

Senate Bill No. 260—Senators Flores, Doñate; and Scheible

Joint Sponsors: Assemblymembers
Moore, González; and D'Silva

CHAPTER.....

AN ACT relating to employment; requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations prescribing requirements for certain employers relating to the exposure of certain employees to poor air quality from wildfire smoke in the workplace; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain employers to establish and implement a written safety program that includes the establishment of a training program concerning safety in the workplace. (NRS 618.383) **Section 1** of this bill requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to establish by regulation measures that an employer must take to reduce the exposure of an employee to poor air quality from wildfire smoke where the air quality index is: (1) 150 or more but less than 200; and (2) 200 or more. The Administrator is also required to establish by regulation an air quality index level caused by wildfire smoke at which an employer is prohibited from allowing an employee to perform critical tasks outdoors. **Section 1** further requires each employer to establish a communications system that: (1) informs an employee when the employee is being exposed to certain poor air quality; and (2) allows any employee to report to the employer the presence of such poor air quality and any symptom experienced by the employee that may be caused by such exposure. **Section 1** further requires the Administrator to adopt regulations: (1) concerning the implementation of such a communication system; and (2) that prescribe standards for training that certain employers are required to provide to certain employees. Additionally, **section 1** prohibits the regulations adopted by the Administrator from imposing additional liability on an employer for the purposes of certain policies of insurance. Finally, **section 1** provides that these requirements do not apply to any employer that: (1) is an operator of a mine; (2) employs commercial truck drivers; (3) is a provider of emergency services; or (4) has 10 or fewer employees.

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

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

Section 1. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall establish by regulation:



(a) Measures that an employer must take to monitor air quality and reduce the exposure of an employee to poor air quality from wildfire smoke where:

(1) The air quality index is 150 or more but less than 200; and

(2) The air quality index is 200 or more; and

(b) An air quality index level caused by wildfire smoke at which an employer shall not allow an employee to perform critical tasks outdoors.

2. Each employer shall establish a communications system in accordance with the requirements adopted by regulation pursuant to subsection 3 that:

(a) Informs an employee, in a manner that is understandable to the employee, when the employee is being exposed to air quality where the air quality index is 150 or more during the employee's shift and of the protective controls that are available to the employee to reduce exposure to the air quality.

(b) Allows any employee to inform the employer when the employee is being exposed to air quality where the air quality index is 150 or more in the employee's workplace and if the employee is experiencing any symptom related to such exposure, including, without limitation, asthmatic attacks, difficulty breathing or chest pain.

3. The Administrator shall adopt regulations that prescribe:

(a) Requirements for the implementation of a communications system established pursuant to subsection 2. Such regulations may prescribe additional requirements for such a communications system.

(b) Standards for an employer to train employees who work outdoors and may be exposed to poor air quality from wildfire smoke. Such standards must require that the training:

(1) Be provided in a manner that is understandable to the employee;

(2) Describe the requirements imposed on employers pursuant to this section; and

(3) Describe the risks of not using personal protection equipment while working outdoors and being exposed to poor air quality from wildfire smoke.

4. The Administrator may develop and provide to each employer written guidance for complying with this section and any regulations adopted pursuant thereto. Such guidance may account for working conditions in rural and remote locations.



5. *The regulations adopted pursuant to this section must not impose any additional liability on an employer for the purposes of industrial insurance or insurance for occupational diseases.*

6. *The provisions of this section do not apply to any employer who:*

- (a) Is an operator of a mine;*
- (b) Employs commercial truck drivers;*
- (c) Is a provider of emergency services; or*
- (d) Has 10 or fewer employees.*

7. *As used in this section:*

(a) “Outdoors” means a work environment where an employee regularly performs job duties in conditions that are directly affected by the elements. The term does not include a work environment that is enclosed or climate controlled.

(b) “Provider of emergency services” means an agency of the State or a political subdivision of the State that provides police, fire-fighting, rescue, emergency medical services or other services related to public safety. The term includes, without limitation, any entity that provides such services during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070.

(c) “Wildfire smoke” means smoke caused by a wildfire which contains a complex mixture of gases and particles that includes, without limitation, gases, hazardous air pollutants, water vapor and particle pollution.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.



