

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

*Adopted pursuant to Senate Bill 386 of the 81<sup>st</sup> (2021) Session by the Director of the Department of Health & Human Services on June 18, 2021, and the Southern Nevada District Board of Health on June 30, 2021.*

Explanation – Language in *blue italics* is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AUTHORITY: NRS 447.330, 447.335, 447.340, Senate Bill 4 of the 32<sup>nd</sup> Special Session (2020), Senate Bill 386 of the 81<sup>st</sup> Session (2021).

**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 32<sup>nd</sup> Special Session (2020)~~ [NRS 447.305](#).

**447E.030 “Employee” defined.** “Employee” has the meaning ascribed to it in ~~Section 7 of Senate Bill 4 of the 32<sup>nd</sup> Special Session (2020)~~ [NRS 447.310](#).

**447E.033 “Fully vaccinated for COVID-19” defined.**

*“Fully vaccinated for COVID-19” has 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.*

**447E.035 “Health authority” defined.** “Health authority” has the meaning ascribed to it in ~~Section 8 of Senate Bill 4 of the 32<sup>nd</sup> Special Session (2020)~~ [NRS 447.315](#).

**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 32<sup>nd</sup> Special Session (2020)~~ [NRS 447.320](#).

**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.049 “Verified underlying medical condition that prevents the employee from receiving a vaccination for COVID- 19” defined.**

*“Verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19” means a condition of an employee for whom the SARS-CoV-2 vaccine is not recommended because of a medical exemption that is documented by a note provided by a licensed physician and provided to the employer.*

**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 32<sup>nd</sup> Special Session (2020)~~ [NRS 447.325](#).

**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)~~ [NRS 447.335\(1\)](#), inclusive.

**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 [NAC 447E.060](#); and
2. A list of key contact persons at public health agencies.
3. A public accommodation facility must make available to employees or their bargaining representative a physical or electronic copy of the standards adopted pursuant to [NAC 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)~~ [NRS 447.340\(1\)](#).
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 (l), inclusive, of Senate Bill 4 of the 32nd Special Session (2020)~~ NRS 447.345(b) through (j), inclusive; and
3. Be submitted to the health authority upon request.

~~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.085 Paid time off: requirements.** ~~For the purposes of Section 13, subsection 1 of Senate Bill 4 of the 32nd Special Session (2020), paid~~ Paid time off must be calculated as described in Section 13, subsection 4 of Senate Bill 4 of the 32nd Special Session (2020) NRS 447.345.

**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)~~ NRS 447.350.
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 violation.....	\$1000