

STEVE SISOLAK
Governor

STATE OF NEVADA

VICTORIA CARREÓN
Administrator

TERRY REYNOLDS
Director



PERRY FAIGIN
Interim Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS

**NOTICE OF PUBLIC WORKSHOP TO SOLICIT COMMENTS ON
PROPOSED REGULATIONS
LCB File No. R048-20**

October 7, 2020 at 10:00 a.m.

(THIS IS NOT A NOTICE OF INTENT TO ACT ON A REGULATION)

You are hereby given notice that the Division of Industrial Relations of the Department of Business and Industry, State of Nevada (“Division”) will conduct a public workshop on proposed permanent regulations necessary to implement NRS 618.9901 through 618.9913 (Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490) commencing at 10:00 a.m. on Wednesday, October 7, 2020. This meeting will be held *via* a Webex meeting only. Webex allows for video and teleconferencing. Pursuant to Governor Sisolak’s March 22, 2020 Declaration of Emergency Directive 006, the requirement contained in NRS 241.023(1)(b), that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate, is suspended in order to mitigate against the possible exposure or transmission of the COVID-19 (Corona Virus). Accordingly, any person planning to participate in the meeting must participate by using the Webex Access information immediately below.

Webex Access

Meeting number (access code): 133 183 3324 Meeting password: rxPRMPhP825

Tap to join from a mobile device (attendees only)
+1-415-655-0001,,1331833324## US toll

Join by phone
+1-415-655-0001 US Toll

Join from a video system or application
Dial 1331833324@nvbusinessandindustry.webex.com You can also dial 173.243.2.68
and enter your meeting number

Join using Microsoft Lync or Microsoft Skype for Business Dial
1331833324.nvbusinessandindustry@lync.webex.com

Need help? Go to <http://help.webex.com/>

Pursuant to NRS 233B.608 and 233B.609, the Division is providing the following statements pertaining to the workshop on the proposed additions to Chapter 618 of the Nevada Administrative Code (“NAC”).

The need and purpose of the proposed revisions to regulations: *The Division of Industrial Relations, Occupational Safety and Health Administration (“OSHA”) may adopt regulations to carry out the NRS 618.9901 through 618.9913 (enacted in Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) for the entertainment industry and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490) for the convention services industry. In addition, the Division is required to adopt regulations approving the OSHA 10/30 courses for certain employees in these industries and setting forth guidelines for job-specific training to qualify as continuing education as provided in NRS 618.9909 for the entertainment industry and NRS 618.9927 for the convention services industry..*

The estimated economic effect of the proposed regulations on (a) regulated businesses and (b) the public, including, stated separately: (i) adverse and beneficial effects; and (ii) immediate and long-term effects:

(a) Regulated businesses:

(i) Adverse and beneficial effects:

The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of these regulations implementing NRS 618.9901 through 618.9913 (enacted in Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) for the entertainment industry and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490) for the convention services industry. The adverse effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to regulated or small businesses.

The Division believes that there will be no beneficial effects, either direct or indirect, on regulated businesses as the result of these regulations.

(ii) Immediate and long-term effects:

The Division does not anticipate any immediate effects, either adverse or beneficial, on regulated and small businesses as a result of these regulations implementing NRS 618.9901 through 618.9913 (enacted in Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) for the entertainment industry and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490). There will be no direct or indirect costs to regulated or small businesses.

The Division does not anticipate any long-term effects, either adverse or beneficial, on regulated and small businesses as a result of these regulations. There will be no direct or indirect costs to regulated or small businesses.

(b) The public:

(i) Adverse and beneficial effects:

The Division anticipates no adverse effects, either direct or indirect, on the public as the result of these regulations implementing NRS 618.9901 through 618.9913 (enacted in Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) for the entertainment industry and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490) for the convention services industry. There will be no direct or indirect cost to the public.

The Division believes that there will be no beneficial effects, either direct or indirect, on the public as the result of these regulations.

(ii) Immediate and long-term effects:

The Division does not anticipate any immediate effects, either adverse or beneficial, on the public as a result of these regulations implementing NRS 618.9901 through 618.9913 (enacted in Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) for the entertainment industry and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490) for the convention services industry. There will be no direct or indirect costs to the public.

The Division does not anticipate any long-term effects, either adverse or beneficial, on the public as a result of these regulations. There will be no direct or indirect costs to the public.

The estimated cost to the Division for enforcement of the proposed regulations: *The Division does not anticipate incurring any additional cost for these proposed permanent regulations necessary to implement NRS 618.9901 through 618.9913 (enacted in Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) for the entertainment industry and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490) for the convention services industry.*

The Division believes that the proposed regulation does not overlap or duplicate any existing regulation. *The proposed regulation is not required by federal law and there is no equivalent federal law.*

The proposed regulation does not establish a new fee or increase an existing fee. *The proposed regulation does not provide for a new fee or increase an existing fee payable to the Division.*

A copy of the proposed language for LCB File No. R048-20, may be downloaded from the Nevada Occupational Safety and Health Administration website: <http://dir.nv.gov/OSHA/Home>. Before the Public Workshop, persons may submit written comments to Donald C. Smith, Esq., Senior Division Counsel, Division of Industrial Relations, 3360 W. Sahara Ave., #250, Las Vegas,

Nevada 89102 or by email to donalddsmith@dir.nv.gov.

After the comments have been reviewed and considered, the Division will give notice of intent to act on the regulation and conduct one or more public hearings to solicit written and/or oral comments, data, and views on the proposed regulation.

Persons with disabilities who require special accommodations or assistance at the workshop must notify Kim Toledo, at the Occupational Safety and Health Administration, 3360 W. Sahara Ave., #200, Las Vegas, Nevada 89102, or by calling (702) 486-9168 by 5:00 p.m., Wednesday, September 30, 2020.

The requirements set forth in NRS 241.020(4)(a) for the posting of agendas for public meetings was suspended in Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006. This notice has been posted on Nevada's notice website: <http://leg.state.nv.us/App/Notice/A/>; and the Division's website: <http://dir.nv.gov/Meetings/Meetings>, as set forth in NRS 241.020(4)(b) and (4)(c).

**PROPOSED REGULATION OF THE
DIVISION OF INDUSTRIAL RELATIONS OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R048-20

July 31, 2020

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

AUTHORITY: §§1-11, NRS 618.295 and 618.9908; §§12-15, NRS 618.295, 618.9908 and 618.9909; §§16-24, NRS 618.295; §§25-28, NRS 618.295 and 618.9927.

A REGULATION relating to occupational safety; providing for certain health and safety training for employees in the entertainment and convention services industries; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations relating to certain 10-hour and 30-hour health and safety courses which are developed by the Occupational Safety and Health Administration of the United States Department of Labor for certain employees in the entertainment and convention services industries. (NRS 618.9901-618.9913; 618.9920-618.9931) **Sections 2-15** of this regulation apply to the entertainment industry and the substantially similar **sections 16-28** of this regulation apply to convention services.

Sections 11 and 24 of this regulation require all OSHA-10 and OSHA-30 courses described in this regulation to be conducted and made available in a language and format understandable to each person employee taking the courses.

Sections 12 and 25 of this regulation provide that OSHA-10 and OSHA-30 courses which meet or exceed certain guidelines issued by the Occupational Safety and Health Administration shall be deemed by the Division to be approved.

Sections 13 and 26 of this regulation provide for an employee’s renewal of a valid completion card for an OSHA-10 or OSHA-30 course.

Sections 14 and 27 of this regulation provide for proof of completion of OSHA courses, including continuing education courses, and the retention of records thereof.

Sections 15 and 28 of this regulation govern the requirements for instructors for continuing education courses.

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 28, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 15, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Approved OSHA-10 continuing education course” means a 5-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.*

Sec. 4. *“Approved OSHA-10 course” means a 10-hour course that is deemed approved by the Division pursuant to section 12 of this regulation.*

Sec. 5. *“Approved OSHA-30 continuing education course” means a 15-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses,*

including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.

Sec. 6. *“Approved OSHA-30 course” means a 30-hour course that is deemed approved by the Division pursuant to section 12 of this regulation.*

Sec. 7. *“Qualified continuing education course instructor” means a person who possesses credentials in the field of safety that the Administrator determines to be adequate, pursuant to subsection 2 of section 15 of this regulation, to prepare the person to provide:*

- 1. Approved OSHA-10 continuing education courses; and*
- 2. Approved OSHA-30 continuing education courses.*

Sec. 8. *“Trainer” has the meaning ascribed to it in NRS 618.991.*

Sec. 9. *“Valid completion card” means an unexpired completion card issued to a person for:*

- 1. An approved OSHA-10 course; or*
- 2. An approved OSHA-30 course.*

Sec. 10. *For the purposes of sections 2 to 15, inclusive, of this regulation, the Division interprets the term:*

- 1. “Site,” as defined in NRS 618.9904, to include an outdoor stage.*
- 2. “Worker,” as defined in NRS 618.9906, as not including:*
 - (a) An actor;*
 - (b) An athlete;*
 - (c) A musician;*
 - (d) A singer; or*

(e) Any other person,

↳ who performs entertainment at a site.

Sec. 11. All courses described in sections 2 to 15, inclusive, of this regulation must be conducted and made available in a language and format that is understandable to each person taking the course.

Sec. 12. 1. An OSHA-10 course that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA-10 course.

2. An OSHA-30 course, offered to a person, that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA-30 course.

Sec. 13. 1. An employee may renew a valid completion card for an approved OSHA-10 course by completing an approved OSHA-10 course or approved OSHA-10 continuing education course before the expiration of the valid completion card. An employee who renews a valid completion card for an approved OSHA-10 course must present his or her employer

with the valid completion card and written proof of completion of an approved OSHA-10 course or approved OSHA-10 continuing education course.

2. An employee may renew a valid completion card for an approved OSHA-30 course by completing an approved OSHA-30 course or approved OSHA-30 continuing education course before the expiration of the valid completion card. An employee who renews a valid completion card for an approved OSHA-30 course must present his or her employer with the valid completion card and written proof of completion of an approved OSHA-30 course or approved OSHA-30 continuing education course.

Sec. 14. *1. If an employer offers and an employee completes an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course, the employer must:*

(a) Provide the employee with written proof of completion of the course;

(b) On request by the Division, provide the Division with written proof of the employee's completion of the course; and

(c) Retain a copy of the written proof of completion of the course for not less than 5 years.

2. An employer may offer and an employee may complete an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course online if the course is developed by, or with the assistance of, a trainer or qualified continuing education course instructor.

Sec. 15. *1. No person other than a trainer or qualified continuing education course instructor may provide an OSHA-10 continuing education course or an OSHA-30 continuing education course.*

2. The Administrator may determine that a person may act as a qualified continuing education course instructor if the person, without limitation:

(a) Is authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, if the person has completed OSHA 501, the Trainer Course in OSHA Standards for General Industry;

(b) Has 3 years of experience in overseeing matters of occupational safety and health in the entertainment industry; or

(c) Has 2 years of experience in overseeing matters of occupational safety and health in the entertainment industry and has:

(1) A college degree in occupational safety and health; and

(2) Been designated as:

(I) A certified safety professional; or

(II) A certified industrial hygienist.

Sec. 16. As used in sections 16 to 28, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 17 to 23, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 17. “Approved OSHA-10 continuing education course” means a 5-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.

Sec. 18. *“Approved OSHA-10 course” means a 10-hour course that is deemed approved by the Division pursuant to section 25 of this regulation.*

Sec. 19. *“Approved OSHA-30 continuing education course” means a 15-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.*

Sec. 20. *“Approved OSHA-30 course” means a 30-hour course that is deemed approved by the Division pursuant to section 25 of this regulation.*

Sec. 21. *“Qualified continuing education course instructor” means a person who possesses credentials in the field of safety that the Administrator determines to be adequate, pursuant to subsection 2 of section 28 of this regulation, to prepare the person to provide:*

- 1. Approved OSHA-10 continuing education courses; and*
- 2. Approved OSHA-30 continuing education courses.*

Sec. 22. *“Trainer” has the meaning ascribed to it in NRS 618.9928.*

Sec. 23. *“Valid completion card” means an unexpired completion card issued to a person for:*

- 1. An approved OSHA-10 course; or*
- 2. An approved OSHA-30 course.*

Sec. 24. *All courses described in sections 16 to 28, inclusive, of this regulation must be conducted and made available in a language and format that is understandable to each person taking the course.*

Sec. 25. 1. *An OSHA-10 course, offered to a person, that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA-10 course.*

2. *An OSHA-30 course, offered to a person, that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA-30 course.*

Sec. 26. 1. *An employee may renew a valid completion card for an approved OSHA-10 course by completing an approved OSHA-10 course or approved OSHA-10 continuing education course before the expiration of the valid completion card. An employee who renews a valid completion card for an approved OSHA-10 course must present his or her employer with the valid completion card and written proof of completion of an approved OSHA-10 course or approved OSHA-10 continuing education course.*

2. An employee may renew a valid completion card for an approved OSHA-30 course by completing an approved OSHA-30 course or approved OSHA-30 continuing education course before the expiration of the valid completion card. An employee who renews a valid completion card for an approved OSHA-30 course must present his or her employer with the valid completion card and written proof of completion of an approved OSHA-30 course or approved OSHA-30 continuing education course.

Sec. 27. 1. If an employer offers, and an employee completes an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course, the employer must:

(a) Provide the employee with written proof of completion of the course;

(b) On request by the Division, provide the Division with written proof of the employee's completion of the course; and

(c) Retain a copy of the written proof of completion of the course for not less than 5 years.

2. An employer may offer, and an employee may complete an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course online if the course is developed by, or with the assistance of, a trainer or qualified continuing education course instructor.

Sec. 28. 1. No person other than a trainer or qualified continuing education course instructor may provide an OSHA-10 continuing education course or an OSHA-30 continuing education course.

2. The Administrator may determine that a person may act as a qualified continuing education course instructor if the person, without limitation:

(a) Is authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, if the person has completed OSHA 501, the Trainer Course in OSHA Standards for General Industry;

(b) Has 3 years of experience in overseeing matters of occupational safety and health in the convention services industry; or

(c) Has 2 years of experience in overseeing matters of occupational safety and health in the convention services industry and has:

(1) A college degree in occupational safety and health; and

(2) Been designated as:

(I) A certified safety professional; or

(II) A certified industrial hygienist.

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**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608 AND 233B.0609
LCB FILE NO. R048-20
September 9, 2020

Note: Small Business is defined as “a business conducted for profit which employs fewer than 150 full-time or part-time employees.” (NRS 233B.0382).

1. Describe 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.

ANSWER: To determine whether the proposed regulations required by Nevada Revised Statutes (NRS) 618.9901 through 618.9913 (enacted in Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) for the entertainment industry and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490) for the convention services industry are likely to have an impact on small businesses, the Division considered the purpose and scope of the proposed regulations. Based on this review, the Division determined that this regulation will have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect effect on small businesses, either adverse or beneficial. This proposed regulation merely provides a framework to implement and enforce the provisions of NRS 618.9901 through 618.9913 (Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490).

2. The manner in which the analysis was conducted.

ANSWER: As noted in Answer 1, above, there will be no direct or indirect financial effect on small businesses, either adverse or beneficial.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- (a) Both adverse and beneficial effects; and**
- (b) Both direct and indirect effects.**

ANSWER: The Division anticipates no adverse or beneficial effects, either direct or indirect, on small businesses as the result of the adoption of this regulation.

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4. Describe 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.

ANSWER: Because there will be no impact on small businesses, there are no methods available to reduce the impact the Division could have considered.

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

ANSWER: There is no additional cost to the agency for enforcement of this regulation.

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

ANSWER: The proposed regulation does not provide for a new fee or increase an existing fee payable to the Division.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

ANSWER: The proposed regulation does not include any provisions which duplicate or are more stringent than existing federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

ANSWER: The Division complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments. This proposed regulation merely provides a framework to implement and enforce the provisions of NRS 618.9901 through 618.9913 (Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490). The Division made a concerted effort to determine whether the proposed regulations impose a direct or significant economic burden upon small businesses, or directly restricts the formation, operation, or expansion of a small business. The Division determined that these regulations will have no effect on small businesses and will not restrict the formation, operation or expansion of small businesses.

I, VICTORIA CARREON, Administrator of the Division of Industrial Relations, certify that, 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 that the information contained in the statement was prepared properly and is accurate.

DATED this 9th day of September, 2020.


VICTORIA CARREON, Administrator