

Steve Sisolak  
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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## NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations  
(JCB File No. R069-21)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapters 439 and 441A of Nevada Administrative Code (NAC), Administration of Public Health and Infectious Diseases. This public hearing is to be held in conjunction with the State Board of Health meeting on January 12, 2022.

The State Board of Health will be conducted via videoconference beginning at 9:00 AM on January 12, 2022, at the following locations:

Via Zoom: <https://zoom.us/j/98436022298?pwd=aEFYTmpJZlVMay9yU1VpZnM3alRlZz09>

Meeting ID: 984 3602 2298

Join by phone  
877 853 5257 US Toll  
Passcode: 874882

The proposed changes to NAC #s 439 and 441A include the following:

- Existing regulations prohibit, with certain exceptions, a person from attending a university until he or she submits to the university proof of immunity to certain communicable diseases. (NAC 441A.755) Section 4 of this regulation makes this requirement applicable to state colleges and community colleges on July 1, 2024.
- Section 3 of this regulation prohibits a person from attending a postsecondary educational institution until he or she submits proof of immunity to COVID-19, effective upon the submission of this regulation to the Secretary of State.
- Existing regulations require the Division of Public and Behavioral Health of the Department of Health and Human Services to establish the immunization schedule required for the admission of a student. (NAC 441A.755) Section 3 removes that requirement. Instead, section 2 of this regulation adopts by reference certain publications of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, and section 3 requires the proof of immunity submitted by a student to demonstrate that the student has acquired immunity in accordance with those publications.
- Existing regulations exempt any student who is enrolled in a program of distance education and who does not attend a class on campus from immunization requirements. (NAC 441A.755) Section 3 requires a student who does not attend class on campus but attends a club, sport or other extracurricular activity on campus to demonstrate the required immunity.
- Existing regulations authorize certain persons to apply for a variance from a regulation of the State Board of Health. (NAC 439.200-439.280) Sections 1 and 3 of this regulation provide that any person who is required to

submit proof of immunity to certain communicable diseases to attend a postsecondary educational institution is ineligible to request a variance from a regulation of the Board relating to that requirement.

1. Anticipated effects on the businesses which NAC #s 439 and 441A regulates:

- A. *Adverse effects:* Small businesses will have additional administrative burden with enforcing the vaccine mandate and fewer students may be interested in enrolling and attending, resulting in a loss of revenue and potential closures among Nevada state institutions. Some businesses indicated this could have a negative impact on the work force of Nevada (e.g. incoming realtors will drop out) because they believe students will drop out of their classes. Other respondents mentioned this will disrupt education and create the necessity of uncomfortable conversations amongst clients.
- B. *Beneficial:* Only two entities responded both indicating a healthier student population due to vaccination. Another indicated that the virtual attendance could improve which would be beneficial. A Security Guard Training program indicated that most business prefer their security guards to be vaccinated in which this regulation would be helpful.
- C. *Immediate:* Many businesses indicated they would need to increase their staff to handle the administrative burden of the new requirements. Many also indicated they would lose students and revenue. However, students and faculty would see less disease transmission keeping more students and faculty in classes.
- D. *Long-term:* Some businesses indicated they may have to close locations due to the potential decrease of revenue. However, students and faculty would see less severe disease and deaths from vaccine COVID-19 and other vaccine preventable diseases.

2. Anticipated effects on the public:

- A. *Adverse:* There are no adverse effects on the public.
- B. *Beneficial:* The number of vaccinated persons in the state of Nevada will increase with this mandate, further increasing community immunity and therefore lessening the burden of COVID-19 on the health care system and the overall community. Nevada's colleges, universities, and trade schools will have less COVID-19 outbreaks and will be able to have more sustained in-person learning.
- C. *Immediate:* More Nevadans vaccinated against COVID-19 and lessens the risk of COVID-19 outbreaks occurring on higher education campuses.
- D. *Long-term:* Enhanced community immunity for COVID-19. Enhanced in-person learning opportunities for students of Nevada's colleges, universities, and trade schools.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be an initial fee of \$0 with an annual renewal fee of \$0. These fees are not currently set in regulations and would not be used to cover the costs to enforce the proposed regulations.

The proposed regulations do not overlap or duplicate any other Nevada state regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Lisa Sherych, to be received no later than January 5, 2022 at the following address:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706  
[StateBOH@health.nv.gov](mailto:StateBOH@health.nv.gov)

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health  
4150 Technology Way, Suite #300  
Carson City, NV 89706

A copy of the regulations and small business impact statement can be found on-line by going to:  
[https://dph.nv.gov/Programs/SIP/dta/Statutes/IZ\\_Regulations/](https://dph.nv.gov/Programs/SIP/dta/Statutes/IZ_Regulations/)

A copy of the public hearing notice can also be found at Nevada Legislature's web page:  
<https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

Copies of this notice and the proposed regulations will be mailed to member of the public at no charge upon request.

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.