
ASSEMBLY BILL NO. 303—ASSEMBLYMAN MABEY

MARCH 21, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Requires licensing of persons engaged in certain activities relating to control of mold. (BDR 54-1096)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 mold; requiring the Health Division of the Department of Human Resources to license and regulate persons engaged in certain activities related to the control of mold; requiring the Division to establish and collect certain fees; setting forth the requirements for eligibility for the issuance of a license or certificate of registration by the Division; requiring the holder of a license for mold assessment or mold remediation to prepare certain assessments or work plans; authorizing the Health Division to take certain disciplinary actions relating to the assessment or remediation of mold; 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.** Title 54 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 26, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 8, inclusive,*
6 *of this act have the meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Containment” means an enclosure or other method*
8 *designed or intended to control or prevent the release of mold to*
9 *another area.*



1 **Sec. 4.** *“Division” means the Health Division of the*
2 *Department of Human Resources.*

3 **Sec. 5.** *“Hazardous material” includes mold, asbestos, waste*
4 *and any other substance that may pose a risk to the public health.*

5 **Sec. 6.** *“Mold” means any living or dead fungus or portion*
6 *of a fungus including a spore, hypha or mycotoxin.*

7 **Sec. 7.** *“Mold assessment” includes:*

8 1. *An inspection, investigation or survey of a building or*
9 *structure to determine the presence, identification or other*
10 *evaluation of mold;*

11 2. *The development of a plan for the management or*
12 *remediation of mold; and*

13 3. *The collection of a sample of mold.*

14 **Sec. 8.** *“Mold remediation” means the removal, cleaning,*
15 *sanitizing, demolition, prevention or other treatment of mold or a*
16 *substance which is contaminated with mold that was not intended*
17 *to be grown at that location.*

18 **Sec. 9.** *The Division shall adopt regulations establishing*
19 *standards and procedures for licensing persons engaged in mold*
20 *assessment and mold remediation including standards for:*

21 1. *Examinations;*

22 2. *Qualifications;*

23 3. *Renewal of licenses;*

24 4. *Revocation of licenses; and*

25 5. *Continuing education.*

26 **Sec. 10.** *The Division shall adopt regulations establishing*
27 *standards for the performance of mold assessment and mold*
28 *remediation. The Division may adopt by reference all or part of:*

29 1. *The Standard and Reference Guide for Mold Remediation*
30 *published by the Institute of Inspection, Cleaning and Restoration*
31 *Certification; and*

32 2. *Mold Remediation in Schools and Commercial Buildings*
33 *published by the United States Environmental Protection Agency.*

34 **Sec. 11.** *The Division shall investigate each complaint*
35 *received by the Division relating to a mold assessment or mold*
36 *remediation.*

37 **Sec. 12.** *The Division may adopt regulations for granting a*
38 *license for mold assessment or mold remediation to a person who*
39 *holds a similar license from another jurisdiction where, as*
40 *determined by the Division, the requirements for that license are*
41 *substantially equal to the requirements in this State.*

42 **Sec. 13.** *The Division shall establish by regulation a schedule*
43 *of fees designed to recover revenue to defray the cost of carrying*
44 *out the provisions of this chapter. A fee established by the Division*
45 *must not exceed:*



1 1. One hundred twenty-five dollars for a license issued to a
2 natural person;

3 2. Two hundred fifty dollars for a license issued to a person
4 who is not a natural person; or

5 3. Fifty dollars for a certificate of registration issued
6 pursuant to this chapter.

7 **Sec. 14.** 1. Except as otherwise provided in subsections 2, 3
8 and 4, a person shall not:

9 (a) Engage in mold assessment unless he holds a license for
10 mold assessment issued by the Division; or

11 (b) Engage in mold remediation unless he holds a license for
12 mold remediation issued by the Division.

13 2. A license issued by the Division pursuant to this chapter is
14 not required for a mold assessment or mold remediation if the
15 person who performed the mold assessment or mold remediation
16 is:

17 (a) The owner or a tenant of a single-family residence where
18 the mold assessment or mold remediation was conducted; or

19 (b) The owner, manager or other employee of a multiple-
20 family residential property with no more than 10 units where the
21 mold assessment or mold remediation was conducted unless:

22 (1) The primary duty of the manager or other employee is
23 mold assessment or mold remediation; or

24 (2) The mold remediation would include an area that
25 contains 25 or more square feet of mold contamination.

26 3. A license issued by the Division pursuant to this chapter is
27 not required for a mold remediation if:

28 (a) The person who performed the mold remediation has a
29 certificate of registration as a mold remediation worker issued by
30 the Division pursuant to section 19 of this act; or

31 (b) The total area of mold remediation is less than 25 square
32 feet.

33 4. If not conducted for the purpose of mold assessment or
34 mold remediation, a license issued by the Division pursuant to this
35 chapter is not required for:

36 (a) Routine cleaning and maintenance;

37 (b) The evaluation, repair, cleaning or replacement of
38 electrical, plumbing, sanitary, heating, ventilating, air-
39 conditioning and other similar systems;

40 (c) An inspection related to a real estate transaction;

41 (d) Repair, replacement or cleaning of materials used in the
42 construction of a structure; or

43 (e) Pest control.



1 **Sec. 15. An applicant for a license for mold assessment**
2 **must:**

3 **1. Submit proof satisfactory to the Division that he:**

4 **(a) Has:**

5 **(1) A bachelor's degree, master's degree or doctoral degree**
6 **from an accredited college or university;**

7 **(2) At least 2 years of experience in mold assessment; and**

8 **(3) Been:**

9 **(I) Certified as a Certified Industrial Hygienist by the**
10 **American Board of Industrial Hygiene;**

11 **(II) Certified as an environmental manager by the**
12 **Division; or**

13 **(III) Registered as a Registered Environmental Health**
14 **Specialist by the National Environmental Health Association;**

15 **(b) Has obtained a master's degree or doctoral degree in**
16 **mycology or microbiology from an accredited college or**
17 **university; or**

18 **(c) Has:**

19 **(1) Graduated from any accredited high school, college or**
20 **university;**

21 **(2) At least 1 year of experience in a field related to public**
22 **health; and**

23 **(3) Successfully completed at least 32 hours of instruction**
24 **from the Indoor Air Quality Association in the Certified Indoor**
25 **Environmentalism program, or training from other providers that is**
26 **approved by the Division if it includes the following topics:**

27 **(I) Workplace safety, including components and**
28 **development of respiratory protection plans and programs,**
29 **workplace safety plans, material safety data sheets and medical**
30 **surveillance programs;**

31 **(II) Technical and legal considerations of mold**
32 **assessment, including applicable regulatory requirements,**
33 **recordkeeping, notification requirements, insurance and legal**
34 **liabilities;**

35 **(III) Potential health effects and symptoms from**
36 **exposure to mold;**

37 **(IV) An overview of building construction, building**
38 **science, moisture control and occurrences of intrusion by water;**

39 **(V) Heating, ventilation and air-conditioning systems**
40 **and the relationship of those systems to indoor air quality and the**
41 **assessment and remediation of those systems;**

42 **(VI) Prevention of the growth of mold and problems**
43 **with air quality indoors, including avoiding design and**
44 **construction defects and improving maintenance and**
45 **housekeeping;**



(VII) Performing visual inspections for mold and determining the source of moisture problems;

(VIII) Use of physical measurement equipment, including moisture meters, humidity meters, particle counters, data-logging equipment and equipment for remote visual inspection;

(IX) Biological sampling strategies and methodologies, including sampling locations and techniques and minimizing cross-contamination;

(X) Interpretation of data-sampling results;

(XI) An overview of mold remediation project requirements, including containment and air filtration;

(XII) Writing mold management plans and mold remediation protocols, defining affected areas, identifying and repairing the source and cause of moisture, developing a scope of work analysis, specifying containment and air-filtration strategies, and determining the criteria for a postremediation assessment and the criteria for clearance; and

(XIII) Postremediation clearance testing and procedures, including review of mold remediation plans, visual inspections, sampling strategies and quality assurance;

2. Pass an examination approved or administered by the Division; and

3. Comply with any additional requirements specified by the Division.

Sec. 16. An applicant for a license for mold remediation must:

1. Submit proof satisfactory to the Division that he:

(a) Has:

(1) A bachelor's degree, master's degree or doctoral degree from an accredited college or university;

(2) At least 2 years of experience in mold remediation; and

(3) Been certified as a:

(I) Certified Mold Remediator by the Indoor Air Quality Association; or

(II) Applied Microbial Remediation Technician by the Institute of Inspection, Cleaning and Restoration Certification; or

(b) Has:

(1) Graduated from any accredited high school, college or university;

(2) At least 1 year of experience in a field related to the remediation of hazardous material; and

(3) Successfully completed at least 32 hours of instruction from the Institute of Inspection, Cleaning and Restoration Certification in Microbial Remediation or the Indoor Air Quality



1 *Association in the Certified Mold Remediator program, or*
2 *training, within the 2 years immediately preceding the date he*
3 *applied for the license, received from other providers that is*
4 *approved by the Division if it includes the following topics:*

5 (I) *Sources of indoor mold and conditions necessary for*
6 *indoor mold growth;*

7 (II) *Potential health effects and symptoms from*
8 *exposure to mold;*

9 (III) *Requirements concerning hazards and safety in the*
10 *workplace, personal protective equipment including respirators,*
11 *personal hygiene, personal decontamination, confined spaces, and*
12 *water, structural and electrical hazards;*

13 (IV) *Requirements concerning worker protection,*
14 *including the components and development of respiratory*
15 *protection plans and programs, workplace safety plans and*
16 *medical surveillance programs;*

17 (V) *Technical and legal considerations of mold*
18 *assessment including applicable regulatory requirements,*
19 *recordkeeping, notification requirements, insurance and legal*
20 *liabilities;*

21 (VI) *An overview of building construction, building*
22 *science, moisture control and water intrusion events;*

23 (VII) *An overview of mold remediation project*
24 *requirements, including containment and air filtration;*

25 (VIII) *Work practices for removing, cleaning and*
26 *treating mold, including new technologies;*

27 (IX) *Development of a mold remediation work plan,*
28 *including detailing remediation techniques for the building*
29 *structure and heating, ventilation and air conditioning systems,*
30 *delineating affected areas from a floor plan, developing*
31 *appropriate containment designs, determining air filtration*
32 *requirements and determining dehumidification requirements;*

33 (X) *Clearance testing and procedures, including a*
34 *review of typical clearance criteria, visual inspection of the work*
35 *area prior to clearance and achieving clearance;*

36 (XI) *Contract specifications, including estimating job*
37 *costs from a protocol and determining insurance and liability*
38 *issues; and*

39 (XII) *Protecting the public and building occupants from*
40 *exposure to mold;*

41 2. *Pass an examination approved or administered by the*
42 *Division; and*

43 3. *Comply with any additional requirements established by*
44 *the Division.*



1 **Sec. 17. 1.** *An applicant for the issuance or renewal of a*
2 *license for mold assessment or mold remediation shall submit to*
3 *the Division the statement prescribed by the Welfare Division of*
4 *the Department of Human Resources pursuant to NRS 425.520.*
5 *The statement must be completed and signed by the applicant.*

6 **2.** *The Division shall include the statement required pursuant*
7 *to subsection 1 in:*

8 *(a) The application or any other forms that must be submitted*
9 *for the issuance or renewal of the license; or*

10 *(b) A separate form prescribed by the Division.*

11 **3.** *A license for mold assessment or mold remediation may*
12 *not be issued or renewed by the Division if the applicant:*

13 *(a) Fails to submit the statement required pursuant to*
14 *subsection 1; or*

15 *(b) Indicates on the statement submitted pursuant to*
16 *subsection 1 that he is subject to a court order for the support of a*
17 *child and is not in compliance with the order or a plan approved*
18 *by the district attorney or other public agency enforcing the order*
19 *for the repayment of the amount owed pursuant to the order.*

20 **4.** *If an applicant indicates on the statement submitted*
21 *pursuant to subsection 1 that he is subject to a court order for the*
22 *support of a child and is not in compliance with the order or a*
23 *plan approved by the district attorney or other public agency*
24 *enforcing the order for the repayment of the amount owed*
25 *pursuant to the order, the Division shall advise the applicant to*
26 *contact the district attorney or other public agency enforcing the*
27 *order to determine the actions that the applicant may take to*
28 *satisfy the arrearage.*

29 **Sec. 18.** *An application for the issuance of a license for mold*
30 *assessment or mold remediation must include the social security*
31 *number of the applicant.*

32 **Sec. 19.** *An applicant for a certificate of registration as a*
33 *mold remediation worker must:*

34 **1.** *Submit proof satisfactory to the Division that he:*

35 *(a) Is employed by a person who holds a license for mold*
36 *remediation issued by the Division; and*

37 *(b) Has completed a training course provided by the employer*
38 *or a provider that is approved by the Division, which must include*
39 *the following topics:*

40 *(1) Sources of indoor mold and conditions required for*
41 *indoor mold growth;*

42 *(2) Potential health effects and symptoms from exposure to*
43 *mold;*

44 *(3) Requirements concerning hazards and safety in the*
45 *workplace, personal protective equipment including respirators,*



1 *personal hygiene, personal decontamination, confined spaces, and*
2 *water, structural and electrical hazards;*

3 (4) *Technical and legal considerations of mold assessment*
4 *including applicable regulatory requirements, the role of the*
5 *worker and the roles of other professionals;*

6 (5) *An overview of mold remediation project requirements,*
7 *including containment and air filtration; and*

8 (6) *Work practices for removing, cleaning and treating*
9 *mold; and*

10 2. *Comply with any additional requirements specified by the*
11 *Division.*

12 **Sec. 20.** 1. *A license or certificate of registration issued*
13 *pursuant to this chapter expires 1 year after the last day of the*
14 *calendar month in which it was issued.*

15 2. *To renew a license or certificate of registration issued*
16 *pursuant to this chapter, a person must:*

17 (a) *Pay the annual fee for renewal established by the Division;*
18 *and*

19 (b) *Submit evidence satisfactory to the Division of his*
20 *completion of the requirements for continuing education or*
21 *training described in section 21 of this act.*

22 3. *If a license for mold assessment is not renewed within 6*
23 *months after the day on which it expired, the Division shall*
24 *require the person to take the examination required by subsection*
25 *2 of section 15 of this act.*

26 4. *If a license for mold remediation is not renewed within 6*
27 *months after the day on which it expired, the Division shall*
28 *require the person to take the examination required by subsection*
29 *2 of section 16 of this act.*

30 **Sec. 21.** 1. *Each holder of a license for mold assessment*
31 *must complete 8 hours of continuing education every 2 years in*
32 *accordance with any regulations adopted by the Division pursuant*
33 *to section 9 of this act. The courses must be provided by a person*
34 *approved by the Division and may include:*

35 (a) *Recent regulatory changes;*

36 (b) *New developments in the state of the art; and*

37 (c) *Any topic specified in section 15 of this act.*

38 2. *Each holder of a license for mold remediation must*
39 *complete 8 hours of continuing education every 2 years in*
40 *accordance with any regulations adopted by the Division pursuant*
41 *to section 9 of this act. The courses must be provided by a person*
42 *approved by the Division and may include:*

43 (a) *Recent regulatory changes;*

44 (b) *New developments in the state of the art; and*

45 (c) *Any topic described in section 16 of this act.*



1 3. Each holder of a certificate of registration as a mold
2 remediation worker must complete 8 hours of continuing
3 education every 2 years in accordance with any regulations
4 adopted by the Division pursuant to section 9 of this act. The
5 courses must be provided by a person approved by the Division
6 and may include:

- 7 (a) Recent regulatory changes;
- 8 (b) New developments in the state of the art; and
- 9 (c) Any topic described in section 19 of this act.

10 **Sec. 22.** 1. Each holder of a license for mold assessment
11 shall prepare a scope of work remediation assessment for each
12 mold assessment conducted on a mold remediation project. The
13 holder shall provide the scope of work remediation assessment to
14 the client before mold remediation begins. The scope of work
15 remediation assessment must specify:

- 16 (a) Each room or area where work will be performed;
- 17 (b) The quantity of materials that will be removed or cleaned;
- 18 (c) The proposed method of mold remediation for each room
19 or area;
- 20 (d) The proposed clearance criteria for mold remediation in
21 each room or area;
- 22 (e) At least one nationally recognized analytical method to
23 determine the effectiveness of the mold remediation;
- 24 (f) If applicable, any personal protective equipment that must
25 be used by any person who performs mold remediation on the
26 project; and
- 27 (g) If the total area of mold remediation is 100 or more square
28 feet, or if otherwise required because of the potential for exposure,
29 the containment method to be used. Containment
30 recommendations must prevent the spread of mold to areas of the
31 building outside the containment. If a walk-in containment is
32 used, supply and return air vents must be blocked and air pressure
33 in the containment area must be lower than the air pressure in an
34 area adjacent to the containment during all mold remediation.

35 2. A sample submitted for the purpose of assessment or
36 clearance must be submitted by the person who holds a license for
37 mold assessment to a laboratory:

- 38 (a) That is under the direction of a full-time mycologist or
39 microbiologist who has a master's degree or doctoral degree or at
40 least 2 years of experience in mold analysis;
- 41 (b) That is accredited by the American Industrial Hygiene
42 Association under the Environmental Microbiology Laboratory
43 Accreditation Program or a program deemed by the Division to be
44 equivalent; and
- 45 (c) Where each person who will analyze mold:



1 (1) *If the laboratory will only analyze nonculturable*
2 *samples, is accredited by the Pan-American Aerobiology*
3 *Certification Board; or*

4 (2) *Has:*

5 (I) *A bachelor's degree, master's degree or doctoral*
6 *degree in microbiology or biology;*

7 (II) *Successfully completed training in fungal*
8 *identification offered by the McCrone Research Institute or by a*
9 *program deemed equivalent by the Division; and*

10 (III) *At least 3 years of experience in mold analysis.*

11 3. *A mold assessment conducted after mold remediation must*
12 *be conducted with any containment still in place.*

13 4. *Not more than 5 days after determining that a mold*
14 *remediation has been successful, the person who conducted the*
15 *mold assessment shall issue a written clearance report to the client*
16 *and the person who conducted the mold remediation. The report*
17 *must include:*

18 (a) *A description of relevant observations of the site;*

19 (b) *The type and location of any measurements made and*
20 *samples collected;*

21 (c) *The clearance criteria and the results of analytical*
22 *evaluation of any samples collected; and*

23 (d) *A statement indicating that the mold remediation project*
24 *has passed the clearance criteria.*

25 **Sec. 23. 1.** *Each holder of a license for mold remediation*
26 *shall prepare a work plan providing instructions for remediation*
27 *efforts to be performed for the mold remediation project. The*
28 *holder of a mold remediation license shall provide the work plan*
29 *to the client before mold remediation begins. A copy of the work*
30 *plan must be maintained at the site of the mold remediation. The*
31 *work plan must include:*

32 (a) *The information provided in the scope of work remediation*
33 *assessment as described in section 22 of this act;*

34 (b) *Areas of restricted access; and*

35 (c) *The material safety data sheet for any chemical product*
36 *used at the site.*

37 2. *The holder of a mold remediation license shall provide any*
38 *personal protective equipment specified in the scope of work*
39 *remediation assessment to each person who performs mold*
40 *remediation on the project. Each employee must receive training*
41 *on any personal protective equipment before he is allowed to use*
42 *the equipment. The holder of the mold remediation license must*
43 *document that the employee has received training before the*
44 *employee may perform any activity that would require use of the*
45 *personal protective equipment.*



1 3. Any containment specified in the scope of work
2 remediation assessment must be used before any mold remediation
3 is performed. The containment may not be removed until the
4 person who conducted the mold remediation receives a written
5 clearance report pursuant to subsection 4 of section 22 of this act.

6 4. The holder of a mold remediation license shall post a sign
7 at each entrance to an area in which mold remediation is
8 conducted which:

9 (a) Is at least 8 inches by 10 inches; and

10 (b) Includes the words "NOTICE: Mold remediation project in
11 progress. Authorized Entrants Only." The text must be legible
12 from a distance of at least 10 feet.

13 5. Not more than 5 days after a mold remediation is
14 completed, the person who conducted the mold remediation shall
15 provide a report of mold remediation to the client. The report must
16 include a statement indicating that the mold contamination has
17 been remediated as described in the work plan created pursuant to
18 subsection 1.

19 **Sec. 24.** 1. Each holder of a license for mold remediation
20 shall maintain a record of each mold remediation for at least 3
21 years after the date of completion of a mold remediation.

22 2. Upon request, the record of mold remediation must be
23 made available for inspection by the Division.

24 3. The record must contain:

25 (a) Photographs of the site of the mold remediation taken
26 before and after the mold remediation;

27 (b) Each contract entered into by the holder of a license for
28 mold remediation relating to the mold remediation;

29 (c) Each invoice issued by the holder of a license for mold
30 remediation relating to the mold remediation; and

31 (d) Any other information required by the Division.

32 **Sec. 25.** 1. A person shall not conduct both the mold
33 assessment and the mold remediation on a project.

34 2. A person may not own an interest in both the entity that
35 conducts the mold assessment and the entity that conducts the
36 mold remediation on a project.

37 3. A holder of a license for mold assessment or mold
38 remediation shall not send any sample to a laboratory in which the
39 holder has a financial interest.

40 4. A holder of a license issued pursuant to this chapter who is
41 not a natural person shall disclose to the Division the name,
42 address and occupation of each person who has an ownership
43 interest in the holder of the license.



1 **Sec. 26. 1. If a person violates the provisions of this**
2 *chapter or the regulations adopted pursuant thereto, the Division,*
3 *after providing a written notice and an opportunity for a hearing,*
4 *shall take at least one of the following actions:*

5 *(a) Revoke, suspend or refuse to renew the license or*
6 *certificate of registration held by the person;*

7 *(b) Impose an administrative penalty;*

8 *(c) Issue a reprimand; or*

9 *(d) Take any other action reasonable and necessary to enable*
10 *it to administer or enforce the provisions of this chapter.*

11 **2. The Division may by regulation establish an administrative**
12 *penalty to be imposed against an association that violates the*
13 *provisions of this chapter.*

14 **3. The written notice provided pursuant to subsection 1 must**
15 *state the statute or regulation alleged to be violated and the facts*
16 *that constitute the alleged violation.*

17 **Sec. 27. 1.** This act becomes effective upon passage and
18 approval for the purpose of adopting regulations and taking such
19 other actions as are required to carry out the provisions of this act,
20 and on January 1, 2006, for all other purposes.

21 **2.** Sections 17 and 18 of this act expire by limitation on the
22 date on which the provisions of 42 U.S.C. § 666 requiring each state
23 to establish procedures under which the state has authority to
24 withhold or suspend, or to restrict the use of professional,
25 occupational and recreational licenses of persons who:

26 (a) Have failed to comply with a subpoena or warrant relating to
27 a proceeding to determine the paternity of a child or to establish or
28 enforce an obligation for the support of a child; or

29 (b) Are in arrears in the payment for the support of one or more
30 children,

31 ↪ are repealed by the Congress of the United States.

