

ASSEMBLY BILL NO. 630—COMMITTEE ON NATURAL RESOURCES,
AGRICULTURE, AND MINING

MARCH 26, 2001

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Makes various changes relating to testing for environmental contamination.
(BDR 40-1456)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to public health; requiring a health authority to investigate environmental contamination that may threaten public health; making certain information obtained from such an investigation confidential under certain circumstances; requiring the state board of health to adopt certain regulations; requiring a laboratory certified to perform analyses of water to notify the health division of the department of human resources of certain threats to public health; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 439 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. A health authority that knows, suspects or is reliably informed of***
4 ***the presence within its jurisdiction of environmental contamination that***
5 ***may pose a significant threat to public health shall immediately***
6 ***investigate the matter and all circumstances connected with the matter.***
7 ***2. If a health authority has reason to believe that such contamination***
8 ***is present on private property, the authority shall request permission***
9 ***from the owner of the property to:***
10 ***(a) Take samples;***
11 ***(b) Conduct tests; or***
12 ***(c) Temporarily place on the property a testing device or other***
13 ***equipment that measures, monitors or gathers samples,***
14 ***of the air, water or soil from the property.***



- 1 3. *If the owner of the property gives his consent to the request of the*
2 *health authority, any information concerning the presence of an*
3 *environmental contaminant in the air, water or soil from the property*
4 *obtained as a result of that consent is confidential and must not be*
5 *disclosed to any person under any circumstances, including pursuant to*
6 *any subpoena, search warrant or discovery proceeding, except that the*
7 *information may be disclosed:*
8 (a) *For statistical, analytical or descriptive purposes, so long as the*
9 *address, the actual physical location of the property and the identity of*
10 *the owner of the property are not discernible from the information*
11 *disclosed.*
12 (b) *In a prosecution for a violation of any provision of this Title.*
13 (c) *In a proceeding for an injunction brought pursuant to any*
14 *provision of this Title.*
15 (d) *To any person who has a medical need to know the information*
16 *for his own protection or for the well-being of a patient or dependent*
17 *person, as determined by the health authority in accordance with*
18 *regulations of the state board of health.*
19 (e) *To a fireman, police officer or other person who provides*
20 *emergency services if the state board of health has determined that the*
21 *information relates to a threat to public health significantly related to*
22 *that occupation. The information must be disclosed in the manner*
23 *prescribed by the state board of health.*
24 (f) *If the disclosure is authorized or required by specific statute.*
25 (g) *If the owner of the property consents in writing to the disclosure.*
26 4. *The state board of health shall adopt regulations to carry out the*
27 *provisions of this section.*
28 5. *As used in this section, "contaminant" and "contamination" mean*
29 *any physical, chemical, biological, radiological or other substance which*
30 *can cause or transmit infectious disease, chemical poisoning, chronic*
31 *disease or other impairment to humans or other animals.*
32 **Sec. 2.** NRS 445A.428 is hereby amended to read as follows:
33 445A.428 1. The commission shall provide by regulation standards
34 for the certification of laboratories for the analysis of water pursuant to
35 NRS 445A.300 to 445A.730, inclusive. An analysis required pursuant to
36 any provision of NRS 445A.300 to 445A.730, inclusive, must be
37 performed by a certified laboratory.
38 2. The certifying officer shall conduct an evaluation at the site of each
39 laboratory to determine whether the laboratory is using the methods of
40 analysis required by this section in an acceptable manner, applying
41 procedures required by regulation for the control of quality and making
42 results available in a timely manner.
43 3. For analyses required pursuant to NRS 445A.300 to 445A.730,
44 inclusive, the methods of analysis must comply with 40 C.F.R. Part 136.
45 4. A laboratory may be certified to perform analyses for the presence
46 of one or more specified contaminants, or to perform all analyses required
47 pursuant to NRS 445A.300 to 445A.730, inclusive.
48 5. *A laboratory certified to perform analyses of water pursuant to*
49 *this section shall notify the health division of the department of human*



1 *resources each time an analysis detects the presence of a contaminant at*
2 *a level of concentration that may pose a threat to public health,*
3 *including, without limitation, a level in excess of the maximum*
4 *contaminant level for a contaminant for which such a level has been*
5 *established.*

6 *6. The division may revoke, suspend or limit the certification of a*
7 *laboratory that fails to notify the health division as required pursuant to*
8 *this section.*

9 *7. As used in this section, "maximum contaminant level" has the*
10 *meaning ascribed to it in 42 U.S.C. § 300f.*

11 **Sec. 3.** NRS 445A.863 is hereby amended to read as follows:

12 445A.863 1. The state board of health shall provide by regulation
13 standards for the certification of laboratories for the analysis of water
14 pursuant to NRS 445A.800 to 445A.955, inclusive. An analysis required
15 pursuant to any provision of NRS 445A.800 to 445A.955, inclusive, or
16 required by a lender as a condition precedent to the transfer of real property
17 must be performed by a laboratory that is certified in accordance with the
18 standards adopted by the state board of health pursuant to this subsection.

19 2. The certifying officer shall conduct an evaluation at the site of each
20 laboratory to determine whether the laboratory is using the methods of
21 analysis required by this section in an acceptable manner, applying
22 procedures required by regulation for the control of quality and making
23 results available in a timely manner.

24 3. For analyses required pursuant to NRS 445A.800 to 445A.955,
25 inclusive, or by a lender as a condition precedent to the transfer of real
26 property, the methods used must comply with the Federal Act.

27 4. A laboratory may be certified to perform analyses for the presence
28 of one or more specified contaminants, or to perform all analyses required
29 pursuant to NRS 445A.800 to 445A.955, inclusive.

30 *5. A laboratory certified to perform analyses of water pursuant to*
31 *this section shall notify the health division each time an analysis detects*
32 *the presence of a contaminant at a level of concentration that may pose a*
33 *threat to public health, including, without limitation, a level in excess of*
34 *the maximum contaminant level for a contaminant for which such a*
35 *level has been established.*

36 *6. The health division may revoke, suspend or limit the certification*
37 *of a laboratory that fails to notify the health division as required*
38 *pursuant to this section.*

39 *7. As used in this section, "maximum contaminant level" has the*
40 *meaning ascribed to it in 42 U.S.C. § 300f.*

41 **Sec. 4.** The provisions of subsection 1 of NRS 354.599 do not apply
42 to any additional expenses of a local government that are related to the
43 provisions of this act.

44 **Sec. 5.** This act becomes effective on July 1, 2001.

