

SENATE BILL NO. 323—SENATORS SETTELMAYER,
HARDY, GOICOECHEA AND HAMMOND

MARCH 22, 2021

Referred to Committee on Health and Human Services

SUMMARY—Authorizes a business to establish an area where certain restrictions to restrain the spread of COVID-19 do not apply. (BDR 40-639)

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

~

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

AN ACT relating to public health; authorizing a business to designate a portion of the premises on which the business operates where certain restrictions to restrain the spread of COVID-19 do not apply; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the Governor or Legislature to proclaim a state of emergency or issue a declaration of disaster; and (2) gives the Governor certain powers during a declared emergency or disaster. (NRS 414.070) Existing law also authorizes the Governor to declare a public health emergency or other health event. (NRS 439.970) This bill authorizes the operator of a business to designate a portion of the premises on which the business operates where: (1) only persons who have recovered from infection with COVID-19 or have been vaccinated for COVID-19 are authorized to enter; and (2) any restrictions imposed by a state or local governmental entity to restrain the spread of COVID-19, including restrictions prescribed by an emergency order or during a public health emergency or other health event, are not enforceable.



* S B 3 2 3 *

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
2 thereto a new section to read as follows:

3 ***1. Notwithstanding any other provision of law, the operator***
4 ***of a business may designate a portion of the premises on which the***
5 ***business operates where:***

6 ***(a) Only persons who have recovered from infection with***
7 ***COVID-19 or have been vaccinated for COVID-19 are authorized***
8 ***to enter; and***

9 ***(b) Any restrictions imposed by a state or local governmental***
10 ***entity to restrain the spread of COVID-19, including, without***
11 ***limitation, restrictions prescribed by an order issued under a state***
12 ***of emergency or declaration of disaster issued pursuant to NRS***
13 ***414.070 or during a public health emergency or other health event***
14 ***declared pursuant to NRS 439.970, are not enforceable.***

15 ***2. An operator of a business who designates a portion of the***
16 ***premises on which the business operates for the purposes***
17 ***described in subsection 1:***

18 ***(a) Shall not require an employee to enter the portion of the***
19 ***premises designated for the purposes described in subsection 1;***

20 ***(b) Is not required to confirm that persons entering the portion***
21 ***of the premises designated for the purposes described in***
22 ***subsection 1 meet the requirements prescribed by paragraph (a) of***
23 ***subsection 1;***

24 ***(c) Shall ensure that customers have adequate notice of the***
25 ***location of the portion of the premises which has been designated***
26 ***for the purposes described in subsection 1; and***

27 ***(d) Shall ensure that the portion of the business for which the***
28 ***restrictions described in paragraph (b) of subsection 1 remain***
29 ***enforceable is sufficient for customers who do not meet the***
30 ***requirements of paragraph (a) of subsection 1 to have access to***
31 ***the business.***

32 ***3. Any order issued by a state or local governmental entity***
33 ***that conflicts with the provisions of this section is void to the***
34 ***extent of the conflict.***

35 ***4. As used in this section, "COVID-19" means:***

36 ***(a) The novel coronavirus identified as SARS-CoV-2;***

37 ***(b) Any mutation of the novel coronavirus identified as SARS-***
38 ***CoV-2; or***

39 ***(c) A disease or health condition caused by the novel***
40 ***coronavirus identified as SARS-CoV-2.***



1 **Sec. 2.** This act becomes effective upon passage and approval.

