

SENATE BILL NO. 441—SENATOR DONDERO LOOP

MARCH 27, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to public health.
(BDR 40-451)

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

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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; eliminating the requirement for the Director of the Department of Health and Human Services or certain district boards of health to adopt regulations requiring certain protocols and plans concerning the prevention of and response to SARS-CoV-2; eliminating the requirement for an inspection of public accommodation facilities for compliance with such requirements; prospectively eliminating a limitation on the civil liability of certain businesses conducted for profit, governmental entities and private nonprofit organizations for personal injury or death resulting from exposure to COVID-19; prospectively removing the authority of the Secretary of State to suspend the state business license of a person who does not comply with certain health standards related to COVID-19; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 4 of the 32nd Special Session of the Nevada Legislature (S.B. 4), in general, requires the Director of the Department of Health and Human Services and district boards of health in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt by regulation requirements to reduce and prevent the transmission of SARS-CoV-2 in public accommodation facilities in those counties and provided for the enforcement of these regulations. (Sections 3-15 of chapter 8, Statutes of Nevada 2020, 32nd Special Session, at page 95; NRS 447.300-447.355) Under S.B. 4, these regulations apply only during the duration of a declaration of a public health emergency due to SARS-CoV-2 or during certain other periods in which conditions concerning the prevalence of SARS-CoV-2 exist. (NRS 447.325)



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S.B. 4 further provides that certain businesses conducted for profit, governmental entities and private nonprofit organizations are immune from civil liability for personal injury or death resulting from exposure to COVID-19 if the business, governmental entity or private nonprofit organization substantially complies with controlling health standards. (Section 29 of chapter 8, Statutes of Nevada 2020, 32nd Special Session, at page 107; NRS 41.835) Under existing law, these provisions apply only to any cause of action or claim that accrues before, on or after August 7, 2020, and before the later of: (1) the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or (2) July 1, 2023. (Section 34 of chapter 8, Statutes of Nevada 2020, 32nd Special Session, at page 114) The Governor terminated the emergency described in the Declaration of Emergency for COVID-19 effective on May 20, 2022, and, thus, these provisions expire on July 1, 2023.

S.B. 4 authorizes the Secretary of State to suspend the state business license of a person holding a state business license who does not comply with controlling health standards related to COVID-19. (Section 30 of chapter 8, Statutes of Nevada 2020, 32nd Special Session, at page 108; NRS 76.172)

This bill repeals the provisions of S.B. 4, effective upon passage and approval of this bill. **Section 13** of this bill declares void any regulations adopted by the Director of the Department of Health and Human Services or a district board of health pursuant to S.B. 4. **Section 14** of this bill provides that the repeal of the provisions of S.B. 4 do not apply to a cause of action or claim arising from a personal injury or death accruing before the effective date of this bill or prevent the suspension of a state business license for a violation of controlling health standards that occurred before the effective date of this bill. **Section 14** further clarifies that notwithstanding the provisions of S.B. 4 that provide that the limitations on civil liability set forth in NRS 41.810 to 41.835, inclusive, apply to any cause of action or claim arising from a personal injury or death that accrues before July 1, 2023, these limitations on civil liability do not apply to any cause of action or claim arising from an injury or death that accrues on or after the effective of this act and before July 1, 2023.

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

Section 1. NRS 439.366 is hereby amended to read as follows:

439.366 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district.

3. ~~The district health department:~~

~~—(a) Shall, upon the request of the Nevada Gaming Control Board, advise and make recommendations to the Board on public health matters related to an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.~~

~~—(b) May, upon the request of the Nevada Gaming Control Board, enforce regulations adopted by the Board concerning matters of public health against an establishment that possesses a nonrestricted~~



~~gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.~~

~~—4.]~~ In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Prevent and control nuisances;

(b) Regulate sanitation and sanitary practices in the interests of the public health;

(c) Provide for the sanitary protection of water and food supplies;

(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district; and

(e) Improve the quality of health care services for members of minority groups and medically underserved populations.

~~[5.]~~ 4. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon;

(b) State each address at which the text of the proposal may be inspected and copied; and

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the board for such purpose.

~~[6.]~~ 5. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board of health shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board of health may proceed immediately to act upon any written submissions. The district board of health shall consider fully all written and oral submissions respecting the proposal.

~~[7.]~~ 6. The district board of health shall file a copy of all of its adopted regulations with the county clerk.

Sec. 2. NRS 439.410 is hereby amended to read as follows:

439.410 1. The district board of health has the powers, duties and authority of a county board of health in the health district.



2. The district health department has jurisdiction over all public health matters in the health district, except in matters concerning emergency medical services pursuant to the provisions of chapter 450B of NRS.

~~3. [The district health department in a county whose population is 100,000 or more but less than 700,000:~~

~~—(a) Shall, upon the request of the Nevada Gaming Control Board, advise and make recommendations to the Board on public health matters related to an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.~~

~~—(b) May, upon the request of the Nevada Gaming Control Board, enforce regulations adopted by the Board concerning matters of public health against an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.~~

~~4.]~~ In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Prevent and control nuisances;

(b) Regulate sanitation and sanitary practices in the interests of the public health;

(c) Provide for the sanitary protection of water and food supplies; and

(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district.

~~[5.]~~ 4. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon.

(b) State each address at which the text of the proposal may be inspected and copied.

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the district board for such purpose.

~~[6.]~~ 5. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation.



1 With respect to substantive regulations, the district board shall set a
2 time and place for an oral public hearing, but if no one appears who
3 will be directly affected by the proposal and requests an oral
4 hearing, the district board may proceed immediately to act upon any
5 written submissions. The district board shall consider fully all
6 written and oral submissions respecting the proposal.

7 ~~[7-] 6.~~ Each district board of health shall file a copy of all of
8 its adopted regulations with the county clerk of each county in
9 which it has jurisdiction.

10 **Sec. 3.** NRS 447.003 is hereby amended to read as follows:

11 447.003 As used in ~~[NRS 447.003 to 447.210, inclusive,]~~ *this*
12 *chapter*, unless the context otherwise requires, the words and terms
13 defined in NRS 447.007 and 447.010 have the meanings ascribed to
14 them in those sections.

15 **Sec. 4.** NRS 447.020 is hereby amended to read as follows:

16 447.020 1. All bedding, bedclothes or bed covering,
17 including mattresses, quilts, blankets, sheets, pillows or comforters,
18 used in any hotel in this state must be kept clean and free from all
19 filth or dirt.

20 2. No bedding, bedclothes or bed covering, including
21 mattresses, quilts, blankets, sheets, pillows or comforters, shall be
22 used which is worn out or unsanitary for use by human beings
23 according to the true intent and meaning of ~~[NRS 447.003 to~~
24 ~~447.210, inclusive,]~~ *this chapter*.

25 **Sec. 5.** NRS 447.050 is hereby amended to read as follows:

26 447.050 It is unlawful for any person to use, or to permit
27 another person to use, any of the following portions of a hotel for
28 living or sleeping purposes:

29 1. Any kitchen, cellar, hallway, water closet, bath, shower
30 compartment, or slop-sink room.

31 2. Any other room or place which does not comply with the
32 provisions of ~~[NRS 447.003 to 447.210, inclusive,]~~ *this chapter*, or
33 in which, in the judgment of the health authority, living or sleeping
34 is dangerous or prejudicial to life or health by reason of an
35 overcrowded condition, a want of light, windows, ventilation or
36 drainage, dampness, or offensive or obnoxious odors or poisonous
37 gases in the room or place, or a lack of exits as required by the
38 Uniform Building Code in the form most recently adopted before
39 January 1, 1985, by the International Conference of Building
40 Officials.

41 **Sec. 6.** NRS 447.150 is hereby amended to read as follows:

42 447.150 1. The health authority may exempt any hotel built
43 prior to October 1, 1945, from having the number of water closets,
44 bathtubs or showers required by ~~[NRS 447.003 to 447.210,~~
45 ~~inclusive,]~~ *this chapter* for the following reason: The exemption



will not result in detriment to the health of the occupants or to the sanitation of the building.

2. The health authority has no authority under this section to exempt any hotel or portion of a hotel built after October 1, 1945, from having the number of water closets, bathtubs or showers required by ~~[NRS 447.003 to 447.210, inclusive.]~~ *this chapter*.

Sec. 7. NRS 447.190 is hereby amended to read as follows:

447.190 The health authority is charged with the enforcement of ~~[NRS 447.003 to 447.210, inclusive.]~~ *this chapter*. The health authority shall keep a record of hotels inspected, and the record or any part thereof may, in the discretion of the health authority, be included in the biennial report to the Director of the Department of Health and Human Services.

Sec. 8. NRS 447.200 is hereby amended to read as follows:

447.200 The health authority shall have access at any time to any hotel in this State for the purpose of making inspections and carrying out the provisions of ~~[NRS 447.003 to 447.210, inclusive.]~~ *this chapter*.

Sec. 9. NRS 447.210 is hereby amended to read as follows:

447.210 1. Every proprietor, owner, manager, lessee or other person in charge of any hotel in this state who fails to comply with the provisions of ~~[NRS 447.003 to 447.200, inclusive.]~~ *this chapter* or any of the provisions of the regulations hereby established whether through the acts of himself or herself, his or her agent or employees is guilty of a misdemeanor.

2. Every day that any hotel is in violation of any of the provisions of ~~[NRS 447.003 to 447.200, inclusive.]~~ *this chapter* constitutes a separate offense.

Sec. 10. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.



(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

↪ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;



(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

~~(h) [The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;~~

~~(i)~~ The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

~~(j)~~ (i) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

~~(k)~~ (j) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 11. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,



1 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
2 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
3 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
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6 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
7 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
8 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
9 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
10 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
11 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
12 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
13 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
14 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
15 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
16 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
17 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
18 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
19 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
20 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
21 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
22 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
23 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
24 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
25 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
26 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
27 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
28 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
29 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
30 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
31 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
32 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
33 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
34 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
35 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
36 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
37 442.774, 445A.665, 445B.570, 445B.7773, [447.345,] 449.209,
38 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
39 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
40 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
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42 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
43 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
44 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
45 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,



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2 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
3 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
4 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
5 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
6 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
7 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
8 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
9 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
10 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
11 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
12 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
13 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
14 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
15 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
16 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
17 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
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19 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
20 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
21 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
22 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
23 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
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25 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
26 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
27 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
28 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
29 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
30 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
31 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
32 unless otherwise declared by law to be confidential, all public books
33 and public records of a governmental entity must be open at all
34 times during office hours to inspection by any person, and may be
35 fully copied or an abstract or memorandum may be prepared from
36 those public books and public records. Any such copies, abstracts or
37 memoranda may be used to supply the general public with copies,
38 abstracts or memoranda of the records or may be used in any other
39 way to the advantage of the governmental entity or of the general
40 public. This section does not supersede or in any manner affect the
41 federal laws governing copyrights or enlarge, diminish or affect in
42 any other manner the rights of a person in any written book or
43 record which is copyrighted pursuant to federal law.

44 2. A governmental entity may not reject a book or record
45 which is copyrighted solely because it is copyrighted.



3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 12. NRS 463.120 is hereby amended to read as follows:

463.120 1. The Board and the Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board and the Commission. These records are open to public inspection.

2. The Board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The Board and the Commission may maintain such other files and records as they may deem desirable.



4. Except as otherwise provided in this section, all information and data:

(a) Required by the Board or Commission to be furnished to it under chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's or natural person's criminal record, antecedents and background which have been furnished to or obtained by the Board or Commission from any source;

(c) Provided to the members, agents or employees of the Board or Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;

(d) Obtained by the Board from a manufacturer, distributor or operator relating to:

(1) The manufacturing of gaming devices; and

(2) Any other technology regulated by the Board; *or*

~~(e) [Obtained by the Board from a public accommodation facility pursuant to NRS 447.345; or~~

~~—(f)]~~ Prepared or obtained by an agent or employee of the Board or Commission pursuant to an audit, investigation, determination or hearing,

are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the Board or Commission.

5. Notwithstanding any other provision of state law, any and all information and data prepared or obtained by an agent or employee of the Board or Commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto, are confidential and absolutely privileged and may be revealed in whole or in part only in the course of the necessary administration of such provisions and with specific authorization and waiver of the privilege by the Board or Commission. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.



6. Notwithstanding any other provision of state law, if any applicant or licensee provides or communicates any information and data to an agent or employee of the Board or Commission in connection with its regulatory, investigative or enforcement authority:

(a) All such information and data are confidential and privileged and the confidentiality and privilege are not waived if the information and data are shared or have been shared with an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country in connection with its regulatory, investigative or enforcement authority, regardless of whether such information and data are shared or have been shared either before or after being provided or communicated to an agent or employee of the Board or Commission; and

(b) The applicant or licensee has a privilege to refuse to disclose, and to prevent any other person or governmental agent, employee or agency from disclosing, the privileged information and data.

7. Before the beginning of each legislative session, the Board shall submit to the Legislative Commission for its review and for the use of the Legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

8. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Commission.

9. The files, records and reports of the Board are open at all times to inspection by the Commission and its authorized agents.

10. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada Tax Commission must be made available to the Board and the Nevada Gaming Commission as is necessary to the administration of this chapter.

11. For the purposes of this section, “information and data” means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message, paper, record, report or other type of document, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant’s or licensee’s compliance with statutory or regulatory requirements.



Sec. 13. Any regulations adopted by the Director of the Department of Health and Human Services or a district board of health pursuant to NRS 447.300 to 447.355, inclusive, as those sections existed before the effective date of this act, are void.

Sec. 14. 1. This act does not apply to:

(a) A cause of action or claim described in NRS 41.810 to 41.835, inclusive, as those sections existed before the effective date of this act, arising from a personal injury or death accruing before the effective date of this act; or

(b) An act for which a state business license may be suspended pursuant to NRS 76.172, as that section existed before the effective date of this act, that occurred before the effective date of this act.

2. Notwithstanding the provisions of section 34 of chapter 8, Statutes of Nevada 2020, 32nd Special Session, at page 114, the provisions of NRS 41.810 to 41.835, inclusive, as those sections existed before the effective date of this act, do not apply to any cause of action or claim arising from an injury or death that accrues on or after the effective date of this act and before July 1, 2023.

Sec. 15. NRS 41.810, 41.815, 41.820, 41.825, 41.830, 41.835, 76.172, 447.300, 447.305, 447.310, 447.315, 447.320, 447.325, 447.330, 447.335, 447.340, 447.345, 447.350 and 447.355 are hereby repealed.

Sec. 16. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

41.810 Definitions.

41.815 “Business” defined.

41.820 “COVID-19” defined.

41.825 “Governmental entity” defined.

41.830 “Nonprofit organization” defined.

41.835 Complaint required to be pled with particularity; immunity from liability of certain entities.

76.172 Suspension of state business license for failure to comply with controlling health standards; notice of suspension.

447.300 Definitions.

447.305 “Director” defined.

447.310 “Employee” defined.

447.315 “Health authority” defined.

447.320 “Public accommodation facility” and “facility” defined.



447.325 Applicability.

447.330 Prohibited regulations; opportunity to comment on amendment or repeal of regulations.

447.335 Requirement to adopt regulations requiring public accommodation facility to establish standards for cleaning to reduce transmission of SARS-CoV-2; prohibition against advising or incentivizing guests to decline daily housekeeping; notification and provision of copy of standards to employees.

447.340 Regulations requiring public accommodation facility to establish protocols to limit transmission of SARS-CoV-2 and train staff concerning prevention and mitigation of SARS-CoV-2 transmission.

447.345 Regulations requiring public accommodation facility to establish, maintain and implement written SARS-CoV-2 response plan; submission of SARS-CoV-2 response plan to certain agencies; confidentiality of SARS-CoV-2 plan.

447.350 Inspection of public accommodation facility by health authority; penalties; prohibition of retaliation against employees.

447.355 Adoption of regulations by district board of health.

