

ASSEMBLY BILL NO. 234—ASSEMBLYMEN AIZLEY; CARRILLO,
OHRENSCHALL, PIERCE AND SEGERBLOM

MARCH 4, 2011

JOINT SPONSORS: SENATORS PARKS; AND LESLIE

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing places of public accommodation. (BDR 54-301)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to public accommodations; authorizing health authorities to establish a plan for integrated pest management practices in places of public accommodation; prohibiting the use of volatile organic compounds and certain other substances by places of public accommodation under certain circumstances; prohibiting the use of a pesticide by a place of public accommodation in any manner inconsistent with a plan for integrated pest management practices in places of public accommodation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants to all persons the right to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability or sexual orientation. (NRS 651.070) A person who interferes with or attempts to interfere with the exercise of such rights and privileges is guilty of a misdemeanor and is liable for actual damages to the person who exercised or attempted to exercise those rights or privileges. (NRS 651.080, 651.090)

Section 2 of this bill prohibits the use of an ozone generator, any volatile organic compound, any candle or any air additive, including an air fragrance, air freshener or potpourri, in any area of a place of public accommodation which is open to the public. **Section 2** also prohibits the use of a pesticide at a place of



* A B 2 3 4 *

public accommodation in any manner inconsistent with a plan for integrated pest management practices in places of public accommodation, if the health authority (the district board of health in Clark County and the Health Division of the Department of Health and Human Services in all other counties) has established such a plan pursuant to **section 3** of this bill. **Section 3** authorizes a health authority to establish a plan for integrated pest management practices in places of public accommodation. If a health authority establishes such a plan, **section 3** requires that the plan include provisions concerning: (1) techniques for identifying, monitoring and preventing pests and conditions that attract pests; (2) education and training relating to pest management and the use of pesticides; (3) the designation of approved least-toxic chemicals for use in pest management; and (4) procedures for notifying the public before and during the use of any pesticide in a place of public accommodation. Additionally, **section 3** provides that if a health authority establishes a plan, the plan must require all places of public accommodation to develop policies and procedures for the use of pesticides consistent with the rights and privileges of all persons to full and equal enjoyment of places of public accommodation. **Section 3** further provides that, if established, a plan must prohibit the indoor application of any pesticide during any time when a place of public accommodation is occupied and must require each manufacturer of a pesticide who sells or offers for sale a pesticide at any location within the jurisdiction of the health authority to include with the labeling and packaging materials of each pesticide a complete list of all inert ingredients in the pesticide.

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

Section 1. Chapter 651 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *It is unlawful for a place of public accommodation to:*

1. Use an ozone generator, any volatile organic compound, any candle or any type of air additive, including, without limitation, any air fragrance, air freshener or potpourri, in any area within the place of public accommodation which is open to the public.

2. In a county in which a plan for integrated pest management practices in places of public accommodation has been established pursuant to section 3 of this act, use or authorize the use of any pesticide in any manner that is inconsistent with the plan.

Sec. 3. *1. A health authority may establish a plan for integrated pest management practices in places of public accommodation. If a health authority establishes such a plan, the plan must include, without limitation:*

(a) Provisions concerning:

(1) Techniques for identifying, monitoring and preventing pests and conditions that attract pests;

(2) Education and training relating to pest management and the use of pesticides;



(3) *The designation of approved least-toxic chemicals for use in pest management; and*

(4) *Procedures for notifying the public before and during the use of any pesticide in a place of public accommodation.*

(b) *Provisions requiring all places of public accommodation to develop policies and procedures for the use of pesticides consistent with the rights and privileges secured by NRS 651.070.*

(c) *Provisions prohibiting the indoor application of any pesticide during any time when the place of public accommodation is occupied.*

(d) *Provisions requiring each manufacturer of a pesticide who sells or offers for sale a pesticide at any location within the jurisdiction of the health authority to include with the labeling and packaging materials for each pesticide a complete list of all inert ingredients in the pesticide.*

2. As used in this section, "health authority" means:

(a) *In a county whose population is less than 400,000, the Health Division of the Department of Health and Human Services.*

(b) *In a county whose population is 400,000 or more, a district board of health created pursuant to NRS 439.362.*

Sec. 4. NRS 651.050 is hereby amended to read as follows:

651.050 As used in NRS 651.050 to 651.110, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Place of public accommodation" means:

(a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as the proprietor's residence;

(b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;

(c) Any gasoline station;

(d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment;

(e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;



(f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;

(h) Any terminal, depot or other station used for specified public transportation;

(i) Any museum, library, gallery or other place of public display or collection;

(j) Any park, zoo, amusement park or other place of recreation;

(k) Any nursery, private school or university or other place of education;

(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;

(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;

(n) Any other establishment or place to which the public is invited or which is intended for public use; and

(o) Any establishment physically containing or contained within any of the establishments described in paragraphs (a) to (n), inclusive, which holds itself out as serving patrons of the described establishment.

3. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 5. NRS 651.060 is hereby amended to read as follows:

651.060 The provisions of NRS 651.050 to 651.110, inclusive, *and sections 2 and 3 of this act* do not apply to any private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of NRS 651.050.

