ASSEMBLY BILL NO. 48–COMMITTEE ON HEALTH AND HUMAN SERVICES

(ON BEHALF OF ELKO COUNTY)

PREFILED NOVEMBER 9, 2026

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to sanitation. (BDR 40-554)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: May have Fiscal Impact.
Effect on the State Highway Fund: 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 sanitation; authorizing a board of county commissioners, with the approval of the Nevada Health Authority, to designate the building and safety department of the county to enforce and administer certain provisions governing residential individual systems for disposal of sewage; authorizing an approved county to adopt certain ordinances and regulations; authorizing the Authority to provide certain training and technical assistance, perform certain audits and reviews and take certain disciplinary action against an approved county under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Health to adopt regulations to control the use of a residential individual system for disposal of sewage in this State, except in health districts where a district board of health has adopted such regulations. (NRS 444.650) **Section 8** of this bill authorizes a board of county commissioners, with the approval of the Nevada Health Authority, to adopt an ordinance or enter into an interlocal agreement designating the building and safety department of the county to administer and enforce those regulations of the State Board and any more stringent conditions imposed by the county. **Section 8** prohibits the Authority from granting such approval unless the Authority determines that: (1) the building and safety department has the capacity to perform all functions necessary to administer and enforce the regulations of the State Board; and (2) the standards enforced by

the building and safety department will be at least as stringent as those regulations. **Section 8** authorizes an approved county to impose conditions governing residential individual systems for disposal of sewage that are more stringent than the regulations of the State Board. **Section 8** authorizes the building and safety department of an approved county to make certain arrangements to utilize persons who are not employees of the building and safety department to enforce and administer such conditions and the regulations of the State Board. **Section 9** of this bill provides for the transfer of certain responsibilities relating to the permitting of residential individual systems for disposal of sewage when: (1) the board of county commissioners of an approved county designates the building and safety department of the county to enforce regulations and ordinances governing residential individual systems for disposal of sewage; or (2) the approval of an approved county ceases to be valid. **Section 10** of this bill establishes certain authority of the Authority relating to approved counties, including authorizing the Authority to: (1) require corrective action if the building and safety department of an approved county fails to comply with provisions of law and regulations governing residential individual systems for disposal of sewage; (2) suspend or revoke the approval of an approved county for failure to take a required corrective action or repeated violations; and (3) summarily suspend the approval of an approved county if necessary to protect the health, safety or welfare of the public or any person. **Section 11** of this bill requires the State Board to adopt regulations necessary to carry out **sections 8-10** of this bill.

**Sections 3-7** of this bill define certain terms used in **sections 3-11**, and **section 2** of this bill establishes the applicability of those definitions. **Section 12** of this bill makes a conforming change to eliminate a definition that is duplicative of the definition set forth in **section 7**.

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

**Section 1.** Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

**Sec. 2.** ***As used in NRS 444.650 and sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

**Sec. 3.** ***"Approval" means approval granted by the Authority for the building and safety department of an approved county to carry out the functions set forth in subsection 1 of section 8 of this act.***

**Sec. 4.** ***"Approved county" means a county that has been granted approval by the Authority.***

**Sec. 5.** ***"Authority" means the Nevada Health Authority.***

**Sec. 6.** ***"Building and safety department" means an agency of a county that is responsible for ensuring the safety of buildings located within the county.***

**Sec. 7.** ***"Residential individual system for disposal of sewage" means an individual system for disposal of sewage from a***

*parcel of land, including all structures thereon, that is zoned for single-family residential use.*

**Sec. 8.** *1. Upon the approval of the Authority, a board of county commissioners may, by ordinance or pursuant to an interlocal agreement, designate the building and safety department of the county to be responsible for the enforcement and administration of regulations adopted pursuant to NRS 444.650 and any ordinances or regulations adopted pursuant to subsection 3. Except as otherwise provided in subsection 5, such enforcement must include, without limitation:*

*(a) Reviewing plans for residential individual systems for disposal of sewage;*

*(b) If the regulations adopted pursuant to NRS 444.650 provide for the issuance of permits to operate a residential individual system for disposal of sewage, issuing, suspending, revoking and denying such permits;*

*(c) Conducting inspections to ensure compliance with the regulations adopted pursuant to NRS 444.650;*

*(d) Enforcing the regulations adopted pursuant to NRS 444.650;*

*(e) Maintaining relevant records;*

*(f) Ensuring the quality of the functions performed by the building and safety department as they relate to the enforcement and administration of the regulations adopted pursuant to NRS 444.650;*

*(g) Accepting and adjudicating, through a process prescribed by county ordinance or regulation, appeals from persons aggrieved by a decision of the building and safety department relating to the enforcement and administration of the regulations adopted pursuant to NRS 444.650; and*

*(h) Taking such other actions as necessary to enforce and administer the regulations adopted pursuant to NRS 444.650.*

*2. The Authority shall not grant approval pursuant to subsection 1 unless the Authority determines that:*

*(a) The building and safety department has the personnel and capacity to perform all functions necessary to enforce and administer the regulations adopted pursuant to NRS 444.650, including, without limitation, the capacity to perform the duties set forth in subsection 1; and*

*(b) The standards enforced by the building and safety department will be at least as stringent as the regulations adopted pursuant to NRS 444.650.*

*3. The board of county commissioners or the building and safety department of an approved county may, as necessary to address the geological, hydrological and topographical*

*characteristics of the area or to protect public health, adopt an ordinance or regulation, as applicable, imposing conditions on residential individual systems for disposal of sewage that are more stringent than the regulations adopted pursuant to NRS 444.650. Such an ordinance or regulation must not conflict with the provisions of chapter 445A of NRS or any regulations adopted pursuant thereto or any other applicable laws or regulations relating to the control of water pollution.*

*4. To carry out the functions set forth in subsection 1, the building and safety department of an approved county may utilize:*

*(a) Shared employees with other agencies of the county;*

*(b) Independent contractors; and*

*(c) Interlocal agreements with:*

*(1) Other agencies of the county;*

*(2) Agencies of other counties; or*

*(3) Agencies of cities and towns within the county or in other counties.*

*5. In a county that designates the building and safety department of the county to carry out the functions set forth in subsection 1, the Authority remains responsible for matters relating to:*

*(a) A partial or total variance from the requirements of the regulations adopted pursuant to NRS 444.650;*

*(b) The installation of a residential individual system for disposal of sewage that is complex or unusual, as determined by the Authority; and*

*(c) Substantial threats to public health and groundwater.*

*6. The Authority shall not approve a county to designate a building and safety department to perform functions ascribed to a different entity in regulations adopted pursuant to NRS 444.650 by a district board of health in a health district in which the county is located unless the district board of health, the other entity and the building and safety department enter into an agreement to transfer the responsibility for performing those functions to the building and safety department.*

**Sec. 9.** *1. If the board of county commissioners of an approved county designates the building and safety department of the county to carry out the functions set forth in subsection 1 of section 8 of this act:*

*(a) Any permit for a residential individual system for disposal of sewage that was issued by the Authority before the date of the designation remains valid after that date. The building and safety department shall assume the responsibility for enforcing the conditions, if any, of the permit.*

***(b) The building and safety department shall process any application for a permit for a residential individual system for disposal of sewage that is pending on the date of the designation without requiring any new or additional filings or submissions.***

***(c) The Authority shall transfer to the building and safety department any documents or other information necessary for the building and safety department to perform the duties required by paragraph (b).***

***2. If the approval of an approved county expires, is suspended, is revoked or otherwise ceases to be valid:***

***(a) Any permit for a residential individual system for disposal of sewage that was issued by the building and safety department of the approved county before the date on which the approval of the approved county ceases to be valid remains valid after that date. The Authority shall, except as otherwise provided in subsection 3, assume the responsibility for enforcing the conditions, if any, of the permit.***

***(b) The Authority shall process any application for a permit for a residential individual system for disposal of sewage that is pending before the building and safety department of the approved county on the date on which the approval of the county ceases to be valid without requiring any new or additional filings or submissions.***

***(c) The building and safety department of the approved county shall transfer to the Authority any documents or other information necessary for the Authority to perform the duties required by paragraph (b).***

***3. If the approval of an approved county expires, is revoked or otherwise ceases to be valid on a permanent basis, any ordinance or regulation adopted by the approved county pursuant to subsection 3 of section 8 of this act is void and will not be enforced by the Authority. This subsection must not be construed to prohibit the State Board of Health from adopting a regulation pursuant to NRS 444.650 that is similar or identical to an ordinance or regulation adopted by a county whose approval has ceased to be valid.***

**Sec. 10.** ***1. The Authority may:***

***(a) Provide relevant training and technical assistance to the staff of the building and safety department of an approved county; and***

***(b) Review the records of and audit the building and safety department of an approved county as necessary to enforce the provisions of NRS 444.650 and sections 2 to 11, inclusive, of this act and the regulations adopted pursuant thereto.***

*2. If the Authority determines that the building and safety department of an approved county has failed to comply with the provisions of NRS 444.650 and sections 2 to 11, inclusive, of this act and the regulations adopted pursuant thereto, the Authority may require the building and safety department to take corrective action.*

*3. If the building and safety department of an approved county has failed to take a corrective action required pursuant to subsection 2 or has repeatedly violated the provisions of NRS 444.650 and sections 2 to 11, inclusive, of this act and the regulations adopted pursuant thereto, the Authority may suspend or revoke the approval granted to the approved county. Except as otherwise provided in subsection 4, the Authority must provide notice and the opportunity for a hearing to a board of county commissioners and the building and safety department of the approved county before taking such action.*

*4. If an investigation by the Authority reasonably determines that the health, safety or welfare of the public or any person is at risk of imminent or continued harm, the Authority may summarily suspend the approval granted to an approved county pending the conclusion of a hearing to consider the long-term suspension or revocation of the approval.*

**Sec. 11.** *1. The State Board of Health shall adopt regulations to carry out the provisions of sections 8, 9 and 10 of this act. The regulations must:*

*(a) Establish the procedure by which a board of county commissioners must demonstrate that the building and safety department of the county is capable of performing the functions described in subsection 1 of section 8 of this act, including, without limitation, the criteria that the Authority must use to make that determination;*

*(b) Establish procedures for requiring corrective action or suspending or revoking the approval of an approved county pursuant to section 10 of this act; and*

*(c) If the regulations adopted pursuant to NRS 444.650 provide for the issuance of permits to operate a residential individual system for disposal of sewage, authorize the building and safety department of an approved county to collect fees for the issuance or renewal of such a permit and related functions.*

*2. If the regulations adopted pursuant to NRS 444.650 require a person who is responsible for inspecting or reviewing plans for a residential individual system for disposal of sewage to possess a credential, the regulations adopted pursuant to subsection 1 must authorize an employee or contractor of a building and safety department of an approved county who does*

***not hold such a credential to qualify by alternative means to perform those duties with appropriate technical oversight. Such alternative means for qualification may include, without limitation:***

***(a) Relevant experience relating to building, plumbing, wastewater management, environmental health, construction or inspection, as appropriate;***

***(b) Training approved by the Authority;***

***(c) Continuing education;***

***(d) A demonstration of competency through an examination, field evaluation, supervised work or another objective method; or***

***(e) Any combination of the methods listed in paragraphs (a) to (d), inclusive.***

***3. Any alternative means prescribed pursuant to subsection 2 for a person to qualify to perform the duties listed in that subsection must be practical for persons located throughout this State, including, without limitation, persons in rural areas that are far from urban areas.***

**Sec. 12.** NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant to those provisions. If any regulations adopted by the State Environmental Commission pursuant to subsection 2 of NRS 445A.425 impact residential individual systems for disposal of sewage, the State Board of Health shall adopt regulations consistent with such regulations adopted by the State Environmental Commission.

~~[4. As used in this section, "residential individual system for disposal of sewage" means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single-family residential use.]~~

**Sec. 13.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act become effective:

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

(b) On the date on which the regulations required to be adopted by the State Board of Health pursuant to section 11 of this act are filed with the Secretary of State pursuant to NRS 233B.070, for all other purposes.

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