT TO ADOPT SARS-COV-2 PUBLIC ACCOMMODATION REGULATIONS.

NOTICE IS HEREBY GIVEN that the Director of the Department of Health and Human Services will hold a public hearing to consider any comments on the regulations required under Senate Bill 4 (SB4) of the 32nd (2020) Special Session that was approved by the Governor on August 11, 2020.

The public hearing will be conducted via videoconference and teleconference beginning at **9:00am on Friday, August 28, 2020.**

Location of Hearing:

Virtual meeting via Zoom:

<https://us02web.zoom.us/j/7756845906?pwd=bmJkRDYxa2NRWWdoS2JkMFo2emZ4QT09>

Number to call: (669) 900-6833

Meeting ID: 7756845906

Meeting password: 41264150

The proposed regulations establish minimum standards for cleaning in accommodation facilities in Washoe and Clark counties and require those facilities to adopt protocols and plans concerning the prevention and response to SARS-CoV-2. These standards are intended to reduce and prevent the transmission of SARS-CoV-2 and apply only during the declaration of an emergency due to SARS-CoV-2 and during other periods in which conditions concerning the prevalence of SARS-CoV-2 exist.

These requirements of NRS 233B do not apply to the adoption, amendment or repeal of these regulations by the Director. The Director must allow any interested person a reasonable opportunity to submit written or oral comment. The Director must adopt these initial regulations no later than August 31, 2020. Within 14 days after the adoption of these regulations, the district boards of health in Washoe and Clark County must adopt substantively identical regulations.

Members of the public may make oral comments at this hearing. Persons wishing to submit written testimony or documentary evidence should submit the material to Tawny Chapman, Executive Assistant, to be received no later than Thursday, August 27, 2020 to tawny.chapman@dhhs.nv.gov at the following address or

Tawny Chapman
Nevada Department of Health and Human Services
Director's Office
4126 Technology Way, Suite 100
Carson City, NV 89706

A copy of the regulations and this notice can also be found online by going to:

<http://dpbh.nv.gov/> and <https://notice.nv.gov/>

Copies may be obtained via mail by calling the Director's Office at 775-684-4003 or received via e-mail at tawny.chapman@dhhs.nv.gov

NAC 447E

SARS-CoV-2 Regulations at Public Accommodation Facilities

Section 1. As used in this chapter, unless the context otherwise requires, the words and terms defined in Sec. 2 to 10, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. *“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.*

Sec. 3. *“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.*

Sec. 4. *“Close contact” has the meaning must 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.*

Sec. 5. *“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.*

Sec 6. *“Director” has the meaning ascribed to it in Section 6 of Senate Bill 4 of the 32nd Special Session (2020).*

Sec. 7. *“Employee” has the meaning ascribed to it in Section 7 of Senate Bill 4 of the 32nd Special Session (2020).*

Sec. 8. *“Health authority” has the meaning ascribed to it in Section 8 of Senate Bill 4 of the 32nd Special Session (2020).*

Sec. 9. *“Public accommodation facility” or “facility” has the meaning ascribed to it in Section 9 of Senate Bill 4 of the 32nd Special Session (2020).*

Sec. 10. *“Resort hotel” has the meaning ascribed to it in NRS 463.01865.*

Sec. 11. *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.*

Sec. 12. *The provisions of this chapter apply under the conditions described in Section 4 of Senate Bill 4 of the 32nd Special Session (2020).*

Sec. 13. *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).*

Sec. 14. *A public accommodation facility shall not advise or incentivize guests to decline daily in-room housekeeping.*

Sec. 15. *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 Sec. 13; and*
- 2. A list of key contact persons at public health agencies.*

Sec. 16. *A public accommodation facility must make available to employees or their bargaining representative a physical or electronic copy of the standards adopted pursuant to Sec. 13 upon request at no cost.*

Sec 17. *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.*

Sec. 18. *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. *The provisions of Section 13, subsection 1, subparagraphs (b) through (l), inclusive, of Senate Bill 4 of the 32nd Special Session (2020).*
3. *Be submitted to the Nevada Gaming Control Board, except that a public accommodation facility not under the jurisdiction of the Nevada Gaming Control Board must submit the response plan to the health authority.*

Sec. 19. *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).*

Sec. 20. *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).*

Sec. 21. *A public accommodation facility shall submit their emergency response plan as required in Section 13, subsection 5 of Senate Bill 4 of the 32nd Special Session (2020). The health authority shall keep*

the plan confidential and may only disclose all or part of the plan as provided in Section 13, subsection 5, subparagraphs (a) through (c), inclusive, of Senate Bill 4 of the 32nd Special Session (2020).

Sec. 22. *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.*

Sec. 23. *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.*

Sec. 24. 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 facility has corrected a violation as required pursuant to subsection 1 of this section, the health authority may notify the Nevada Gaming Control Board and any local governmental entity responsible for licensing or regulating the public accommodation facility.

Sec. 25. *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, in accordance with the following schedule:*

For each initial violation\$500

For each second or subsequent violation.....\$1000