

Amendment No. 44

Assembly Amendment to Assembly Bill No. 190 (BDR 53-151)

Proposed by: Assembly Committee on Commerce and Labor

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

AAK/WLK



Date: 4/13/2017

A.B. No. 190—Requires certain health and safety training for entertainment industry workers and supervisors. (BDR 53-151)



ASSEMBLY BILL NO. 190—ASSEMBLYWOMAN DIAZ

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain health and safety training for entertainment industry workers and supervisors. (BDR 53-151)

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 occupational safety; requiring **certain** employees on certain sites related to the entertainment industry to receive certain health and safety training; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 11 of this bill requires: (1) supervisory employees working on certain sites related to the entertainment industry to complete a specified 30-hour health and safety course not later than 15 days after being hired; and (2) certain other workers working on such a site to complete a specified 10-hour course not later than 15 days after being hired. **Section 7 of this bill defines "worker" to include only those persons whose primary occupation is to perform work on such a site, and section 7.5 of this bill provides that the requirements in this bill do not apply to a person who is a volunteer or other person who is not paid to work on such a site.**

Section 9 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations approving courses which may be used to fulfill the requirements of **section 11**. **Section 10** of this bill requires providers of approved courses to display the card evidencing their authorization by the Occupational Safety and Health Administration of the United States Department of Labor to provide such a course at the location at which the course is being provided.

Section 12 of this bill requires employers to suspend or terminate the employment of an employee on an applicable site who fails to provide proof of obtaining the required training not later than 15 days after being hired. **Section 13** of this bill provides for administrative fines for employers who fail to suspend or terminate certain employees on a site after the 15-day period if those employees have not obtained the required training.

Section 16 of this bill: (1) allows employees to satisfy the requirements of **section 11** by completing an alternative course offered by their employer; (2) requires an employee that satisfies the requirements of **section 11** by completing an alternative course to take an approved course before January 1, 2019; and (3) requires an employer to maintain and make available to the Division of Industrial Relations a record of all employees that have completed an alternative course until a date to be established by the Division by regulation.

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

1 **Section 1.** Chapter 618 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 13, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 13, inclusive, of this act, unless the context*
4 *otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of*
5 *this act have the meanings ascribed to them in those sections.*

6 **Sec. 3.** *“OSHA-10 course” means a 10-hour course in general industry*
7 *safety and health hazard recognition and prevention developed by the*
8 *Occupational Safety and Health Administration of the United States Department*
9 *of Labor.*

10 **Sec. 4.** *“OSHA-30 course” means a 30-hour course in general industry*
11 *safety and health hazard recognition and prevention developed by the*
12 *Occupational Safety and Health Administration of the United States Department*
13 *of Labor.*

14 **Sec. 5.** *“Site” means a theater where live entertainment is performed, a*
15 *sound stage, a showroom, a lounge, an arena or a remote site which has been*
16 *designated as a location for the production of a motion picture or television*
17 *program.*

18 **Sec. 6.** *“Supervisory employee” means any person having authority in the*
19 *interest of the employer to hire, transfer, suspend, lay off, recall, promote,*
20 *discharge, assign, reward or discipline other employees or responsibility to direct*
21 *them, to adjust their grievances or effectively to recommend such action, if in*
22 *connection with the foregoing, the exercise of such authority is not of a merely*
23 *routine or clerical nature but requires the use of independent judgment. The*
24 *exercise of such authority shall not be deemed to place the employee in*
25 *supervisory employee status unless the exercise of such authority occupies a*
26 *significant portion of the employee’s workday.*

27 **Sec. 7.** *“Worker” means a person ~~employed~~ whose primary occupation is*
28 *to perform work on a site, including, without limitation, the construction,*
29 *installation, maintenance, operation, repair or removal of:*

- 30 1. *Theatrical scenery, rigging or props;*
31 2. *Wardrobe, hair or makeup;*
32 3. *Audio, camera, projection, video or lighting equipment; or*
33 4. *Any other items or parts which are related to or components of the items*
34 *described in subsection 1, 2 or 3 and which are used for or in conjunction with*
35 *the presentation or production of:*
36 (a) *Live entertainment;*
37 (b) *Filmmaking or photography, including, without limitation, motion*
38 *pictures;*
39 (c) *Television programs, including, without limitation, live broadcasts,*
40 *closed-circuit broadcasts or videotape recordings and playback;*
41 (d) *Sporting events; or*
42 (e) *Theatrical performances.*

43 **Sec. 7.5.** *The provisions of sections 2 to 13, inclusive, of this act do not*
44 *apply to a volunteer or any other person who is not paid to perform work on a*
45 *site.*

46 **Sec. 8.** *The Division may adopt such regulations as are necessary to carry*
47 *out the provisions of sections 2 to 13, inclusive, of this act.*

1 **Sec. 9. 1. The Division shall, by regulation, approve OSHA-10 courses**
2 **and OSHA-30 courses for the purposes of fulfilling the requirements of section**
3 **11 of this act.**

4 **2. The Division shall establish a registry to track the providers of courses**
5 **approved pursuant to subsection 1.**

6 **3. The Division shall adopt regulations that set forth guidelines for job-**
7 **specific training to qualify as continuing education for the purposes of section 11**
8 **of this act.**

9 **Sec. 10. 1. Each trainer shall display his or her trainer card in a**
10 **conspicuous manner at each location where the trainer provides an OSHA-10**
11 **course or OSHA-30 course.**

12 **2. No person other than a trainer may provide an OSHA-10 course or**
13 **OSHA-30 course.**

14 **3. As used in this section:**

15 **(a) "Trainer" means a person who is currently authorized by the**
16 **Occupational Safety and Health Administration of the United States Department**
17 **of Labor as a trainer, including, without limitation, a person who has completed**
18 **OSHA 501, the Trainer Course in OSHA Standards for General Industry.**

19 **(b) "Trainer card" means the card issued upon completion of OSHA 501, the**
20 **Trainer Course in OSHA Standards for General Industry, which reflects the**
21 **authorization of the holder by the Occupational Safety and Health**
22 **Administration of the United States Department of Labor to provide OSHA-10**
23 **courses and OSHA-30 courses.**

24 **Sec. 11. 1. Not later than 15 days after the date a worker other than a**
25 **supervisory employee is hired, the worker must:**

26 **(a) Obtain a completion card for an OSHA-10 course which is issued upon**
27 **completion of a course approved by the Division pursuant to section 9 of this act;**
28 **or**

29 **(b) Complete an OSHA-10 alternative course which is offered by his or her**
30 **employer.**

31 **2. Not later than 15 days after the date a supervisory employee is hired, the**
32 **supervisory employee must:**

33 **(a) Obtain a completion card for an OSHA-30 course which is issued upon**
34 **completion of a course approved by the Division pursuant to section 9 of this act;**
35 **or**

36 **(b) Complete an OSHA-30 alternative course which is offered by his or her**
37 **employer.**

38 **3. Any completion card used to satisfy the requirements of this section**
39 **expires 5 years after the date it is issued and may be renewed by:**

40 **(a) Completing an OSHA-10 course or OSHA-30 course, as applicable,**
41 **within the previous 5 years; or**

42 **(b) Providing proof satisfactory to the Division that the worker has completed**
43 **continuing education within the previous 5 years consisting of job-specific**
44 **training that meets the guidelines established by the Division pursuant to section**
45 **9 of this act in an amount of:**

46 **(1) For a completion card issued for an OSHA-10 course, not less than 5**
47 **hours; or**

48 **(2) For a completion card issued for an OSHA-30 course, not less than**
49 **15 hours.**

50 **4. As used in this section:**

51 **(a) "OSHA-10 alternative course" means a 10-hour course offered to the**
52 **employees of an employer that meets or exceeds the guidelines issued by the**
53 **Occupational Safety and Health Administration of the United States Department**

1 of Labor for an OSHA-10 course, including, without limitation, federal safety
2 and health regulatory requirements specific to the industry in which the employer
3 participates.

4 (b) "OSHA-30 alternative course" means a 30-hour course offered to the
5 employees of an employer that meets or exceeds the guidelines issued by the
6 Occupational Safety and Health Administration of the United States Department
7 of Labor for an OSHA-30 course, including, without limitation, federal safety
8 and health regulatory requirements specific to the industry in which the employer
9 participates.

10 Sec. 12. 1. If a worker other than a supervisory employee fails to:

11 (a) Present his or her employer with a current and valid completion card for
12 an OSHA-10 course; or

13 (b) Complete an OSHA-10 alternative course offered by his or her employer,
14 ➤ not later than 15 days after being hired, the employer shall suspend or
15 terminate his or her employment.

16 2. If a supervisory employee on a site fails to:

17 (a) Present his or her employer with a current and valid completion card for
18 an OSHA-30 course; or

19 (b) Complete an OSHA-30 alternative course offered by his or her employer,
20 ➤ not later than 15 days after being hired, the employer shall suspend or
21 terminate his or her employment.

22 3. As used in this section:

23 (a) "OSHA-10 alternative course" means a 10-hour course offered to the
24 employees of an employer that meets or exceeds the guidelines issued by the
25 Occupational Safety and Health Administration of the United States Department
26 of Labor for an OSHA-10 course, including, without limitation, federal safety
27 and health regulatory requirements specific to the industry in which the employer
28 participates.

29 (b) "OSHA-30 alternative course" means a 30-hour course offered to the
30 employees of an employer that meets or exceeds the guidelines issued by the
31 Occupational Safety and Health Administration of the United States Department
32 of Labor for an OSHA-30 course, including, without limitation, federal safety
33 and health regulatory requirements specific to the industry in which the employer
34 participates.

35 Sec. 13. 1. If the Division finds that an employer has failed to suspend or
36 terminate an employee as required by section 12 of this act, the Division shall:

37 (a) Upon the first violation, in lieu of any other penalty under this chapter,
38 impose upon the employer an administrative fine of not more than \$500.

39 (b) Upon the second violation, in lieu of any other penalty under this
40 chapter, impose upon the employer an administrative fine of not more than
41 \$1,000.

42 (c) Upon the third and each subsequent violation, impose upon the employer
43 the penalty provided in NRS 618.635 as if the employer had committed a willful
44 violation.

45 2. For the purposes of this section, any number of violations discovered in a
46 single day constitutes a single violation.

47 3. Before a fine or any other penalty is imposed upon an employer pursuant
48 to this section, the Division must follow the procedures set forth in this chapter
49 for the issuance of a citation, including, without limitation, the procedures set
50 forth in NRS 618.475 for notice to the employer and an opportunity for the
51 employer to contest the violation.

52 Sec. 14. Section 11 of this act is hereby amended to read as follows:

Sec. 11. 1. Not later than 15 days after the date a worker other than a supervisory employee is hired, the worker must ~~+~~
~~—(a) Obtain~~ **obtain** a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act. ~~+~~~~or~~

~~—(b) Complete an OSHA-10 alternative course which is offered by his or her employer.~~

2. Not later than 15 days after the date a supervisory employee is hired, the supervisory employee must ~~+~~

~~—(a) Obtain~~ **obtain** a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act. ~~+~~~~or~~

~~—(b) Complete an OSHA-30 alternative course which is offered by his or her employer.~~

3. Any completion card used to satisfy the requirements of this section expires 5 years after the date it is issued and may be renewed by:

(a) Completing an OSHA-10 course or OSHA-30 course, as applicable, within the previous 5 years; or

(b) Providing proof satisfactory to the Division that the worker has completed continuing education within the previous 5 years consisting of job-specific training that meets the guidelines established by the Division pursuant to section 9 of this act in an amount of:

(1) For a completion card issued for an OSHA-10 course, not less than 5 hours; or

(2) For a completion card issued for an OSHA-30 course, not less than 15 hours.

~~4. As used in this section:~~

~~—(a) “OSHA-10 alternative course” means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-10 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

~~—(b) “OSHA-30 alternative course” means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

Sec. 15. Section 12 of this act is hereby amended to read as follows:

Sec. 12. 1. If a worker other than a supervisory employee fails to ~~+~~
~~—(a) Present~~ **present** his or her employer with a current and valid completion card for an OSHA-10 course ~~+~~~~or~~

~~—(b) Complete an OSHA-10 alternative course offered by his or her employer,~~

~~→~~ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

2. If a supervisory employee on a site fails to ~~+~~

~~—(a) Present~~ **present** his or her employer with a current and valid completion card for an OSHA-30 course ~~+~~~~or~~

~~—(b) Complete an OSHA-30 alternative course offered by his or her employer,~~

1 ~~→~~ not later than 15 days after being hired, the employer shall suspend or
2 terminate his or her employment.

3 ~~{3. As used in this section:~~

4 ~~—(a) “OSHA-10 alternative course” means a 10-hour course offered to~~
5 ~~the employees of an employer that meets or exceeds the guidelines issued~~
6 ~~by the Occupational Safety and Health Administration of the United States~~
7 ~~Department of Labor for an OSHA-10 course, including, without limitation,~~
8 ~~federal safety and health regulatory requirements specific to the industry in~~
9 ~~which the employer participates.~~

10 ~~—(b) “OSHA-30 alternative course” means a 30-hour course offered to~~
11 ~~the employees of an employer that meets or exceeds the guidelines issued~~
12 ~~by the Occupational Safety and Health Administration of the United States~~
13 ~~Department of Labor for an OSHA-30 course, including, without limitation,~~
14 ~~federal safety and health regulatory requirements specific to the industry in~~
15 ~~which the employer participates.~~

16 **Sec. 16.** 1. Not later than January 1, 2019, ~~fant~~ a worker or supervisory
17 employee who satisfies the requirements of subsection 1 or 2 of section 11 of this
18 act by completing an OSHA-10 alternative course or OSHA-30 alternative course,
19 as defined in section 11 of this act, must complete an OSHA-10 course or OSHA-
20 30 course, as defined in sections 3 and 4 of this act, as applicable, in order to
21 continue to satisfy the requirements of subsection 1 or 2 of section 11 of this act.

22 2. An employer shall maintain a record of all workers and supervisory
23 employees who have completed an OSHA-10 alternative course or OSHA-30
24 alternative course offered by the employer and the date upon which the worker or
25 employee completed the course. The employer shall make the record available at all
26 times for inspection by the Division of Industrial Relations of the Department of
27 Business and Industry and its authorized agents.

28 3. The Division of Industrial Relations shall, by regulation, establish the
29 length of time that an employer must maintain the record described in subsection 2.

30 4. As used in this section, “worker” has the meaning ascribed to it in
31 section 7 of this act.

32 **Sec. 17.** 1. This section and sections 1 to 13, inclusive, and 16 of this act
33 become effective on January 1, 2018.

34 2. Sections 14 and 15 of this act become effective on January 1, 2019.