



**STATE AGENCY REGULATIONS TO BE REVIEWED  
BY THE LEGISLATIVE COMMISSION**

**DECEMBER 17, 2025**

| <b>REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:</b> |                |   |
|--|----------------|---|
| <b>LCB NO.</b>   | <b>NAC</b>     | <b>AGENCY/<br/>SUBJECT</b>  |
| <b>2023 REGULATIONS</b>                                |                |   |
| <b>R127-23</b>   | <b>555/586</b> | <b>STATE DEPARTMENT OF AGRICULTURE</b><br>A REGULATION establishing provisions of SB 159 (2023) relating to pest control registered trainees<br><b>CONTACT Meghan Brown (775) 753-1357</b><br><b>m.brown@agri.nv.gov</b>  |
| <b>2024 REGULATIONS</b>                                |                |   |
| <b>R192-24</b>   | <b>641</b>     | <b>BOARD OF PSYCHOLOGICAL EXAMINERS</b><br>A REGULATION revising provisions relating to national examinations<br><b>CONTACT Laura Arnold (702) 276-0926</b><br><b>nbop@govmail.state.nv.us</b>  |
| <b>2025 REGULATIONS</b>                                |                |   |
| <b>R005-25</b>   | <b>555</b>     | <b>DIRECTOR OF THE STATE DEPARTMENT OF AGRICULTURE</b><br>A REGULATION revising provisions relating to signatures<br><b>CONTACT Meghan Brown (775) 753-1357</b><br><b>m.brown@agri.nv.gov</b>   |
| <b>R014-25</b>   | <b>503</b>     | <b>BOARD OF WILDLIFE COMMISSIONERS</b><br>A REGULATION establishing provisions relating to coyote-hunting contests<br><b>CONTACT Kristy Knight (775) 688-1540</b><br><b>kknight@ndow.org</b>  |
| <b>R026-25</b>   | <b>637B</b>    | <b>SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING BOARD</b><br>A REGULATION revising various provisions (AB177, 2025) relating to speech and hearing professions<br><b>CONTACT Jennifer Pierce (775) 787-3421</b><br><b>execdirector@nvspeechhearing.org</b> |
| <b>R028-25</b>   | <b>640C</b>    | <b>BOARD OF MASSAGE THERAPY</b><br>A REGULATION establishing provisions relating to draping<br><b>CONTACT Colleen Platt (775) 848-2810</b><br><b>cplatt@plattlawgroupreno.com</b>   |

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| <b>R045-25</b> | <b>232</b>     | <b>SAGEBRUSH ECOSYSTEM COUNCIL</b><br>A REGULATION establishing provisions relating to projects and verifiers (see R011-25)<br><b>CONTACT Sarah Hale (775) 687-2001</b><br><b>sarah.hale@sagebrusheco.nv.gov</b>   |
| <b>R053-25</b> | <b>488/503</b> | <b>BOARD OF WILDLIFE COMMISSIONERS</b><br>A REGULATION revising various provisions relating to wildlife<br><b>CONTACT Alejandra Medina (775) 688-1510</b><br><b>amedina@ndow.org</b>   |
| <b>R063-25</b> | <b>612</b>     | <b>ADMINISTRATOR OF THE EMPLOYMENT SECURITY DIVISION OF THE DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION</b><br>A REGULATION establishing the unemployment compensation contribution rate for calendar year 2026<br><b>CONTACT Casey Frasca (775) 684-3913</b><br><b>c-frasca@detr.nv.gov</b> |
| <b>R064-25</b> | <b>612</b>     | <b>ADMINISTRATOR OF THE EMPLOYMENT SECURITY DIVISION OF THE DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION</b><br>A REGULATION revising provisions relating to payrolling<br><b>CONTACT Casey Frasca (775) 684-3913</b><br><b>c-frasca@detr.nv.gov</b>  |

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**ADOPTED REGULATION OF THE  
DIRECTOR OF THE  
STATE DEPARTMENT OF AGRICULTURE**

**LCB File No. R127-23**

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

AUTHORITY: §§ 1, 7-11 and 17, NRS 555.400; §§ 2-6 and 14, NRS 555.2777 and 555.400; § 12, NRS 555.2777, 555.380 and 555.400; § 13, NRS 555.390 and 555.400; § 15, NRS 555.400 and 555.470; § 16, NRS 555.2777 and 586.237.

A REGULATION relating to pest control; defining the term “applicator trainee”; establishing the requirements for a certificate of registration as an applicator trainee; setting forth the qualifications for an applicator trainee; requiring an applicator who supervises an applicator trainee to provide certain training and information to the applicator trainee; making certain provisions which are applicable to licensees also applicable to applicator trainees; revising provisions governing continuing education; revising the schedule of administrative fines to include certain fines specific to an applicator trainee; exempting applicator trainees under the immediate supervision of certain licensees from prohibitions on the application or use of restricted-use pesticides; repealing certain definitions; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the Director of the State Department of Agriculture to adopt regulations to carry out the provisions of existing law relating to the custom application of pesticides. (NRS 555.400, 555.2605-555.460) Existing law prohibits a natural person from engaging in, offering to engage in, advertising or soliciting to perform certain pest control activities without first obtaining a license as an applicator from the Director. (NRS 555.280, 555.285) Existing law requires the Director to adopt regulations to authorize a person to train as an applicator to engage in pest control for a period of not less than 90 days without holding a license as an applicator. (NRS 555.2777)

**Section 2** of this regulation defines the term “applicator trainee.”

**Section 3** of this regulation establishes: (1) the qualifications for a person to register as an applicator trainee with the Department; and (2) the categories and field of pest control in which such a person may register. **Section 4** of this regulation: (1) sets forth the application requirements for a certificate of registration as an applicator trainee; and (2) provides that a certificate of registration expires 90 days after the date of issuance.

**Section 5** of this regulation requires an applicator who supervises an applicator trainee to: (1) provide certain training and training materials to the applicator trainee before the applicator trainee is allowed to perform pest control; and (2) keep records documenting the training

provided to the applicator trainee. **Section 6** of this regulation establishes certain other requirements for an applicator who supervises an applicator trainee.

**Section 7** of this regulation applies the existing definitions in existing law and **section 2** that govern the custom application of pesticides to the provisions of **sections 3-6**.

Existing regulations exempt certain services and persons performing certain acts from the applicability of existing provisions governing the custom application of pesticides. (NAC 555.260) **Section 8** of this regulation provides that those same services and persons are also exempt from the applicability of the provisions of **sections 2-6**.

Existing regulations require a licensee of a pest control business to: (1) ensure that the license issued to the person is on his or her person or in his or her service vehicle while engaging in pest control; and (2) produce the license upon request by the Director or an agricultural police officer. Existing regulations also require the primary principal or location principal of a pest control business to notify the Director within 15 days after any change in the status or authority of any primary principal, location principal, principal, operator, demonstration and research specialist or agent. (NAC 555.290) **Section 9** of this regulation: (1) requires an applicator trainee to ensure that his or her certificate of registration is prominently displayed on his or her person; and (2) extends the notification duty to situations relating to a change in the status or authority of an applicator trainee.

Existing regulations provide that a person who attends a meeting of the Nevada Pest Control Association may receive continuing education credit for attending the meeting without obtaining accreditation approved by the Director. (NAC 555.374) **Section 10** of this regulation updates the name of the organization to the Nevada Pest Management Association.

Existing regulations require that every person licensed as a primary principal, principal, location principal, operator, demonstration and research specialist or agent return his or her license to the Department within 15 working days after: (1) he or she ceases engaging in pest control; or (2) his or her employment with a pest control business is terminated. Existing regulations further: (1) require a primary principal, principal, location principal, operator, demonstration and research specialist or agent of a pest control business to provide written notice to the Department of the date of termination of the employment of a primary principal, location principal, principal, operator, demonstration and research specialist or agent within 15 days after the date of termination; and (2) prohibit a former licensee from engaging in pest control. (NAC 555.385) **Section 11** of this regulation extends these requirements and prohibitions to an applicator trainee and, where applicable, his or her certificate of registration.

Existing regulations authorize a person engaged in the application of pesticides for hire to apply pesticides only in those categories of pest control for which he or she is licensed. (NAC 555.400) **Section 12** of this regulation extends this authorization to categories of pest control for which an applicator trainee is registered. **Section 12** further specifies that an applicator trainee may only apply: (1) a general-use pesticide while under the direct supervision of a licensed applicator; and (2) a restricted-use pesticide while under the immediate supervision of an authorized commercial applicator, certified non-private applicator or private applicator in accordance with certain statutory provisions.

Existing regulations establish requirements for certain reports and records relating to the specific field in which a person is licensed. (NAC 555.410, 555.413) **Section 13** of this regulation extends these requirements to reports and records relating to the urban, rural and structural fields in which an applicator trainee is registered. **Section 13** also updates the price of certain forms that are required when a preconstruction treatment is conducted.

Existing regulations prohibit an unlicensed person who performs pest control under the immediate supervision of a primary principal, location principal, principal, demonstration and research specialist or operator from preparing, distributing, appearing on or signing certain documents. (NAC 555.415) **Section 14** of this regulation prohibits an unregistered person from taking such actions, such that if a person is not licensed or registered, he or she may not prepare, distribute, appear on or sign certain documents.

Existing regulations establish a schedule of administrative fines that may be imposed by the Director for violations of various provisions of the Nevada Revised Statutes or the Nevada Administrative Code applicable to pest control. (NAC 555.530) **Section 15** of this regulation revises the schedule to reflect certain administrative fines for violations relating to the pest control activities of an applicator trainee.

Existing regulations prohibit a person from applying or otherwise using a restricted-use pesticide except under certain circumstances. (NAC 586.018) **Section 16** of this regulation includes in these excepted circumstances an applicator trainee under the immediate supervision of an authorized commercial applicator, certified non-private applicator or private applicator.

**Section 17** of this regulation repeals certain redundant definitions that are defined in the Nevada Revised Statutes for provisions relating to pest control and are therefore applicable to the corresponding provisions of the Nevada Administrative Code. (NRS 0.024, 555.2654, 555.2679; NAC 555.2545, 555.256)

**Section 1.** Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

**Sec. 2.** *“Applicator trainee” means a person, authorized pursuant to NRS 555.2777, to train as an applicator to engage in pest control for a period of not less than 90 days without holding a license as an applicator and who holds a certificate of registration issued by the Director pursuant to section 4 of this regulation.*

**Sec. 3. 1.** *To register as an applicator trainee, a person must:*

*(a) Be at least 18 years of age;*

*(b) Be employed by a pest control business licensed in this State in a position in which he or she will engage in pest control under the direct or immediate supervision, as applicable, of a person who holds an active and valid license as an applicator issued pursuant to NRS 555.320; and*

*(c) Submit an application on a form prescribed by the Director for a certificate of registration as an applicator trainee in accordance with section 4 of this regulation.*

*2. A person may register as an applicator trainee only one time and only in one of the following categories in the field of urban, rural and structural pest control described in paragraph (c) of subsection 2 of NAC 555.280:*

*(a) Limited landscape;*

*(b) Industrial and institutional; or*

*(c) Weeds.*

*Sec. 4. 1. Each application for a certificate of registration as an applicator trainee must include, without limitation:*

*(a) The name of the applicant and the mailing address and telephone number of the applicant;*

*(b) The name of the pest control business in this State that employs the applicant;*

*(c) An endorsement by a primary principal, location principal or principal of the pest control business that employs the applicant with a statement that:*

*(1) A supervising applicator or pest control business is responsible and liable for all actions of the applicator trainee; and*

*(2) The supervising applicator shall ensure the applicator trainee receives all training and training material required by section 5 of this regulation before the applicator trainee engages in any pest control; and*

*(d) A statement indicating:*

*(1) The applicant has not previously been registered as an applicator trainee in this State;*

*(2) Whether the applicant holds an active license, certificate or registration to engage in pest control in another state and, if the applicant holds such a license, certificate or registration, a list of the categories of pest control in which the applicant is licensed, certified or registered; and*

*(3) The category of pest control in which the applicant wishes to engage as an applicator trainee.*

*2. The Director will review each application submitted pursuant to this section and issue a certificate of registration to an applicant who meets the qualifications set forth in section 3 of this regulation.*

*3. Every person to whom a certificate of registration as an applicator trainee is issued shall, within 15 working days after the issuance of the certificate, notify the Director of any change of the information shown on his or her application for the certificate.*

*4. A certificate of registration as an applicator trainee:*

*(a) Expires 90 days after the date of issuance; and*

*(b) Is not assignable or transferrable.*

**Sec. 5. Each applicator who supervises an applicator trainee must:**

*1. Before the applicator trainee is allowed to perform pest control:*

*(a) Ensure that the applicator trainee understands the requirements set forth in NAC 555.400;*

*(b) Ensure that the applicator trainee has received training within the immediately preceding 12 months in the safe operation of any equipment which the applicator trainee may use for mixing, loading, transferring or applying pesticides; and*

*(c) Provide the applicator trainee with training materials with all information that the applicator trainee needs to protect himself or herself, other people and the environment before, during and after applying a pesticide, which must include, without limitation:*

*(1) Potential hazards from toxicity and exposure that pesticides present to the applicator trainee and his or her family, including, without limitation, acute and chronic effects, delayed effects and sensitization.*

*(2) Routes through which pesticides can enter the body.*

*(3) Signs and symptoms of common types of pesticide poisoning.*

*(4) Emergency first aid for pesticide injuries or poisoning.*

*(5) Route and emergency decontamination procedures, including, without limitation, emergency eye flushing techniques. An applicator trainee must be instructed that, if pesticides are spilled or sprayed on the body, the applicator trainee must:*

*(I) Immediately wash or rinse off in the nearest clean water; and*

*(II) Subsequently wash or shower with soap and water, shampoo hair and change into clean clothes as soon as possible.*

*(6) How and when to obtain emergency medical care.*

*(7) That, after working with pesticides, the applicator trainee must:*

*(I) Wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet;*

*(II) Wash or shower with soap and water, shampoo hair and change into clean clothes as soon as possible;*

*(III) Remove work clothes and wash or shower before physical contact with children or family members;*

*(IV) Wash work clothes before wearing them again and wash them separately from other clothes; and*

*(V) Remove work boots or work shoes before entering the home.*

*(8) Potential hazards from pesticide residues on clothing.*

*(9) Potential hazards to children and pregnant women from pesticide exposure.*

*(10) How to report suspected pesticide use violations.*

*(11) The format and meaning of the information contained on pesticide labels and in labeling applicable to the safe use of the pesticide, including, without limitation, the location and meaning of the product statement, how to identify when the labeling requires the supervising applicator to immediately supervise the applicator trainee in applying the pesticide and the information on personal protective equipment.*

*(12) The necessity and appropriate use and removal of personal protective equipment.*

*(13) The safety requirements for handling, transporting, storing and disposing of pesticides, including, without limitation, the general procedures for spill cleanup of a pesticide.*

*(14) The environmental concerns relating to pesticides, including, without limitation, drift, runoff and wildlife hazards.*

*(15) The requirements for the supervising applicator set forth in section 6 of this regulation.*

*2. Maintain records documenting the training provided to the applicator trainee pursuant to the requirements of this section.*

**Sec. 6. Each applicator who supervises an applicator trainee shall:**

*1. Ensure that the applicator trainee performing pest control activities has:*

*(a) A means to immediately and directly communicate with the supervising applicator; and*

*(b) Access to the product labeling of all pesticides that will be carried or applied by the applicator trainee.*

*2. If the applicator trainee is applying restricted-use pesticides or if the product labeling of the pesticide used requires immediate supervision, be physically present at all times when the pesticide is being applied.*

*3. Provide the applicator trainee with:*

*(a) Clean personal protective equipment that is in proper operating condition as required by the label of the pesticide being applied;*

*(b) Appropriate equipment for mixing, loading, transferring or applying pesticides in proper condition as intended by the manufacturer; and*

*(c) Instructions for the application of each pesticide that will be applied by the applicator trainee that are specific to the site and the pesticide being applied, which must include, without limitation:*

*(1) Any product labeling instructions;*

*(2) Precautions;*

*(3) Any site or use specific requirements; and*

*(4) Information about how the risk of adverse effects may be increased or decreased by:*

*(I) The characteristics of the use of the site, such as the surface water or groundwater, endangered species or local population; and*

*(II) The condition of the application, such as the equipment, method of application or formulation.*

↳ *These instructions must be provided in a manner that the applicator trainee can understand.*

**Sec. 7.** NAC 555.250 is hereby amended to read as follows:

555.250 As used in NAC 555.250 to 555.530, inclusive, *and sections 2 to 6, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.2503 to 555.258, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 8.** NAC 555.260 is hereby amended to read as follows:

555.260 NAC 555.250 to 555.530, inclusive, *and sections 2 to 6, inclusive, of this regulation* do not apply to:

1. Services for domestic or industrial sanitation, which use sanitizers and disinfectants;
2. Services for the maintenance of swimming pools, which use algicides, bactericides or fungicides;
3. Any person who uses preservatives in the treatment of fabrics;
4. Veterinarians or persons in pet salons who treat animals;
5. A person who controls vertebrate pests by means other than the use of pesticides; or
6. A person who:
  - (a) Conducts inspections for; or
  - (b) Performs services for the control of,

↳ a mold or other fungus detrimental to human health.

**Sec. 9.** NAC 555.290 is hereby amended to read as follows:

555.290 1. A person may not be employed or retained in the position of a principal, location principal or primary principal for more than one pest control business at any time.

2. Each ~~primary~~ :

(a) *Primary* principal, location principal, principal, operator, demonstration and research specialist or agent of a pest control business shall:

~~(a)~~ (1) Ensure that the license issued to him or her by the Director is on his or her person or in his or her service vehicle while engaging in pest control; and

~~(b)~~ (2) Produce the license upon request by the Director or an agricultural police officer appointed pursuant to subsection 2 of NRS 561.225 ~~+~~; and

*(b) Applicator trainee shall ensure that the certificate of registration issued to him or her by the Director is prominently displayed on his or her person while engaging in pest control.*

3. The primary principal or location principal of a pest control business shall, within 15 days after the change, notify the Director of any change in the status or authority of any primary principal, location principal, principal, operator, demonstration and research specialist, ~~or~~ agent *or applicator trainee* of the pest control business or any change in the information given on the application for the business license for the pest control business.

4. A license is not assignable or transferable. If a change in ownership of a pest control business occurs, a new application and fee for a business license must be submitted. No fee is required for a change in the name of the business if the application for the change is accompanied by a declaration under penalty of perjury that there is no change in ownership.

5. A separate licensing fee for a principal, operator, demonstration and research specialist or agent must be paid by the employer. No additional fee is required for a designation as a primary principal or a location principal.

6. A principal or operator may apply to the Director for amendment of his or her license to include additional categories of pest control or have restrictions removed. Except as otherwise

provided in NAC 555.325, upon examination, the principal or operator is entitled to have the license so amended without any additional licensing fee.

7. A licensee who cannot provide services in a particular category of pest control because he or she fails to meet the requirements for insurance for that category may apply to have a temporary hold placed on his or her license for that category. The temporary hold on the license for that category may be removed at any time upon submission of proof of insurance to the Director.

8. The Director may refuse to issue a business license in a name that is:

- (a) The same or similar to a name used by the holder of another business license;
- (b) Likely to be confused with a governmental agency or trade association; or
- (c) Misleading.

9. An agent shall not apply any pesticide or provide a recommendation or any other advice to a person concerning the use of a pesticide.

10. A demonstration and research specialist shall not:

(a) Provide a recommendation or any other advice to a person concerning the use of a pesticide for which the brand has been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive; or

(b) Apply a pesticide for which the brand has been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive, except for demonstration and research purposes.

11. The Director may refuse to issue a license to an applicant if, at the time the applicant submits the application:

- (a) A fine imposed against the applicant pursuant to NAC 555.530 remains unpaid; or

(b) Any hearing or other matter that is within the jurisdiction of the Director is pending against the applicant.

**Sec. 10.** NAC 555.374 is hereby amended to read as follows:

555.374 1. To obtain accreditation from the Director for a course of continuing education, the sponsor of the course must submit to the Department, at least 7 days before the first day of the course:

(a) A detailed outline of the subject matter to be presented;

(b) If the course is intended for applicators who are licensed or certified to apply or supervise the application of restricted-use pesticides, evidence that the number of hours for the course and the content and quality of the course ensure that the applicators continue to satisfy the applicable requirements of subsection 3 of NRS 555.351, NRS 555.355, NAC 555.630, 555.650 and 555.695;

(c) A description of the method of presentation;

(d) A curriculum vitae or other biographical statement of the instructor;

(e) For an Internet course, a course contained on a compact disc, a correspondence course or a video or other media presentation sponsored by the Cooperative Extension Service, a detailed description of the method or methods by which the sponsor intends to verify attendance by each licensee and the successful completion by each licensee of the examination required pursuant to subsection 2 of NAC 555.372; and

(f) Any other information required in the application for accreditation.

2. To equal one unit of continuing education, the course for which the application is submitted must consist of at least 50 minutes of instruction and be directly related to:

(a) The control or management of pests;

- (b) The classification or usage of pesticides;
- (c) The safe handling or dispensing of pesticides; or
- (d) A law or regulation concerning the use of pesticides.

3. The information required by subsection 1 must be submitted on an application prescribed by the Director.

4. The sponsor of a course accredited by the Director shall submit to the Department, within 30 days after the completion of the course, a list that includes:

- (a) The name of the course;
- (b) The course number assigned by the Director pursuant to NAC 555.375;
- (c) The number of units of continuing education that a person who successfully completes the course may receive;
- (d) The name of each person who attended the course;
- (e) The identification number assigned by the Department to the licensee wishing to receive credit for completing the course;
- (f) The name of the business or governmental agency that employs the licensee;
- (g) The signature of the licensee; and
- (h) A statement prepared by the sponsor of the course indicating that:
  - (1) The licensee presented to the sponsor the licensee's license or any other form of identification issued by a governmental agency that includes a photograph of the licensee; or
  - (2) For an Internet course, a course contained on a compact disc, a correspondence course or a video or other media presentation sponsored by the Cooperative Extension Service, each licensee listed attended the course or presentation and passed the examination required pursuant to subsection 2 of NAC 555.372.

5. The sponsor of a course shall maintain a record of the information set forth in subsection 4 for at least 4 years after the completion of the course. The records must be made available to the Director upon request.

6. Except as otherwise provided in subsection 7, courses of continuing education that may be accredited by the Director include, without limitation:

- (a) A seminar;
- (b) A meeting;
- (c) An adult education class;
- (d) A correspondence class;
- (e) An Internet class;
- (f) A college or university class;
- (g) A video or other media presentation; and
- (h) Any equivalent activity approved by the Director.

7. A person who attends a meeting of the Nevada Pest ~~Control~~ *Management* Association may receive credit for attending the meeting without obtaining approval for the meeting pursuant to this section.

8. A person who successfully completes a course of continuing education is not entitled to receive credit for attending the course unless, at the time the sponsor of the course recorded the attendance of the person at the course, the person presented to the sponsor the identification specified in paragraph (h) of subsection 4.

9. A licensee may not receive credit more than once in a calendar year for attending the same course with the same course number assigned by the Director pursuant to NAC 555.375.

10. As used in this section, “licensee” includes, without limitation, an authorized commercial applicator, certified non-private applicator, private applicator and any other person who is licensed or certified to apply or supervise the application of a restricted-use pesticide.

**Sec. 11.** NAC 555.385 is hereby amended to read as follows:

555.385 1. Except as otherwise provided in subsection 6, every person licensed as a primary principal, principal, location principal, operator, demonstration and research specialist or agent, *or registered as an applicator trainee*, shall return his or her license *or certificate of registration, as applicable*, to the Department within 15 working days after:

- (a) He or she ceases engaging in pest control; or
- (b) His or her employment with a pest control business is terminated.

2. A primary principal, principal, location principal, operator, demonstration and research specialist, ~~or~~ agent *or applicator trainee* of a pest control business shall provide written notice to the Department of the date of termination of the employment of a primary principal, location principal, principal, operator, demonstration and research specialist, ~~or~~ agent *or applicator trainee* from the pest control business within 15 days after the date on which that termination occurs.

3. A former licensee *or applicator trainee* who ceases engaging in pest control or has his or her employment with a pest control business terminated shall not engage in pest control.

4. Except as otherwise provided in subsection 11, to regain a license as a principal, operator or demonstration and research specialist after the principal, operator or demonstration and research specialist ceases engaging in pest control or has his or her employment with a pest control business terminated, a former licensee must:

(a) If not more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

- (1) Complete the application requirements of NAC 555.360;
- (2) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372; and

(3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.

(b) If more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

- (1) Complete the application requirements of NAC 555.360;
- (2) Meet the applicable requirements of NAC 555.320 and pass the core and specific examinations given pursuant to NAC 555.283, 555.340 or 555.695, as applicable, in each category of pest control in which he or she wishes to be licensed;

- (3) If applicable, meet the requirements of NAC 555.380; and
- (4) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.

5. Except as otherwise provided in subsection 11, to regain a license as a primary principal after the principal ceases engaging in pest control or has his or her employment with a pest control business terminated, a former licensee must:

(a) If not more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

- (1) Complete the application requirements of NAC 555.360;

(2) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372; and

(3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.

(b) If more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

(1) Complete the application requirements of NAC 555.360;

(2) Meet the applicable requirements of NAC 555.320 and pass the core and specific examinations given pursuant to NAC 555.283, 555.340 or 555.695, as applicable, in each category of pest control in which he or she wishes to be licensed;

(3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license; and

(4) Submit a set of fingerprints pursuant to NRS 555.345.

6. A person licensed as a primary principal, principal, location principal, operator, demonstration and research specialist or agent who ceases engaging in pest control or has his or her employment with a pest control business terminated may, in lieu of returning his or her license to the Department pursuant to subsection 1, have his or her license transferred to inactive status by submitting to the Director an application on a form prescribed by the Director. The application must include, without limitation:

(a) The name and license number of the licensee;

(b) The physical address and, if different from the physical address, the mailing address of the licensee;

(c) The electronic mail address, if any, of the licensee;

- (d) The telephone number, if any, of the licensee;
- (e) The date of birth of the licensee;
- (f) The social security number or employer identification number, if any, of the licensee; and
- (g) A statement certifying that the information in the application is correct and that the licensee will not engage in pest control in any category while the license is on inactive status.

7. A licensee whose license is placed on inactive status pursuant to subsection 6 shall not engage in pest control during the time the license is on inactive status. The licensee shall provide written notice to the Department within 15 days after any change in the information given on the application for inactive status pursuant to subsection 6.

8. A license on inactive status expires on December 31. To renew a license on inactive status, the licensee must:

- (a) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372;
- (b) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license; and
- (c) Pay the licensing fee pursuant to NAC 555.397.

9. The holder of a license on inactive status who fails to renew the license pursuant to subsection 8 shall return his or her license to the Department on or before the January 15 immediately succeeding the expiration of the license.

10. The holder of a license on inactive status who wishes to reactivate the license must:

- (a) Notify the Director on a form prescribed by the Director; and
- (b) Complete the application required by NAC 555.360.

11. A former licensee who returns his or her license to the Department pursuant to subsection 1 may, within 2 years after the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated, apply to the Director to have his or her former license placed on inactive status pursuant to subsection 6.

**Sec. 12.** NAC 555.400 is hereby amended to read as follows:

555.400 Except as otherwise provided in NAC 555.250 to 555.530, inclusive, *and sections 2 to 6, inclusive, of this regulation* or as specifically authorized in writing by the Director, each person engaged in the application of pesticide for hire shall:

1. ~~Apply~~ *Except as otherwise provided in subsection 2, apply* pesticides only in those categories of pest control for which he or she is licensed ~~or registered, as applicable~~. All other applicators must be under the immediate supervision of a primary principal, location principal, principal, demonstration and research specialist or operator who is qualified and currently licensed in the appropriate category.

2. *Apply, as an applicator trainee:*

*(a) General-use pesticides only while under the direct supervision of a licensed applicator; and*

*(b) Restricted-use pesticides only while under the immediate supervision of an authorized commercial applicator, certified non-private applicator or private applicator in accordance with the provisions of NRS 555.351.*

3. Use only methods and equipment which are capable of performing the functions necessary to ensure the proper application of materials.

~~3.~~ 4. Operate only where climatic, pest and crop conditions are proper for controlling the pest for which the application is being made.

~~14.~~ 5. Keep pest control equipment, when in use, in good condition.

~~15.~~ 6. Except as otherwise provided in NAC 555.510, when measuring concentrated materials, use only devices which are accurately calibrated to the smallest unit in which the material is being weighed or measured.

~~16.~~ 7. Maintain a uniform mixture at all times, both in operating rigs and service rigs, when using a mixture of materials.

~~17.~~ 8. Perform all pest control work in a good and workmanlike manner, substantially confining the material applied to the premises where the land, crop, livestock, ornamental, soil or pest is being treated.

~~18.~~ 9. Thoroughly clean all equipment after use to prevent residues which may be injurious to crops, plants or livestock.

~~19.~~ 10. Provide storage for all undiluted pesticide material in a locked facility. Servicepersons' kits, which contain insecticides, poison baits or concentrates must be handled with extreme caution and must not be left where children or other unauthorized persons might remove the contents. While being transported in a service vehicle, a service container must be secured in a manner to prevent spills or damage.

~~110.~~ 11. Pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.

**Sec. 13.** NAC 555.410 is hereby amended to read as follows:

555.410 In addition to complying with any applicable requirements of NAC 555.413, a person subject to the provisions of NAC 555.400 shall:

1. Keep accurate and legible records for 2 years of each property treated, showing:
  - (a) If the person is licensed in the aerial or agricultural ground field:

- (1) The date of the treatment for, recommendation concerning or identification of pests.
- (2) The full name of the person for whom and the county where the treatment, recommendation or identification was conducted.
- (3) The full name of the pilot or applicator doing the treating, recommending or identification.
- (4) The crop or site treated or for which the recommendation or identification was made. In the case of a spot treatment, the term “spot treatment” must be noted, followed by a description of the treatment area and the spot or spots treated.
- (5) The number, name or site identification of the field.
- (6) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied or recommended, the registration number assigned to the pesticide by the United States Environmental Protection Agency and the dosage applied or recommended.
- (7) In the case of a treatment:
  - (I) The number of units treated, including, without limitation, the number of acres or miles or fraction thereof.
  - (II) The purpose for which the crop, site or spot was treated.
  - (III) The time the treatment was started and the time the treatment was finished.
  - (IV) The temperature at the start and finish of the treatment.
  - (V) The wind velocity and wind direction at the start and finish of the treatment.
- (b) If the person is licensed *or registered* in the urban, rural and structural field:
  - (1) The date of the treatment for, recommendation concerning or identification of pests.
  - (2) The address where the treatment, recommendation or identification was conducted.
  - (3) The full name of the applicator **H** *or applicator trainee, as applicable.*

(4) The site treated or for which a recommendation or identification was made, including, without limitation, the kitchen, the crawlspace beneath the structure, and the yard or area surrounding the structure. In the case of a spot treatment, the term “spot treatment” must be followed by a description of the treatment area and the spot or spots treated.

(5) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied or recommended and the registration number assigned to the pesticide by the United States Environmental Protection Agency.

(6) In the case of a treatment, the total amount of any diluted pesticide and the concentration of the pesticide that was applied.

(7) If a treatment is conducted in the categories of limited landscape, weeds, aquatic or fumigation:

(I) The temperature at the start and finish of the treatment.

(II) The wind velocity and direction at the start and finish of the treatment.

(III) The area of any turf or ground treated.

(IV) The purpose for which the pesticide was applied.

(V) The area or volume fumigated.

(VI) The times at which fumigation started and finished.

(8) If a treatment is conducted in the category of structural pest control and the treatment is a preconstruction treatment, a copy of the Housing and Urban Development-National Pest Management Association Form 99-B entitled “New Construction Subterranean Termite Service Record.” The Housing and Urban Development-National Pest Management Association Form 99-B is available from CBS Forms by mail at 11652 Agarwood Drive, Walton, Kentucky 41094, by telephone at (800) 324-7676 or at the Internet address <http://www.cbsforms.com/>, for the

price of ~~32.95~~ \$35.95 for a pack of 100 forms, plus shipping and handling, or from the United States Department of Housing and Urban Development, free of charge, at the Internet address <https://www.hud.gov>.

2. Report by telephone within 24 hours to the Director or his or her designee:

(a) Any emergency dumps of pesticides by aircraft, and accidents of aircraft loaded with pesticides or ground equipment involving the spillage of pesticides; or

(b) The accidental spillage at sites of operations of more than 1 gallon of liquid or 4 pounds of dry weight of unmixed pesticides that are detrimental to persons, wildlife, domestic animals or crops.

3. Report by telephone to the Director or his or her designee within 48 hours any cases of apparent pesticide poisoning requiring medical treatment.

4. If the person is licensed in the aerial or agricultural ground field, file with the Director on forms to be furnished by him or her a monthly report of all pest control operations, including those operations involving the use of restricted-use pesticides, for each month in which such operations occurred. The report must:

(a) Be filed on or before the 15th day of the following month; and

(b) Be filed for those periods during which no operations were conducted unless written notification is given to the Director declaring that operations have ceased.

5. Submit to the Director any reports or records he or she requests.

**Sec. 14.** NAC 555.415 is hereby amended to read as follows:

555.415 An unlicensed *or unregistered* person who performs pest control under the immediate supervision of a primary principal, location principal, principal, demonstration and research specialist or operator pursuant to NAC 555.400 shall not prepare, distribute, appear on

or sign on his or her behalf or on behalf of the primary principal, location principal, principal, demonstration and research specialist or operator:

1. Any invoice, estimate or bid for pest control;
2. Any report prepared pursuant to NAC 555.410 or 555.430; or
3. Any contract or other agreement for pest control.

**Sec. 15.** NAC 555.530 is hereby amended to read as follows:

555.530 In addition to any other penalty, the Director may assess a fine against a person according to the schedule set forth in this section. As used in this section, “authorized,” “authorization” or any variation of those terms means the authority of an authorized commercial applicator to use or supervise the use of a restricted-use pesticide as described in subsection 3 of NRS 555.351.

|   | APPLICATION        |                  |
|---|--------------------|------------------|
| AUTHORIZED OR CERTIFIED PERSONS   | OTHER THAN         |                  |
| AND PERSONS WHO ARE NOT   | PRIVATE            | PRIVATE          |
| AUTHORIZED OR CERTIFIED   | APPLICATION        | APPLICATION      |
| 1. Except as otherwise provided in this section, for a violation of NRS 555.2605 to 555.460, inclusive..... | \$100 to \$1,000   | \$100 to \$1,000 |
| 2. For a violation of NRS 555.351:  |                    |                  |
| (a) If it is a nonserious violation .....   | \$100 to \$1,000   | \$50 to \$300    |
| (b) If it is a serious violation .....  | \$1,001 to \$5,000 | \$301 to \$1,000 |

|                                 |             |             |
|---------------------------------|-------------|-------------|
|                                 | APPLICATION |             |
| AUTHORIZED OR CERTIFIED PERSONS | OTHER THAN  |             |
| AND PERSONS WHO ARE NOT         | PRIVATE     | PRIVATE     |
| AUTHORIZED OR CERTIFIED         | APPLICATION | APPLICATION |

3. For a violation of NRS 555.359, if the violation is for:

|   |                    |                  |
|---|--------------------|------------------|
| (a) Knowingly applying ineffective or improper materials .....  | \$300              | \$50             |
| (b) Applying materials in a manner which is inconsistent with labeling or other restrictions imposed by the Director:           |                    |                  |
| (1) If it is a nonserious violation .....   | \$100 to \$1,000   | \$50 to \$300    |
| (2) If it is a serious violation .....  | \$1,001 to \$5,000 | \$301 to \$1,000 |
| (c) Operating faulty or unsafe equipment .....  | \$100              | \$50             |
| (d) Applying pesticides in a faulty, careless or negligent manner:  |                    |                  |
| (1) If it is a nonserious violation .....   | \$100 to \$1,000   | \$50 to \$300    |
| (2) If it is a serious violation .....  | \$1,001 to \$5,000 | \$301 to \$1,000 |
| (e) Aiding or abetting an unauthorized or uncertified person to avoid the provisions of NRS 555.351 to 555.357, inclusive ..... | \$100 to \$1,000   | \$50 to \$300    |

|                                 |             |             |
|---------------------------------|-------------|-------------|
|                                 | APPLICATION |             |
| AUTHORIZED OR CERTIFIED PERSONS | OTHER THAN  |             |
| AND PERSONS WHO ARE NOT         | PRIVATE     | PRIVATE     |
| AUTHORIZED OR CERTIFIED         | APPLICATION | APPLICATION |

(f) If authorized or certified, conspiring with an unauthorized or uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, or allowing his or her license or certificate to be used by an unauthorized or uncertified person ..... \$1,001 to \$5,000 \$301 to \$1,000

(g) Fraudulently or deceptively procuring an authorization or certificate ..... \$1,001 to \$5,000 \$301 to \$1,000

(h) Falsifying records or reports ..... \$250 to \$500 \$100 to \$250

(i) Failing to give adequate instructions or directions to an unauthorized or uncertified person under his or her supervision:

(1) If it is a nonserious violation ..... \$100 to \$500 \$50 to \$300

(2) If it is a serious violation ..... \$1,001 to \$5,000 \$301 to \$1,000

4. For a violation of NAC 555.440, if the violation is for:

(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:

| AUTHORIZED OR CERTIFIED PERSONS<br>AND PERSONS WHO ARE NOT<br>AUTHORIZED OR CERTIFIED  | APPLICATION<br>OTHER THAN<br>PRIVATE<br>APPLICATION  | PRIVATE<br>APPLICATION                             |
|--|--|--|
| (1) If it is a nonserious violation .....  | \$100 to \$1,000                                     | \$50 to \$300                                      |
| (2) If it is a serious violation .....   | \$1,001 to \$5,000                                   | \$301 to \$1,000                                   |
| (b) Disposing of a pesticide or its empty<br>container in a manner that presents a hazard to<br>any person, animal, crop or property or failing to<br>dispose of the pesticide or container in a safe<br>manner or failing to remove or otherwise<br>safeguard empty containers from the workplace.. | \$200 to \$500                                       | \$100 to \$300                                     |
| (c) Failing to provide employees with the<br>required information, precautions and safety<br>equipment:  |  |  |
| (1) If it is a nonserious violation .....  | \$100 to \$1,000<br><br>(per item not<br>provided)   | \$50 to \$300<br><br>(per item not<br>provided)    |
| (2) If it is a serious violation .....   | \$1,001 to \$5,000<br><br>(per item not<br>provided) | \$301 to \$1,000<br><br>(per item not<br>provided) |

| AUTHORIZED OR CERTIFIED PERSONS<br>AND PERSONS WHO ARE NOT<br>AUTHORIZED OR CERTIFIED  | APPLICATION<br>OTHER THAN<br>PRIVATE<br>APPLICATION      | PRIVATE<br>APPLICATION                                |
|--|--|---|
| (d) Failing to maintain the required safety equipment in good working order.....   | \$100 to \$1,000<br><br>(per item not<br><br>maintained) | \$50 to \$300<br><br>(per item not<br><br>maintained) |
| (e) Not using materials, dosages, formulas, devices or methods of application, storage and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.: |  |   |
| (1) If it is a nonserious violation .....  | \$100 to \$1,000   | \$50 to \$300   |
| (2) If it is a serious violation .....   | \$1,001 to \$5,000                                       | \$301 to \$1,000                                      |
| 5. For a violation of NAC 555.510, if the violation is for:  |  |   |
| (a) Fumigating without the supervision of a person who is an applicator licensed or certified to perform pest control using lethal fumigants:  |  |   |
| (1) If it is a nonserious violation .....  | \$100 to \$1,000   | \$50 to \$500   |

|   | APPLICATION                                   |   |
|---|---|---|
| AUTHORIZED OR CERTIFIED PERSONS   | OTHER THAN                                    |   |
| AND PERSONS WHO ARE NOT   | PRIVATE                                       | PRIVATE                                       |
| AUTHORIZED OR CERTIFIED   | APPLICATION                                   | APPLICATION                                   |
| (2) If it is a serious violation .....  | \$1,001 to \$5,000                            | \$501 to \$5,000                              |
| (b) Failing to have a complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant and, if required, a copy of the fully developed site-specific fumigation management plan ..... | \$100 to \$500<br><br>(per item not provided) | \$100 to \$300<br><br>(per item not provided) |
| (c) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....  | \$50 to \$300                                 | \$50 to \$300                                 |
| 6. For a violation of NAC 555.700 or 555.705, if the violation is for:  |   |   |
| (a) Failing to keep an accurate and legible record of each property treated for 2 years .....   | \$100   | \$50  |

| AUTHORIZED OR CERTIFIED PERSONS<br>AND PERSONS WHO ARE NOT<br>AUTHORIZED OR CERTIFIED   | APPLICATION<br>OTHER THAN<br>PRIVATE<br>APPLICATION | PRIVATE<br>APPLICATION |
|---|---|------------------------|
| (b) Failing to maintain required information<br>for 2 years .....   | \$100   | \$50                   |
| (c) Failing to report within 24 hours any<br>emergency dump or accidental spillage of a<br>pesticide .....  | \$100   | \$50                   |
| (d) Failing to report to the Director or his or<br>her designee within 48 hours any case of<br>apparent pesticide poisoning requiring medical<br>treatment .....                          | \$100   | \$50                   |
| (e) Failing to have contact with an applicator<br>under his or her direct supervision at least once<br>every hour at night and at least once every 2<br>hours during daylight hours ..... | \$100   | \$50                   |
| LICENSED AND<br>UNLICENSED PERSONS  | FIRST<br>OFFENSE                                    | SUBSEQUENT<br>OFFENSE  |

| LICENSED AND<br>UNLICENSED PERSONS  | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|---|------------------|-----------------------|
| 7. Except as otherwise provided in this section, for a violation of a provision of NRS 555.2605 to 555.460, inclusive.....  | \$100 to \$500   | \$301 to \$1,000      |
| 8. For a violation of NRS 555.280.....  | \$500            | \$1,000               |
| 9. For a violation of NRS 555.285.....  | \$500            | \$1,000               |
| 10. For failing to supervise adequately an applicator <i>or applicator trainee</i> who does not have a license issued by the Director.....  | \$500            | \$500                 |
| 11. For a violation of NAC 555.290, if the violation is for:  |                  |                       |
| (a) Failing to carry the license issued to him or her by the Director while engaged in pest control or failing to produce the license upon request by the Director or an agricultural police officer..... | \$50             | \$50                  |

| LICENSED AND<br>UNLICENSED PERSONS  | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|---|------------------|-----------------------|
| <p>(b) Failing to notify the Director of any change in the status or authority of any primary principal, location principal, principal, operator, demonstration and research specialist, <del>for</del> agent or <i>applicator trainee or</i> of any change in the information given on the application for the license of the pest control business.....</p> | \$100            | \$100                 |
| <p>(c) Failing to submit a new application and fee if a change in ownership occurs.....</p>   | \$500            | \$500                 |
| <p>12. Failing to obtain the permit required pursuant to NAC 555.300 or to provide accurate or complete information on an application for such a permit.....</p>  | \$50             | \$50                  |

| LICENSED AND<br>UNLICENSED PERSONS  | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|---|------------------|-----------------------|
| <p>13. For a violation of NAC 555.385, if the violation is for failing to provide written notice to the Department of the termination of the employment of a primary principal, principal, location principal, operator, demonstration and research specialist, <del>for</del> agent <i>or applicator trainee</i> from the pest control business within 15 days after the date on which that termination occurs .....</p> | \$100            | \$100                 |
| <p>14. For a violation of NAC 555.400, if the violation is for:</p> <p>(a) Applying a pesticide in a category of pest control for which he or she is not licensed .....</p>   | \$500            | \$1,000               |
| <p>(b) Using a method or equipment for applying a pesticide which is not capable of properly applying materials .....</p>   | \$100 to \$500   | \$301 to \$1000       |
| <p>(c) Applying pesticides where climatic, pest or crop conditions are not proper for controlling the pest for which the application is made:</p> <p>(1) If it is a nonserious violation .....</p>  | \$50 to \$500    | \$301 to \$1,000      |

| LICENSED AND<br>UNLICENSED PERSONS   | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|--|------------------|-----------------------|
| (2) If it is a serious violation .....   | \$501 to \$5,000 | \$1,001 to \$5,000    |
| (d) Failing to keep pest control equipment in<br>good condition .....  | \$25 to \$100    | \$50 to \$301         |
| (e) Not using devices which are accurately<br>calibrated to the smallest possible unit when<br>measuring concentrated materials.....   | \$25 to \$100    | \$50 to \$301         |
| (f) Failing to maintain a uniform mixture .....  | \$25 to \$100    | \$50 to \$301         |
| (g) Failing to confine in a substantial manner<br>the material applied to the premises where the<br>land, crop, livestock, ornamental, soil or pest<br>which is being treated: |                  |                       |
| (1) If it is a nonserious violation .....  | \$50 to \$500    | \$301 to \$1,000      |
| (2) If it is a serious violation .....   | \$501 to \$5,000 | \$1,001 to \$5,000    |
| (h) Failing to clean thoroughly all equipment<br>after use.....  | \$50             | \$50                  |

| LICENSED AND<br>UNLICENSED PERSONS   | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|--|------------------|-----------------------|
| <p>(i) Failing to store undiluted pesticides in a locked facility, failing to secure a service container to a service vehicle or failing to handle serviceperson's kits with extreme caution or leaving the kits where children or other unauthorized persons might remove the contents:</p> |                  |                       |
| (1) If it is a nonserious violation .....  | \$50 to \$500    | \$301 to \$1,000      |
| (2) If it is a serious violation .....   | \$501 to \$5,000 | \$1,001 to \$5,000    |
| <p>15. For a violation of NAC 555.410 or 555.413, or if the violation is for:</p>  |                  |                       |
| <p>(a) Failing to keep an accurate and legible record of each property treated for 2 years .....</p>   |                  |                       |
|  | \$100 to \$500   | \$501 to \$1,000      |
| <p>(b) Failing to record an item of information required for the record .....</p>  |                  |                       |
|  | \$25 to \$100    | \$50 to \$301         |
| <p>(c) Failing to report to the Director his or her designee within 48 hours any cases of apparent pesticide poisoning which require medical treatment:</p>  |                  |                       |
| (1) If it is a nonserious violation .....  | \$100            | \$100                 |

| LICENSED AND<br>UNLICENSED PERSONS   | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|--|------------------|-----------------------|
| (2) If it is a serious violation .....   | \$500            | \$500                 |
| (d) Failing to file the required monthly<br>report on or before the 15th day of the following<br>month .....   | \$100            | \$100                 |
| <p>16. For a violation of NAC 555.420, if the violation is for using a material for pest control which is not registered in this State as a pesticide, using any registered pesticide for a purpose other than the purpose for which the pesticide was registered or using a pesticide not registered with the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:</p> |                  |                       |
| (a) If it is a nonserious violation .....  | \$100 to \$500   | \$501 to \$1,000      |
| (b) If it is a serious violation .....   | \$500 to \$1,000 | \$1,001 to \$5,000    |

| LICENSED AND<br>UNLICENSED PERSONS   | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|--|------------------|-----------------------|
| 17. For a violation of NRS 555.420, if the violation is for failing to respond to a request for an inspection or other activity specified in that section or to submit to such an inspection or activity .....   | \$100 to \$1,000 | \$100 to \$5,000      |
| 18. For a violation of NAC 555.415 .....   | \$100 to \$1,000 | \$301 to \$1,000      |
| 19. For a violation of NAC 555.425, if the violation is for:   |                  |                       |
| (a) Failing to display prominently his or her permanent license number and the name of the business on all service vehicles of the business on both sides of such vehicles in letters at least 2 inches in height and in a color which contrasts with the color of the vehicle ..... | \$50             | \$100                 |
| (b) Failing to equip a service vehicle used in the custom application of pesticides with:  |                  |                       |
| (1) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle.....  | \$100            | \$150                 |

| LICENSED AND<br>UNLICENSED PERSONS   | FIRST<br>OFFENSE                             | SUBSEQUENT<br>OFFENSE                        |
|--|--|--|
| (2) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled.....  | \$100  | \$150  |
| (3) Equipment designed to store safely materials contaminated with pesticide.....  | \$100  | \$150  |
| (4) A sufficient quantity of potable water to wash skin exposed to pesticide.....  | \$100  | \$100  |
| 20. For a violation of NAC 555.427, if the violation is for:   |  |  |
| (a) Failing to submit the form entitled “Termiticide Pretreatment Notification Form”.....  | \$301 to \$1,000                             | \$1,001 to \$5,000                           |
| (b) Failing to include each item of information required on the form entitled “Termiticide Pretreatment Notification Form”.....  | \$25 to \$100<br><br>(per item not included) | \$50 to \$301<br><br>(per item not included) |
| (c) Failing to apply the termiticide only to sites or in the specific quantities or dosages listed on the label of the termiticide, unless otherwise authorized by the Director..... | \$500 to \$1,000                             | \$1,001 to \$5,000                           |

| LICENSED AND<br>UNLICENSED PERSONS  | FIRST<br>OFFENSE        | SUBSEQUENT<br>OFFENSE   |
|---|-------------------------|-------------------------|
| <p>(d) Failing, as part of a preconstruction treatment to soil, to apply the termiticide in a manner that establishes a vertical barrier at the exterior of the walls of the foundation or the exterior of the concrete slab, as appropriate, within 30 days after grading and any other disturbance of the soil has been completed .....</p> | \$301 to \$1,000        | \$1,001 to \$5,000      |
| <p>21. For a violation of NAC 555.428, if the violation is for:</p>   |                         |                         |
| <p>(a) Falsifying or failing to record legibly and accurately the information required on the tag for preconstruction treatment.....</p>  | \$301 to \$1,000        | \$1,001 to \$5,000      |
| <p>(b) Failing to include each item of information required on the tag for preconstruction treatment .....</p>  | \$50 to \$100           | \$100 to \$301          |
|   | (per item not included) | (per item not included) |

| LICENSED AND<br>UNLICENSED PERSONS  | FIRST<br>OFFENSE           | SUBSEQUENT<br>OFFENSE      |
|---|----------------------------|----------------------------|
| (c) Failing to affix securely a tag for<br>preconstruction treatment at the site of the<br>preconstruction treatment immediately after an<br>application of termiticide.....  | \$301 to \$1,000           | \$301 to \$1,000           |
| 22. For a violation of NAC 555.430, if the<br>violation is for:   |                            |                            |
| (a) Failing to write and deliver the required<br>report before starting work on a project or giving<br>an oral or written opinion on a form supplied by<br>the Department or on an electronic form<br>approved by the Department..... | \$100                      | \$150                      |
| (b) Failing to file a report with the district or<br>subdistrict within 15 days after the inspection is<br>made .....   | \$100                      | \$150                      |
| (c) Failing to include each item of<br>information required in a report.....  | \$50 to \$500              | \$50 to \$1,000            |
|   | (per item not<br>included) | (per item not<br>included) |
| (d) Failing to keep a copy of each report for<br>at least 3 years after preparation of the report .....   | \$100 to \$500             | \$501 to \$1,000           |

| LICENSED AND<br>UNLICENSED PERSONS | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|------------------------------------|------------------|-----------------------|
|------------------------------------|------------------|-----------------------|

(e) Failing to apply a termiticide or other pesticide to eradicate wood-destroying pests only to sites or in the specific quantities or dosages listed on the label of the termiticide or other pesticide, unless otherwise authorized by the Director:

|   |                  |                    |
|---|------------------|--------------------|
| (1) If it is a nonserious violation ..... | \$50 to \$500    | \$301 to \$1,000   |
| (2) If it is a serious violation .....    | \$501 to \$5,000 | \$1,001 to \$5,000 |

23. For a violation of NAC 555.440, if the violation is for:

(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:

|   |                  |                    |
|---|------------------|--------------------|
| (1) If it is a nonserious violation ..... | \$50 to \$500    | \$301 to \$1,000   |
| (2) If it is a serious violation .....    | \$501 to \$5,000 | \$1,001 to \$5,000 |

| LICENSED AND<br>UNLICENSED PERSONS   | FIRST<br>OFFENSE          | SUBSEQUENT<br>OFFENSE     |
|--|---------------------------|---------------------------|
| (b) Failing to store or dispose of a pesticide or its empty container according to directions on the label and in a manner that does not present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace.. | \$100 to \$301            | \$301 to \$1,000          |
| (c) Failing to provide employees with the required information, precautions and safety equipment:  |                           |                           |
| (1) If it is a nonserious violation .....  | \$50 to \$500             | \$301 to \$1,000          |
|  | (per item not provided)   | (per item not provided)   |
| (2) If it is a serious violation .....   | \$501 to \$5,000          | \$1,001 to \$5,000        |
|  | (per item not provided)   | (per item not provided)   |
| (d) Failing to keep the required safety equipment in good working order.....   | \$50 to \$300             | \$301 to \$1,000          |
|  | (per item not maintained) | (per item not maintained) |

| LICENSED AND<br>UNLICENSED PERSONS  | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|---|------------------|-----------------------|
| (e) Not using materials, dosages, formulas, devices or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.: |                  |                       |
| (1) If it is a nonserious violation .....   | \$50 to \$500    | \$301 to \$1,000      |
| (2) If it is a serious violation .....  | \$501 to \$5,000 | \$1,001 to \$5,000    |
| (f) Failing to use an accurately calibrated metering device when dispensing a termiticide....   | \$100 to \$301   | \$301 to \$1,000      |
| 24. For a violation of NAC 555.445, if the violation is for:  |                  |                       |
| (a) Failing to attach abbreviated labels to a service container .....   | \$50 to \$100    | \$50 to \$301         |
| (b) Failing to include each item of information required on an abbreviated label .....  | \$50 to \$100    | \$50 to \$301         |
| (c) Failing to carry a complete label or a means of obtaining immediate electronic access to a complete label for each pesticide in the vehicle.....  | \$50 to \$100    | \$50 to \$301         |

| LICENSED AND<br>UNLICENSED PERSONS   | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|--|------------------|-----------------------|
| <p>25. For a violation of NAC 555.460, if the violation is for:</p>  |                  |                       |
| <p>(a) Failing to give notice within a reasonable time before treatment to an owner of any animals known to be on the property to be treated or on property where a material containing a harmful substance is likely to drift .....</p>   | \$100 to \$500   | \$301 to \$1,000      |
| <p>(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain .....</p>  | \$100 to \$500   | \$301 to \$1,000      |
| <p>(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....</p>   | \$100 to \$500   | \$301 to \$1,000      |
| <p>(d) Failing to place an insecticide or a rodenticide in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station unless, in the case of insecticide bait, the insecticide bait is placed as indicated on the label:</p> |                  |                       |
| <p>(1) If it is a nonserious violation .....</p>   | \$50 to \$500    | \$301 to \$1,000      |

| LICENSED AND<br>UNLICENSED PERSONS  | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|---|------------------|-----------------------|
| (2) If it is a serious violation .....  | \$501 to \$1,000 | \$1,001 to \$5,000    |
| (e) Failing to mark the outside of a bait station with the required information:  |                  |                       |
| (1) If it is a nonserious violation .....   | \$25 to \$500    | \$301 to \$1,000      |
| (2) If it is a serious violation .....  | \$501 to \$1,000 | \$1,001 to \$5,000    |
| (f) Failing to remove bait stations placed on the property by the pest control business upon termination of the services of the pest control business:                  |                  |                       |
| (1) If it is a nonserious violation .....   | \$50 to \$500    | \$301 to \$1,000      |
| (2) If it is a serious violation .....  | \$501 to \$1,000 | \$1,001 to \$5,000    |
| 26. For a violation of NAC 555.470, if the violation is for:  |                  |                       |
| (a) Failing to give notice personally or by telephone or electronic mail to an apiarist within the required time .....  |                  |                       |
|   | \$100 to \$500   | \$301 to \$1,000      |
| (b) Failing to give notice of his or her intent to apply specified pesticides to each apiarist within 2 miles of the field to be treated within the required time ..... |                  |                       |
|   | \$100 to \$500   | \$301 to \$1,000      |

| LICENSED AND<br>UNLICENSED PERSONS   | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|--|------------------|-----------------------|
| (c) Failing to provide each item of information required to be included in the notice.....   | \$100 to \$500   | \$301 to \$1,000      |
| 27. For a violation of NAC 555.510, if the violation is for:   |                  |                       |
| (a) Fumigating without the supervision of a person who is an applicator properly licensed or certified to perform pest control using lethal fumigants:   |                  |                       |
| (1) If it is a nonserious violation .....  | \$50 to \$500    | \$301 to \$1,000      |
| (2) If it is a serious violation .....   | \$501 to \$1,000 | \$1,001 to \$5,000    |
| (b) Except as otherwise provided by NAC 555.510, failing to have at least one properly licensed or certified applicator and one person under the supervision of that applicator present during the release of the fumigant or the ventilation process: |                  |                       |
| (1) If it is a nonserious violation .....  | \$50 to \$500    | \$301 to \$1,000      |
| (2) If it is a serious violation .....   | \$501 to \$1,000 | \$1,001 to \$5,000    |

| LICENSED AND<br>UNLICENSED PERSONS  | FIRST<br>OFFENSE                                      | SUBSEQUENT<br>OFFENSE                                    |
|---|---|--|
| <p>(c) Failing to have a complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant, and, if required, a copy of the fully developed site-specific fumigation management plan .....</p> | <p>\$50 to \$300<br/><br/>(per item not provided)</p> | <p>\$501 to \$1,000<br/><br/>(per item not provided)</p> |

|   |                      |                         |
|---|----------------------|-------------------------|
| <p>(d) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....</p> | <p>\$50 to \$300</p> | <p>\$301 to \$1,000</p> |
|---|----------------------|-------------------------|

| PERSONS WHO DO NOT HOLD A<br>LICENSE OR CERTIFICATE | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|---|------------------|-----------------------|
|---|------------------|-----------------------|

|  |                        |                           |
|--|------------------------|---------------------------|
| <p>28. For a violation of:<br/><br/>(a) NRS 555.280 or 555.285 by a person who does not hold a license issued by the Director.....</p> | <p>\$50 to \$1,000</p> | <p>\$1,001 to \$5,000</p> |
|--|------------------------|---------------------------|

| PERSONS WHO DO NOT HOLD A<br>LICENSE OR CERTIFICATE  | FIRST<br>OFFENSE | SUBSEQUENT<br>OFFENSE |
|--|------------------|-----------------------|
| (b) NRS 555.351 by a person who does not hold a license as an authorized commercial applicator or certificate issued by the Director ....  | \$50 to \$1,000  | \$1,001 to \$5,000    |
| (c) NAC 555.440 by a person who does not hold a license or certificate issued by the Director if the violation is for:   |                  |                       |
| (1) Failing to exercise reasonable precautions to protect persons, animals, crops or property:   |                  |                       |
| (I) If it is a nonserious violation .....  | \$50 to \$500    | \$301 to \$1,000      |
| (II) If it is a serious violation.....   | \$501 to \$5,000 | \$1,001 to \$5,000    |
| (2) Disposing of or leaving unattended a pesticide or its empty container where it may present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace ..... | \$100 to \$301   | \$301 to \$1,000      |

| PERSONS WHO DO NOT HOLD A<br>LICENSE OR CERTIFICATE   | FIRST<br>OFFENSE                                | SUBSEQUENT<br>OFFENSE                             |
|---|---|---|
| (3) Failing to provide employees with the required information, precautions and safety equipment:   |   |   |
| (I) If it is a nonserious violation .....   | \$50 to \$500<br><br>(per item not provided)    | \$301 to \$1,000<br><br>(per item not provided)   |
| (II) If it is a serious violation.....  | \$501 to \$5,000<br><br>(per item not provided) | \$1,001 to \$5,000<br><br>(per item not provided) |
| (4) Failing to maintain the required safety equipment in good working order.....  | \$50 to \$300<br><br>(per item not maintained)  | \$301 to \$1,000<br><br>(per item not maintained) |
| (5) Not using materials, dosages, formulas, devices or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.: |   |   |
| (I) If it is a nonserious violation .....   | \$50 to \$500                                   | \$301 to \$1,000                                  |

| PERSONS WHO DO NOT HOLD A<br>LICENSE OR CERTIFICATE  | FIRST<br>OFFENSE                | SUBSEQUENT<br>OFFENSE                |
|--|---------------------------------|--------------------------------------|
| (II) If it is a serious violation.....   | \$501 to \$5,000                | \$1,001 to \$5,000                   |
| (6) Failing to use an accurately calibrated<br>metering device when dispensing a termiticide...  | \$100 to \$301                  | \$301 to \$1,000                     |
| <b><i>PERSONS WHO HOLD A CERTIFICATE OF<br/>REGISTRATION AS AN APPLICATOR<br/>TRAINEE AND PERSONS WHO DO NOT<br/>HOLD A<br/>CERTIFICATE OF REGISTRATION</i></b>  | <b><i>FIRST<br/>OFFENSE</i></b> | <b><i>SUBSEQUENT<br/>OFFENSE</i></b> |
| <br><i>29. For engaging in pest control activities<br/>as an applicator trainee without holding a<br/>certificate of registration issued to him or her by<br/>the Director .....</i>   | <br><b><i>\$500</i></b>         | <br><b><i>\$1,000</i></b>            |
| <br><i>30. For a violation of NAC 555.290, if the<br/>violation is for failing to carry and prominently<br/>display the certificate of registration issued to<br/>him or her by the Director while engaged in<br/>pest control .....</i> | <br><b><i>\$50</i></b>          | <br><b><i>\$50</i></b>               |

**Sec. 16.** NAC 586.018 is hereby amended to read as follows:

586.018 A person shall not apply or otherwise use a restricted-use pesticide unless the person is:

1. An authorized commercial applicator, non-private applicator or private applicator with the appropriate license or certification to use the restricted-use pesticide; ~~for~~
2. A person under the direct supervision of an authorized commercial applicator, non-private applicator or private applicator who holds the appropriate license or certification to use the restricted-use pesticide and the person under the direct supervision meets the requirements of 40 C.F.R. § 171.201 ~~H~~; *or*

*3. An applicator trainee under the immediate supervision of an authorized commercial applicator, certified non-private applicator or private applicator in accordance with the provisions of NRS 555.351. As used in this subsection, “applicator trainee” has the meaning ascribed to it in section 2 of this regulation.*

**Sec. 17.** NAC 555.2545 and 555.256 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**555.2545 “Location principal” defined. (NRS 555.400)** “Location principal” means the primary principal at a business location of a pest control business or a principal who has been designated by a primary principal as the person responsible for the daily supervision of the

category or categories of pest control performed at a business location of the pest control business.

**555.256 “Principal” defined. (NRS 555.400)** “Principal” has the meaning ascribed to it in NRS 555.2679.

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(702) 668-4590  
Fax (702) 668-4567



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4780 East Idaho Street  
Elko, NV 89801-4672  
(775) 753-1360  
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## DEPARTMENT OF AGRICULTURE

405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431-5557  
Telephone (775) 353-3601 Fax (775) 353-3661  
Website: <http://www.agri.nv.gov>

### LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

#### INFORMATIONAL STATEMENT LCB File No. R127-23

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 555.

**a. A clear and concise explanation of the need for the adopted regulation.**

The amendments proposed in R127-23 are necessary to implement SB159 of the 82nd Legislative Session which made amendments to NRS 555. These proposed amendments are intended to reduce the burden on existing licensed businesses and individuals new to the pest control industry by providing a training period in which individuals may apply pesticides while completing the licensing process. The supervision, training, and information exchange requirements in the proposed regulation ensure that trainees are equipped with essential information necessary to protect themselves and the public and to maintain compliance with state and federal law during this training period.

**b. A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by email to persons who were known to have an interest in the subject of NAC 555 as well as any persons who had specifically requested such notice.

These documents were also posted and made available at the following locations:

- Nevada Department of Agriculture, 405 S. 21st St., Sparks, NV 89431
- Nevada Department of Agriculture, 2300 E. Saint Louis Ave., Las Vegas, NV 89104
- Nevada Department of Agriculture, 4780 E. Idaho St., Elko, NV 89801
- Nevada Department of Agriculture website at [agri.nv.gov](http://agri.nv.gov)
- Nevada Public Notice website at <https://notice.nv.gov/>
- Nevada Legislature Administrative Regulation notices at <https://www.leg.state.nv.us/App/Notice/A/>

A workshop was held on September 3, 2025. The hearing was held on October 17, 2025, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments.

A copy of this summary of the public response to the proposed regulation may be obtained from the Nevada Department of Agriculture, Attn: Dyan Reece, 405 S. 21st St., Sparks, NV

Las Vegas Office:  
2300 E. St. Louis Ave.  
Las Vegas, NV 89104-4211  
(702) 668-4590  
Fax (702) 668-4567

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(775) 738-8076  
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89431, (775) 353-3670, or [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov).

**c. The number of persons who:**

- 1. Attended each hearing;**  
3 attendees
- 2. Testified at each hearing; and**  
0 attendees testified. 1 asked a clarifying question.
- 3. Submitted to the agency written statements.**  
No written comments

**d. For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:**

- 1. Name;**  
Warren Hardy
- 2. Telephone number;**
- 3. Business address;**
- 4. Business telephone number;**
- 5. Electronic mail address; and**
- 6. Name of entity or organization represented.**  
Warren Hardy – Nevada Pest Management Association

**e. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

The survey included questions regarding the training requirements in the proposed regulation as these were expected to be the most likely components of the proposed regulation to have a negative impact. The survey was posted to NDA's website and social media accounts and was distributed to an e-mail list comprised of 8,671 contacts including pest control businesses, pesticide dealerships and registrants within the State of Nevada. 4,190 contacts opened the email (52.2%); 906 contacts clicked on the links in the email: 217 on R127-23P changes, and 33 on the R127-23 survey; 24 email contacts responded to the survey. Social media outreach resulted in 1422 impressions, 15 engagements, and 6 clicks on to the linked survey.

The survey was posted to NDA's website and social media accounts. Interested parties may also obtain a copy of the summary by contacting the Division of Plant Health and Compliance at (775) 353-3670 or [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov).

Comments were solicited from the public during both the workshop and hearing.

**f. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Comments received in response to the small business impact survey and workshop were predominantly positive. The Department engaged with participants who provided comment at the workshop to address specific concerns. These participants indicated support after further discussion.

**g. The estimated economic effect of the regulation on the business which it is to regulate and on the**

**public. These must be stated separately, and in each case must include:**

- **Adverse economic effect on regulated businesses**  
No adverse economic impacts to regulated businesses are anticipated due to this regulation
- **Beneficial economic effect on regulated businesses**  
The NDA estimates that the proposed regulation will have a positive direct economic effect on the small businesses it is to regulate by enabling the generation of revenue by new employees during their training period, offsetting costs associated with hiring and training.
- **Immediate economic effect on regulated business**  
The NDA estimates that a positive effect on regulated businesses will be realized by business immediately upon implementation of the proposed amendments.
- **Long-term economic effect on regulated business**  
The NDA estimates that positive economic effects of the proposed amendments will be sustained long-term by enabling employees of pest control businesses who are new to the industry to perform work and generate revenue during their training period, while studying to pass licensing exams. These effects will be realized by regulated businesses each time they hire a new employee who performs regulated pest control work.
- **Adverse economic effect on the public**  
The NDA does not estimate any adverse economic impact to the public as an effect of the proposed amendments
- **Beneficial economic effect on the public**  
The NDA estimates beneficial indirect economic effects on the public who pest control services through improved response time due to increased availability of pest control technicians.
- **Immediate economic effect on the public**  
The NDA estimates these beneficial economic effects on the public soon after implementation of the proposed amendments.
- **Long-term economic effect on the public**  
The NDA estimates these beneficial economic effects on the public to be maintained long-term by enabling the industry to respond to seasonal shifts in demand for services by enabling the rapid hiring and deployment of additional employees, resulting in maintained or improved response times for client businesses and individuals

**h. The estimated cost to the agency for enforcement of the proposed regulation.**

The department does not estimate any costs associated with enforcement of this proposed regulation. These trainee registrations will be conducted by existing staff using existing equipment as part of existing processes

**i. A description of any regulations of other state or government agencies which the proposed regulation**

JOE LOMBARDO  
Governor

STATE OF NEVADA  
**DEPARTMENT OF AGRICULTURE**

J.J. GOICOECHEA, DVM  
Director

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**overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**  
The proposed regulations do not duplicate federal, state or local standards, that regulate the same activity.

**j. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The proposed regulations are not more stringent than federal standards that regulate the same activity.

**k. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increase an existing fee.

JOE LOMBARDO  
Governor

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**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS  
223B.0608**

**LCB File No. R127-23P**

**July 28, 2025  
PROPOSED AMENDMENTS TO NAC CHAPTER 555**

1. **A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The NDA launched a digital survey to assess the impact of the proposed regulation changes to NAC 555 on July 8, 2025 and closed it on July 23, 2025. The survey included questions regarding the training requirements in the proposed regulation as these were expected to be the most likely components of the proposed regulation to have a negative impact.

The survey was posted to NDA's website and social media accounts and was distributed to an e-mail list comprised of 8,671 contacts including pest control businesses, pesticide dealerships and registrants within the State of Nevada. 4,190 contacts opened the email (52.2%); 906 contacts clicked on the links in the email: 217 on R127-23P changes, and 33 on the R127-23 survey; 24 email contacts responded to the survey. Social media outreach resulted in 1422 impressions, 15 engagements, and 6 clicks on to the linked survey.

Summary of Survey Responses:

- If enacted would the proposed changes to NAC 555 impact your ability to do business?
  - Yes: 2 respondents (15%)
  - No: 8 respondents (62%)
  - Unknown: 3 (23%)
- How would changes to NAC 555 impact your ability to do business?
  - "I feel it will greatly benefit my business."
  - "These changes would help my business operations in a positive way. It would help with us being able to hire and employ people in our industry. Giving them more time to prepare for and learn everything needed to pass the DOA tests"
  - "Please read detailed response below"
  - "I am not involved in this industry."
  - "immensely improve it"
  - "It would not affect my ability to do business"

- Please estimate the total annual impact that proposed changes to NAC 555 will have on your business?
  - \$0: 10 respondents (77%)
  - \$1,001-\$10,000: 2 respondents (15%)
  - Over \$10,000: 1 respondent (8%)
- What level of negative impact will the proposed changes to NAC 555 have on your business?
  - No impact: 11 respondents
  - Minor impact: 1 respondent
  - Major impact: 1 respondent
- Would you need to make operational changes to your business because of the financial impact of proposed change to NAC 555?
  - “The financial impact listed would be an improvement. This would be very beneficial.”
  - “not at all these proposed changes would only make a positive impact on our operation and any other company in town”
  - “no”
  - “No, Everything from this bill will positively impact the business.”
  - “Please see detailed response below”
  - “No I would not.”
  - “No”
- Please check the boxes corresponding to the sections of NAC 555 that would have the most financial impact on your business.
  - Sec 5.1 to 5.5 regarding hazards, signs of pesticide poisoning, first aid and decontamination: 8 respondents (62%)
  - Sec 5.6 to 5.15 regarding handwashing, washing clothing, reporting violations, personal protective equipment, transportation and environmental concerns: 4 (31%)
  - Maintaining records documenting training: 5 38%
  - Sec 6.3 regarding providing protective and application equipment and instructions on the application of pesticides: 4 (31%)
- How could these section(s) be adjusted to mitigate their level of negative financial impact?
  - “none of these would have a financial impact on our company but it made me choose at least one I agree that all of them are needed to roll this our correctly”
  - “none I can see no negative impacts at all”
  - “This section is unnecessary as the label is the law and by teaching the new applicant about how to use ppe and understanding the label they have the safety information they need.”
  - “See detailed response below”
- Additional feedback included:
  - “This is a great step forward in allowing more people to enter our industry. Many other states are utilizing programs like this to great success. This would allow registrants to obtain more hands-on experience making the licensing exams easier. Many people have to be turned away because of issues with passing the licensing

exams that could be mitigated by allowing more of a grace period at the beginning of employment.”

- “These are very positive proposed changes and would allow us to operate more efficiently. I was previously involved in operations in Arizona where they have this same set up and it made a huge positive impact on our operations there. This is definitely needed here in Nevada”
- “We are excited to have this new regulation help our industry be more efficient and hopefully bring more people into it.”
- “Considerations for the changes, notifying pet owners of the possible negative affects of pet exposure to pesticides”
- “Section 5 of the proposed regulations would be the most difficult part for the pest control industry to comply with and equally difficult for the NDA to enforce. The simplest solution to amending this section is to give an alternative to all the proposed training, record keeping, etc., by simply requiring the applicant to pass the “General/Laws” portion of the licensing exam, which covers the topics and requirements proposed in section 5! This option would accomplish two fundamental needs, #1, as in the past, passing the general exam would demonstrate a fundamental knowledge of the topics in the manual and those proposed in section 5: and #2, passing the general exam not only provides a level of competency with respect to the subject matter, but also brings the applicant one step closer to passing a “category exam” and becoming fully licensed as an Operator. This proposal would be a win-win for the pest control industry by simplifying the process of someone becoming a Applicator Trainee and would benefit the NDA by greatly reducing the inherent complexity proposed in section 5 and the difficulty of trying to enforce it! KEEP IT SIMPLE— PASS THE GENERAL EXAM AND THEN APPLY FOR AN APPLICATOR TRAINEE CERTIFICATE!”

A complete summary can be obtained by contacting the NDA at (775) 353-3670 or [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov).

**2. The manner in which the analysis was conducted.**

A statistical analysis of the survey results was conducted. Most respondents indicated that the proposed changes would have a positive impact, or no impact on their business.

**3. The estimated indirect and direct economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation.**

Seventy-seven percent of respondents estimated an impact of \$0 to their business and 85% of respondents indicated the proposed regulation will have no negative impact on their business. A response to a follow-up question regarding the need for operational changes because of the financial impact of proposed changes indicated that the financial impact listed would be a beneficial impact.

The NDA estimates that the proposed regulation will have a positive direct economic effect on the small businesses it is to regulate by enabling the generation of revenue by new employees during their training period, offsetting costs associated with hiring and training. Indirect impacts may be

realized by businesses or individuals using pest control services through improved response time due to increased availability of pest control technicians.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The proposed regulation is intended to reduce the impact of existing regulation on small businesses while maintaining the benefits to safety, health and the environment provided by existing regulations.

- When considering the pest control categories in which to enable applicator trainee registrations, the NDA weighed the potential economic benefit to small businesses against the level of training and skills necessary to safely and effectively perform work in each category while minimizing risk to the applicator, the public, other businesses, and the environment.
- The proposed regulation includes requirements for training and exchange of information which must be provided to the applicator trainee prior to applying pesticides. The scope and content of this training and information exchange was selected to inform the applicator trainee of health and safety procedures when applying pesticides pursuant to state and federal law.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

The costs associated with the proposed regulation will primarily consist of staff time related to administration and record keeping. Some printing costs will be incurred for printing registration forms and photo IDs for applicator trainees, and will depend on the industry's utilization of the registration enabled by this proposed regulation.

**6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increase an existing fee.

**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The proposed regulation reduces the burden on existing licensed businesses and individuals new to the pest control industry by providing a training period in which individuals may apply pesticides while completing the licensing process. The supervision, training, and information exchange requirements in the proposed regulation ensure that trainees are equipped with essential information necessary to protect themselves and the public and to maintain compliance with state and federal law during this training period.

**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The NDA concludes that the proposed regulation will have a positive impact on small businesses it is to regulate based on its intent to enable earlier productivity of new applicators, the responses received to this survey, and industry feedback.

I certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of this proposed regulation on small businesses, and that the information contained in this statement was prepared properly and is accurate.

  
J.J. Goicoechea (Aug 1, 2025 11:00:51 PDT)

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J.J. Goicoechea, DVM  
Director  
Nevada Department of Agriculture

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**STATE AGENCY REGULATIONS TO BE REVIEWED  
BY THE LEGISLATIVE COMMISSION**

**DECEMBER 17, 2025**

| <b>REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:</b> |            |   |
|--|------------|---|
| <b>LCB NO.</b>   | <b>NAC</b> | <b>AGENCY/<br/>SUBJECT</b>  |
| <b>2024 REGULATIONS</b>                                |            |   |
| <b>R192-24</b>   | <b>641</b> | <b>BOARD OF PSYCHOLOGICAL EXAMINERS</b><br>A REGULATION revising provisions relating to national<br>examinations<br><b>CONTACT Laura Arnold (702) 276-0926</b><br><b>nbop@govmail.state.nv.us</b> |





**ADOPTED REGULATION OF  
THE BOARD OF PSYCHOLOGICAL EXAMINERS**

**LCB File No. R192-24**

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

AUTHORITY: § 1, NRS 641.100.

A REGULATION relating to psychologists; reestablishing certain provisions relating to the national examination for licensure as a psychologist; authorizing an applicant for licensure as a psychologist to begin to take the national examination before the conferral of a doctoral degree under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires, with certain exceptions, each applicant for licensure as a psychologist to pass the Examination for Professional Practice in Psychology in the form administered by the Association of State and Provincial Psychology Boards and approved for use in this State by the Board of Psychological Examiners. (NRS 641.180) The term “national examination” is defined to refer to this examination. (NRS 641.0243) Previous regulations authorized an applicant to take the national examination only after the applicant had graduated with a doctoral degree. Previous regulations additionally limited the circumstances under which an applicant who failed the examination three or more times was authorized to retake the examination. (Provisions of former NAC 641.120, as amended by section 5 of LCB File No. R127-14 and subsequently repealed by section 12 of LCB File No. R133-17) This regulation: (1) reestablishes those provisions; and (2) additionally authorizes an applicant to begin to take the national examination before the conferral of a doctoral degree if the applicant has completed the foundational coursework for that degree.

**Section 1.** Chapter 641 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. The national examination required by NRS 641.180 constitutes one portion of the examination for licensure as a psychologist.*
- 2. Except as otherwise provided in subsection 4, an applicant for a license may begin to take the national examination if the applicant has completed the foundational coursework to*

*receive a doctoral degree from a program described in subsection 3, regardless of whether the applicant has received such a degree. As used in this subsection, “foundational coursework” does not include a practicum, dissertation or internship.*

*3. To satisfy the requirements of subsection 2, a program must:*

*(a) Be accredited by the American Psychological Association;*

*(b) Meet the requirements of:*

*(1) NAC 641.061 if the applicant graduated before January 1, 2018; or*

*(2) NAC 641.062 if the applicant graduated on or after January 1, 2018; or*

*(c) Be provided by an institution which meets the requirements of subsection 2 of NAC 641.050.*

*4. An applicant who fails the national examination:*

*(a) Once or twice may retake the examination.*

*(b) Three times may not retake the examination unless the applicant requests permission and obtains approval from the Board to retake the examination for a fourth time. The applicant must submit to the Board a written request to retake the examination and a written plan explaining the steps the applicant will take to pass the examination. The Board will approve the request to retake the examination if the Board determines that the written plan submitted by the applicant is likely to result in the applicant passing the examination.*

*(c) Four or more times may not retake the examination except as otherwise provided in this paragraph, and his or her application for licensure pursuant to NRS 641.160 is deemed denied. A person whose application is deemed denied pursuant to this paragraph may, not earlier than 18 months after the date on which he or she notified the Board that he or she failed the most recent examination that he or she has taken, request permission in writing*

*from the Board to reapply for licensure and retake the examination. The Board will, if good cause is shown, approve the request.*



**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066  
LCB FILE R192-24**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 641.

**1. A clear and concise explanation of the need for the adopted regulation.**

This regulation was prepared to resurrect the Board's regulation regarding the national examination required for licensure in Nevada. That regulation (previously codified as NAC 641.120) had been apparently inadvertently repealed, which the Board discovered when it reviewed the Legislative Counsel Bureau's May 2024 codification of NAC Chapter 641 to include thirteen regulation revisions that had been approved between 2017 and 2022.

The national examination regulation that the Board proposes and seeks to resurrect substantially parallels NAC 641.112, which is the Board's state examination regulation, in that both regulations address the number of times an applicant can take the examination. The national examination regulation, in the version being proposed, also clarifies when licensure candidates are eligible to take the exam.

**2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Notice of a public workshop and notice of intent to act upon the regulation were sent to persons who were known to have interest in the proposed resurrection of the national examination regulation, to the Board's licensees, and to any specific person who requested notification regarding regulation changes. That distribution included further information on how to receive a free copy of the proposed regulation. These documents were also made available through the website of the Board of Psychological Examiners ([psyexam.nv.gov](http://psyexam.nv.gov)) or by directly emailing the Board office ([NBOP@govmail.state.nv.us](mailto:NBOP@govmail.state.nv.us)), and were posted at the following locations:

State of Nevada Board of Psychological Examiners  
3080 South Durango Drive, Ste 102  
Las Vegas, Nevada 89117

The Board held a workshop on August 9, 2024, to discuss adding the proposed national examination back into NAC Chapter 641. The Board opened the workshop for public comment; however, there was no public comment. The minutes of the meeting during which the Board held its regulation workshop, which can be obtained through contacting the Board office or locating them on the Board's website ([psyexam.nv.gov](http://psyexam.nv.gov)), contain a summary of what was addressed regarding the proposed changes.

On July 21, 2025, the Board issued and posted a Notice of Intent to Act Upon a Regulation, which provided the proposed regulation as it was approved during the August 9, 2024, regulation workshop. That notice included a request for submission of public comment regarding adoption of the regulation.

The Board conducted a public hearing on R192-24 during its regular Board meeting on August 22, 2025. The Board opened the workshop for public comment; however, there was no written or verbal public comment or opposition to the adoption of the regulation. The Board approved the adoption of proposed regulation R192-24 at the conclusion of the hearing on that regulation. The minutes of the meeting during which the Board held its regulation hearing, which can be obtained through contacting the Board office or locating them on the Board's website ([psyexam.nv.gov](http://psyexam.nv.gov)), contain a summary of what was addressed regarding R192-24.

**3. The number of persons who:**

- (a) Attended the regulation hearing: 16
- (b) Testified at the regulation hearing: 0
- (c) Submitted written comments to the agency: 0

**4. A list of names and contact information, including telephone number, business address, business telephone number, e-mail address, and name of entity or organization represented for each person identified above in #3, as provided to the agency:**

**August 22, 2025:**

Donald Hoier (private citizen)  
Dr. Jodi Thomas (Psychologist)  
Dr. Michelle Paul (Psychologist)  
Dr. Traci Waters (Psychologist/Applicant)  
Dr. Tara Raines (Psychologist)  
Dr. Brian Lech (Psychologist)  
Dr. Akiko Hinds (Psychological Assistant)  
Brian Gotti (private citizen)  
Krisanne Alvarez  
Lindsey Bondiek (Applicant)  
Charlie Smith (private citizen)  
Sabrina Schnur (Belz & Case Government Affairs)  
Lorna Harrison (private citizen)  
Mary Marcu (private citizen)  
Peter Jones (private citizen)  
Becky Savio (private citizen)

**5. A description of how comment was solicited from affected business, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

The Board solicited comments from affected businesses in the same manner as they were solicited from the public. Notice of a public workshop and notice of intent to act upon the regulation were sent to persons who were known to have interest in resurrecting the national examination regulation and to any specific person who requested notification regarding regulation changes. The summary of the Board's discussion may be obtained through the minutes, which will be provided and/or made available by contacting the Board office or locating them on the Board's website ([psyexam.nv.gov](http://psyexam.nv.gov)). The Board did not receive any written

or verbal public comment on the regulation revisions at either the regulation workshop or the regulation hearing.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The proposed regulation as submitted to and drafted by the LCB was approved by the Board based on the regulation language that was addressed during the August 9, 2024, regulation workshop and the August 22, 2025, regulation hearing without any written or verbal public comment or feedback. The regulation, as drafted and approved, serves the purpose that the Board intended and resurrects a prior regulation that had been inadvertently repealed.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must be included:**

**\*Economic effects on regulated businesses:**

- a) Adverse, immediate: There are no estimated immediate adverse effects from this regulation.  
Adverse, long-term: There are no estimated long-term adverse effects from this regulation.
- b) Beneficial, immediate: There are no estimated immediate beneficial economic effects in this regulation.  
Beneficial, long-term: There are no estimated long-term beneficial economic effects in this regulation.

**\*Economic effects on public:**

- a) Adverse, immediate: There are no estimated immediate adverse economic effects in this regulation.  
Adverse, long-term: There are no estimated long-term adverse economic effects in this regulation.
- b) Beneficial, immediate: There are no estimated immediate beneficial economic effects in this regulation.  
Beneficial, long-term: There are no estimated long-term beneficial economic effects in this regulation.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

To the extent that the revised regulation would require enforcement, there will be no increased cost for enforcement of the changes.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explain why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The Board is not aware of any overlapping or duplicating of federal or state regulations.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are no federal regulations that apply.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

There are no new fees nor increases to an existing fee.

**The State of Nevada Board of Psychological Examiners approved the adoption of the Regulation on August 22, 2025.**

## NRS 233B Statements R192-24

### Statement pursuant to NRS 233B.0608(3)

*The Board of Psychological Examiners' determination is that the regulation does not: (1) impose a direct and significant economic burden upon a small business; or (2) directly restrict the formation, operation or expansion of a small business.*

Reasons for that are: The Nevada Board of Psychological Examiners (Board) conducted a regulations workshop on August 9, 2024, and a public hearing on August 22, 2025.

- In attendance at the August 9, 2024, workshop were 7 members of the public, 6 Board members, Board counsel, and Board staff. At the public workshop, there was no written or verbal public comment.
- On August 22, 2025, after the Board received the R192-24 draft from the Legislative Counsel Bureau, it conducted a public hearing that included 16 members of the public, 6 Board members, Board counsel and Board staff. The Board did not receive any written or verbal public comment related to R192-24 during the regulation hearing. The Board approved the adoption of the regulation revision at the conclusion of the hearing.

The regulation was provided to all impacted parties through the public workshop and hearing notices. The workshop and hearing notices were sent to persons who were known to have an interest in the regulation's content, to the Board's licensees, and to any specific person who requested notification regarding regulation changes. Because there was no comment at the August 9, 2024, workshop or the August 22, 2025, public hearing that related to a burden on small businesses<sup>1</sup>, the Board concluded that there would be no direct or significant burden on small businesses.

The regulation workshop and hearing notices were published at the following location:

State of Nevada Board of Psychological Examiners  
3080 South Durango Drive, Ste 102  
Las Vegas, Nevada 89117

Notices were also posted to the Board's website ([psyexam.nv.gov](https://psyexam.nv.gov)) and were sent to all persons who were known to have an interest in the regulation, to the Board's licensees, and to all persons who had requested notice. No small business concerns were registered with the Board.

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I, Laura M. Arnold, the Executive Director of the Board of Psychological Examiners, sign this statement certifying that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate and prepared properly.



Laura M. Arnold  
Executive Director

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<sup>1</sup> The Board does not regulate businesses.

Statement Pursuant to NRS 233B.609 (1)

**1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The workshop and hearing notices were sent to persons who were known to have an interest in licensure renewal fee changes, to the Board's licensees, and to any specific person who requested notification regarding regulation changes. Those notices included information on how to receive a free copy of the proposed regulation, and the regulation documents were also made available through Nevada Board of Psychological Examiners' website ([psyexam.nv.gov](https://psyexam.nv.gov)) or by directly emailing the Board office [NBOP@govmail.state.nv.us](mailto:NBOP@govmail.state.nv.us), and posted at the following location:

State of Nevada Board of Psychological Examiners  
3080 South Durango Drive, Ste 102  
Las Vegas, Nevada 89117

The Board held a workshop on August 9, 2024, to discuss the proposed revision to the current NAC Chapter 641. The minutes of the meeting that included that workshop, which can be obtained by contacting the Board office or locating them on the Board's website ([psyexam.nv.gov](https://psyexam.nv.gov)), contain a summary of the discussion regarding the proposed change. The Board did not receive any written or verbal public comment during that regulation workshop.

On July 21, 2025 the Board issued and posted a Notice of Intent to Act Upon a Regulation, which incorporated the proposed regulation changes that the Board discussed at its August 9, 2024, regulation workshop. That notice included a request for submission of public comment regarding adoption of the regulation.

On August 22, 2025, after the Board received the R192-24 draft from the LCB, the Board conducted a public hearing on R192-24 during its regular Board meeting. The minutes of that meeting, which can be obtained through contacting the Board office or locating them on the Board's website ([psyexam.nv.gov](https://psyexam.nv.gov)), contain a summary of the discussion regarding the proposed changes. The Board did not receive any written or verbal public comment related to the proposed, revised changes. The Board approved the adoption of proposed regulation R192-24 at the conclusion of that hearing.

**2. The manner in which the analysis was conducted.**

The Board conducted a public regulation workshop during its August 9, 2024, meeting to discuss language changes to the current NAC Chapter 641. The minutes of the workshop and meeting, which are available on the Board's website ([psyexam.nv.gov](https://psyexam.nv.gov)) or can be obtained by contacting the Board office at [NBOP@govmail.state.nv.us](mailto:NBOP@govmail.state.nv.us), contain a summary of the Board's discussion regarding the proposed language change. The Board did not receive any written or verbal public comment during the regulation workshop.

After the Board received the draft of R192-24 from the Legislative Counsel Bureau, it timely posted and issued a Notice of Intent to Act Upon a Regulation, which incorporated the proposed regulation amendments discussed at the August 9, 2024, workshop.

The Board conducted its public regulation hearing as part of its August 22, 2025, meeting, during which it did not receive any verbal or written public comment on the proposed regulation revisions.

**3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

a) Adverse, immediate: The Board does not regulate businesses. Be that as it may, there are no estimated immediate adverse effects from this regulation.

Adverse, long-term: The Board does not regulate businesses. Be that as it may, there are no estimated long-term adverse effects from this regulation.

b) Beneficial, immediate: There are no estimated immediate beneficial economic effects from this regulation.

Beneficial, long-term: There are no estimated long-term beneficial economic effects from this regulation.

c) Direct, immediate: The Board does not regulate businesses. Be that as it may, there are no estimated immediate direct effects from this regulation.

Direct, long-term: The Board does not regulate businesses. Be that as it may, there are no estimated long-term direct effects from this regulation.

d) Indirect, immediate: There are no estimated immediate indirect economic effects in this regulation.

Indirect, long-term: There are no estimated long-term indirect economic effects in this regulation.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

Because the Board determined that there would be no impact on small businesses, no impact methods need to be considered.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

There will be no increased cost for enforcement of the proposed regulation provisions.

**6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The regulation does not provide a new fee or increase in an existing fee.

**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The Board is not aware of any overlapping or duplicating of federal or state regulations.

**8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

The Board conducted a public workshop during its August 9, 2024, meeting. In attendance at the workshop were 7 members of the public, 6 Board members, Board counsel, and Board staff. The Board did not receive any written or verbal public comment related to the regulation.

The Board conducted a public regulation hearing during its June 7, 2024, meeting. In attendance at that hearing were 16 members of the public, 6 Board members, Board counsel, and Board staff. The Board did not receive any written or verbal public comment related to R192-24. The Board approved the adoption of the regulation revision at the conclusion of the hearing.

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I, Laura M. Arnold, the Executive Director of the Nevada Board of Psychological Examiners, sign this statement certifying that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate and prepared properly.



Laura M. Arnold  
Executive Director



**STATE AGENCY REGULATIONS TO BE REVIEWED  
BY THE LEGISLATIVE COMMISSION**

**DECEMBER 17, 2025**

| <b>REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:</b> |                |  |
|--|----------------|--|
| <b>LCB NO.</b>   | <b>NAC</b>     | <b>AGENCY/<br/>SUBJECT</b>   |
| <b>2025 REGULATIONS</b>                                |                |  |
| <b>R005-25</b>   | <b>555</b>     | <b>DIRECTOR OF THE STATE DEPARTMENT OF AGRICULTURE</b><br>A REGULATION revising provisions relating to signatures<br><b>CONTACT Meghan Brown (775) 753-1357</b><br><b>m.brown@agri.nv.gov</b>  |
| <b>R014-25</b>   | <b>503</b>     | <b>BOARD OF WILDLIFE COMMISSIONERS</b><br>A REGULATION establishing provisions relating to coyote-hunting contests<br><b>CONTACT Kristy Knight (775) 688-1540</b><br><b>kknight@ndow.org</b>   |
| <b>R026-25</b>   | <b>637B</b>    | <b>SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING BOARD</b><br>A REGULATION revising various provisions (AB177, 2025) relating to speech and hearing professions<br><b>CONTACT Jennifer Pierce (775) 787-3421</b><br><b>execdirector@nvspeechhearing.org</b>                          |
| <b>R028-25</b>   | <b>640C</b>    | <b>BOARD OF MASSAGE THERAPY</b><br>A REGULATION establishing provisions relating to draping<br><b>CONTACT Colleen Platt (775) 848-2810</b><br><b>cplatt@plattlawgroupreno.com</b>  |
| <b>R045-25</b>   | <b>232</b>     | <b>SAGEBRUSH ECOSYSTEM COUNCIL</b><br>A REGULATION establishing provisions relating to projects and verifiers (see R011-25)<br><b>CONTACT Sarah Hale (775) 687-2001</b><br><b>sarah.hale@sagebrusheco.nv.gov</b>   |
| <b>R053-25</b>   | <b>488/503</b> | <b>BOARD OF WILDLIFE COMMISSIONERS</b><br>A REGULATION revising various provisions relating to wildlife<br><b>CONTACT Alejandra Medina (775) 688-1510</b><br><b>amedina@ndow.org</b>   |
| <b>R063-25</b>   | <b>612</b>     | <b>ADMINISTRATOR OF THE EMPLOYMENT SECURITY DIVISION OF THE DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION</b><br>A REGULATION establishing the unemployment compensation contribution rate for calendar year 2026<br><b>CONTACT Casey Frasca (775) 684-3913</b><br><b>c-frasca@detr.nv.gov</b> |

|                |            |   |
|----------------|------------|---|
| <b>R064-25</b> | <b>612</b> | <b>ADMINISTRATOR OF THE EMPLOYMENT SECURITY<br/>DIVISION OF THE DEPARTMENT OF EMPLOYMENT,<br/>TRAINING AND REHABILITATION</b><br>A REGULATION revising provisions relating to payrolling<br><b>CONTACT Casey Frasca (775) 684-3913</b><br><b>c-frasca@detr.nv.gov</b> |
|----------------|------------|---|



**ADOPTED REGULATION OF THE DIRECTOR OF THE  
STATE DEPARTMENT OF AGRICULTURE**

**LCB File No. R005-25**

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

AUTHORITY: § 1, NRS 555.390.

A REGULATION relating to pest control; revising certain requirements governing reports relating to inspections or applications of pesticide for wood-destroying pests; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the Director of the State Department of Agriculture to adopt regulations requiring a person who holds a license as an applicator for pest control to maintain and furnish certain reports. (NRS 555.390) Existing regulations require a person who performs an inspection or application of a pesticide for wood-destroying pests to write and deliver a report of the inspection or application to the person requesting the inspection or application. Additionally, existing regulations require the report, if completed using an electronic form, to include the digital signature of the person that complies with certain requirements for digital signatures. (NAC 555.430) Existing law defines the term “digital signature” to mean an electronic signature that transforms a message by using an algorithm to provide a method to verify the signature. (NRS 720.020, 720.060, 720.080) Existing law also defines the term “electronic signature” to mean an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. (NRS 719.100) **Section 1** of this regulation eliminates the requirement that a report completed using an electronic form contain a digital signature and instead requires that the report contain an electronic signature.

**Section 1.** NAC 555.430 is hereby amended to read as follows:

555.430 1. Each person who:

- (a) Makes an inspection for wood-destroying pests;
- (b) Gives any oral or written statement relating to such an inspection; or

(c) After the construction of a structure, makes an application of a pesticide to eradicate wood-destroying pests,

↳ shall write and deliver a report of the inspection or the application of a pesticide to the person requesting the inspection or application, or a designated agent thereof, not later than 5 days after the inspection or the application. The report must be on a numbered form supplied by the Department or an electronic form approved by the Department which includes a unique number obtained from the Department.

2. A person who prepares a report pursuant to subsection 1 must:

(a) File a legible copy of the report with the district or subdistrict office of the Department not later than 15 days after the inspection or the application of a pesticide is made; and

(b) Keep a copy of the report for at least 3 years after preparation of the report.

3. The report must contain:

(a) The name, license number and mailing address of the pest control business performing the inspection or the application of a pesticide and the date and time of the inspection or application.

(b) The number assigned to the escrow or mortgage by the Federal Housing Administration or the Department of Veterans Affairs, if applicable and obtainable.

(c) The street address, city and zip code where the property is located.

(d) The name of the person who requested the inspection or the application of a pesticide.

(e) The name of the person to whom the original of the report is being sent.

(f) The name and address of the owner of the property.

(g) The name and address of the buyer or other interested person, if applicable and obtainable.

(h) If an application of a pesticide was made:

- (1) The date of the treatment.
- (2) An identification of any area to which a pesticide was applied.
- (3) The pesticide name and the registration number assigned to the pesticide by the United States Environmental Protection Agency.

(i) A statement of whether there is or is not evidence of active or inactive infestations of termites, other wood-destroying insects or wood-destroying fungi. Mold must not be reported as wood-destroying fungi. As used in this paragraph:

- (1) “Active infestation” means the presence of living wood-destroying pests.
- (2) “Inactive infestation” means evidence of infestation by wood-destroying pests, without the presence of such pests.

(j) A statement of whether there is or is not any condition conducive to infestation, including contact of wood with the earth, a faulty grade, insufficient ventilation, excessive moisture or cellulose debris. As used in this paragraph:

(1) “Cellulose debris” means any such debris that is of a size that can be raked and in the aggregate comprises one-half cubic foot or more, or a stump or any other wood that is imbedded in a footing and constitutes a contact of wood with the earth. The term does not include pressure-treated wood that is used to support a manufactured home or the skirting of a manufactured home.

(2) “Contact of wood with the earth” means any support or other structure of cellulose that is less than 3 inches above the soil level and in contact with the inspected structure, whether it is internal or external in relation to that structure. The term does not include:

(I) A paling of a fence which is made of wood and which is less than 3 inches above the soil level and in contact with the inspected structure through otherwise acceptable structural elements.

(II) Lattice which is made of wood and which is less than 3 inches above the soil level if the lattice is physically attached to the inspected structure.

(III) An attachment to the inspected structure which is made of wood or cellulose and which is less than 3 inches above the soil level if the attachment is separated from the inspected structure by a flashing which is made of metal.

(IV) A deck which is made of wood and which is less than 3 inches above the soil and in contact with the inspected structure if the deck is separated from the inspected structure by a flashing which is made of metal and the report includes a statement indicating that the deck was excluded from the inspection or application.

(V) Skirting which is installed on a manufactured home and which is less than 3 inches above the soil and in contact with the inspected structure if the skirting is designed by the manufacturer for contact with the ground, is separated from the inspected structure by a flashing which is made of metal or is supported 3 inches or more above the soil level by pressure-treated wood.

(3) “Excessive moisture” means actual moisture on the wood or wood products used in the structure.

(4) “Faulty grade” means a condition in which:

(I) A floor joist or stringer is less than 12 inches above the soil level;

(II) The top of the foundation is less than 3 inches above the adjacent soil level; or

(III) The drainage is such that there is visible evidence of exposure of surface water on the structure.

(5) “Insufficient ventilation” means less than 1 square foot of ventilation per 300 square feet of crawlspace, less than 1 square foot for every 1500 square feet of ground area covered by a vapor barrier and less than four areas permitting ventilation. The term “insufficient ventilation” does not include a crawlspace which is:

(I) Mechanically ventilated; and

(II) Free of wood-destroying fungi and excessive moisture.

(k) A diagram or sketch of the foundation or part of the inspected structure indicating the location of any condition likely to lead to infestation or infection or any area showing infestation or infection.

(l) A diagram or explanation, or both, of the inspected structure or part of it showing:

(1) The location of any inaccessible area or subarea and any area or subarea not inspected;

(2) Any portion of the structure normally visible which cannot be inspected without mechanically altering the structure, including, without limitation, subflooring or a rim joist that is concealed by insulation; or

(3) Any area where normal conditions have been altered so an inspection is not possible, such as storage in a closet.

(m) The full name, license number and signature or, if an electronic form is used, ~~[a digital]~~ *an electronic* signature of the licensee performing the inspection and application of a pesticide if an application is performed. If an electronic form is used, the report must include the number obtained from the Department pursuant to subsection 1 and ~~[a digital]~~ *an electronic* signature of the licensee . ~~[which complies with the applicable requirements of chapter 720 of NRS.]~~

4. Unless otherwise authorized by the Director, each person who, after the construction of a structure, applies a termiticide or other pesticide to eradicate wood-destroying pests shall apply the termiticide or other pesticide only to the sites and in the specific quantities and dosages listed on the label of the termiticide or other pesticide.

5. As used in this section ~~[, “pressure-treated”]~~ :

*(a) “Electronic signature” has the meaning ascribed to it in NRS 719.100.*

*(b) “Pressure-treated wood” means wood or wood products that:*

~~[(a)]~~ *(1)* Are pressure-treated or certified by the Board of Review of the American Lumber Standard Committee, Inc.;

~~[(b)]~~ *(2)* Are designed by the manufacturer for contact with the ground;

~~[(c)]~~ *(3)* Are guaranteed against structural damage by termites or fungal decay; or

~~[(d)]~~ *(4)* Are described in ~~[paragraph (a), (b) or (c)]~~ *subparagraph (1), (2) or (3)* and have surfaces which have been cut, if those surfaces have been treated with a preservative for wood and the wood or wood products have been inspected and determined to be free of infestation.

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Elko, NV 89801-4672  
(775) 753-1360  
Fax (775) 738-2639

## DEPARTMENT OF AGRICULTURE

405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431-5557  
Telephone (775) 353-3601 Fax (775) 353-3661  
Website: <http://www.agri.nv.gov>

### LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

#### INFORMATIONAL STATEMENT LCB File No. R005-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 555.

**a. A clear and concise explanation of the need for the adopted regulation.**

The proposed amendment is intended to assist the department in modernizing the reporting of wood-destroying pest inspection forms. Physical wood-destroying pest inspection report forms are currently provided by the NDA to industry free of charge pursuant to current regulations. The NDA anticipates that providing a digital platform to industry to complete and submit wood-destroying pest inspection reports will benefit the industry as well as the department. Current regulation requires the use of digital signatures for electronically submitted reports; updating the type of signature required will enable the department to utilize existing technologies and department resources to modernize the process.

**b. A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by email to persons who were known to have an interest in the subject of NAC 555 as well as any persons who had specifically requested such notice.

These documents were also posted and made available at the following locations:

- Nevada Department of Agriculture, 405 S. 21st St., Sparks, NV 89431
- Nevada Department of Agriculture, 2300 E. Saint Louis Ave., Las Vegas, NV 89104
- Nevada Department of Agriculture, 4780 E. Idaho St., Elko, NV 89801
- Nevada Department of Agriculture website at [agri.nv.gov](http://agri.nv.gov)
- Nevada Public Notice website at <https://notice.nv.gov/>
- Nevada Legislature Administrative Regulation Notices at <https://www.leg.state.nv.us/App/Notice/A/>

A workshop was held on September 3, 2025. The hearing was held on October 17, 2025, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments.

A copy of this summary of the public response to the proposed regulation may be

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Fax (702) 668-4567

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Sparks, Nevada 89431-5557  
Telephone (775) 353-3601 Fax (775) 353-3661  
Website: <http://www.agri.nv.gov>

Elko Office:  
4780 E. Idaho Street  
Elko, NV 89801-4672  
(775) 738-8076  
Fax (775) 738-2639

obtained from the Nevada Department of Agriculture, Attn: Dyan Reece, 405 S. 21st St., Sparks, NV 89431, (775) 353-3670, or [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov).

**c. The number of persons who:**

1. Attended each hearing;  
2 attendees
2. Testified at each hearing; and  
0 attendees testified.
3. Submitted to the agency written statements.  
0 written statements were submitted

**d. For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:**

1. Name;
2. Telephone number;
3. Business address; 2450 S. Curry St, Carson City, NV 89703
4. Business telephone number;
5. Electronic mail address; and
6. Name of entity or organization represented.

**e. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

The NDA launched a digital survey to assess the impact of the proposed regulation changes to NAC 555 on July 8, 2025, and closed it on July 23, 2025. The survey was posted to NDA's website and social media accounts and was distributed to an e-mail list comprised of 8,671 contacts including pest control businesses, pesticide dealerships and registrants within the State of Nevada. 4,190 opened the email (52.2%); 906 clicks on the links in the email: 430 on R005-25I changes, 160 on the R005-25I survey; 59 email contacts responded to the survey. Social media outreach resulted in 1422 impressions, 15 engagements, and 6 clicks on to the linked survey. The survey was posted to NDA's website and social media accounts. Interested parties may also obtain a copy of the summary by contacting the Division of Plant Health and Compliance at (775) 353-3670 or [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov).

Summary of Survey Responses:

- If enacted would the proposed changes to NAC 555 impact your ability to do business?
  - Yes: 2 respondents (9%)
  - No: 17 respondents (74%)
  - Unknown: 4 respondents (17%)
- How would changes to NAC 555 impact your ability to do business?
  - 3 respondents: "NA"
  - 10 respondents stated it would not cause an impact
  - "Would have no impact to Veterinary Medical Services"
  - "It would make things more simple as long as we can use multiple forms of electronic signatures. Depending on the improved method, it could add cost to the procedure."
  - "We sold the last steer two years ago."

- “Very little, part of my business is inspections, but I've done only several in the past year.”
- “It would improve it”
- “I feel it would benefit my business.”
- “This bill would make it easier to continue servicing our customers when we lose an employee which in turn, would benefit us financially”
- “I am not involved in this industry.”
- “It would allow us to hire more techs”
- “This would remove the gray area on if we can have customers and/or technicians sign electronically for pest reports.”
- Please estimate the total annual impact that proposed changes to NAC 555 will have on your business?
  - \$0: 20 respondents (87%)
  - \$100-\$1,000: 2 respondents (9%)
  - \$1,001-\$10,000: 1 respondent (4%)
- What level of negative impact will the proposed changes to NAC 555 have on your business?
  - No impact: 19 (83%)
  - Insignificant impact: 2 (9%)
  - Minor impact: 1 (4%)
  - Severe impact: 1 (4%)
- Would you need to make operational changes to your business because of the financial impact of proposed change to NAC 555?
  - 6 respondents stated “no” or “none”
  - “Don’t know”
  - “NA”
  - “As long as the approved methods are common used systems, it should be a minimal investment”
  - “Yes. We would Hire more technicians and test them in the field.”
- “How could these section(s) be adjusted to mitigate their level of negative financial impact?”
  - “No Impact”
  - “NA”
  - “No opinion”
  - “Not specify what type of electronic signature so we can use whatever app we would like.”
- Please feel free to provide any feedback your would like us to consider in relation to the proposed changes to NAC 555?
  - “Would be great to make the entire process digital, including the forms from NDA”
  - “We are in favor of this change”

Comments were solicited from the public during both the workshop and hearing.

**f. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Comments received in response to the small business impact survey and workshop were predominantly positive. The Department engaged with participants who provided comment at the workshop to address specific concerns. These participants indicated support after further discussion.

**g. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:**

- **Adverse economic effect on regulated businesses**  
No adverse economic impacts to regulated businesses are anticipated due to this proposed amendment
- **Beneficial economic effect on regulated businesses**  
The NDA estimates that the proposed regulation will have no economic effect on small businesses
- **Immediate economic effect on regulated business**  
The NDA estimates that the proposed regulation will have no immediate economic effect on small businesses.
- **Long-term economic effect on regulated business**  
The NDA estimates that the proposed regulation will have no long term economic effect on regulated business
- **Adverse economic effect on the public**  
The NDA does not estimate any adverse economic impact to the public as an effect of the proposed amendments
- **Beneficial economic effect on the public**  
The NDA does not estimate any beneficial economic effect on the public as an effect of the proposed amendments
- **Immediate economic effect on the public**  
The NDA does not estimate any immediate economic effect on the public as an effect of the proposed amendments
- **Long-term economic effect on the public**  
The NDA does not estimate any long term effect on the public as an effect of the proposed amendments

**h. The estimated cost to the agency for enforcement of the proposed regulation.**

The proposed amendment pertains to internal department processes, and does not necessitate enforcement on regulated businesses

**i. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed regulations do not duplicate federal, state or local standards, that regulate the same activity.

**j. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

JOE LOMBARDO  
*Governor*

STATE OF NEVADA  
**DEPARTMENT OF AGRICULTURE**

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*Director*

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The proposed regulations are not more stringent than federal standards that regulate the same activity.

- k. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

Not applicable.

**NAC 555 Minutes of October 17, 2025 Hearing**  
Division of Plant Health and Compliance



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**MEETING MINUTES**

**Of the Nevada Administrative Code (NAC) Chapter of the  
Nevada Department of Agriculture (NDA)**

**LCB File No. R127-23 and R005-25**

**Notice Of Intent to Act Upon a Regulation**

Notice of Hearing for the Amendment of Regulations of the Nevada Department of Agriculture  
and Hearing Agenda

The Nevada Department of Agriculture (NDA) held a hearing on October 17<sup>th</sup>, 2025, beginning  
at 9:30 am at the following location(s):

Nevada Department of Agriculture  
2300 E. St. Louis Avenue  
Las Vegas, NV 89104  
Phone: (702) 668-4590

*Video conference to:*

Nevada Department of Agriculture  
405 S. 21<sup>st</sup> Street  
Sparks, NV 89431  
Phone (775) 353-3601

Nevada Department of Agriculture  
4780 E. Idaho Street  
Elko, NV 89445  
Phone: (775) 738-8076

*Phone and/or video conference via:*

Join the meeting now for all interested parties  
Meeting Number: 249 331 744 887 6  
Access code: S9va9vA2

To join by telephone, call the phone-in number and enter the Phone Conference ID when  
prompted.

Phone Number: 1-775-321-6111

**Persons in attendance:**

- Doug Farris, Deputy Director, Nevada Department of Agriculture
- Meghan Brown, Administrator, NDA Division of Plant Health and Compliance
- Raymond P. Saliga, Deputy Administrator, NDA Division of Plant Health and Compliance
- Vanze Lum Environmental Scientist IV
- Dyan R. Reece, Administrative Assistant III
- Warren Hardy, Nevada Pest Management Association
- Lee Lawrence, ZeeBest Pest Control Sparks
- Jeff Burns, Nevada Pest Management Association

**I. Call to Order:**

The meeting was called to order at 9:30am by Deputy Administrator Ray Saliga, noted that the hearing was being held in person at the Nevada Department of Agriculture headquarters in Sparks, the Las Vegas and Elko offices. As well as virtually via Teams. The hearing had been properly noticed and was recorded as required by Nevada Open Meeting Law (NRS 241.020)

Deputy Administrator Ray Saliga stated that this public hearing was being held for the adoption of regulations to amend Chapter 555 of the Nevada Administrative Code (NAC). These regulations have been assigned File Number R127-23 by the Nevada Legislative Counsel Bureau.

Ray Saliga reviewed the rulemaking process and steps taken prior to the hearing, and reviewed teleconferencing features of Microsoft teams for online and phone-in attendees.

**II. Public Comment (1<sup>st</sup> period)**

Deputy Administrator, Ray Saliga asked if anyone from the public to make a comment for the record.

No Comments from any source

**III. Discussion and Adoption of Proposed Regulations**

Ray Saliga summarized the proposed regulation, and intent to address comments received at the workshop, by clarifying how businesses can meet the training requirements included in the proposed regulation after reviewing section 5.

Ray Saliga asked if there are any questions regarding the proposed regulation.

Warren Hardy, Nevada Pest Management Association asked if we will review the availability of training materials and requirements for meeting these requirements.

Ray Saliga responded that the NDA will provide training videos, EPA brochure, and documentation forms on it's website and by request.

Warren Hardy wanted assurance that the requirements and materials would be clearly documented on the NDA's website

Ray Saliga thanked the public and industry representatives for their participation in this process on behalf of the Department and stated that the NDA will adopt this proposed regulation, LCB File No. R127-23, noting that the regulation will be submitted to the Legislative Commission for review and approval.

**IV. Public Comment (2<sup>st</sup> period)**

Deputy Administrator, Ray Saliga asked if anyone from the public to make a comment for the record

Warren Hardy, Nevada Pest Management Association, stated his appreciation on behalf of industry to the Department for being responsive through the rulemaking process.

**V. Adjourn**

Deputy Administrator Ray Saliga thanked the workshop/hearing attendees for their participation and adjourned the public meeting at 9:45 am.

**Persons in attendance:**

- Doug Farris, Deputy Director, Nevada Department of Agriculture
- Meghan Brown, Administrator, NDA Division of Plant Health and Compliance
- Raymond P. Saliga, Deputy Administrator, NDA Division of Plant Health and Compliance
- Vanze Lum Environmental Scientist IV
- Dyan R. Reece, Administrative Assistant III
- Lee Lawrence, ZeeBest Pest Control
- Tracy L. Shane (online)

**I. Call to Order:**

The meeting was called to order at 9:46am by Deputy Administrator Ray Saliga, who noted that the hearing was being held in person at the Nevada Department of Agriculture headquarters in Sparks, the Las Vegas and Elko offices. As well as virtually via Teams. The hearing had been properly noticed and was recorded as required by Nevada Open Meeting Law (NRS 241.020)

Deputy Administrator Ray Saliga stated that this public hearing was being held for the adoption of regulations to amend Chapter 555 of the Nevada Administrative Code (NAC). These regulations have been assigned File Number R005-25 by the Nevada Legislative Counsel Bureau.

The Department is proposing additions to Nevada Administrative Code Chapter 555. These regulation changes are necessary to implement regulations required by SB 159 of the 82nd Legislative Session.

II. **Public Comment (1st period):**

Deputy Administrator Ray Saliga asked if anyone from the public to make a comment for the record.

No Comments from Any Source

III. **Discussion and Adoption of Proposed Regulations**

Ray Saliga outlined the proposed changes and provided background, stating that the proposed regulation is intended to assist the department in modernizing the reporting of wood-destroying pest inspection forms. Current regulation requires the use of digital signatures for electronically submitted reports; updating the type of signature required will enable the department to utilize existing technologies and department resources to modernize the process.

Ray Saliga asked if there are any questions regarding the proposed regulation. There were no questions.

Ray Saliga thanked the public and industry representatives for their participation in this process on behalf of the Department and stated that the NDA will adopt this proposed regulation, LCB File No. R005-25, noting that the regulation will be submitted to the Legislative Commission for review and approval.

IV. **Public Comment (2nd period):**

Deputy Administrator Ray Saliga asked if anyone from the public to make a comment for the record.

Tracy Shane, University of Nevada, Reno Cooperative Extension, indicated interested in a cooperation between UNR and NDA to develop a list of UNR courses which are approved as meeting education and experience requirements to obtain a primary principal license.

Lee Lawrence, Zeebest Pest Control and Inspection Services, noted agreement with the comment from Ms. Shane.

V. **Adjourn**

Deputy Administrator Ray Saliga thanked the workshop/hearing attendees for their participation and adjourned the public meeting at 9:57 am.



JOE LOMBARDO  
Governor

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[agri.nv.gov](http://agri.nv.gov)

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY  
NRS 223B.0608**

**LCB File No. R005-25I**

**July 28, 2025  
PROPOSED AMENDMENTS TO NAC CHAPTER 555**

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The NDA launched a digital survey to assess the impact of the proposed regulation changes to NAC 555 on July 8, 2025 and closed it on July 23, 2025. The survey was posted to NDA's website and social media accounts and was distributed to an e-mail list comprised of 8,671 contacts including pest control businesses, pesticide dealerships and registrants within the State of Nevada. 4,190 opened the email (52.2%); 906 clicks on the links in the email: 430 on R005-25I changes, 160 on the R005-25I survey; 59 email contacts responded to the survey. Social media outreach resulted in 1422 impressions, 15 engagements, and 6 clicks on to the linked survey.

Summary of Survey Responses:

- If enacted would the proposed changes to NAC 555 impact your ability to do business?
  - Yes: 2 respondents (9%)
  - No: 17 respondents (74%)
  - Unknown: 4 respondents (17%)
- How would changes to NAC 555 impact your ability to do business?
  - 3 respondents: "NA"
  - 10 respondents stated it would not cause an impact
  - "Would have no impact to Veterinary Medical Services"
  - "It would make things more simple as long as we can use multiple forms of electronic signatures. Depending on the improved method, it could add cost to the procedure."
  - "We sold the last steer two years ago."
  - "Very little, part of my business is inspections, but I've done only several in the past year."
  - "It would improve it"
  - "I feel it would benefit my business."
  - "This bill would make it easier to continue servicing our customers when we lose an employee which in turn, would benefit us financially"
  - "I am not involved in this industry."
  - "It would allow us to hire more techs"

- “This would remove the gray area on if we can have customers and/or technicians sign electronically for pest reports.”
- Please estimate the total annual impact that proposed changes to NAC 555 will have on your business?
  - \$0: 20 respondents (87%)
  - \$100-\$1,000: 2 respondents (9%)
  - \$1,001-\$10,000: 1 respondent (4%)
- What level of negative impact will the proposed changes to NAC 555 have on your business?
  - No impact: 19 (83%)
  - Insignificant impact: 2 (9%)
  - Minor impact: 1 (4%)
  - Severe impact: 1 (4%)
- Would you need to make operational changes to your business because of the financial impact of proposed change to NAC 555?
  - 6 respondents stated “no” or “none”
  - “Don’t know”
  - “NA”
  - “As long as the approved methods are common used systems, it should be a minimal investment”
  - “Yes. We would Hire more technicians and test them in the field.”
- “How could these section(s) be adjusted to mitigate their level of negative financial impact?”
  - “No Impact”
  - “NA”
  - “No opinion”
  - “Not specify what type of electronic signature so we can use whatever app we would like.”
- Please feel free to provide any feedback your would like us to consider in relation to the proposed changes to NAC 555?
  - “Would be great to make the entire process digital, including the forms from NDA”
  - “We are in favor of this change”

A complete summary can be obtained by contacting the NDA at (775) 353-3670 or [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov).

**2. The manner in which the analysis was conducted.**

A statistical analysis of the survey results was conducted. Most respondents indicated that the proposed changes would have no impact on their business.

**3. The estimated indirect and direct economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation.**

Eighty-seven percent of respondents estimated an impact of \$0 to their business and 83% of respondents indicated the proposed regulation will have no negative impact on their business.

The NDA estimates that the proposed regulation will have no direct or indirect economic effect on small businesses.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The NDA does not anticipate any impact of the proposed regulation on small businesses.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

The proposed regulation is intended to assist the department in modernizing the reporting of wood destroying pest inspection forms. Physical wood-destroying pest inspection report forms are currently provided by the NDA to industry free of charge pursuant to current regulations. The NDA anticipates the modernization of providing a digital platform to industry to complete and submit wood-destroying pest inspection reports will benefit the industry as well as the department. Current regulation requires the use of digital signatures for electronically submitted reports, by updating the type of signature required the department will be able to utilize existing technologies and department resources to modernize the process.

**6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increase an existing fee.

**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The proposed regulation does not duplicate federal, state, or local standards.

**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The NDA concludes that the proposed regulation will have no impact on small businesses because it amends existing regulation which govern requirements for processes administered by the NDA at no cost to small businesses. The proposed regulation is intended to reduce costs to the NDA while administering these processes.

I certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of this proposed regulation on small businesses, and that the information contained in this statement was prepared properly and is accurate. NRS 233B.0609(2).

  
J.J. Goicoechea (Aug 1, 2025 11:00:51 PDT)

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J.J. Goicoechea, DVM  
Director  
Nevada Department of Agriculture

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Fax (775) 738-2693





**ADOPTED REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS**

**LCB File No. R014-25**

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

AUTHORITY: §§ 1 and 2, NRS 501.105, 501.181 and 502.010.

A REGULATION relating to wildlife; setting forth certain requirements relating to a coyote hunting contest; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Board of Wildlife Commissioners to adopt regulations governing the manner and means of taking wildlife. (NRS 501.181) Existing law also requires, with certain exceptions, a person who hunts any wildlife in this State to first obtain a license. Further, existing law authorizes the Commission to adopt regulations setting forth the species of wildlife which may be hunted or trapped without a license or permit. (NRS 502.010) Existing regulations authorize a person to hunt a coyote without obtaining a hunting license or permit. (NAC 503.035, 503.193) **Section 1** of this regulation sets forth the period of time each year during which a coyote hunting contest, which is a competition held for the purpose of harvesting coyotes, may be held. Such period begins on September 1 and ends on March 31 of the following year. Additionally, **section 1** prohibits a person from participating in a coyote hunting contest unless the person holds a valid hunting license or permit or a valid trapping license issued by the Department of Wildlife. **Section 2** of this regulation makes conforming changes to account for the requirement in **section 1** that a person who participates in a coyote hunting contest must have a valid license or permit.

**Section 1.** Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. A coyote hunting contest may only be held during the period beginning on September 1 and ending on March 31 of the following year.*
- 2. A person shall not participate in a coyote hunting contest unless the person holds a valid hunting license or permit or a valid trapping license issued by the Department.*

3. *As used in this section, “coyote hunting contest” means an organized or sponsored competition held for the purpose of harvesting a coyote for a prize.*

**Sec. 2.** NAC 503.193 is hereby amended to read as follows:

503.193 1. ~~[A]~~ *Except as otherwise provided in section 1 of this regulation, a* person is not required to obtain a hunting license or permit to hunt unprotected wild birds or mammals.

2. A person is not required to obtain a hunting license or permit or a trapping license to hunt or trap wildlife which are authorized to be taken in accordance with a permit issued pursuant to NAC 503.710 to 503.740, inclusive.

3. A person who holds a valid trapping license issued by the Department is not required to obtain a hunting license to hunt coyotes, badgers, skunks, raccoons, weasels, ring-tailed cats or fur-bearing mammals during the open season to hunt ~~[to]~~ those mammals.

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS  
NEVADA DEPARTMENT OF WILDLIFE  
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS  
AS REQUIRED BY NRS 233B.066**

**LCB FILE NO. R014-25  
Commission General Regulation 525**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 503.

**1. A clear and concise explanation of the need for the adopted regulation.**

This regulation addresses unregulated coyote contests. These contests are currently unregulated with no season or prerequisite to participate, the regulation establishes a defined period for coyote contests and requires that participants hold a valid Nevada hunting or trapping license. Additionally, the regulation clarifies the definition of a coyote contest.

**2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Prior to the administrative rule making process the Nevada Board of Wildlife Commissioners (NBWC) formed a Contest Committee to solicit public input throughout the state to assist in the creation of regulatory language. The Committee met three times at the following locations: Reno, Las Vegas, and Elko.

Public comment was solicited during both the regulation workshop of the Nevada Board of Wildlife Commissioners (NBWC) in June 2025 and the adoption hearing in November 2025. Public comment may also be submitted at any time by email to [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org).

Testimony provided during the NBWC meetings consisted of four varying positions:

1. Opponents who stated that coyote contests are unethical, lack scientific justification, and are strongly opposed by the public. Opponents also explained that predator control does not improve ungulate populations, that the proposed regulation is inadequate or outdated, and that only a full ban on coyote contests would align with science, ethics, and Nevada's values.
2. Others in opposition expressed that the regulation was unnecessary as the coyote contests are currently legal and no further control is needed.
3. Those in support of the regulation stated that coyote contests are legal, transparent, and contribute to predator management at no cost to the state. Supports also expressed that hunters act responsibly, follow the law, and that previous evidence supports continuing the contests.
4. Others in support found the regulation unnecessary but were agreeable to regulating the activity.

Submitted written comment primarily called for a ban on coyote contests with the vast majority being templated emails submitted through advocacy organizations.

Meeting minutes from the Nevada Board of Wildlife Commissioners' meetings include all public comment and can be found here when posted: <https://nvboardofwildlife.org/#meetings>

3. **The number of persons who:**
- (a) **Attended each hearing: (date and number of attended for workshops and hearings)**
  - (b) **Testified at each hearing: (date and number of attended for workshops and hearings)**
  - (c) **Submitted written comments: (date and number of attended for workshops and hearings)**

June 14, 2025, NBWC Meeting

- a. Attended: 99
- b. Testified: 10
- c. Written Comment: 83 (See Attachment)

November 8, 2025, NBWC Meeting

- a. Attended: 38
- b. Testified: 11
- c. Written Comment: 214 (See Attachment)

4. **For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:**

- (a) **Name:** George Forbush
- (b) **Telephone number:**
- (c) **Business address:**
- (d) **Business telephone number:**
- (e) **Electronic mail address:** [emailforbush@yahoo.com](mailto:emailforbush@yahoo.com)
- (f) **Name of entity or organization represented:** Nevada Predator Hunting Association

- (a) **Name:** Steve Marquez
- (b) **Telephone number:** (775) 296-0144
- (c) **Business address:**
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- (e) **Electronic mail address:** [marquez.wpcso@gmail.com](mailto:marquez.wpcso@gmail.com)
- (f) **Name of entity or organization represented:** White Pine CABMW

- (a) **Name:** Jana Wright
- (b) **Telephone number:**
- (c) **Business address:**
- (d) **Business telephone number:**
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- (f) **Name of entity or organization represented:** Private Citizen

- (a) **Name:** Fred Voltz
- (b) **Telephone number:**
- (c) **Business address:**
- (d) **Business telephone number:**
- (e) **Electronic mail address:** [zebedee\\_177@yahoo.com](mailto:zebedee_177@yahoo.com)

- (f) **Name of entity or organization represented:** Private Citizen
- (a) **Name:** Rebecca Goff  
(b) **Telephone number:**  
(c) **Business address:**  
(d) **Business telephone number:**  
(e) **Electronic mail address:** [rgoff@humaneworld.org](mailto:rgoff@humaneworld.org)  
(f) **Name of entity or organization represented:** Humane World for Animals
- (a) **Name:** Christy Stevens  
(b) **Telephone number:**  
(c) **Business address:**  
(d) **Business telephone number:**  
(e) **Electronic mail address:** [christy@heartsalivevillage.org](mailto:christy@heartsalivevillage.org)  
(f) **Name of entity or organization represented:** Hearts Alive Village
- (a) **Name:** Lou Benetti  
(b) **Telephone number:**  
(c) **Business address:**  
(d) **Business telephone number:**  
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(f) **Name of entity or organization represented:** Private Citizen
- (a) **Name:** Bryce Screen  
(b) **Telephone number:**  
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- (a) **Name:** Stephanie Myers  
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(e) **Electronic mail address:** [casemakers@outlook.com](mailto:casemakers@outlook.com)  
(f) **Name of entity or organization represented:** Private Citizen
- (a) **Name:** Donald Molde  
(b) **Telephone number:**  
(c) **Business address:**  
(d) **Business telephone number:**  
(e) **Electronic mail address:**  
(f) **Name of entity or organization represented:** Private Citizen
- (a) **Name:** Naomi Duerr  
(b) **Telephone number:**  
(c) **Business address:**  
(d) **Business telephone number:**

- (e) **Electronic mail address:** [duern@reno.gov](mailto:duern@reno.gov)
- (f) **Name of entity or organization represented:** City of Reno Councilmember

- (a) **Name:** Joel Blakeslee
- (b) **Telephone number:**
- (c) **Business address:**
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- (f) **Name of entity or organization represented:** Nevada Trappers Association

- (a) **Name:** Warren Hardy
- (b) **Telephone number:**
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- (d) **Business telephone number:**
- (e) **Electronic mail address:** [warren@hardystrategies.com](mailto:warren@hardystrategies.com)
- (f) **Name of entity or organization represented:** Humane World for Animals

- (a) **Name:** Mitch McVicars
- (b) **Telephone number:**
- (c) **Business address:**
- (d) **Business telephone number:**
- (e) **Electronic mail address:** [mitchmcvicars@gmail.com](mailto:mitchmcvicars@gmail.com)
- (f) **Name of entity or organization represented:** White Pine CABMW

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

To assess the potential business impact of the proposed regulation, a survey was developed using Microsoft Forms and distributed to small businesses likely impacted, coyote contest event organizers and participants of these events. Recipients were encouraged to share the survey with other individuals or entities they believed could be affected. A total of 26 responses were received.

Most respondents indicated that the proposed regulation would have little to no economic impact on their business. Some respondents anticipated positive effects, and few noted the proposed regulation would have no impact, as coyote contests already align with the proposed season.

Interested persons may obtain a copy of the response summary by contacting the Nevada Department of Wildlife, Director's Office.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The Department consulted with our Deputy Attorney General who advised the language met the intent of the Commission.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

**(a) Both adverse and beneficial effects on businesses; and**

Based on the responses received from 26 respondents to the business impact survey, four businesses indicated that the proposed regulation would have a negative impact. The remaining respondents either reported no anticipated impact or expressed neutrality regarding the proposed regulation. Notably, five respondents reported that the regulation could have a positive economic effect.

**(b) Both immediate and long-term effects on businesses:**

Based on the feedback received from 26 small businesses, the estimated economic effect of the proposed regulation includes a range of immediate and long-term effects:

- 5 businesses reported a positive impact
- 15 businesses reported no impact
- 4 businesses reported a negative impact
- 2 businesses were unsure

Immediate effects include the ability for businesses to advertise and promote their services in connection with regulated activities, resulting in increased visibility and potential for revenue generation. Businesses noted that the regulation allows for the solicitation and discussion of the services they offer in the state of Nevada, which contributes to attracting customers and driving sales.

Long term effects were identified as increased foot traffic in stores, greater exposure of products to new customers, and an uptick in the purchase of fuel, food, and other local goods. Several respondents noted that the regulation helps bring more people into town during what is typically a slower time of year, thereby supporting the local economy more broadly.

On the other hand, a few respondents expressed concern that a reduction in such events or contests, potentially as an unintended consequence of the regulation, could lead to fewer visitors, which in turn may negatively affect sales and customer engagement in their communities.

Overall, the responses reflect a balance of perspectives, with the majority of businesses seeing either neutral or beneficial economic impacts, and a minority expressing concerns about potential negative outcomes.

**(a) Both adverse and beneficial effects on the public; and**

This regulation does not have an anticipated beneficial or adverse economic effect on the public.

**(b) Both immediate and long-term effects on the public:**

This regulation does not have an anticipated immediate or long-term economic effect on the public.

- 8. The estimated cost to the agency for enforcement of the adopted regulation.**  
There is no anticipated cost for the enforcement of the proposed regulation.
- 9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**  
This regulation does not include provisions that duplicate federal, state, or local standards.
- 10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**  
This regulation does not include provisions that are more stringent than federal standards.
- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**  
This regulation does not provide a new fee or increase an existing fee.

| Meeting   | Name                  | Telephone Number | Business Address | Business Telephone Number | E-Mail Address               | Name of Entity or Organization |
|-----------|-----------------------|------------------|------------------|---------------------------|------------------------------|--------------------------------|
| June 2025 | Ann Lalli             |                  |                  |                           | alalli@cox.net               |                                |
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June 2025  
June 2025  
June 2025

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Safari Club Internatio



**STATE OF NEVADA  
NEVADA BOARD OF WILDLIFE COMMISSIONERS  
NEVADA DEPARTMENT OF WILDLIFE  
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B**

**Commission General Regulation 525 LCB File No. RXXX-XX Seasons and License Requirements for  
Coyote Calling Contests**

**The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commissioners. Note: Small business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS233B.0382).**

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

**ANSWER:**

To assess the potential business impact of the proposed regulation, a survey was developed using Microsoft Forms and distributed to small businesses likely impacted, coyote hunting contest event organizers and participants of these events. Recipients were encouraged to share the survey with other individuals or entities they believed could be affected. A total of 26 responses were received.

Most respondents indicated that the proposed regulation would have little to no economic impact on their business. Some respondents anticipated positive effects, and few noted the proposed regulation would have no impact, as coyote hunting contests already align with the proposed season.

Interested persons may obtain a copy of the response summary by contacting the Nevada Department of Wildlife, Director’s Office.

2. Describe the manner in which the analysis was conducted:

**ANSWER:**

The analysis was conducted through targeted outreach to small businesses likely impacted, coyote hunting contest event organizers and participants of these events.

The data was analyzed to identify common themes, specific concerns, and overall impact. Each response was categorized based on whether the proposed regulation was perceived to have a negative, neutral, or positive impact. These findings were then summarized to ensure that stakeholder feedback was accurately represented in the regulatory decision-making process.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- a.) Both adverse and beneficial effects:

**ANSWER:**

Based on the responses received from 26 respondents to the business impact survey, four businesses indicated that the proposed regulation would have a negative impact. The remaining respondents either reported no anticipated impact or expressed neutrality regarding the proposed regulation. Notably, five respondents reported that the regulation could have a positive economic effect.

b.) Both direct and indirect effects:

**ANSWER:**

Based on the feedback received from 26 small businesses, the estimated economic effect of the proposed regulation includes a range of both direct and indirect impacts:

- 5 businesses reported a positive impact
- 15 businesses reported no impact
- 4 businesses reported a negative impact
- 2 businesses were unsure

**Direct effects** include the ability for businesses to advertise and promote their services in connection with regulated activities, resulting in increased visibility and potential for revenue generation. Businesses noted that the regulation allows for the solicitation and discussion of the services they offer in the state of Nevada, which contributes to attracting customers and driving sales.

**Indirect effects** were identified as increased foot traffic in stores, greater exposure of products to new customers, and an uptick in the purchase of fuel, food, and other local goods. Several respondents noted that the regulation helps bring more people into town during what is typically a slower time of year, thereby supporting the local economy more broadly.

On the other hand, a few respondents expressed concern that a reduction in such events or contests—potentially as an unintended consequence of the regulation—could lead to fewer visitors, which in turn may negatively affect sales and customer engagement in their communities.

Overall, the responses reflect a balance of perspectives, with the majority of businesses seeing either neutral or beneficial economic impacts, and a minority expressing concerns about potential negative outcomes.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

**ANSWER:**

To reduce the impact of the proposed regulation, the agency – working in coordination with the Nevada Board of Wildlife Commissioners – held multiple public hearings to provide stakeholders the opportunity to find a regulatory solution. The proposed season outlined in the regulation was suggested by predator hunters who actively participate in coyote hunting contests, most of which take place within this time frame.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

**ANSWER:**

There is no anticipated cost for the enforcement of the proposed regulation.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

**ANSWER:**

The proposed regulation does not provide a new fee or increase an existing fee.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

**ANSWER:**

This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

**ANSWER:**

The Department believes that the establishment of seasons and license requirements for coyote calling contests provides a structured approach to the regulation of these events. While the overall biological and social impacts are expected to be limited, the regulation ensures clarity and consistency in contest oversight. The Department does not anticipate significant effects on small businesses and recognizes that, in some instances, the regulation may support local organizational efforts and community interest.

I hereby certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

  
Alan Jenne, Director  
Nevada Department of Wildlife





**ADOPTED REGULATION OF THE  
SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND  
HEARING AID DISPENSING BOARD**

**LCB File No. R026-25**

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

**AUTHORITY:** §§ 1-4, 6-11, 13 and 14, NRS 637B.132 and sections 9 and 10 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404; § 5, NRS 637B.132, 637B.193, as amended by section 24 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409 and NRS 637B.194, as amended by section 25 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409; § 12, NRS 637B.132 and section 10 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404; § 15, NRS 637B.132 and 637B.194 and sections 9 and 10 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404; § 16, NRS 637B.132 and 637B.194 and section 9 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404; § 17, NRS 637B.080, as amended by section 18 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 406 and NRS 637B.132; §§ 18 and 20, NRS 637B.132, 637B.175, as amended by section 22 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 408, and NRS 637B.191; §§ 19, 28-32, 34 and 35, NRS 637B.132, as amended by section 20 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 407; §§ 21 and 22, NRS 637B.132, 637B.191 and 637B.194, as amended by section 25 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409; §§ 23 and 33, NRS 637B.132, as amended by section 20 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 407 and NRS 637B.191, as amended by section 23 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409; §§ 24 and 27, NRS 637B.132, as amended by section 20 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 407, NRS 637B.194, as amended by section 25 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409 and NRS 637B.235; §§ 25 and 26, NRS 637B.132, as amended by section 20 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 407 and NRS 637B.194.

A REGULATION relating to speech and hearing professions; requiring certain applicants for a license to engage in the practice of fitting and dispensing hearing aids to complete certain training; prescribing requirements governing the licensure and practice of speech-language pathology assistants and the practice of speech-language pathology students; prescribing requirements governing the supervision of speech-language pathology provisional licensees, speech-language pathology assistants and speech-

language pathology students; imposing and revising requirements governing certain notice provided to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board; adopting by reference certain publications as standards of professional conduct for certain professions; revising provisions concerning certain credentials issued by the Department of Education; revising provisions relating to fees charged and collected by the Board; removing references to dispensing audiologists; revising provisions relating to the eligibility of a sponsor for an apprentice; authorizing the Board to require, under certain circumstances, a supervising speech-language pathologist to accompany a speech-language pathology assistant or speech-language pathology provisional licensee to certain disciplinary proceedings; and providing other matters properly relating thereto.

### **Legislative Counsel's Digest:**

During the 2025 Legislative Session, the Legislature enacted Assembly Bill No. 177 (A.B. 177) which: (1) provides for the licensure of speech-language pathology assistants; and (2) authorizes a speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student to engage in the practice of speech-language pathology only under the supervision of a supervising speech-language pathologist. A.B. 177 further requires the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to adopt regulations regarding: (1) speech-language pathology assistants, including licensing, education and training requirements; and (2) the supervision of speech-language pathology assistants, speech-language pathology provisional licensees and speech-language pathology students. (Sections 9 and 10 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404) **Section 4** of this regulation defines the term “plan of care” and **sections 2 and 3** of this regulation define certain other terms. **Section 28** of this regulation standardizes terminology by utilizing the term “plan of care” as defined in **section 4**.

A.B. 177 requires the Board to adopt regulations regarding the education and training requirements for speech-language pathology assistants. (Section 9 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404) **Section 6** of this regulation prescribes training requirements for certain applicants for a license as a speech-language pathology assistant who have not previously held certain credentials to engage in the practice of speech-language pathology. **Section 6** authorizes the Board to issue a license to an applicant who has not completed such training if he or she submits to the Board with his or her application a clinical training plan that provides for the completion of such training. **Section 7** of this regulation sets forth the required content of such a clinical training plan and procedures to be followed upon the completion of the clinical training plan. **Section 7** authorizes a supervising speech-language pathologist who is supervising a speech-language pathology assistant pursuant to a clinical training plan to report concerns regarding the ethics or competency of the speech-language pathology assistant to the Board. **Section 7** authorizes the Board to place the license of the speech-language pathology assistant on inactive status during an investigation of such a report. **Section 8** of this regulation establishes procedures if a speech-language pathology assistant is unable to complete a clinical training plan within the time period allowed by **section 7**. **Section 9** of this regulation sets forth the specific duties of a speech-language pathology assistant and supervising speech-language pathologist under a clinical training plan.

**Section 10** of this regulation establishes certain duties and prohibitions applicable to speech-language pathology assistants and speech-language pathology students. **Section 11** of this

regulation: (1) limits the number of supervising speech-language pathologists that may supervise a speech-language pathology assistant; and (2) requires a speech-language pathology assistant to notify the Board concerning certain changes to his or her employment and supervision.

**Section 12** of this regulation prescribes certain qualifications and responsibilities of a supervising speech-language pathologist. **Section 12** also limits the total number of speech-language pathology provisional licensees, speech-language pathology assistants and speech-language pathology students that a supervising speech-language pathologist may supervise at any one time. **Section 13** of this regulation sets forth the general duties of a supervising speech-language pathologist. **Section 14** of this regulation authorizes a supervising speech-language pathologist to, under certain circumstances, delegate certain responsibilities to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student.

Existing law provides for the licensure of apprentice hearing aid specialists, who are persons completing in-service training under the supervision of a sponsor to become eligible to apply for a license to engage in the practice of fitting and dispensing hearing aids. (NRS 637B.025, 637B.195) **Section 24** of this regulation authorizes an apprentice to receive credit for not more than 2 years of in-service training completed under the supervision of a licensed audiologist, licensed hearing aid specialist or equivalent licensee of the District of Columbia or another state or territory of the United States.

Existing law requires certain applicants for a license to engage in the practice of fitting and dispensing hearing aids to have completed a training program in hearing instrument sciences approved by the Board. (NRS 637B.193, as amended by section 24 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409) **Sections 25 and 26** of this regulation make certain in-service training requirements for apprentices applicable to such applicants. **Section 5** of this regulation requires such an applicant for: (1) a standard or temporary license to include in his or her application proof that he or she has completed such training; and (2) a provisional licensee to include in his or her application proof that he or she has completed a certain amount of such training. **Sections 21 and 22** of this regulation require an applicant who is required to complete such training and wishes to renew his or her provisional license to include with his or her application proof that he or she is actively engaged in the practice of fitting and dispensing hearing aids for the purpose of completing the remainder of such training.

**Section 15** of this regulation requires an audiologist, speech-language pathologist, hearing aid specialist, hearing aid specialist apprentice, speech-language pathology provisional licensee or speech-language pathology assistant to include in his or her application for the issuance or renewal of his or her license and with any notice provided to the Board of a change of sponsor or change of supervising speech-language pathologist a disclosure concerning whether he or she has certain familial or dating relationships with his or her supervising speech-language pathologist, sponsor, hearing aid specialist apprentice, speech-language pathology provisional licensee or speech-language pathology assistant.

**Section 16** of this regulation: (1) adopts by reference certain standards of ethics as standards of professional conduct in this State for the practice of speech-language pathology, practice of audiology and practice of fitting and dispensing hearing aids; and (2) provides that a violation of such standards constitutes cause for disciplinary action.

Before the passage of A.B. 177, existing law exempted from licensure and regulation by the Board a person who practices audiology or speech-language pathology within the scope of certain credentials issued by the Department of Education. A.B. 177 limited the applicability of

this exemption to a person who holds a current endorsement that is issued by the Department on or before September 30, 2026. (NRS 637B.080, as amended by section 18 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 406) **Section 17** of this regulation revises provisions relating to the applicability of provisions governing audiologists and speech-language pathologists to reflect those revisions made in A.B. 177.

Existing law requires the Board to charge and collect certain fees relating to licenses issued by the Board and sets forth maximum amounts for such fees. A.B. 177 increased the maximum amount for certain fees and authorized the Board to waive all or part of such licensing fees at a meeting of the Board or pursuant to criteria established by regulation of the Board. (NRS 637B.175, as amended by section 22 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 408) Existing regulations prescribe such fees for licenses issued by the Board. (NAC 637B.030) **Section 18** of this regulation: (1) increases from \$50 to \$75 the fee for renewal of an inactive or temporary license; and (2) prescribes certain fees for licenses as an apprentice or speech-language pathology assistant. **Section 18** additionally prescribes a fee for exercising privilege to practice under the Audiology and Speech-Language Pathology Interstate Compact that was enacted during the 2025 Legislative Session. (Section 1 of Assembly Bill No. 230, chapter 327, Statutes of Nevada 2025, at page 2146)

Existing regulations require any person seeking to renew, reinstate or change the type of license he or she holds to submit with his or her application any appropriate fee prescribed by the Board. (NAC 637B.035) **Section 20** of this regulation authorizes the Board to waive all or part of such a fee if the person submits a written request for a waiver that includes documentation that includes proof of an extenuating circumstance that prevents the payment of the fee. If the Board denies such a request, **section 20** further authorizes the Board to grant the requestor additional time to pay the required fee. Finally, **section 20** authorizes the Board to waive part or all of such a fee for a group of affected persons if the Board determines that such a waiver is appropriate under the circumstances.

Before the passage of A.B. 177, existing law authorized the Board to grant an audiologist who engages in the practice of fitting and dispensing hearing aids an endorsement to engage in such practice as a dispensing audiologist. A.B. 177: (1) revised the scope of the practice of audiology and the practice of fitting and dispensing hearing aids to include ordering the use of hearing aids; and (2) repealed the separate endorsement for dispensing audiologists. (NRS 637B.050, as amended by section 14 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 405, NRS 637B.055, as amended by section 15 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 405) **Sections 19, 23, 27 and 29-34** of this regulation accordingly remove references to that endorsement and to dispensing audiologists.

Existing regulations prescribe certain requirements for eligibility as a sponsor of an apprentice, including a requirement for a hearing aid specialist or dispensing audiologist to have experience as a hearing aid specialist or dispensing audiologist for a minimum of 3 years. (NAC 637B.0396) **Section 27** revises such requirements to instead require a hearing aid specialist or audiologist to have experience as a hearing aid specialist for at least 3 years or an audiologist to have fitted and dispensed hearing aids for at least 3 years immediately preceding becoming a sponsor. **Section 28**: (1) removes a requirement for a licensee to notify the Board in writing after a criminal charge is filed against the licensee; and (2) increases, from 10 days to 30 days, the time within which a licensee is required to provide written notice to the Board concerning certain criminal, civil and disciplinary actions taken or filed against the licensee. (NAC 637B.042)

Existing regulations authorize a person or the Board to file or initiate a complaint against a person licensed by the Board who violates a regulation of the Board. Existing regulations further authorize, for any proceedings regarding a complaint against an apprentice, the Board to require that the apprentice be accompanied by any hearing aid specialist or dispensing audiologist who signed, dated or reviewed a record regarding a patient related to the complaint. (NAC 637B.720) **Section 34** of this regulation additionally authorizes the Board to require a speech-language pathology provisional licensee or speech-language pathology assistant to be accompanied by a supervising speech-language pathologist who signed, dated or reviewed a record regarding a patient related to a complaint filed against the speech-language pathology provisional licensee or speech-language pathology assistant.

**Section 1.** Chapter 637B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this regulation.

**Sec. 2.** *“Direct supervision” means the supervision, either in person or by means of telesupervision, of a speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student by a supervising speech-language pathologist who is able, in real time, to view and communicate effectively with the speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student. The term may include, without limitation, observing, coaching, modeling and providing real-time assistance and feedback.*

**Sec. 3.** *“Indirect supervision” means the monitoring and review of the activities of a speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student by a supervising speech-language pathologist that does not occur in real time. The term may include, without limitation, the following activities conducted by the supervising speech-language pathologist:*

- 1. Demonstrations;*
- 2. Review of records;*
- 3. Review and evaluation of recorded sessions; or*

*4. Meetings conducted by telephone, electronic mail or other means of telecommunication that require the speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student to actively engage with the content of the meeting.*

*Sec. 4. "Plan of care" means the written plan developed by a licensee pursuant to subsection 11 of NAC 637B.042 to provide services to meet the needs of a client. The plan of care may include, without limitation, information concerning the treatment of the client and the need to screen, observe, monitor or assess the client.*

*Sec. 5. 1. An applicant for a provisional license to engage in the practice of fitting and dispensing hearing aids pursuant to paragraph (b) of subsection 1 of NRS 637B.201, as amended by section 28 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 410, who meets the requirements of paragraph (b) of subsection 1 of NRS 637B.193, as amended by section 24 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409, but does not meet the requirements of paragraph (a) or (c) of that subsection must provide with his or her application proof satisfactory to the Board that he or she has completed:*

*(a) The academic portion of the training set forth in NAC 637B.0392; and*

*(b) At least 1 year of the on-site training and work experience set forth in NAC 637B.0394, which may include equivalent work experience obtained in the District of Columbia or another state or territory of the United States under a license in good standing to practice as a hearing aid specialist, hearing aid specialist apprentice or an equivalent license.*

*2. An applicant for a standard or temporary license to engage in the practice of fitting and dispensing hearing aids who meets the requirements of paragraph (b) of subsection 1 of*

*NRS 637B.193, as amended by section 24 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409, but does not meet the requirements of paragraph (a) or (c) of that subsection must provide proof satisfactory to the Board that he or she has completed the:*

*(a) Academic portion of the training set forth in NAC 637B.0392; and*

*(b) On-site training and work experience which is competency-based as set forth in NAC 637B.0394 for at least 2 years. Such experience may include equivalent work experience obtained in the District of Columbia or another state or territory of the United States under a license in good standing to practice as a hearing aid specialist, hearing aid specialist apprentice or an equivalent license.*

**Sec. 6. 1.** *Except as otherwise provided in subsection 2, an applicant for a license to practice as a speech-language pathology assistant who meets the requirements of paragraph (a) of subsection 1 of section 9 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404, and does not currently hold or has not previously held a license as a speech-language pathology assistant in the District of Columbia or any state or territory of the United States shall include in his or her application proof satisfactory to the Board of the completion of 75 hours of clinical training. The training must:*

*(a) Include not less than 25 hours of clinical observation and not less than 50 hours of experience in clinical assisting; and*

*(b) Have been completed in the period of time during which the applicant:*

*(1) Completed the program of education for his or her degree in speech-language pathology or communication sciences and disorders, as shown in the transcript of the applicant or verified by:*

*(I) An appropriate member of the staff of the educational institution, which may include, without limitation, a dean, department head or staff member of the office of the registrar; or*

*(II) The supervising speech-language pathologist; or*

*(2) Completed field work for a Speech-Language Pathology Assistants Certification issued by the American Speech-Language-Hearing Association or its successor organization, as evidenced by his or her certification.*

*2. The Board may issue a license to an applicant described in subsection 1 who has not completed 75 hours of clinical training if the applicant submits to the Board with his or her application a clinical training plan that:*

*(a) Meets the requirements of section 7 of this regulation; and*

*(b) Provides for the completion of the 75 hours of clinical training required by this section.*

*3. The applicant shall not begin training pursuant to the clinical training plan until:*

*(a) The Board approves the clinical training plan and issues a license as a speech-language pathology assistant to the applicant; and*

*(b) The supervising speech-language pathologist identified in the clinical training plan has personally verified that the Board has issued a license as a speech-language pathology assistant to the applicant.*

*4. In determining whether to approve a clinical training plan submitted pursuant to subsection 3, the Board may:*

*(a) Request any additional information necessary to evaluate the clinical training plan; and*

*(b) If the Board determines the clinical training plan does not meet the requirements of section 7 of this regulation, require the applicant to submit a revised clinical training plan.*

**Sec. 7. 1.** *A clinical training plan submitted pursuant to section 6 of this regulation must:*

*(a) Require the applicant to complete, within 90 days of the issuance of the license as a speech-language pathology assistant, not less than 75 hours of clinical training that includes not less than:*

*(1) Twenty-five hours of clinical observation; and*

*(2) Fifty hours of experience in clinical assisting;*

*(b) Identify one supervising speech-language pathologist to supervise any hours worked pursuant to the clinical training plan;*

*(c) Require all hours worked by the applicant to be supervised by the supervising speech-language pathologist; and*

*(d) Require not less than 25 percent of the total hours of time spent by the applicant with a client be directly supervised by the supervising speech-language pathologist.*

*2. To meet the requirements of subsection 1, a clinical training plan may include hours of clinical training completed in the period of time during which the applicant completed the program of education for his or her degree in speech-language pathology or communication sciences and disorders or completed field work for a Speech-Language Pathology Assistants Certification issued by the American Speech-Language-Hearing Association or its successor organization. If an applicant submits a clinical training plan that includes such hours, the applicant shall include with his or her clinical training plan proof satisfactory to the Board of the completion of the clinical training hours. Such proof must include, without limitation:*

*(a) If the applicant completed the hours as part of the program of education for his or her degree:*

*(1) A copy of his or her transcript evidencing the completion of the hours; or*

*(2) Verification of the completion of the hours by:*

*(I) An appropriate member of the staff of the educational institution, which may include, without limitation, a dean, department head or staff member of the office of the registrar; or*

*(II) The supervising speech-language pathologist; or*

*(b) If the applicant completed the hours while obtaining a Speech-Language Pathology Assistants Certification issued by the American Speech-Language-Hearing Association or its successor organization, evidence of his or her certification.*

*3. Upon the completion of the clinical training plan:*

*(a) The speech-language pathology assistant shall immediately notify the Board of the completion of the clinical training plan;*

*(b) The supervising speech-language pathologist shall, within 5 business days, notify the Board of the completion of the clinical training plan and submit to the Board:*

*(1) Documentation of:*

*(I) The total number of hours of clinical observation and clinical assisting performed by the speech-language pathology assistant; and*

*(II) The competency of the speech-language pathology assistant in all areas of clinical observation and clinical assisting; and*

*(2) The record of supervision maintained pursuant to paragraph (g) of subsection 4 of section 13 of this regulation; and*

*(c) The speech-language pathology assistant may continue to practice under the direct supervision of the supervising speech-language pathologist identified in the clinical training plan while the Board evaluates the documentation submitted by the supervising speech-language pathologist pursuant to paragraph (b).*

*4. At any time during the period in which a speech-language pathology assistant is working under a clinical training plan, a supervising speech-language pathologist may report to the Board concerns regarding the ethics or competency of the speech-language pathology assistant. The Board may place the license of the speech-language pathology assistant on inactive status during an investigation of any report made pursuant to this subsection.*

**Sec. 8. 1.** *If a speech-language pathology assistant believes that he or she will be unable to complete the clinical training plan within 90 days as a result of extenuating circumstances, he or she may submit a request to the Board to convert his or her license to inactive status. Such a request must:*

*(a) Include, without limitation, a statement of the extenuating circumstances that prevent the speech-language pathology assistant from completing the clinical training plan; and*

*(b) Be accompanied by a statement from the supervising speech-language pathologist of the speech-language pathology assistant approving the placement of the license on inactive status.*

*2. Upon determining that a request for conversion to inactive status meets the requirements of subsection 1, the Board may convert the license of the speech-language pathology assistant to inactive status and suspend the clinical training plan until the license is returned to active status.*

*3. If a speech-language pathology assistant does not complete his or her clinical training plan within 90 days of the issuance of his or her license or his or her revised clinical training program by the date required by subsection 4 or 5, as applicable, he or she shall immediately notify the Board of his or her failure to complete the clinical training plan or revised clinical training plan, as applicable. Upon receiving such notice, the Board will place the license of the speech-language pathology assistant on inactive status. The Board will reinstate a license that has been placed on inactive status pursuant to this subsection only if:*

*(a) The Board grants an extension to the clinical training plan or revised clinical training plan pursuant to subsection 4 or 5, as applicable, and approves the revised clinical training plan; and*

*(b) The speech-language pathology assistant has identified a supervising speech-language pathologist who will supervise the speech-language pathology assistant under the revised clinical training plan.*

*4. A speech-language pathology assistant whose license has been placed on inactive status pursuant to subsection 3 may submit to the Board a request for a 90-day extension to complete the hours required pursuant to subsection 1 of section 7 of this regulation. The request must be accompanied by a revised clinical training plan. Such a revised clinical training plan must include, without limitation, a description of the need for the extension and any extenuating circumstances associated with the need for an extension.*

*5. If a speech-language pathology assistant does not complete a revised clinical training plan submitted pursuant to subsection 4 within 180 days of the issuance of his or her license, he or she may submit to the Board a request for a second extension. Such a request must be accompanied by a revised clinical training plan that includes, without limitation, a description*

*of the need for an extension and any extenuating circumstances associated with the need for an extension. If the Board determines that the request is adequately justified, the Board may grant the extension for a length of time determined by the Board.*

*6. As used in this section, “extenuating circumstances” includes, without limitation:*

*(a) Extreme illness or injury;*

*(b) Extreme financial or familial hardship; or*

*(c) Military service.*

*Sec. 9. 1. A speech-language pathology assistant engaging in the practice of speech-language pathology under a clinical training plan submitted pursuant to section 6 of this regulation or a revised clinical training plan submitted pursuant to this section or section 8 of this regulation:*

*(a) Shall immediately notify the Board if he or she is no longer under the supervision of the supervising speech-language pathologist identified in the clinical training plan or terminates his or her employment with the employer of the supervising speech-language pathologist. After providing notice to the Board, he or she shall submit to the Board for approval a revised clinical training plan that reflects his or her change in supervising speech-language pathologist or employment.*

*(b) Shall not:*

*(1) Engage in the practice of speech-language pathology outside of an approved clinical training plan or in a manner not provided for in the clinical training plan, including any period of time in which a change in employer or supervising speech-language pathologist, an extension to the clinical training plan or any other revision to the clinical training plan is awaiting approval by the Board; or*

*(2) Carry his or her own caseload or engage in any practice of speech-language pathology beyond the scope of observing and assisting with the caseload assigned to the supervising speech-language pathologist identified in the clinical training plan.*

*2. In addition to the requirements set forth in section 13 of this regulation, a supervising speech-language pathologist who supervises a speech-language pathology assistant pursuant to a clinical training plan shall:*

*(a) Supervise all hours worked by the speech-language pathology assistant in accordance with the clinical training plan;*

*(b) Evaluate the competency of the speech-language pathology assistant to perform tasks related to the practice of speech-language pathology;*

*(c) Document the training provided to and supervision of the speech-language pathology assistant and submit such documentation to the Board in accordance with section 7 of this regulation; and*

*(d) Immediately notify the Board if:*

*(1) He or she is no longer employed by the same employer as the speech-language pathology assistant or wishes to withdraw as the supervising speech-language pathologist; or*

*(2) The speech-language pathology assistant:*

*(I) Is no longer under the supervision of the supervising speech-language pathologist;*

*(II) Withdraws from clinical training; or*

*(III) Terminates his or her employment with the employer of the supervising speech-language pathologist.*

**Sec. 10. 1. A speech-language pathology assistant or speech-language pathology student shall:**

**(a) Clearly identify himself or herself, both orally and in writing, as a speech-language pathology assistant or speech-language pathology student, as applicable, to clients, families of clients, caregivers of clients and any other person that the speech-language pathology assistant or speech-language pathology student interacts with in the course of his or her practice of speech-language pathology.**

**(b) Comply with all applicable federal and state laws and regulations, including, without limitation:**

**(1) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto;**

**(2) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto;**

**(3) Laws and regulations relating to reimbursement; and**

**(4) Laws and regulations relating to the licensing and education of and practice of speech-language pathology by speech-language pathology assistants or speech-language pathology students, as applicable.**

**(c) Comply with the standards of ethics adopted by the Board in section 16 of this regulation.**

**2. A speech-language pathology assistant or speech-language pathology student shall not:**

**(a) Interpret assessment tools for the purpose of diagnosing a disability or determining eligibility for services.**

- (b) Except as delegated pursuant to section 14 of this regulation, administer, score or interpret screenings, checklists or clinical assessment tools, including, without limitation, screenings, checklists or clinical assessment tools concerning feeding and swallowing.*
- (c) Interpret the record or evaluation of a client.*
- (d) Counsel or consult a client, a family member of a client or others regarding:*

  - (1) The status or treatment of the client; or*
  - (2) Referrals for additional services for the client.*
- (e) Diagnose a communication disorder or feeding and swallowing disorder.*
- (f) Write, develop or revise the treatment goals or plan of care of a client, including, without limitation, developing or determining feeding and swallowing strategies and precautions.*
- (g) Provide vocal therapy treatment to a client.*
- (h) Unless otherwise required by law, divulge clinical information or other confidential information by any method to any recipient who has not been approved by the supervising speech-language pathologist.*
- (i) Sign or initial any formal documents without the co-signature of the supervising speech-language pathologist.*
- (j) Provide services to a client:*

  - (1) Without access to supervision by a supervising speech-language pathologist; or*
  - (2) That deviate from the plan of care of the client.*
- (k) Select an augmentative or alternative communication system device for a client.*
- (l) Treat a client who is medically fragile without direct supervision at all times by a supervising speech-language pathologist.*

*(m) Perform activities that require specialized knowledge and training, including, without limitation, the shaping or fitting of a vocal tract prosthesis or imaging of the vocal tract.*

*(n) Provide input in a treatment meeting without the presence of or prior approval of a supervising speech-language pathologist.*

*(o) Discharge a client from treatment services.*

*(p) Engage in the practice of speech-language pathology when his or her supervising speech-language pathologist cannot immediately be reached.*

*(q) Perform a task for which direct or indirect supervision by a supervising speech-language pathologist is required by this chapter or chapter 637B of NRS without such supervision.*

*3. Any violation of this section by a speech-language pathology assistant constitutes grounds for disciplinary action.*

*4. Unless otherwise authorized by law, if a speech-language pathology student violates any provision of this section, that violation constitutes engaging in the practice of speech-language pathology without holding a valid license for the purposes of NRS 637B.290, as amended by section 35 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 414.*

*5. As used in this section, “medically fragile” means acutely ill and in an unstable health condition.*

**Sec. 11. 1.** *A speech-language pathology assistant must have one supervising speech-language pathologist who serves as the primary supervisor for the speech-language pathology assistant for each employer of record of the speech-language pathology assistant. Except as otherwise provided in section 7 of this regulation, not more than two speech-language*

*pathologists may serve as alternate supervising speech-language pathologists for each employer of record of the speech-language pathology assistant.*

*2. Except as otherwise provided in sections 6 to 9, inclusive, of this regulation, each speech-language pathology assistant shall submit to the Board in the form prescribed by the Board notice and verification of his or her employment and supervision by a supervising speech-language pathologist:*

*(a) If he or she is employed before the Board issues a license to him or her, within 7 days of the issuance of the license;*

*(b) If he or she is not employed before the Board issues a license to him or her, within 7 days after the date when he or she is first employed; and*

*(c) Within 30 days after a change in employment or supervising speech-language pathologist.*

*3. Not later than 30 days after terminating his or her supervision of a speech-language pathology assistant, a supervising speech-language pathologist shall notify the Board of the termination.*

*4. As used in this section, “supervising speech-language pathologist” includes a supervising speech-language pathologist who serves as an alternate supervising speech-language pathologist.*

**Sec. 12. 1.** *To be eligible to act as a supervising speech-language pathologist, a speech-language pathologist must:*

*(a) Hold a standard license as a speech-language pathologist that is on active status;*

*(b) Have experience as a speech-language pathologist for a minimum of 2 years after obtaining a Certificate of Clinical Competence in Speech-Language Pathology issued by the American Speech-Language-Hearing Association;*

*(c) Have completed not less than 2 hours of professional development in clinical instruction or supervision;*

*(d) If he or she supervises a speech-language pathology provisional licensee or speech-language pathology assistant, be employed by the same employer as the speech-language pathology provisional licensee or speech-language pathology assistant during the term of supervision; and*

*(e) Be in good standing with the Board and have no record of disciplinary action.*

*2. The supervising speech-language pathologist of a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student is not required to be immediately physically present or to maintain a constant presence on the premises where the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student, as applicable, is located. If a supervising speech-language pathologist will be unable to supervise a speech-language pathology provisional licensee or speech-language pathology assistant for more than 1 week, he or she shall:*

*(a) Inform the speech-language pathology provisional licensee or speech-language pathology assistant, as applicable, of the forthcoming absence;*

*(b) Notify the employer of the supervising speech-language pathologist of:*

*(1) The forthcoming absence; and*

*(2) The need to identify an alternate supervising speech-language pathologist for the supervision of the speech-language pathology provisional licensee or speech-language pathology assistant, as applicable; and*

*(c) Inform any clients, families of clients, caregivers of clients or other appropriate persons if any services will be rescheduled as a result of the absence.*

*3. A supervising speech-language pathologist shall not, at any one time, serve as a primary supervising speech-language pathologist for more than a combination of the equivalent of three full-time speech-language pathology provisional licensees, speech-language pathology assistants or speech-language pathology students. In determining the number of persons whom the supervising speech-language pathologist will supervise, the supervising speech-language pathologist must consider his or her ability to continue to provide appropriate services to clients while supervising any speech-language pathology provisional licensees, speech-language pathology assistants or speech-language pathology students.*

*4. A supervising speech-language pathologist is ethically and legally responsible for the welfare of the clients who receive services from a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under his or her supervision.*

**Sec. 13. 1. A supervising speech-language pathologist shall:**

*(a) Develop a supervision plan with each speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under his or her supervision; and*

*(b) Regularly review and revise each supervision plan during the term of supervision to be consistent with the skill and experience demonstrated by the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student to whom the supervision plan applies.*

*2. In developing or revising a supervision plan for a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student pursuant to subsection 1, a supervising speech-language pathologist shall consider:*

*(a) The competency of the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student;*

*(b) The needs of clients;*

*(c) The environment in which the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student provides services to clients;*

*(d) The nature of any tasks previously assigned to the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student;*

*(e) The laws and regulations governing the practice of speech-language pathology and speech-language pathology provisional licensees, speech-language pathology assistants or speech-language pathology students; and*

*(f) If applicable, the requirements of:*

*(1) A clinical fellowship approved by the Board, including, without limitation, guidelines for a clinical fellowship to earn the Certificate of Clinical Competence in Speech-*

*Language Pathology issued by the American Speech-Language-Hearing Association, or its successor organization; or*

*(2) An educational program in which the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student is currently enrolled.*

*3. Only the supervising speech-language pathologist of a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student may provide instruction to the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student concerning the specific treatment of a client. Such instruction may include, without limitation, instruction concerning:*

- (a) The specific program of intervention for a client;*
- (b) Any precaution to be taken to protect a client;*
- (c) Any special conditions of a client that may present problems; and*
- (d) Any procedures that are or are not appropriate to be administered to a client.*

*4. A supervising speech-language pathologist shall:*

*(a) Plan, develop and supervise all client care and services that he or she delegates to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student;*

*(b) Ensure that he or she meets with a client before a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student provides services to the client without direct supervision;*

*(c) During the meeting described in paragraph (b), perform any necessary intake activities, including, without limitation:*

- (1) Establishing rapport with the client;*
- (2) Gathering baseline data for the client; and*
- (3) Obtaining any necessary documentation;*

*(d) When assigning clients or responsibilities, as appropriate, to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student, consider the competence, skills and experience of the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student;*

*(e) For any client who receives services from a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under the supervision of the supervising speech-language pathologist, review the plan of care for the client as needed to determine whether modifications are necessary and make all decisions concerning the management of the client;*

*(f) Provide appropriate supervision of each speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under the supervision of the supervising speech-language pathologist, including, without limitation:*

*(1) At least every 60 days and more frequently if necessary based on the location and frequency of services, providing direct supervision of the provision of services and the performance of associated activities by the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student for every client to whom he or she provides services;*

*(2) Providing at regular intervals indirect supervision of the provision of services and associated activities by the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student for every client to whom he or she provides services; and*

*(3) Conducting regular competency evaluations of each speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under the supervision of the supervising speech-language pathologist;*

*(g) Accurately document and record all supervision provided to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under his or her supervision; and*

*(h) Provide training and educational opportunities for the professional development of each speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student, which may include, without limitation:*

*(1) Training and educational opportunities concerning the practice of speech-language pathology that are consistent with the skills necessary to provide services to clients; and*

*(2) Collaboration with the supervising speech-language pathologist on appropriate projects.*

**Sec. 14. 1.** *Only the supervising speech-language pathologist of a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student may:*

*(a) Delegate services to the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student; or*

*(b) Determine which services in a plan of care are appropriate to delegate to the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student.*

*2. A supervising speech-language pathologist may delegate the responsibilities described in subsection 3 to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student after considering:*

*(a) The needs of the client;*

*(b) The environment in which services are provided to the client;*

*(c) The training and competency of the speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student, as applicable; and*

*(d) If delegating an activity to a speech-language pathology student, any requirements or guidelines of a clinical fellowship or educational program in which the speech-language pathology student is enrolled.*

*3. A supervising speech-language pathologist may delegate:*

*(a) Any activity, including, without limitation, any activity set forth in this subsection or subsection 4, to a speech-language pathology provisional licensee; and*

*(b) The following activities to a speech-language pathology assistant or speech-language pathology student:*

*(1) Assisting with client assessments which may include, without limitation, setting up the testing environment, gathering and preparing materials and taking notes;*

*(2) Implementing plans of care by:*

*(I) Providing direct therapy services to address treatment goals;*

*(II) Adjusting the amount and type of support and scaffolding provided to assist the understanding of a client during treatment; and*

*(III) Developing and providing to a client educational materials and activities that teach or assist the client in practicing skills to meet the treatment goal of the client;*

*(3) Providing coaching to the caregiver of a client to assist in the facilitation and retention of skills to meet the treatment goals of the client;*

*(4) Documenting and reporting the performance of a client to the supervising speech-language pathologist;*

*(5) Providing, as directed by the supervising speech-language pathologist, objective information to a client or the family, caregiver or other appropriate person that:*

*(I) Concerns the performance of a client; and*

*(II) Does not include the interpretation of information or any recommendations;*

*(6) Assisting a client with augmentative and alternative communication devices and materials by:*

*(I) Programming the augmentative and alternative communication devices;*

*(II) Developing augmentative and alternative communication materials for a client who does not require the use of electronic devices or technology; and*

*(III) Providing training and technical assistance to a client or a family member or caregiver of a client concerning the use of augmentative and alternative communication devices;*

*(7) If the supervising speech-language pathologist determines that the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student has sufficient prior training and experiences in working with multilingual*

*clients and knowledge of the specific language of a client, providing limited services and assistance to a client who speaks a language other than English and cannot readily understand or communicate in the English language, including:*

*(I) Assisting the supervising speech-language pathologist with the translation of information during any screening and assessment of the client;*

*(II) Interpreting for the client or his or her family member or caregiver; and*

*(III) Providing services within the scope of the license and abilities of, as appropriate, the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student in the language spoken by the client;*

*(8) Assisting with administrative tasks, including, without limitation:*

*(I) Clerical tasks, including, without limitation, scheduling, recordkeeping and maintaining of inventory of supplies and equipment;*

*(II) Performing safety checks on and maintaining equipment; and*

*(III) Preparing materials for screening, assessment and treatment services; and*

*(9) Engaging in, on behalf of his or her employer with oversight from the supervising speech-language pathologist, advocacy, education and promotion of information concerning communication disorders, swallowing disorders and other disorders treated by speech-language pathologists.*

*4. In addition to the responsibilities set forth in subsection 3, a supervising speech-language pathologist may delegate the administration and scoring of tools for monitoring the progress of a client to a speech-language pathology assistant or speech-language pathology student if:*

*(a) The speech-language pathology assistant or speech-language pathology student meets the requirements specified in the examiner's manual of the applicable tool;*

*(b) The supervising speech-language pathologist has verified the competence of the speech-language pathology assistant or speech-language pathology student to administer the tool; and*

*(c) The supervising speech-language pathologist analyzes the results of the tool and verifies the final score.*

*5. A supervising speech-language pathologist shall not delegate any responsibilities to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student pursuant to this section that are outside of the scope of the license or training of the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student.*

**Sec. 15. 1.** *A licensee, hearing aid specialist apprentice, speech-language pathology provisional licensee or speech-language pathology assistant must include in each application for or renewal of his or her license and any notice provided to the Board of a change of sponsor or change of supervising speech-language pathologist a disclosure concerning whether he or she:*

*(a) Is related by blood, adoption or marriage within the third degree of consanguinity or affinity to his or her supervising speech-language pathologist or sponsor or hearing aid specialist apprentice, speech-language pathology provisional licensee or speech-language pathology assistant; or*

*(b) Has a dating relationship with his or her supervising speech-language pathologist or sponsor or hearing aid specialist apprentice, speech-language pathology provisional licensee or speech-language pathology assistant.*

*2. As used in this section, “dating relationship” means an intimate association primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.*

**Sec. 16. 1.** *The Board hereby adopts by reference the following publications in the forms most recently published:*

*(a) As standards of professional conduct for the practice of speech-language pathology and the practice of audiology, the Code of Ethics, as published by the American Speech-Language-Hearing Association. A copy of this publication is available free of charge at the Internet address <https://www.asha.org/policy/code-of-ethics>.*

*(b) As standards of professional conduct for the practice of audiology in the State of Nevada, the Code of Ethics of the American Academy of Audiology as published by the American Academy of Audiology. A copy of this publication is available free of charge at the Internet address <https://www.audiology.org/about/academy-membership/ethics-2/>.*

*(c) As standards for professional conduct for the practice of fitting and dispensing hearing aids in the State of Nevada:*

*(1) The Code of Ethics of the National Board for Certification in Hearing Instrument Sciences as published by the National Board for Certification in Hearing Instrument Sciences. A copy of this publication is available free of charge at the Internet address <https://www.nbc-his.com/code-of-ethics>.*

*(2) The Code of Ethics of the International Hearing Society as published by the International Hearing Society. A copy of this publication is available free of charge at the Internet address <https://www.ihinfo.org/membership/code-ethics>.*

*2. A copy of any of the publications adopted by reference in subsection 1 may be obtained free of charge from the Board upon written request.*

*3. If the standards adopted in paragraphs (a) and (b) of subsection 1 conflict, the more restrictive standards apply to the practice of audiology in this State.*

*4. If the standards adopted in subparagraphs (1) and (2) of paragraph (c) of subsection 1 conflict, the more restrictive standards apply to the practice of fitting and dispensing hearing aids in this State.*

*5. The Board will periodically review the standards adopted by reference in this section and determine whether any revision made to the standards is suitable for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination and give notice of that hearing within 90 days after the date of the publication of the revision. If, after the hearing, the Board does not revise its determination, the Board will give notice that the revision is not suitable for this State within 90 days after the hearing. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.*

*6. A violation of the provisions of a code of ethics adopted by reference in this section constitutes cause for disciplinary action.*

**Sec. 17.** NAC 637B.014 is hereby amended to read as follows:

637B.014 1. Except as otherwise provided in subsection 2, for the purposes of subsection 1 of NRS 637B.080, *as amended by section 18 of Assembly Bill No. 177, chapter 76, Statutes*

*of Nevada 2025, at page 406*, the provisions of chapter 637B of NRS do not apply to a person who holds a current ~~[credential]~~ *endorsement* issued by the Department of Education *on or before September 30, 2026*, pursuant to ~~[chapter 391 of]~~ NRS *391.019* and any regulations adopted pursuant thereto who engages in the practice of audiology or speech-language pathology, as applicable, *solely* within the scope of that ~~[credential]~~ *endorsement* if the person:

(a) Holds an active teacher's license issued pursuant to chapter 391 of NRS and an endorsement *issued on or before September 30, 2026*, to teach pupils who have hearing impairments or to teach pupils who have speech and language impairments;

(b) Is employed by a public educational institution; and

(c) Does not engage in the practice of audiology or speech-language pathology as an independent contractor or provide services in the private practice of audiology or speech-language pathology.

2. If a person who holds a current ~~[credential]~~ *endorsement* issued by the Department of Education pursuant to ~~[chapter 391 of]~~ NRS *391.019* and any regulations adopted pursuant thereto also holds a valid license to engage in the practice of audiology or the practice of speech-language pathology pursuant to the provisions of chapter 637B of NRS and any regulations adopted pursuant thereto, such a person is subject to the provisions of chapter 637B of NRS and any regulations adopted pursuant thereto ~~[to]~~ *regardless of* the ~~[extent that]~~ *setting where* he or she engages in the practice of audiology or speech-language pathology as an independent contractor or provides services in the private practice of audiology or speech-language pathology.

**Sec. 18.** NAC 637B.030 is hereby amended to read as follows:

637B.030 The Board will charge and collect the following fees:

|   |                  |
|---|------------------|
| Application fee <i>for a standard license, temporary license, provisional license or limited license</i> .....                                    | \$150            |
| <i>Application fee for an apprentice license or assistant license</i> .....   | 75               |
| Fee for a standard license or provisional license .....   | 100              |
| <i>Fee for an apprentice license or assistant license</i> .....   | 50               |
| <i>Fee to exercise compact privilege pursuant to section 1 of Assembly Bill No. 230, chapter 327, Statutes of Nevada 2025, at page 2146</i> ..... | 100              |
| Fee for a temporary license .....   | 50               |
| Fee for a limited license .....   | 25               |
| Fee for renewal of a standard license or provisional license .....  | 100              |
| Fee for renewal of an inactive or temporary license .....   | <del>50</del> 75 |
| <i>Fee for renewal of an apprentice license or assistant license</i> .....  | 75               |
| <i>Fee for renewal to exercise compact privilege</i> .....  | 75               |
| Reinstatement fee for a standard license or provisional license expired   |                  |
| 30 days or more .....   | 100              |
| Reinstatement fee for a standard license or provisional license expired   |                  |
| less than 30 days .....   | 75               |
| <i>Reinstatement fee for an apprentice license or assistant license expired 30 days or more</i> .....   | 75               |
| <i>Reinstatement fee for an apprentice license or assistant license expired less than 30 days</i> .....   | 50               |
| Examination fee .....   | 250              |

|   |    |
|---|----|
| Fee for converting to a different type of license .....           | 50 |
| Fee for each additional license <del>[or endorsement]</del> ..... | 50 |
| Fee for obtaining license information .....                       | 50 |

**Sec. 19.** NAC 637B.034 is hereby amended to read as follows:

637B.034 1. The Advisory Committee on Fitting and Dispensing Hearing Aids is composed of the following members:

(a) At least two members of the Board, one of whom must represent ~~[dispensing]~~ audiologists and one of whom must represent hearing aid specialists; and

(b) Not more than three additional members who are ~~[dispensing]~~ audiologists or hearing aid specialists or any combination thereof.

2. Each member of the Committee must be ~~[a dispensing]~~ *an* audiologist or hearing aid specialist licensed pursuant to chapter 637B of NRS, as applicable, at the time of his or her appointment and must maintain current licensure with the Board.

3. The Committee shall select a Chair from among the members of the Committee who are members of the Board.

4. The Committee shall make recommendations to the Board on all matters relating to the fitting and dispensing of hearing aids, including, without limitation:

- (a) Regulations governing the fitting and dispensing of hearing aids;
- (b) A program of apprenticeship for the fitting and dispensing of hearing aids;
- (c) Examinations and passing scores for written and practical examinations for the fitting and dispensing of hearing aids; and

(d) Investigations of complaints relating to the fitting and dispensing of hearing aids.

5. A quorum of the Committee is three members, at least one of whom must be a member of the Board.

6. Each member of the Committee who is not a member of the Board serves without compensation.

**Sec. 20.** NAC 637B.035 is hereby amended to read as follows:

637B.035 1. Any person seeking licensure by the Board or seeking to renew, reinstate or change the type of a license issued by the Board must submit a completed application on a form provided by the Board.

2. ~~Each~~ *Except as otherwise provided in this section, each* application submitted pursuant to subsection 1 must be accompanied by payment of any fee prescribed by NAC 637B.030.

3. *The Board may waive all or part of a fee required pursuant to this section at a meeting of the Board if the person submits a written request for a waiver. Such a request must include, without limitation, proof satisfactory to the Board of an extenuating circumstance that prevents the payment of the fee. If the Board denies the request, the Board may grant the person additional time to pay the required fee.*

4. *The Board may waive all or part of a fee required pursuant to this section for a group of affected persons at a meeting of the Board if it determines such a waiver is appropriate under the circumstances.*

5. *As used in this section, “extenuating circumstance” includes:*

*(a) Extreme illness or injury;*

*(b) Extreme financial or familial hardship;*

*(c) Military service; and*

*(d) Any other circumstance that the person demonstrates to the Board creates a hardship that prevents the payment of a fee required pursuant to this section.*

**Sec. 21.** NAC 637B.036 is hereby amended to read as follows:

637B.036 1. Each standard and provisional license issued by the Board, including, without limitation, each standard license that has been converted to inactive status, expires 1 year after the date on which the license was issued.

2. An application to renew a license will not be approved unless the application is submitted not later than 30 days after the date on which the license expired.

3. An application for renewal of a license as an audiologist and a license as a speech-language pathologist may be submitted on a single application.

4. An application for the renewal of a provisional license as a hearing aid specialist ~~for a second time~~ *who is subject to the provisions of section 5 of this regulation* must include proof that the licensee ~~has applied to take~~ *is actively engaged in* the ~~National Competency Examination administered by~~ *practice of fitting and dispensing hearing aids for* the ~~National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by~~ *purpose of completing* the ~~Board~~ *on-site training and work experience required by section 5 of this regulation.*

**Sec. 22.** NAC 637B.0363 is hereby amended to read as follows:

637B.0363 ~~1. Except as otherwise provided in subsection 2, the~~ *The* Board may renew a provisional license to engage in the practice of fitting and dispensing hearing aids ~~, which has been issued to a person pursuant to~~ *in accordance with* NRS 637B.201 ~~, if the person has not:~~  
~~—(a) Completed the training required for certification by the National Board for Certification in Hearing Instrument Sciences;~~

~~—(b) Achieved a passing score on the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by the Board; or~~

~~—(c) Completed the training pursuant to paragraph (a) and achieved a passing score on the examination pursuant to paragraph (b).~~

~~—2.] , as amended by section 28 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 410. The Board will not renew [a] the provisional license [which has been issued to] of a person who [has:~~

~~—(a) Completed] is required to complete the on-site training [required for certification by the National Board for Certification in Hearing Instruments Sciences; and~~

~~—(b) Failed to apply to take the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by the Board, at least 60 days before the expiration] specified in section 5 of [the provisional license.] this regulation unless he or she has actively engaged in the practice of fitting and dispensing hearing aids for the purpose of completing such on-site training and work experience during the immediately preceding year.~~

**Sec. 23.** NAC 637B.0374 is hereby amended to read as follows:

637B.0374 1. A hearing aid specialist ~~[or dispensing audiologist]~~ must take the written portion and the practical portion of the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to NRS 637B.194 and NAC 637B.0373 within 6 months after the Board issues a temporary license to engage in the practice of fitting and dispensing hearing aids to the hearing aid specialist ~~[or dispensing audiologist]~~ pursuant to NRS

637B.200 ~~H~~, *as amended by section 27 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 410.*

2. Except as otherwise provided in subsection 3, the Board will renew a temporary license to engage in the practice of fitting and dispensing hearing aids, which has been issued to a hearing aid specialist ~~for dispensing audiologist~~ pursuant to NRS 637B.200, *as amended by section 27 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 410*, for an additional 6 months if the hearing aid specialist ~~for dispensing audiologist~~ has:

- (a) Taken the examination required pursuant to subsection 1; and
- (b) Not achieved a passing score on the written portion or the practical portion of the examination.

3. If a hearing aid specialist ~~for dispensing audiologist~~ does not take the examination required pursuant to subsection 1 within the prescribed time, the temporary license expires and will not be renewed or reissued by the Board.

**Sec. 24.** NAC 637B.0391 is hereby amended to read as follows:

637B.0391 1. Except as otherwise provided in subsection 3, the in-service training of a person who has been issued an apprentice license by the Board pursuant to NRS 637B.195 must consist of:

- (a) An academic portion, as set forth in NAC 637B.0392; and
- (b) An on-site training and work experience portion which is competency-based, as set forth in NAC 637B.0394.

2. An apprentice shall participate in the in-service training set forth in subsection 1 under the direct supervision of a sponsor for a minimum of 2 years and, in accordance with NRS

637B.238, may not serve as an apprentice for more than 3 years without passing the examination set forth in NAC 637B.0373.

3. An apprentice is not required to participate in the in-service training required by this section if the apprentice:

(a) Holds an associate's degree in hearing instrument sciences which is approved by the National Board for Certification in Hearing Instrument Sciences; or

(b) Successfully completes a program of education or training in hearing instrument sciences which is approved by the Board.

4. *An apprentice may receive credit for not more than 2 years of in-service training completed under the supervision of a licensed audiologist, licensed hearing aid specialist or equivalent licensee of the District of Columbia or another state or territory of the United States.*

5. If approved by the Board, an apprentice whose license as an apprentice expired but is reinstated may receive credit for not more than 2 years of in-service training completed during the initial license period.

**Sec. 25.** NAC 637B.0392 is hereby amended to read as follows:

637B.0392 1. The academic portion of the in-service training of an apprentice required by NAC 637B.0391 *or training of a hearing aid specialist required by section 5 of this regulation* must be specific to the training and education necessary to perform competently the duties and responsibilities necessary for the practice of fitting and dispensing hearing aids and must include, without limitation, training and education concerning:

(a) Laws and rules relating to ethics;

(b) Federal laws and rules governing hearing aids;

- (c) Infection controls;
- (d) Basic hearing science;
- (e) Hearing instrument science and fitting practices; and
- (f) Audiometric testing and masking.

2. Except as otherwise provided in subsection 3, a customized program of academic training and a proposed curriculum must be submitted to the Board for evaluation and approval.

3. A program of academic training accepted by the National Board for Certification in Hearing Instrument Sciences, the International Hearing Society or an accredited institution of higher education that meets the minimum requirements of subsection 1 does not require the approval of the Board.

**Sec. 26.** NAC 637B.0394 is hereby amended to read as follows:

637B.0394 1. The on-site training and work experience portion of the in-service training of an apprentice required by NAC 637B.0391 *or training of a hearing aid specialist required by section 5 of this regulation* must consist of a minimum of 16 hours per week and 30 weeks per year and may be completed in conjunction with the academic portion of the in-service training set forth in NAC 637B.0392.

2. The on-site training and work experience portion must include, without limitation, the evaluation of the apprentice's *or hearing aid specialist's* achievement of core competencies concerning:

- (a) Sanitation protocols;
- (b) The identification and documentation of the needs of a client;
- (c) Visual inspections of the ear and otoscopic examinations;
- (d) Audiometric testing;

- (e) The results of hearing evaluations;
- (f) Ear impressions, preparations and molds;
- (g) Physical and electronic checks of hearing aids;
- (h) The fitting, programming, troubleshooting, adjusting and repairing of hearing aids; and
- (i) Client documentation.

3. An apprentice *or hearing aid specialist* and his or her sponsor shall jointly:

(a) Review the progress of the apprentice in achieving each core competency set forth in subsection 2; and

(b) Document the proficiency of the apprentice in each core competency, by signature and date, on a form provided by the Board.

4. The Board may require a sponsor to provide to the Board:

(a) A report on the training of and core competencies achieved by an apprentice ~~and~~ *or hearing aid specialist*; and

(b) Proof of compliance with the supervisory responsibilities of the sponsor.

**Sec. 27.** NAC 637B.0396 is hereby amended to read as follows:

637B.0396 1. To be eligible to act as a sponsor of an apprentice, a hearing aid specialist or ~~audiologist~~ audiologist must:

(a) Hold a standard license that is on active status;

(b) Have experience as a hearing aid specialist *for at least 3 years immediately preceding becoming a sponsor* or ~~as an~~ audiologist *who has fitted and dispensed hearing aids* for ~~a minimum of~~ *at least* 3 years ~~and~~ *immediately preceding becoming a sponsor*;

(c) Be employed by the same employer as the apprentice during the term of the on-site training and work experience portion of the in-service training of the apprentice; and

(d) Be in good standing with the Board and have no record of disciplinary action.

2. A hearing aid specialist or ~~dispensing~~ audiologist shall not sponsor more than two apprentices at one time, and an apprentice shall not have more than two sponsors at one time.

**Sec. 28.** NAC 637B.042 is hereby amended to read as follows:

637B.042 A licensee:

1. Shall not misrepresent, in advertising or otherwise, his or her education, training, type of license or certificate, qualifications, competence or service, or the results to be achieved if he or she provides service to a client.

2. Shall not engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids while the licensee is impaired by:

(a) Alcohol, drugs or any other chemical; or

(b) A mental or physical condition that prevents him or her from safely engaging in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.

3. Shall not use his or her relationship with a client to further his or her own personal, religious, political or business interests.

4. Shall set and maintain professional boundaries with clients, interns and persons with whom the licensee works.

5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that the licensee has not actually and personally provided.

6. Except as otherwise provided in subsection 7, shall not disparage the qualifications of any colleague.

7. Shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of audiology, speech-language pathology or fitting and dispensing hearing aids that is occurring.

8. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his or her field of competence, the scope of the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or the scope of his or her license or certificate.

9. Shall base his or her practice upon the recognized knowledge relevant to audiology, speech-language pathology or fitting and dispensing hearing aids.

10. Shall critically examine and keep current with emerging knowledge relevant to the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.

11. Based upon recognized knowledge and standards for the practice of audiology, speech-language pathology or fitting and dispensing hearing aids, shall prepare and maintain in a timely manner a record for each of his or her clients which:

(a) Sets forth his or her assessment of the problems of the client, plan of ~~action~~ *care* for the client, course of treatment to that client and progress notes regarding the course of treatment of the client; and

(b) Includes copies of other relevant documentation, including, without limitation:

(1) All documents relating to the informed consent given by the client;

(2) All documents relating to the release of information regarding the client; and

(3) All other legal documents regarding the client.

↪ As used in this subsection, “assessment” means an evaluation of the client that is based upon comprehensive information about the client.

12. Shall complete and submit any reports required by this chapter and chapter 637B of NRS, or pursuant to any rule, order or instruction of a court of competent jurisdiction, in a timely manner.

13. Shall comply with the provisions of this chapter and chapter 637B of NRS and all other applicable federal laws and regulations.

14. Shall not authorize a person under the supervision of the licensee to perform services that are outside of the scope of the license, certificate, training or experience of the person performing the services, or allow such a person to hold himself or herself out as having expertise in a field or activity in which that person is not qualified.

15. Shall notify the Board in writing within ~~{10}~~ 30 days after:

(a) An action is taken against any license, certification, registration or other credential held by the licensee that was issued by another state or territory of the United States;

~~(b) {A criminal charge is filed against the licensee};~~

~~—(c)}~~ The licensee is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;

~~{(d)}~~ (c) A civil action, including, without limitation, an action for malpractice, is filed against the licensee; or

~~{(e)}~~ (d) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the licensee for any act relating to the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.

**Sec. 29.** NAC 637B.0442 is hereby amended to read as follows:

637B.0442 1. Except as otherwise provided in this section, a hearing aid specialist ~~{~~ **audiologist}** or ~~{dispensing}~~ audiologist may delegate certain duties to an unlicensed assistant if:

(a) The duty being delegated is within the scope of the license ~~{or endorsement}~~ of the hearing aid specialist ~~{, audiologist}~~ or ~~{dispensing}~~ audiologist; and

(b) The hearing aid specialist ~~[-, audiologist]~~ or ~~[dispensing]~~ audiologist determines, before delegating a duty, that the unlicensed assistant possesses the necessary knowledge, competence, training and skills to perform the duty.

2. If a hearing aid specialist ~~[-, audiologist]~~ or ~~[dispensing]~~ audiologist delegates a duty to an unlicensed assistant, the hearing aid specialist ~~[-, audiologist]~~ or ~~[dispensing]~~ audiologist is responsible and civilly liable for any negligence or incompetence of the unlicensed assistant in performing the duty.

3. The duties that may be delegated to an unlicensed assistant pursuant to this section include, without limitation:

- (a) Cleaning hearing aids and amplification devices;
- (b) Repairing or replacing a broken part of a hearing aid with the same part;
- (c) Replacing a thin tube or dome with a similar size or style;
- (d) Replacing filters;
- (e) Returning to a client a repaired hearing aid that does not require fitting, programming or adjusting;
- (f) Accepting an in-office return of a hearing aid if a receipt is provided to the client to document proof of the return;
- (g) Performing clerical, secretarial and general administrative duties, including, without limitation, providing information that is readily available to the general public;
- (h) Greeting, escorting and scheduling clients;
- (i) Packaging and mailing orders of ear molds, repaired devices and returns to manufacturers or laboratories;
- (j) Maintaining inventories of supplies and checking the function of equipment;

- (k) Performing checks on hearing aids and other amplification devices;
- (l) Performing troubleshooting and minor repairs to hearing aids, earmolds and other amplification devices;
- (m) Performing electroacoustic analysis of hearing aids and other amplification devices;
- (n) Demonstrating alerting and assistive listening devices;
- (o) Verbally instructing a client in proper ear hygiene;
- (p) Assisting a hearing aid specialist ~~[-,audiologist]~~ or ~~[dispensing]~~ audiologist with treatment programs;
- (q) Assisting a hearing aid specialist ~~[-,audiologist]~~ or ~~[dispensing]~~ audiologist with setup and technical tasks;
- (r) Preparing materials for an ear impression;
- (s) Maintaining and restocking test and treatment rooms;
- (t) Performing equipment maintenance and biological checks;
- (u) Performing infection control duties within the clinic;
- (v) Assisting a client in completing a case history or other relevant forms;
- (w) Interacting with a manufacturer or supplier of hearing instruments regarding the status of an order or repair; and
- (x) Translating and interpreting only if the unlicensed assistant is fluent in a language other than English and has the necessary training and skills to perform such translation or interpretation.

4. The following duties that involve direct physical contact with a client or a hearing-related procedure or instrument may be delegated to an unlicensed assistant pursuant to this section:

- (a) Instructing a client in the proper use and care of hearing aids and other amplification devices;
  - (b) Conducting hearing and tympanometric screening on older children and adults without interpretation;
  - (c) Conducting an otoacoustic emission screening;
  - (d) Performing a nondiagnostic otoscopy;
  - (e) Performing a pure-tone audiologic reassessment on an established client;
  - (f) Preparing a client for electronystagmography and videonystagmography or evoked testing;
  - (g) Assisting a hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist in testing the hearing of a pediatric client; and
  - (h) Performing a pure-tone hearing screening and universal newborn hearing screening test.
5. A hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist shall not delegate any duty to an unlicensed assistant pursuant to this section that requires professional or advanced training for the practice of audiology or fitting and dispensing hearing aids. Duties that may not be delegated pursuant to this section include, without limitation:
- (a) Removing a hearing aid from or placing a hearing aid into a client's ear;
  - (b) Programming, adjusting or fitting a hearing aid;
  - (c) Conducting an interview, examination or evaluation relating to a client's hearing or hearing loss;
  - (d) Except for the duties that may be delegated to an unlicensed assistant pursuant to subsection 4, conducting any activity involving direct physical contact with a client and a hearing-related procedure or instrument;

- (e) Determining case selection or evaluation protocols;
- (f) Interpreting observations or data into a diagnostic statement of a clinical management strategy or procedure;
- (g) Participating in a team or case conference or on any interdisciplinary team without the presence of a supervising audiologist or an audiologist designated by the supervising audiologist;
- (h) Writing, developing or modifying a client's individualized treatment plan;
- (i) Assisting a client without following the treatment plan prepared by the respective hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist without proper supervision;
- (j) Composing or signing any formal document such as a treatment plan, reimbursement form, progress note or other report, as applicable;
- (k) Transmitting or disclosing clinical information, either verbally or in writing, to anyone, including, without limitation, the client, without the approval of the supervising hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist;
- (l) Selecting a client for treatment services or discharging a client from treatment services;
- (m) Counseling or consulting with a client, a family member of a client or others regarding the client's status or treatment services or making referrals for additional services; and
- (n) An unlicensed assistant referring himself or herself, either verbally or in writing, with a title other than the one designated by the supervising hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist.

**Sec. 30.** NAC 637B.0446 is hereby amended to read as follows:

637B.0446 1. Except as otherwise provided in subsection 3, a hearing aid specialist or ~~[dispensing]~~ audiologist shall take the pertinent case history of, and perform personally the following minimum procedures bilaterally on, each prospective candidate for a hearing aid:

(a) Pure-tone audiometry, including air-conduction testing and bone-conduction testing through an annually calibrated system.

(b) Live voice audiometry, only if a separate sound-treated room is available, or recorded voice audiometry, including speech-reception threshold testing, most comfortable and uncomfortable level testing, and speech discrimination testing presented through a speech audiometer.

(c) When applicable, effective masking.

(d) Before a hearing test and an ear impression is performed, an otoscopic examination of the ear canal in which the tympanic membrane is visualized.

(e) After an ear impression is performed, an otoscopic examination in which the tympanic membrane is visualized.

2. A hearing aid specialist or ~~dispensing~~ audiologist shall perform each procedure set forth in subsection 1 in a proper environment to obtain accurate results.

3. The minimum procedures set forth in subsection 1 are not required if the person supplies the hearing aid specialist or ~~dispensing~~ audiologist with complete results of the required tests which have been given within the immediately preceding 6 months by a qualified tester who is licensed pursuant to the provisions of this chapter and chapter 637B of NRS.

**Sec. 31.** NAC 637B.0448 is hereby amended to read as follows:

637B.0448 A hearing aid specialist or ~~dispensing~~ audiologist shall:

1. Provide for the service and repair of each hearing aid he or she sells or fits.
2. Provide to each person who orders or purchases a hearing aid from the hearing aid specialist or ~~dispensing~~ audiologist a bill of sale that includes:

- (a) The name of the hearing aid specialist or ~~dispensing~~ audiologist, the address of the principal place of business of the hearing aid specialist or ~~dispensing~~ audiologist and the number of the license of the hearing aid specialist or ~~dispensing~~ audiologist;
- (b) A description of the make, model and serial number of the hearing aid;
- (c) The amount charged for the hearing aid and, if applicable, an itemization of any amount to be deducted from any refund;
- (d) The condition of the hearing aid, indicating whether it is new, used or reconditioned;
- (e) Any accessories provided with the hearing aid;
- (f) The name of the person or entity responsible for providing a refund; and
- (g) The manner in which a hearing aid may be returned, including the business location where the hearing aid may be returned and the business hours during which the hearing aid may be returned.

3. Provide to each person who purchases a hearing aid from the hearing aid specialist or ~~dispensing~~ audiologist a written guarantee that the person may return the hearing aid:

- (a) Within 30 days after receipt of the hearing aid; or
- (b) If the hearing aid is returned to the manufacturer for service or repair during the 30-day period, within 30 days after the hearing aid is returned to the possession of the person who purchased the hearing aid.

4. Schedule at least one appointment with each person who purchases a hearing aid from the hearing aid specialist or ~~dispensing~~ audiologist. The appointment must take place not later than 21 days after the hearing aid is delivered to the person.

5. Within 30 days after a hearing aid and all accessories that accompanied the hearing aid are returned in the same condition as that in which they were received, provide a refund to the person who purchased the hearing aid from the hearing aid specialist or ~~dispensing~~ audiologist.

**Sec. 32.** NAC 637B.045 is hereby amended to read as follows:

637B.045 1. A speech-language pathologist or audiologist shall prepare and retain health care records for each client he or she treats in accordance with NRS 629.051. As used in this subsection, “health care records” has the meaning ascribed to it in NRS 629.021.

2. A hearing aid specialist or ~~dispensing~~ audiologist shall prepare and retain records of fitting, servicing or dispensing a hearing aid for each client he or she treats. The records must be retained for not less than 5 years after the record is prepared and may be created, authenticated and stored in a computer system that limits access to those records or is maintained in any other form which ensures that the records are easily accessible by the hearing aid specialist or ~~dispensing~~ audiologist. Each record must include, without limitation:

- (a) The name, address, telephone number and date of birth of the client;
- (b) The medical history of the client as it relates to his or her loss of hearing;
- (c) The dates on which the hearing aid was delivered, fitted and adjusted, and notations of all procedures performed on such dates, and, if applicable, the date of return or attempted return of the hearing aid;
- (d) Audiograms of the client;
- (e) The specifications of the hearing aid, including the serial number of the hearing aid as indicated by the manufacturer of the hearing aid;
- (f) The settings for the hearing aid;
- (g) The progress and disposition of the case; and

(h) A copy of the contract for the sale of the hearing aid.

**Sec. 33.** NAC 637B.400 is hereby amended to read as follows:

637B.400 1. Except as otherwise provided in subsection 2 of NAC 637B.403 and NAC 637B.430, as a prerequisite for each renewal of a standard license or provisional license, a licensee must complete, during the annual period immediately preceding the renewal, at least 10 hours of continuing education approved by the Board that directly pertains to the profession in which he or she holds a license issued by the Board, including at least 1 hour of continuing education relating to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity and inclusion. If the licensee is ~~fitting and dispensing~~ *an audiologist* ~~and has engaged in the practice of fitting and dispensing hearing aids in the immediately preceding 12 months or intends to engage in the practice of fitting and dispensing hearing aids in the immediately following 12 months, at least 3 of the 10 hours of continuing education must directly relate to the practice of fitting and dispensing hearing aids.~~

2. Legible copies of all receipts, records of attendance, certificates and any other evidence of a licensee's completion of a course of continuing education must be retained by the licensee and made available to the Board for inspection for not less than 3 years after the completion of the course.

3. The Board will conduct random audits of licensees to ensure compliance with the requirements of this section.

4. If a licensee completes more than the required number of hours of continuing education during one licensing period, the licensee is not allowed to credit the excess hours toward the required education for a subsequent period.

5. For the purposes of subsection 1, a course approved by the International Institute for Hearing ~~[Instruments]~~ *Instrument* Studies of the International Hearing Society, American Academy of Audiology, American Speech-Language-Hearing Association, Academy of Doctors of Audiology or Educational Audiology Association is deemed to be approved by the Board.

**Sec. 34.** NAC 637B.720 is hereby amended to read as follows:

637B.720 1. Any person who believes that another person licensed by the Board has violated a provision of this chapter or chapter 637B of NRS may file a complaint with the Board on a form provided by the Board.

2. The Board may, on its own, initiate a complaint against a person licensed by the Board.

3. A complaint must, without limitation:

(a) Identify one or more grounds for disciplinary action; and

(b) Contain a statement of facts in sufficient detail to enable the Board to understand the allegations.

4. The Executive Director of the Board, in consultation with legal counsel, shall review each complaint and decide if the complaint merits an investigation.

5. The Executive Director of the Board shall bring before the Board any complaint found to have merit.

6. For any proceedings regarding a complaint filed against an apprentice, *speech-language pathology provisional licensee or speech-language pathology assistant*, the Board may require that the apprentice, *speech-language pathology provisional licensee or speech-language pathology assistant* be accompanied by any hearing aid specialist, ~~[or dispensing]~~ audiologist *or supervising speech-language pathologist* who signed, dated or reviewed a record regarding a patient related to the complaint.

**Sec. 35.** 1. This section and section 28 of this regulation become effective on the date on which this regulation is filed with the Secretary of State.

2. Sections 1 to 27, inclusive, and 29 to 34, inclusive, of this regulation become effective on the later of January 1, 2026, or the date on which this regulation is filed with the Secretary of State.



## LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

### LCB FILE R026-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 637B.

#### 1. **A clear and concise explanation of the need for the adopted regulation.**

The need and purpose of the proposed regulation is to protect the public health, safety and welfare by ensuring that only qualified and competent speech-language pathologists, audiologists and hearing aid specialists are licensed in the state. The proposed regulation will provide clarity for the public, individuals and licensees through regulation regarding requirements for the following:

##### **Sections 2-3: “Direct Supervision” & “Indirect Supervision”.**

Added to the chapter to address permissible types of supervision for SLP Assistants.

##### **Section 4: “Plan of Care”**

The existing chapter currently uses the term “plan of action” (NAC 637B.042) but with the addition of new sections addressing SLP Assistants, the term was revised to apply to the work of all three practice areas regulated by the Board more universally.

##### **Section 5: Hearing Aid Specialist Academic & On-site Training & Work Experience**

Existing law, NRS 637B.193, requires hearing aid specialist (HAS) applicants to hold National Board Certification in Hearing Instrument Sciences (NBC-HIS). This requirement was removed in section 24 of A.B. 177 (2025), as this certification is costly, requires passage of a paid examination, and is more appropriately targeted as an advanced certification for seasoned practitioners. However, this certification was a convenient vehicle to ensure an applicant had completed sufficient academic training and on-site training and work experience, so this section is intended to clearly delineate education & training required for licensure.

##### **Sections 6-9: SLP Assistant Clinical Training Plan**

An SLP Assistant applicant may be eligible for licensure by holding a Bachelor’s degree in speech-language pathology or communication sciences and disorders, however the Board is aware that many undergraduate programs, including UNR and NSU struggle to provide students with much more than 10 hours of clinical observation, often due to a lack of opportunities or supervisors in the community. The Clinical Training Plan requirement was developed to allow applicants to obtain a license and begin working while completing additional training to obtain a total of 75 hours of clinical training (50 assisting & 25 observing) with additional supervision to supplement the undergraduate education and ensure competence for practice.

##### **Section 10: SLP Assistant Allowable & Prohibited Activities**

Not all activities within the SLP scope of practice are safe or permissible by an SLP Assistant; these sections delineate which activities are allowable when delegated to the assistant by the Supervising SLP, and activities that are always prohibited.

**Sections 11-14: SLP Assistant Supervision**

As a support role, the work of an SLP assistant must be supervised by at least one licensed supervising SLP, and these sections delineate how that supervision must be carried out.

**Section 15: Disclosure of Familial or Dating Relationships**

Both SLP assistants and hearing aid specialist (HAS) apprentices must be supervised by a licensed SLP or HAS at all times, and in some cases, these may be persons related to/known personally to them. These regulations do not prohibit these relationships in recognition of the lack of supervision options in some communities and in support of family businesses. But instead requires disclosure so the Board is aware of these relationships and can take this information into account should a complaint or concern arise regarding a supervisor or supervisee.

**Section 16: Codes of Ethics**

Allows application of a broader scope of standards to supplement the chapter in a more efficient way to stay up to date on evolving professional ethics.

**Section 17: Applicability of Chapter**

Supports the revision by A.B. 177 (2025) to limit exemption from the chapter to only a person who: 1) does not hold a license issued by this Board, 2) holds a current endorsement issued by the Nevada Department of Education (NDE) on or before September 30, 2026, and 3) provides SLP or audiology services as an employee in a public educational setting. This section ensures the Board has authority over all licensees regardless of employment setting. Those allowed to practice in Nevada or treat persons in Nevada without holding a Board license will be limited to a small number of staff working within NDE and “grandfathered” into their current role by recent revisions to NAC 391.

**Section 18: Fees**

Establishes lower initial and renewal license fees for SLP assistants and HAS apprentices, as they earn less than standard licensees. New fees for the issuance and renewal of a privilege-to-practice are established to support participation in the ASLP Interstate Compact, lower than full license fees as the “home” state will be responsible for conducting the full application review and renewal maintenance work. A \$25 increase in the fee for renewal of an inactive or temporary license is included to supplement rising operational costs, but will impact a very small number of licensees.

**Sections 19, 23, 27 and 29-34: “Dispensing” Audiologists & Hearing Aid Endorsement**

Before the passage of A.B. 177 (2025), existing law required an audiologist who engaged in the practice of fitting and dispensing hearing aids to obtain and pay for an additional endorsement to do so, which required passage of both written and practical dispensing examinations. This requirement was deemed redundant as audiologists hold a doctoral degree with extensive clinical training, and most states allow fitting and dispensing without examination or endorsement. The requirement also delayed licensure and imposed additional costs on applicants. This will significantly expedite initial licensing, increase the number of audiologists able to practice in Nevada, and hopefully attract new providers to the state.

**Section 20: Fee Waivers**

This section will provide the Board with the flexibility to waive or reduce fees in cases of licensee hardship or when deemed necessary by administrative changes. For example, when A.B. 177 (2025) takes effect, current “dispensing” audiologists will have paid an additional \$50 toward their license or

renewal for the repealed endorsement to fit and dispense hearing aids. This section will allow the Board to consider refunding all or part of those fees that will not apply after January 1, 2026.

### **Sections 21- 22: Hearing Aid Specialist Provisional License**

As referenced in [section 5](#), existing law, NRS 637B.193 requires hearing aid specialist (HAS) applicants to hold National Board Certification in Hearing Instrument Sciences (NBC-HIS) but was removed in A.B. 177 (2025). Under the current law, a provisional HAS license can be issued to a person meeting all other eligibility criteria for a license except this certification. This section establishes that a provisional license may be instead issued to a person meeting all other eligibility criteria for a license except the training referenced in section 5.

### **Section 23: “Dispensing” Audiologists & Hearing Aid Endorsement**

Please see [section 19](#).

### **Section 24: Apprentice Training Credit**

Allows the Board to accept in-service training completed outside of Nevada to lessen the training time required of an apprentice, reducing costs for the apprentice and expediting their eligibility to obtain a standard license.

### **Sections 25-26**

Makes conforming changes related to [section 5](#).

### **Section 27: Apprentice Sponsorship**

Revises apprentice sponsor eligibility requirements as a conforming change to removal of “dispensing” audiologists referenced in [section 19](#).

### **Section 28: Professional Responsibility**

Removal of the requirement for a licensee to notify the Board in writing after a criminal charge is filed against the licensee provides licensees with a presumption of innocence and mitigates the potential for public/disciplinary action related to an unresolved event. Increasing the time within which a licensee is required to provide written notice to the Board concerning certain criminal, civil and disciplinary actions taken or filed against them provides a more time within which licensees may maintain reporting compliance in the midst of a personal or professional crisis.

### **Sections 29-33: “Dispensing” Audiologists & Hearing Aid Endorsement**

Please see [section 19](#).

### **Section 34: Complaints Against Licensees**

The current chapter allows the Board to require a sponsor of a hearing aid specialist apprentice to be present at any proceeding regarding a complaint against the apprentice. This section extends that authority to SLPs and new SLP assistants, given that supervising SLPs will be responsible for supervising and signing off on SLPA work in the same manner.

**2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

A Public Workshop was held to solicit comments on the proposed regulations on July 9, 2025. Public comment was solicited through the dissemination of a *Notice of Public Workshop* that was sent/posted on June 16, 2025 as follows:

- **Emailed to:** All licensed speech-language pathologists, audiologists, hearing aid specialists, and all persons on the Board’s mailing list for administrative regulations.
- **Deposited with** the State Library, Archives And Public Records Administrator.
- **Posted at the following physical locations:** State of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Specialists Board Office, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523.
- **Posted online at the following websites:**
  - Nevada Speech-Language Pathology, Audiology And Hearing Aid Dispensing Board: <https://www.nvspeechhearing.org/about/minutes.asp>
  - State of Nevada Public Notices: [www.notice.nv.gov](http://www.notice.nv.gov)
  - Nevada Legislature Administrative Regulation Notices, Meetings and Workshops: <https://www.leg.state.nv.us/app/notice/a/>

There were 11 individuals representing businesses, licensees, and the general public in attendance at the Workshop. One written comment was received from the American Speech-Hearing Association (ASHA) in support of the regulations and suggesting amendments regarding a number of areas related to speech-language pathology assistants. The following amendments were approved based on this public comment:

- *Section 17: Applicability of chapter.* Section 2, correct numbering error to redesignate as (1)(c). *Section 6:* Revised “an educational institution” to “an accredited institution” per ASHA public comment and consensus that the term is more appropriate.
- *Section 7: SLPA Clinical Training Plan.* Revise “60 days” to “90 days”. Section 7.b. revise “120 days” to “180 days”, per ASHA public comment and consensus that 90 days is reasonable to allow for completion of the Clinical Training Plan.
- *Section 10: SLPA Allowable & Prohibited Activities.* Revise “Treat a medically fragile client without direct supervision” to “Treat a medically fragile client without 100% direct supervision” per ASHA public comment and consensus that the addition of “100%” will clarify the language to ensure patient safety.
- *Section 12: SLPA Supervision Ratios.* “A supervising speech-language pathologist is responsible for determining the appropriate number of supervisees they can manage within their workload while maintaining the highest level of quality services provided. A supervising speech-language pathologist may not be the supervisor of record for a combined total of no more than three full-time equivalent persons listed below at the same time: (a) Provisional licensees; (b) Speech-language pathology assistants; (c) Students, per ASHA public comment and significant discussion on appropriate ratios to clarify the language to ensure patient safety.

A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board at: 6170 Mae Anne Avenue,

Suite 1, Reno, Nevada 89523. Phone: (775) 787-3421. Email: [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org) Website: <https://www.nvspeechhearing.org/about/Minutes.asp>

**A Public Hearing** was held to solicit comments on the proposed regulations on **October 15, 2025**. Public comment was solicited through the dissemination of a *Notice of Intent to Act Upon a Regulation* that was sent/posted on September 9, 2025 as follows:

- **Emailed to:** All licensed speech-language pathologists, audiologists, hearing aid specialists, and all persons on the Board’s mailing list for administrative regulations.
- **Deposited with** the State Library, Archives And Public Records Administrator.
- **Posted at the following physical locations:** State Of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Specialists Board Office, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523.
- **Posted online at the following websites:**
  - Nevada Speech-Language Pathology, Audiology And Hearing Aid Dispensing Board <https://www.nvspeechhearing.org/about/minutes.asp>
  - State of Nevada Public Notices: [www.notice.nv.gov](http://www.notice.nv.gov)
  - Nevada Office of Emergency Management (OEM ) Recovery Website (per state cyberattack): <https://www.oem.nv.gov/recovery/>
  - Nevada Legislature Administrative Regulation Notices, Meetings And Workshops: <https://www.leg.state.nv.us/app/notice/a/>

There were nineteen (19) individuals representing businesses, licensees, and the general public in attendance at the Public Hearing. No oral or written public comment was offered.

A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board at: 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523. Phone: (775) 787-3421. Email: [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org) Website: <https://www.nvspeechhearing.org/about/Minutes.asp>

**3. The number of persons who:**

- |  |    |
|--|----|
| a) Attended the Public Hearing:                      | 19 |
| b) Testified at the Public Hearing                   | 0  |
| c) Submitted written comments to the Public Hearing: | 0  |

**4. For each person identified in paragraphs (c) and (d) of #3 above, the following information if provided to the agency conducting the hearing:**

Not applicable as no oral or written public comment were received at the Public Hearing.

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The one written comment received during the workshop was received from the American Speech-Hearing Association (ASHA), a national advocacy and professional practice organization. A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-

Language Pathology, Audiology and Hearing Aid Dispensing Board at: 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523. Phone: (775) 787-3421. Email: [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org). Website: <https://www.nvspeechhearing.org/about/Minutes.asp>

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

These regulations were initially developed over the course of six public meetings held between February 2024 and January 2025 by the Board’s Speech-Language Pathology Subcommittee, and were reviewed during the Board’s January 2025 meeting, providing ample opportunity for the public to review and provide input leading up to the Public Workshop and Public Hearing. Edits suggested in a written public comment received at the Public Workshop on July 9, 2025 from the American Speech-hearing Association (ASHA) were included in the language sent to LCB for drafting in July 2025. There was no public comment at the October 15, 2025 Public Hearing and the regulations were adopted without changes from the language drafted by LCB in R026-25P.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

**(a) Both adverse and beneficial effects; and**

There is no expected adverse economic effect of these adopted regulations on businesses or the general public. The Board only regulates individuals in the practice of speech-language pathology, audiology and the fitting and dispensing of hearing aids. The following sections will directly benefit businesses, practitioners, and the general public as follows:

- The regulations support removal of the requirement for audiologists to pass examinations that may delay licensure and maintain a special endorsement at an additional cost.
- The regulations support new licensing for SLP Assistants to support SLPs in Nevada and expand care and access to patients.
- The regulations support removal of the requirement for hearing aid specialists to hold NBC-IHS certification for licensure, which currently delays licensing and imposes an additional cost.
- The regulations establish lower fees for assistants and apprentices, and a new privilege-to-practice fee to support ASLP Interstate Compact participation.

**(b) Both immediate and long-term effects.**

Both immediate and long-term effects will include improving and clarifying existing law and regulatory requirements, increasing licensing opportunities across all three practice areas regulated by the Board, and increasing patient access to highly qualified, licensed practitioners. Businesses may experience the effect of more permissive regulations and more licensed providers to employ.

**8. The estimated cost to the agency for enforcement of the adopted regulations.**

There are no additional costs involved in the enforcement of these adopted regulations.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The Board is not aware of any similar federal, state, or local standards regulating speech-language pathology, audiology and hearing aid dispensing professions. The adopted regulations do not duplicate any federal, state or local standards.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The Board is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

Section 18 establishes:

- New fees for the issuance and renewal of a privilege-to-practice through the ASLP Interstate Compact.
- New fees for the issuance, renewal, and reinstatement of apprentice and assistant licenses, set lower than standard license fees.
- A \$25 increase in the fee for renewal of an inactive or temporary license.

We are unable to determine the amount of these fees to be collected. The Board is self-funded, and all fees collected support Board operations.





State of Nevada  
Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY  
NRS 233B.0608

LCB File No. R026-25 | July 23, 2025

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

It was determined that the proposed regulation did not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. The Board used informed, reasonable judgment in making the determination, due to the nature of the regulation changes. The regulations do the following:

During the 2025 Legislative Session, the Legislature enacted Assembly Bill 177 (AB177) which added new licensing for speech-language pathology assistants (SLP assistant), revised licensing requirements for audiologists and hearing aid specialists (HAS), and made a number of other administrative and conforming changes.

The regulations do the following:

|            |  |
|------------|--|
| Section 1  | Amendment of Chapter   |
| Section 2  | Defines "Direct Supervision"   |
| Section 3  | Defines "Indirect Supervision"   |
| Section 4  | Defines "Plan of Care"   |
| Section 5  | Revises has standard, temporary, & provisional license requirements                      |
| Section 6  | Establishes SLP assistant clinical training requirement                                  |
| Section 7  | Establishes SLP assistant clinical training plan components                              |
| Section 8  | Addresses SLP assistant clinical training plan & inactive status when unable to practice |
| Section 9  | Establishes SLP assistant clinical training plan duties & responsibilities               |
| Section 10 | Establishes SLP assistant required duties and prohibited activities                      |
| Section 11 | Prescribes SLP assistant supervising SLP & reporting requirements                        |
| Section 12 | Prescribes supervising SLP eligibility requirements                                      |
| Section 13 | Establishes general duties of a supervising SLP  |
| Section 14 | Establishes supervising SLP delegation authority   |
| Section 15 | Requires disclosure of SLPA/supervising SLP & HAS-A/sponsor family/dating relationships  |
| Section 16 | Adopts codes of ethics & establishes violations as grounds for disciplinary action       |
| Section 17 | NAC 637B.014 Revises licensing exceptions for school-based personnel per AB177           |
| Section 18 | NAC 637B.030 Revises application, issuance, renewal, & privilege-to-practice fees        |
| Section 19 | NAC 637B.034 Removes references to dispensing audiologists                               |
| Section 20 | NAC 637B.035 Authorizes the Board to waive all or part of a fee                          |
| Section 21 | NAC 637B.036 Revises HAS provisional license renewal requirements                        |
| Section 22 | NAC 637B.0363 Revises HAS provisional license renewal requirements                       |
| Section 23 | NAC 637B.0374 Removes references to dispensing audiologists                              |
| Section 24 | NAC 637B.0391 Authorizes prior training credit for apprentices                           |

|            |               |   |
|------------|---------------|---|
| Section 25 | NAC 637B.0392 | Applies apprentice in-service training requirements to HAS applicants |
| Section 26 | NAC 637B.0394 | Applies apprentice in-service training requirements to HAS applicants |
| Section 27 | NAC 637B.0396 | Revises sponsor requirements & references to dispensing audiologists  |
| Section 28 | NAC 637B.042  | Revises adverse action reporting requirements & adds “plan of care”   |
| Section 29 | NAC 637B.0442 | Removes references to dispensing audiologists                         |
| Section 30 | NAC 637B.0446 | Removes references to dispensing audiologists                         |
| Section 31 | NAC 637B.0448 | Removes references to dispensing audiologists                         |
| Section 32 | NAC 637B.045  | Removes references to dispensing audiologists                         |
| Section 33 | NAC 637B.400  | Revises continuing education requirements for audiologists            |
| Section 34 | NAC 637B.720  | Removes references to dispensing audiologists                         |
| Section 35 |               | Effective Date  |

Comments were solicited from affected businesses in the same manner as they were solicited from the public. No comments were received from small businesses.

A summary of the public response to the proposed regulations may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523, (775) 787-3421, or email to [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org).

Copies of the proposed regulations and notices of workshops were sent and posted as follows:

- Sent via email to the following:
  - All Nevada licensed Speech-Language Pathologists, Audiologists, and Hearing Aid Specialists
  - All persons on the agency’s mailing list for administrative regulations
- Posted online at the following websites:
  - NV Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board  
[www.nvspeechhearing.org](http://www.nvspeechhearing.org)
  - Nevada Public Notices <https://notice.nv.gov/>
  - Nevada Legislature Administrative Regulation Notices  
<https://www.leg.state.nv.us/App/Notice/A/>
- Posted at the following physical location: State of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board Administrative Office: 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523
- Deposited with the Nevada State Library, Archives and Public Records

**2. The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small business.**

The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the nature of the regulation changes. In making this determination, the Board considered whether or not the practice of speech-language pathology, audiology, and hearing aid dispensing practitioners regulated by the Board will be impacted. On the whole, the speech-language pathology, audiology and hearing aid dispensing practices will not be impacted to any degree that a small business will be affected.

**3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation: (a) Adverse and beneficial effects; and (b) Immediate and long-term effects.**

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board has determined that the

adopted regulations do not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.

**a) Adverse and Beneficial Effects:** There will be no adverse economic effect of these adopted regulations on small businesses. The Board regulates individuals in the practice of speech-language pathology, audiology and the fitting and dispensing of hearing aids. The following sections will directly benefit small businesses and the speech-language pathology, audiology and hearing aid dispensing practitioners as follows:

- The regulations support removal of the requirement for audiologists to pass examinations that may delay licensure and maintain a special endorsement at an additional cost.
- The regulations support new licensing for SLP Assistants to support SLPs in Nevada and expanse care and access to patients.
- The regulations support removal of the requirement for hearing aid specialists to hold NBC-IHS certification for licensure, which currently delays licensing and imposes an additional cost.
- The regulations establish lower fees for assistants and apprentices, and a new privilege-to-practice fee to support ASLP Interstate Compact participation.

**b) Direct and Indirect Effects:** Direct effect will be to improve and clarify existing law and regulatory requirements. Indirectly, small businesses may experience the effect of more permissive regulations.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the content and nature of the regulation changes. No other methods were utilized.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

There are no additional costs involved in the enforcement of these adopted regulations.

**6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

Section 18 establishes:

- New fees for the issuance and renewal of a privilege-to-practice through the ASLP Interstate Compact.
- New fees for the issuance, renewal, and reinstatement of apprentice and assistant licenses, set lower than standard license fees.
- A \$25 increase in the fee for renewal of an inactive or temporary license.

We are unable to determine the amount of these fees to be collected, but the Board is self-funded and all fees collected support Board operations.

**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is not aware of any similar federal, state or local standards regulating the practice of speech-language pathology, audiology and hearing aid dispensing. These adopted regulations do not duplicate nor are they more stringent than federal, state or local standards. The impetus for these regulations, AB177 (2025) aligned the Board's practice law with the FDA Final Rule on Over the Counter hearing Aids.

**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board regulates the practice of speech-language pathology, audiology and fitting and dispensing of hearing aids and licenses qualified individuals as speech-language pathologists, audiologists and hearing aid specialists. The adopted regulations do not impact small businesses as the majority of the revisions in the regulations are either administrative in nature or are permissive than the current versions.

*I hereby certify to the best of my knowledge or belief a concerted effort was made to determine the impact of the proposed regulation on small businesses and that this statement was properly prepared, and the information contained herein is accurate.*



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Jennifer R. Pierce, Executive Director



**ADOPTED REGULATION OF THE  
BOARD OF MASSAGE THERAPY**

**LCB File No. R028-25**

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

AUTHORITY: § 1, NRS 640C.320.

A REGULATION relating to massage therapy; requiring a structural integration practitioner to drape a client under certain circumstances; authorizing the exposure of the breast of the client of a massage therapist or structural integration practitioner under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Board of Massage Therapy to establish requirements relating to sanitation, hygiene and safety in the practice of massage therapy, reflexology and structural integration. (NRS 640C.320) Existing law prohibits a massage therapist or structural integration practitioner from massaging, touching or applying any instrument to the breasts of any person unless the person has signed a written consent form. (NRS 640C.700) Existing regulations require a massage therapist to drape a client so that the client’s genitals, gluteal cleft and breast are not exposed during the massage. (NAC 640C.340) **Section 1** of this regulation expands this requirement to additionally apply to structural integration practitioners. **Section 1** authorizes a massage therapist or structural integration practitioner to expose the breast of: (1) a client who is not female where such exposure is not otherwise prohibited; and (2) a female client for a therapeutic or medical purpose under certain prescribed conditions. **Section 1** also provides that the Board will revoke the license of a massage therapist or structural integration practitioner who exposes the breast of a female client without satisfying those conditions.

**Section 1.** NAC 640C.340 is hereby amended to read as follows:

640C.340 **1.** *Except as otherwise provided in subsection 2, a ~~[A]~~ massage therapist or structural integration practitioner shall drape a client, including, without limitation, a client who has signed a written consent form pursuant to paragraph (c) of subsection 4 of NRS 640C.700, by covering the client with a towel, sheet, blanket, linen or other covering in such a manner that:*

~~[1.]~~ (a) The client's genitals ~~[.]~~ and gluteal cleft and , *if the client is female, the client's* breasts are not exposed; and

~~[2.]~~ (b) Neither the massage *or structural integration, as applicable*, nor the movement of the body expose the client's genitals ~~[.]~~ or gluteal cleft or , *if the client is female, the client's* breasts.

2. *A massage therapist or structural integration practitioner may expose the breast of a female client to massage the breast or administer structural integration to the breast, as applicable, if:*

(a) *The massage or structural integration, as applicable, is for a therapeutic or medical purpose, which may include, without limitation, the reduction of scar tissue following a surgery on the breast, the release of myofascial binding or improving lymphatic flow;*

(b) *The massage therapist or structural integration practitioner obtains informed, written consent on a form prescribed by the Board before the massage or structural integration, as applicable;*

(c) *The massage therapist or structural integration practitioner has received at least 48 hours of continuing education credits in person in any of the following:*

- (1) *Anatomy and physiology of the breast;*
- (2) *Pathology, indications and contraindications;*
- (3) *Therapeutic treatment of the breast;*
- (4) *Client safety related to massage of the breast or the administration of structural integration to the breast;*
- (5) *Lymphatic massage, which must include education on lymphatic massage of the breast;*

*(6) Myofascial release massage, which must include education on myofascial release massage of the breast; or*

*(7) Oncology massage;*

*(d) The massage therapist or structural integration practitioner has:*

*(1) Received a written request for massage of the breast or the administration of structural integration to the breast, as applicable, from the client;*

*(2) Been presented with a valid prescription for massage of the breast or the administration of structural integration to the breast, as applicable; or*

*(3) Verified that the client has received a referral from a qualified medical professional for massage of the breast or the administration of structural integration to the breast, as applicable;*

*(e) Not later than 24 hours before the massage or structural integration, as applicable, the massage therapist or structural integration practitioner conducts a consultation, which must include a written description and explanation of the massage or structural integration, with the client; and*

*(f) The massage therapist or structural integration practitioner obtains verbal permission from the client before uncovering the breast.*

*3. A massage therapist or structural integration practitioner who exposes the breast of a female client pursuant to subsection 2 shall maintain the form on which the client provides consent pursuant to paragraph (b) of subsection 2 for at least 2 years after the date of treatment.*

*4. The Board will revoke the license of a massage therapist or structural integration practitioner if the Board determines, after notice and the opportunity for a hearing pursuant*

*to NRS 640C.750, that the massage therapist or structural integration practitioner has exposed the breast of a female client and failed to comply with subsection 2 or 3. A massage therapist or structural integration practitioner whose license is so revoked may apply for reinstatement not less than 3 years after the date of the revocation.*

*5. As used in this section, “qualified medical professional” means:*

- (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;*
- (b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS;*
- (c) An advanced practice registered nurse;*
- (d) A physical therapist;*
- (e) An occupational therapist;*
- (f) A psychologist;*
- (g) A chiropractic physician; and*
- (h) A doctor of Oriental medicine.*

**STATE OF NEVADA  
BOARD OF MASSAGE THERAPY**

**INFORMATIONAL STATEMENT  
LCB File R028-25**

**The following informational statement is provided pursuant to NRS 233B.066**

**(a) A clear and concise explanation of the need for the adopted regulation.**

The Nevada Board of Massage Therapy (“Board”) has proposed changes to the Nevada Administrative Code (“NAC”) Chapter 640C, regarding draping of clients and allowing clients to be undraped when the licensee is performing a breast massage if the licensee has prior written consent of the client. This is needed to ensure access to care for certain therapeutic and medical massages that require the breast to be undraped to allow for proper massaging of the breast.

**(b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.**

Public comment was solicited by conducting a public workshop and then noticed and conducted a public hearing on this matter.

Public comment was supportive of the regulation because of a prior change in the regulation that required all clients to be draped. Public comment was heard that certain techniques used for certain types of clients require the breast to be undraped. The Board discussed ways to ensure the clients were protected to ensure draping was the standard, but a breast could be undraped in certain circumstances.

Interested persons may review a copy of the summary of the public response by contacting Elisabeth Barnard, Executive Director for the Board, at [ebarnard@lmt.nv.gov](mailto:ebarnard@lmt.nv.gov) or 775-687-9951.

**(c) The number of persons who:**

**(1) Attended each hearing:** 14 persons, including Board members and staff, at the October 24, 2025, workshop and 20 persons, including Board members and staff at the December 8, 2025, hearing

**(2) Testified at each hearing:** 1 person testified at the October 24, 2025, workshop and 2 at the December 8, 2025, hearing

**(3) Submitted to the agency written statements: 1**

**(d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing: (1) name (2) telephone number; (3) business address; (4) business telephone number; electronic mail; name of organization.**

People who testified at the October 24, 2025, and December 8, 2025, meetings:

Sally Spurgeon: [sally@therapielv.com](mailto:sally@therapielv.com)

Denise Bolanos: (only the December 8, 2025, hearing)

Written comments received from:

Sally Spurgeon: [sally@therapielv.com](mailto:sally@therapielv.com) (for the October 24, 2025, workshop)

**(e) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Licensees impacted by a prior adopted regulation reached out to the Board regarding their concern that the regulation prohibited them from engaging in certain techniques. The Board held a public workshop to gather more information on the issue and moved forward with a temporary regulation and then moved forward with a permanent regulation and held a subsequent workshop and a public hearing on this matter.

Interested persons may review a copy of the summary of the public response by contacting Elisabeth Barnard, Executive Director for the Board, at [ebarnard@lmt.nv.gov](mailto:ebarnard@lmt.nv.gov) or 775-687-9951.

**(f) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was adopted with a change to add the phrase “if the client is female” to subparagraphs (a) and (b) of subsection 1 and removing paragraph (h) of subsection 5.

**(g) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:**

**(1) Both adverse and beneficial effects:**

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates nor on the public.

Beneficial effects: The changes will enable individuals who seek out massage therapists for certain types of massage will continue to receive the massages to assist in their continued healing.

**(2) Both immediate and long-term effects:**

Immediate effects: The immediate effects are to establish clear guidance on acceptable practices and allow businesses proposing to (continue) offering those services to remain compliant.

Long-term effects: Client will receive services and clear and distinct requirements are set forth for licensees to comply with to ensure safety of the public.

**(h) The estimated cost to the agency for enforcement of the proposed regulation.**

There are no costs to the Board for implementation of this regulation.

**(i) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agencies that overlap this regulation. This regulation does not overlap or duplicate a federal regulation.

**(j) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

This regulation does not contain any provisions which are more stringent than a federal regulation that regulates the same activity.

**(k) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not impose a fee.



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Elisabeth Barnard, Executive Director  
Nevada State Board of Massage Therapy

# Small Business Impact Statement

The Nevada Board of Massage Therapy (“Board”) has proposed changes to the Nevada Administrative Code (“NAC”) Chapter 640C.

The Board made a concerted effort to determine whether the regulation is likely to “[i]mpose a direct and significant economic burden upon a small business” or “[d]irectly restrict the formation, operation or expansion of a small business.” NRS 233B.0608(1). The Board concluded the regulation would not cause these negative impacts or effects, after consultation with the licensing community and other potentially affected parties, professional associations for massage, reflexology and structural integration and internal staff. While the Board determined that there is no Small Business Impact Statement (SBIS) was required, the Board is submitting the following information to reflect how it might respond if a SBIS was required.

RE: NRS 233B.0609 Proposed permanent or temporary regulation: Contents of small business impact statement; person responsible for agency to sign impact statement.

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Internally, the Executive Director of the Board reviewed the draft regulation with staff and legal counsel to determine the potential impact to small businesses. The Board also noticed and will conduct a public workshop. There is a potential to impact small businesses because the Board is revising the way that it charges for an establishment certificate, which may result in an increase in costs associated with that certificate. However, the increase is at most \$50, which is not a significant or negative impact.

Interested persons may review a copy of the summary of the public response by contacting Elisabeth Barnard, Executive Director for the Board, at [ebarnard@lvmt.nv.gov](mailto:ebarnard@lvmt.nv.gov) or at 775-687-9951.

2. The manner in which the analysis was conducted.

The manner in which the analysis was conducted was through reviewing and discussing the proposed changes with the Executive Director of the Board, staff and the Board’s counsel.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects; and

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates or on the public.

Beneficial effects: The proposed changes may prove beneficial to stakeholders by allowing for easier compliance with regulatory requirements. Additionally, the Board’s intention in addressing these changes is to assist the industry with maintaining consistent standards.

(2) Both direct and indirect effects.

Direct effects: The direct effects are to establish clear processes for discipline of establishment certificates, guidance on acceptable practices, and make fees more consistent and simpler to administer.

Indirect effects: Licensees and their businesses may see indirect effects of improved public confidence and expectations for certain types of massage therapy.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

There is not a significant economic impact on small businesses. The Board has considered the need to enforce statutory requirements and the associated costs. After assessing costs and revenues, a simplified fee structure serves that need and keeps impacts consistent across all businesses.

5. The estimated cost to the agency for enforcement of the proposed regulation.

No cost is expected due to the implementation of these regulations.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations do include increased fees. The Board is changing the structure of the way it charges its fees for establishments.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulations do not include provisions which duplicate or are more stringent than federal, state or local standards for regulating the same activity.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses are the result of communications with those most likely to be affected by the changes as well as others which have expertise in the matter. The Board Executive Director has communicated and researched this matter with the Board's attorney, and with staff.

As the Executive Director who is responsible for the Board I certify that, to the best of my knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Sincerely,  
Nevada Board of Massage Therapy



Elisabeth Barnard  
Executive Director  
Nevada Board of Massage Therapy

# Small Business Impact Statement

## Proposed Changes to NAC 640C

The Nevada Board of Massage Therapy (“Board”) has proposed changes to the Nevada Administrative Code (“NAC”) Chapter 640C, regarding revising NAC 640C.340 to clarify when a client needs to be draped (LCB File R028-25).

The Board made a concerted effort to determine whether the regulation is likely to “[i]mpose a direct and significant economic burden upon a small business” or “[d]irectly restrict the formation, operation or expansion of a small business.” NRS 233B.0608(1). The Board concluded the regulation would not cause these negative impacts or effects, after consultation with the licensing community and massage, reflexology and structural integration establishments and other potentially affected parties, professional associations for massage, reflexology and structural integration and internal staff. While the Board determined that no Small Business Impact Statement (SBIS) was required, the Board is submitting the following information to reflect how it might respond if a SBIS was required.

RE: NRS 233B.0609 Proposed permanent or temporary regulation: Contents of small business impact statement; person responsible for agency to sign impact statement.

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Public comment was solicited when a licensee petitioned the Board to engage in revising the regulation to clarify the requirements for draping a client. A public meeting was held wherein the Board engaged in discussions with the licensee who submitted the petition and others in support of the regulatory change. The Board discussed how the changes could be made to ensure the public was still protected. In addition, the Board discussed this in a workshop.

The Executive Director worked with stakeholders to ensure the changes facilitated the Boards function to protect the health, safety and welfare of the public while meeting the needs of small businesses.

Interested persons may review a copy of the summary of the public response by contacting Elisabeth Barnard, Executive Director for the Board, at [ebarnard@lvmt.nv.gov](mailto:ebarnard@lvmt.nv.gov) or at 775-687-9951.

2. The manner in which the analysis was conducted.

The manner in which the analysis was conducted was through reviewing and discussing the comments of various stakeholders affected who sought the change in the regulation, Board staff and the Board during a public meeting, and the Board’s attorney.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects; and

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates or on the public.

Beneficial effects: The changes will enable individuals who seek out massage therapists for certain types of massage will continue to receive the massages to assist in their continued healing.

(2) Both direct and indirect effects.

Direct effects: The direct effects are to establish clear guidance on acceptable practices and allow businesses proposing to (continue) offering those services to remain compliant.

Indirect effects: Licensees and their businesses may see indirect effects improved public confidence and expectations for certain types of massage therapy.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

There is no fiscal impact to licensees. The Board continues to provide education and information to licensees to ensure compliance.

5. The estimated cost to the agency for enforcement of the proposed regulation.

No cost is expected due to the implementation of these regulations.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No new fees are proposed.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

This regulation does not duplicate any other nor is it more stringent.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses are the result of communications with those most likely to be affected by the changes as well as others which have expertise in the matter. The Board Executive Director has communicated and researched this matter with affected stakeholders, with the Board's attorney, and with staff.

As the Executive Director who is responsible for the Board I certify that, to the best of my knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Sincerely,  
Nevada Board of Massage Therapy



Elisabeth Barnard  
Executive Director  
Nevada Board of Massage Therapy





**ADOPTED REGULATION OF THE  
SAGEBRUSH ECOSYSTEM COUNCIL**

**LCB File No. R045-25**

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

AUTHORITY: §§ 1-19, NRS 232.162.

A REGULATION relating to greater sage-grouse; defining certain terms relating to the Nevada Conservation Credit System; setting forth certain requirements relating to the certification of a person as a verifier; establishing requirements and procedures for disciplinary actions taken against a verifier; exempting certain land owned by a tribal government from the requirements of the Nevada Conservation Credit System; revising requirements relating to the maintenance of sagebrush ecosystems and the conservation of the greater sage-grouse; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Sagebrush Ecosystem Council within the State Department of Conservation and Natural Resources and requires the Council to establish a program to mitigate damage to sagebrush ecosystems in this State by authorizing a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations to protect, enhance or restore sagebrush ecosystems. (NRS 232.162) Existing regulations establish the Nevada Conservation Credit System which requires, with certain exceptions, a person or entity that proposes an activity or project on public lands that will cause an adverse impact to the greater sage-grouse or the habitat of the greater sage-grouse to: (1) submit to the Sagebrush Ecosystem Technical Team certain information about the proposed activity or project; (2) work with the Team to avoid and minimize disturbances before mitigation; and (3) have a verifier quantify such impact in the form of debits. (NAC 232.470)

Once the impact to the greater sage-grouse or habitat of the greater sage-grouse is quantified and approved by the Program Manager of the Team, the person or entity is required to, among certain other requirements, mitigate the adverse impact on the greater sage-grouse or the habitat of the greater sage-grouse by: (1) acquiring from or transferring a sufficient number of credits in the Nevada Conservation Credit System to offset the debits; or (2) developing a mitigation plan that generates enough credits to offset the debits. (NAC 232.470) **Section 17** of this regulation authorizes a person or entity to submit to the Council a written appeal of the calculation of debits. **Section 17** also: (1) requires that any credits acquired or transferred from the Nevada Conservation Credit System must be acquired or transferred before a person causes the anthropogenic disturbance; (2) authorizes a person to mitigate a disturbance by implementing certain credit projects that have been preapproved by the Council; and (3) sets forth the credit

projects that have been preapproved. **Section 18** of this regulation makes a conforming change to account for the approval of a credit project by the Team.

**Section 14** of this regulation revises the definition of “public lands” to exclude lands to which title is held by a tribal government, which eliminates the applicability of the Nevada Conservation Credit System to such lands.

**Sections 2 and 3** of this regulation define the terms “credit project” and “debit project.” **Sections 13 and 16** of this regulation make conforming changes to account for the definition of the term “debit project.” **Section 15** of this regulation revises the definition of “verifier.” **Section 12** of this regulation applies the definitions in existing regulations and **sections 2-4** of this regulation to the provisions that govern the Nevada Conservation Credit System and **sections 5-11** of this regulation.

**Section 5** establishes the qualifications for certification as a field verifier or desktop verifier including certain education, experience and training. **Section 5** further requires a person who wishes to be certified as a verifier to apply to the Program Manager of the Team. Additionally, **section 5** provides that a certification as a verifier is valid for 1 year and may be renewed up to four consecutive times by participating in certain training. **Section 6** provides that if the Program Manager denies an application, the applicant may request from the Program Manager a statement of the reasons for the denial. Further, the applicant may appeal the denial to the Council. **Section 19** of this regulation requires the Team to train and certify persons to be verifiers in accordance with certain requirements set forth in **section 5**.

**Section 7** sets forth the grounds for the Program Manager to take disciplinary action against a verifier. **Section 8** authorizes the Program Manager to issue a verbal or written warning that identifies the cause for the warning, any required corrective actions and a timeline for completing such actions. **Section 8** authorizes a verifier who receives such a warning to appeal the warning to the Council within 30 days after receiving the warning. **Section 9** authorizes the Program Manager to issue a notice of a disciplinary hearing if a verifier does not take the proper corrective action in response to a verbal or written warning. **Section 9** requires that such notice and hearing be conducted in accordance with certain provisions of existing law governing contested cases. (NRS 233B.121-233B.150)

**Section 4** defines the term “hearing officer” to mean a person who did not take part in an initial disciplinary action and who is appointed by the Program Manager to oversee disciplinary hearings held pursuant to **section 9**.

**Section 10** authorizes the Program Manager to summarily suspend a certification as a verifier if the Program Manager finds that, based upon the evidence in the possession of the Program Manager, the actions of the verifier pose a threat to life, limb or property or will cause immediate and irreparable harm to the interests of this State which requires emergency action and the immediate summary suspension of the certification. **Section 10** further requires the Program Manager to provide notice of such a suspension and initiate proceedings for a contested case.

**Section 11** authorizes a person whose certification as a verifier was suspended or revoked to reapply for certification after not less than 5 years after the date on which his or her certification was suspended or revoked. **Section 11** further: (1) provides that the person will be on probationary status for 5 years; and (2) requires the Program Manager to immediately initiate disciplinary action against a person who is issued a certification under such circumstances, if the Program Manager has cause to believe that the person has engaged in an activity that is grounds for disciplinary action.

**Section 1.** Chapter 232 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

**Sec. 2.** *“Credit project” means a project or other activity that preserves or improves the habitat of the greater sage-grouse and creates a credit.*

**Sec. 3.** *“Debit project” means a project or other activity that causes an anthropogenic disturbance and creates a debit.*

**Sec. 4.** *“Hearing officer” means a person who did not take part in an initial disciplinary action and who is appointed by the Program Manger to oversee a disciplinary hearing conducted pursuant to section 9 of this regulation.*

**Sec. 5. 1.** *To qualify for an initial certification as a verifier, a person must:*

*(a) For a field verifier:*

*(1) Hold a bachelor’s degree in natural resources management, ecology, forestry, wildlife management or environmental science or have experience equivalent to such a degree;*

*(2) Have at least 2 years of experience with standard quantitative vegetative field data collection methods, including, without limitation, experience with line-intercepts, Daubenmire plots and photo point monitoring;*

*(3) Have at least 1 year of experience using a global positing system; and*

*(4) Successfully complete the training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for an initial certification, including, without limitation, achieving a passing score on any exam offered during such training.*

*(b) For a desktop verifier:*

*(1) Hold a bachelor's degree in geographic information systems, natural resources management, ecology, forestry, wildlife management or environmental science or have experience equivalent to such a degree;*

*(2) Have at least 2 years of experience using a comprehensive geospatial platform to conduct spatial analysis; and*

*(3) Successfully complete the training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for an initial certification, including, without limitation, achieving a passing score on any exam offered during such training.*

*2. A person who wishes to be certified as a verifier shall apply to the Program Manager, on a form prescribed by the Sagebrush Ecosystem Technical Team. The Program Manager shall approve or deny the application for certification. The Program Manger may deny certification to a person who:*

*(a) Does not satisfy the requirements set forth in subsection 1, as applicable; or*

*(b) Has practiced, or attempted to practice, any deception or fraud in the certification or examination of the applicant, or in securing the certification of the applicant.*

*3. A certification as a verifier is valid for 1 year and may be renewed annually up to four consecutive times by participating in training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for the purpose of renewing a certification. After the fourth renewal, a person who wishes to be certified as a verifier must submit a new application for certification in accordance with subsection 1 to remain certified as a verifier.*

*Sec. 6. If the Program Manager denies an application for certification submitted pursuant to section 5 of this regulation, the applicant may:*

*1. Request that the Program Manager provide the applicant with a statement of the reasons for the denial. The Program Manager shall provide the statement upon receiving such a request.*

*2. Appeal the denial to the Sagebrush Ecosystem Council. The appeal must be heard by a hearing officer appointed by the Program Manager or, at the request of the applicant, the Sagebrush Ecosystem Council. If the hearing officer or Sagebrush Ecosystem Council, as applicable, determines that the application should not have been denied, the hearing officer or Sagebrush Ecosystem Council, as applicable, will order the Program Manager to approve the application.*

**Sec. 7. 1.** *The Program Manager may take disciplinary action against a verifier for the following causes:*

*(a) Activity which is incompatible with the conditions of certification of a verifier or that violates state or federal law;*

*(b) Disgraceful or discourteous treatment of the public, the Sagebrush Ecosystem Technical Team or another verifier;*

*(c) Incompetence, inefficiency or inexcusable neglect of duty that creates an undue burden on the Sagebrush Ecosystem Program;*

*(d) Deception or fraud relating to the Nevada Conservation Credit System;*

*(e) Abuse of, damage to or the waste of public equipment, property or supplies because of inexcusable negligence or willful acts;*

*(f) Conviction of any criminal act involving moral turpitude;*

*(g) Any act of violence that arises out of or during the performance of the official duties of the verifier;*

*(h) Repeated violations of any regulation of the Sagebrush Ecosystem Council;*

*(i) Failure to participate in any investigation conducted by or at the request of the Program Manager or the Sagebrush Ecosystem Council into the verifier's performance of his or her duties as a verifier;*

*(j) Failure to act as an unbiased third party and objectively verify project conditions while acting as a verifier; or*

*(k) Acting as a verifier on any debit project:*

*(1) In which the verifier or a family member of the verifier has a pecuniary interest; or*

*(2) That is for a person to whom the verifier or an employee of the verifier has a commitment in a private capacity.*

*2. The Program Manager shall not take disciplinary action against a verifier in response to questions, comments or constructive criticism of the Nevada Conservation Credit System or in retaliation against a verifier.*

*3. As used in this section, "commitment in a private capacity," with respect to the interests of another person, means a commitment, interest or relationship of a verifier or an employee of the verifier to a person:*

*(a) Who is the spouse or domestic partner of the verifier or an employee of the verifier;*

*(b) Who is a member of the household of the verifier or an employee of the verifier;*

*(c) Who is related to the verifier or an employee of the verifier, or to the spouse or domestic partner of the verifier or an employee of the verifier, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;*

*(d) Who employs the verifier or an employee of the verifier, the spouse or domestic partner of the verifier or an employee of the verifier or a member of the household of the verifier or an employee of the verifier;*

*(e) With whom the verifier or an employee of the verifier has a substantial and continuing business relationship; or*

*(f) With whom the verifier or an employee of the verifier has any other commitment, interest or relationship that is substantially similar to a commitment, interest or relationship described in paragraphs (a) to (e), inclusive.*

**Sec. 8. 1.** *If the Program Manager has cause to believe that a verifier has engaged in any action that constitutes grounds for disciplinary action pursuant to section 7 of this regulation, the Program Manager may:*

*(a) Issue a verbal warning to the verifier. The Program Manager shall document the verbal warning, including, without limitation, the cause for the warning and any required corrective actions, and upon the request of the verifier, provide such documentation to the verifier.*

*(b) Issue a written warning by personal delivery or by certified mail at the mailing address identified on the most recent application for certification or application for renewal, as applicable. The written warning must include, without limitation, the cause for the warning, any required corrective actions and a timeline for completing such actions.*

**2.** *Within 30 days after receiving a verbal or written warning, a verifier may appeal the warning to the Sagebrush Ecosystem Council. The appeal must be heard by a hearing officer or, at the request of the verifier, the Sagebrush Ecosystem Council. If the appeal is heard by:*

*(a) A hearing officer, the hearing officer will hold a meeting with the verifier and determine whether the warning was appropriate; or*

*(b) The Sagebrush Ecosystem Council, a meeting must be held in compliance with chapter 241 of NRS at which the Council will determine whether the warning was appropriate.*

**Sec. 9. 1.** *If a verifier does not take the proper corrective action in response to a verbal or written warning issued pursuant to section 8 of this regulation, the Program Manager may issue a notice of a disciplinary hearing to suspend or revoke the certification of the verifier. Such notice and hearing must comply with the provisions governing contested cases in NRS 233B.121 to 233B.150, inclusive. The hearing officer, or at the request of the verifier, the Sagebrush Ecosystem Council, will preside over the proceedings.*

*2. Upon the written agreement of all parties, the date of the hearing may be changed.*

*3. Except as otherwise provided in NRS 233B.126, a verifier may communicate with the Program Manager to seek an explanation of the reasons for the disciplinary action and the related disciplinary procedures.*

*4. A verifier may waive in writing his or her right to a disciplinary hearing. Upon the receipt of such a waiver by the hearing officer or the Sagebrush Ecosystem Council, as applicable, the certification of the verifier must be immediately suspended or revoked, as applicable.*

**Sec. 10. 1.** *The Program Manager may summarily suspend the certification of a verifier without complying with the requirements of section 9 of this regulation if the Program Manager finds that, based upon the evidence in the possession of the Program Manager, the actions of the verifier pose a threat to life, limb or property or will cause immediate and*

*irreparable harm to the interests of this State which require emergency action and the immediate summary suspension of the certification of the verifier.*

*2. If the Program Manager suspends a certification pursuant to subsection 1, the Program Manager shall provide notice of the summary suspension to the holder of the certification by certified mail at the most recent mailing address identified on the application for certification and initiate proceedings for a contested case in accordance with NRS 233B.121 to 233B.150, inclusive, and section 9 of this regulation.*

**Sec. 11.** *1. A person whose certification as a verifier was suspended or revoked may submit an application for certification pursuant to section 5 of this regulation not less than 5 years after the date on which his or her certification was suspended or revoked. The Program Manager may issue a new certification to such a person provided that the person has complied with any orders that arose from the prior disciplinary proceedings.*

*2. If a person is issued a certification pursuant to subsection 1, the person will be placed on probationary status for 5 years after the date the certificate is issued. If the Program Manager has cause to believe that a verifier has engaged in any action that constitutes grounds for disciplinary action pursuant to section 7 of this regulation during the probationary period, the Program Manager shall immediately initiate disciplinary action against the person pursuant to section 8 of this regulation by issuing a written warning.*

**Sec. 12.** NAC 232.400 is hereby amended to read as follows:

232.400 As used in NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 232.405 to 232.450, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 13.** NAC 232.433 is hereby amended to read as follows:

232.433 “Nevada Conservation Credit System” means the system established by the Sagebrush Ecosystem Council pursuant to NRS 232.162 that calculates:

1. Debits that will be caused by a proposed ~~[activity or a]~~ *debit* project.
2. Credits that are created to protect, enhance or restore sagebrush ecosystems.

**Sec. 14.** NAC 232.440 is hereby amended to read as follows:

232.440 “Public lands” means all lands within the exterior boundaries of the State of Nevada except lands to which title is held by any private person, private entity, *tribal government* or local government.

**Sec. 15.** NAC 232.450 is hereby amended to read as follows:

232.450 *1.* “Verifier” means a person trained and certified by the Sagebrush Ecosystem Technical Team to use the habitat quantification tool for the purpose of calculating:

~~[1.]~~ *(a) The credits that will be generated by a credit project;*

*(b) The debits related to an anthropogenic disturbance; and*

~~[2.]~~ *(c) The number of credits necessary to offset ~~[such debits.] a debit project.~~*

*2. The term includes a field verifier and a desktop verifier.*

**Sec. 16.** NAC 232.460 is hereby amended to read as follows:

232.460 *1.* Except as otherwise provided in this section and to the extent it is not prohibited by federal law, the provisions of NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation* apply to any person or entity that proposes ~~[an activity or]~~ *a debit* project on public lands subject to state or federal review, approval or authorization. ~~[that will cause an anthropogenic disturbance.]~~

2. The provisions of NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation* do not apply to:

(a) A direct anthropogenic disturbance on private lands;

(b) An activity or project which was approved by all relevant federal agencies and state agencies before December 7, 2018, so long as the activity or project maintains compliance with any condition or requirement for any such approval;

(c) An activity or project using a mitigation agreement or framework agreement for greater sage-grouse signed by the United States Fish and Wildlife Service before December 7, 2018, and any amendments thereto;

(d) A mineral exploration project which is limited to a surface disturbance of not more than 5 acres;

(e) An activity or project that:

(1) Is necessary to protect public health or safety; or

(2) Will have a de minimis impact to greater sage-grouse and sagebrush ecosystems in this State; or

(f) Any emergency activity or routine administrative activity that:

(1) Is performed by a federal agency, state agency, local government or utility for a public purpose; and

(2) Does not require any additional approval from the Federal Government or the State.

**Sec. 17.** NAC 232.470 is hereby amended to read as follows:

232.470 1. Any person or entity that proposes ~~an activity or~~ a *debit* project on public lands, subject to state or federal review, approval or authorization, that will cause an anthropogenic disturbance shall:

(a) Submit to the Sagebrush Ecosystem Technical Team sufficient information for determining the adverse impact the proposed ~~[activity-or]~~ *debit* project will have to the greater sage-grouse or the habitat of the greater sage-grouse, including, without limitation, geographic information system data files and work with the Sagebrush Ecosystem Technical Team to avoid and minimize such adverse impact to the greatest extent possible; and

(b) Have the direct and indirect impacts of the anthropogenic disturbance:

(1) Quantified by a verifier in terms of the number of debits that the ~~[activity-or]~~ *debit* project will cause. Upon completion of his or her calculations, the verifier shall submit the calculations to the Program Manager. The Program Manager shall use the habitat quantification tool and available field data to conduct a quality assurance of the calculations of the verifier not later than 30 days after the verifier submits his or her final calculations to the Program Manager. If there is a difference between the calculations of debits by the verifier and Program Manager, the Program Manager will work with the verifier to finalize the calculation. If there is still a difference between the calculations of debits by the verifier and the Program Manager, the calculations of debits by the Program Manager apply to the ~~[activity-or]~~ *debit* project. ~~[; and]~~ *The person or entity proposing the debit project may submit a written appeal of the calculation of the debits to the Sagebrush Ecosystem Council. The Council will consider the appeal at its next regularly scheduled meeting, at which time the Council will render a decision on the matter by formal action.*

(2) Mitigated by:

(I) Acquiring from or transferring a sufficient number of credits in the Nevada Conservation Credit System to offset the number of debits determined pursuant to subparagraph (1) ~~[; or]~~ *before the person or entity causes the anthropogenic disturbance;*

(II) Developing a mitigation plan with the Sagebrush Ecosystem Technical Team approved by the Sagebrush Ecosystem Council pursuant to subsection ~~[2]~~ 3 that will generate enough credits to offset the direct and indirect adverse impacts the proposed ~~[activity or]~~ *debit* project will have to the greater sage-grouse or the habitat of the greater sage-grouse ~~[ ]~~; *or*

*(III) Subject to the approval and administration of the Sagebrush Ecosystem Technical Team, implementing a credit project set forth in subsection 3 that has been preapproved by the Council. The Sagebrush Ecosystem Technical Team shall consider the factors set forth in subsection 2 to determine whether the credit project will generate enough credits to offset the direct and indirect adverse impacts the proposed debit project will have to the greater sage-grouse or the habitat of the greater sage-grouse.*

2. In determining whether to approve a mitigation plan ~~[ ]~~ *developed pursuant to subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1*, the Sagebrush Ecosystem Council must consider:

- (a) The conservation actions that are included in the plan and the number of credits to be generated from such conservation actions;
- (b) The location where the credits will be generated;
- (c) The length of time necessary to generate the credits;
- (d) The length of time the credits will be maintained;
- (e) Whether the credit durability provisions of the plan include appropriate mechanisms to ensure that a sufficient number of credits will be maintained for the appropriate amount of time; and
- (f) Whether the financial provisions ensure maintenance of the credits for the duration of the ~~[activity or]~~ *debit* project.

**3. *The following credit projects are preapproved by the Council:***

- (a) Meadow improvement;***
- (b) Pinyon-juniper woodland removal;***
- (c) Fire restoration or rehabilitation;***
- (d) Invasive weeds treatment; and***
- (e) Anthropogenic disturbance removal.***

**Sec. 18.** NAC 232.475 is hereby amended to read as follows:

232.475 1. Not later than 10 working days after completion of the process set forth in NAC 232.470, the Program Manager must issue to the person or entity that is proposing the ~~[activity or]~~ ***debit*** project a certification of mitigation that sets forth:

(a) The number of credits that the person or entity will acquire from or transfer to the Nevada Conservation Credit System; ~~[or]~~

(b) The mitigation plan approved by the Sagebrush Ecosystem Council pursuant to NAC 232.470 that will mitigate the direct and indirect adverse impacts that the proposed ~~[activity or]~~ ***debit*** project will have to the greater sage-grouse or the habitat of the greater sage-grouse ~~[.]~~ ***;*** ***or***

***(c) The preapproved credit project that the person will implement approved by the Sagebrush Ecosystem Technical Team.***

2. The person or entity to whom a certification of mitigation is issued must ensure compliance with the terms set forth in the certification of mitigation for the duration of the ~~[activity or]~~ ***debit*** project.

**Sec. 19.** NAC 232.480 is hereby amended to read as follows:

232.480 The Sagebrush Ecosystem Technical Team shall:

1. Train and certify persons to be verifiers ~~{}~~ *in accordance with the requirements set forth in section 5 of this regulation;* and
2. Maintain a list on the Internet website of the Sagebrush Ecosystem Program of all verifiers who have been so trained and certified for the current calendar year.



## Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 232.

### **1. A clear and concise explanation of the need for the adopted regulation.**

The Sagebrush Ecosystem Program was tasked with establishing a mitigation framework to offset adverse impacts to the sagebrush ecosystem, while allowing for activities important to Nevada's economy on public lands. The mitigation framework put in place was the Conservation Credit System, which seeks to create net conservation gain for the Greater Sage-grouse through the generation of credits (units of Greater Sage-grouse habitat benefit) to offset debits (units of Greater Sage-grouse habitat loss).

NAC 232 contains Sagebrush Ecosystem Council regulations. Additional definitions and clarifying language are needed to reduce ambiguity. NAC 232.480 provides authority to the Sagebrush Ecosystem Technical Team to train and certify verifiers who are authorized to conduct work for the Sagebrush Ecosystem Program. Verifiers are hired by CCS project proponents to act as an unbiased third-party and accurately assess ecosystem conditions at potential project sites. The proposed regulation changes will codify 1) requirements for becoming and remaining a certified verifier for the CCS, and 2) the verifier decertification process for when rules and/or standards are not adhered to.

Adding clarity to the requirements for obtaining verifier certification will ensure that verifiers are adequately experienced and trained to conduct work for the Sagebrush Ecosystem Program. Adding accountability through a detailed decertification process will ensure that certification can be revoked if verifiers become a risk to the integrity, or burden to the workload, of the program.

Overall, the proposed regulation amendment will enhance the efficiency and credibility of the Sagebrush Ecosystem Program.

### **2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the Sagebrush Ecosystem Program and the verifier certification and decertification processes, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Sagebrush Ecosystem Program (SEP), [www.sagebrusheco.nv.gov](http://www.sagebrusheco.nv.gov), the Nevada Public Notice website, <https://notice.nv.gov/>, the State of Nevada Register of Administrative Regulations website, <https://www.leg.state.nv.us/register/>, mailed to all county libraries in Nevada, and posted at the following locations:

Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City, NV 89701  
Nevada State Library and Archives, 100 S. Stewart Street, Carson City, NV 89701  
Sagebrush Ecosystem Program, 201 S. Roop Street, Carson City, NV 89701  
Department of Agriculture, 405 South 21<sup>st</sup> Street, Sparks, NV 89431  
Department of Wildlife, 6980 Sierra Pkwy #120, Reno, NV 89512  
Department of Wildlife, 1100 Valley Road, Reno, NV 89511  
Department of Wildlife, 4082 Reno Hwy, Fallon, NV 89406  
Capitol Building, 101 North Carson Street, Carson City, NV 89701

Legislative Building, 401 South Carson Street, Carson City, NV 89701  
Nevada Way Building, 1 State of Nevada Way, Las Vegas, NV 89119

A workshop was held to discuss proposed regulation amendments on September 2, 2025. Thereafter, on October 15, 2025, the Sagebrush Ecosystem Program issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendments any suggestions of the parties attending the September 2nd workshop as well as the recommendations of the Sagebrush Ecosystem Council. A public hearing was held on November 17, 2025 to provide a final opportunity for public input on the proposed regulation amendments, and during which the regulations were adopted with minor revisions provided by the Sagebrush Ecosystem Council.

No public comment was received either during the workshop, hearing, or in writing, thus there is no summary of the public response to the proposed regulation amendment.

Minutes of the public workshop and subsequent hearing(s) capture the discussions held regarding the amended regulation. These may be obtained online at [https://sagebrusheco.nv.gov/Meetings/2025/2025\\_Meetings\\_of\\_the\\_Sagebrush\\_Ecosystem\\_Council/](https://sagebrusheco.nv.gov/Meetings/2025/2025_Meetings_of_the_Sagebrush_Ecosystem_Council/).

**3. The number persons who:**

**(a) Attended each hearing:** November 17, 2025: 16 (7 council members and ex-officio members, 5 staff, 4 public)

**(b) Testified at each hearing:** November 17, 2025: 0

**(c) Submitted to the agency written comments:**

No written comments were submitted.

**4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency.**

Attached as Appendix A.

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

The Sagebrush Ecosystem Program (SEP) sent a questionnaire out to all known affected businesses, which included independent consultants, consulting firms, ranches, and mining/energy/technology companies. It was determined that there are 115 small businesses in Nevada that may be impacted by the regulation change. All entities captured and not captured by this mailing were able to voice their concerns during the workshop on September 2, 2025 in the Tahoe 2-E Conference Room at the Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, Nevada, and during the public hearing on November 17, 2025 in the SEP Conference Room at 201 S. Roop St., Suite 101, Carson City, Nevada 89701.

Of the one hundred and fifteen questionnaires sent out, two were undeliverable, and zero were returned with answers. No public comment was received during the workshop and subsequent hearing, or in writing from potentially affected businesses.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted on November 17, 2025 and included all of the changes suggested at the workshop and public hearing held on November 17, 2025. Minor revisions from the hearing are highlighted in yellow in the attached regulation language.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

**(a) Both adverse and beneficial effects; and**

**(b) Both immediate and long-term effects.**

**(a) Both adverse and beneficial effects**

The proposed regulations will clarify definitions and NAC language in a manner that aligns with current policy to prevent confusion or misinterpretation. The proposed regulations will also codify two SEP policies that relate to third-party verifiers for the CCS. Verifiers are consultants hired by CCS project proponents to act as an unbiased third-party to accurately assess ecosystem conditions at a potential project site for Greater Sage-grouse mitigation. The proposed regulation changes will add definitions of Credit Obligation, Credit Project, and Debit Project, will clarify language in several sections throughout, and will codify 1) requirements for becoming and remaining a certified verifier for the CCS, and 2) the verifier decertification process for when rules and/or standards are not adhered to.

The proposed regulation change will not directly affect small businesses, but has the potential for indirect economic effects, both adverse and beneficial.

Adverse economic effects could arise from the cost of traveling to the Reno/Carson City area for the full in-person training, required once every five years for each person certified. Additionally, adverse effects could occur if a certified verifier chooses not to adhere to rules and standards set forth by the SEP and is subsequently decertified through a standardized process and disciplinary hearing. Decertification would result in a loss of opportunity to conduct work as a verifier for the CCS, and the associated loss of income. For other small businesses, indirect economic effects could occur from the need to hire a new verifier and potential project delays if their verifier is decertified.

Indirect beneficial economic effects on small businesses are also expected as a result of this regulation change. Once certified, verifiers can generate significant income by performing work for CCS Project Proponents (on average, rates for consulting work can range from approximately \$100 - \$200/hour). Additionally, by requiring rigorous training and holding verifiers accountable when they do not adhere to the SEP's rules and standards, the SEP can ensure that small businesses who hire verifiers will not pay extraneous consulting charges or experience significant project delays when work is completed inefficiently or incorrectly.

**(b) Both immediate and long-term effects.**

The proposed regulation will not have an immediate effect on the public or the businesses this regulates. The proposed regulation will clarify definitions and NAC language in a manner that aligns with current policy to prevent confusion or misinterpretation and codify two SEP policies that relate to third-party verifiers for the CCS. These policies are already internally in place but are being added to regulations for transparency.

Determining long-term impacts based on this regulation are complex. Verifier certification costs the consulting firm money, just as any licensing does. Decertification would result in a loss of opportunity to conduct work as a verifier for the CCS, and the associated loss of income, and there would be the need to hire a new verifier by the project proponent and potential project delays if their verifier is decertified. Potential negative long-term impacts could be increased costs from the verifiers or the project proponents should a verifier be decertified, which could cause a trickle-down effect to other small businesses and the public in the way of increased costs.

However, the potential long-term beneficial impact, one that has been the goal of this regulation, is increased quality of work by hired verifiers due to the possibility of decertification. That could reduce costs as work becomes more streamlined and efficient, which fewer returning of work by Program staff.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

The enforcement of the regulation falls within current operations of the Program; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This Regulation does not duplicate any existing federal, state, or local standards regulating the same activity.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

This Regulation does not duplicate any existing federal, state, or local standards regulating the same activity, thus it is not more stringent than a federal regulation relating to the same activity.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increase an existing fee.

## Appendix A. List of all Workshop and Hearing Attendees

### Workshop: September 2, 2025

| Name             | Affiliation                 | Attendance | Address  | Phone Number | Email Address  | Small Business? |
|------------------|-----------------------------|------------|--|--------------|--|-----------------|
| Kathleen Steele  | Sagebrush Ecosystem Program | In-person  | 201 S. Roop St., Suite 101, Carson City, NV 89701        | 775.687.2005 | ksteele@sagebrushheco.nv.gov   | No              |
| Sarah Hale       | Sagebrush Ecosystem Program | In-person  | 201 S. Roop St., Suite 101, Carson City, NV 89701        | 775.687.2001 | sarah.hale@sagebrushheco.nv.gov  | No              |
| Casey Adkins     | Sagebrush Ecosystem Program | Virtual    | 201 S. Roop St., Suite 101, Carson City, NV 89701        | 775.687.2003 | Casey.adkins@sagebrushheco.nv.gov  | No              |
| Cheyenne Acevedo | Sagebrush Ecosystem Program | Virtual    | 201 S. Roop St., Suite 101, Carson City, NV 89701        | NA           | NA   | No              |
| Isabella Ocava   | Lithium Americas            | Virtual    | Not provided   | Not provided | <a href="mailto:Isabella.ocava@lithiumamericas.com">Isabella.ocava@lithiumamericas.com</a>   | No              |
| LeeAnn Havelka   | Commnet Broadband           | Virtual    | Not provided   | Not provided | <a href="mailto:LeeAnn.Havelka@commnetbroadband.com">LeeAnn.Havelka@commnetbroadband.com</a> | No              |
| Alexis Leidigh   | Commnet Broadband           | Virtual    | Not provided   | Not provided | Alexis.Leidigh@commnetbroadband.com  | No              |
| Tessa Behnke     | UFS Consulting Services     | Virtual    | 6995 Sierra Center Parkway, Reno, NV 89511               | 707.972.2712 | tbehnke@teamues.com  | No              |
| Cathy Erskine    | Nevada DCNR                 | Virtual    | 901 S. Stewart Street Carson City NV 89701 United States | 775.684.2705 | c.erskine@dcnr.nv.gov  | No              |
| Danielle Goodman | Y2 Consultants              | Virtual    | PO Box 2870, Jackson, WY 83001                           | 307.733.2999 | danielle@y2consultants.com   | Yes             |
| Lauren Drown     | Rocky Mountain West Telecom | Virtual    | Not Provided   | Not provided | lauren.drown@rmwt.com  | Yes             |

**Public Hearing: November 17, 2025**

| <b>Name</b>       | <b>Affiliation</b>                             | <b>Attendance</b> | <b>Address</b>                                    | <b>Phone Number</b> | <b>Email Address</b>   | <b>Small Business?</b> |
|-------------------|--|-------------------|---|---------------------|--|------------------------|
| Chris Mackenzie   | Sagebrush Ecosystem Council, Chair             | In-person         | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2000        | Not disclosed  | No                     |
| Jake Tibbitts     | Sagebrush Ecosystem Council, Vice Chair        | Virtual           | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2000        | Not disclosed  | No                     |
| Kyle Davis        | Sagebrush Ecosystem Council, Member            | Virtual           | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2000        | Not disclosed  | No                     |
| Bevan Lister      | Sagebrush Ecosystem Council, Member            | Virtual           | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2000        | Not disclosed  | No                     |
| Daphne Emm Hooper | Sagebrush Ecosystem Council, Member            | Virtual           | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2000        | Not disclosed  | No                     |
| Mathew Johns      | Sagebrush Ecosystem Council, Member            | Virtual           | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2000        | Not disclosed  | No                     |
| Cheva Gabor       | Sagebrush Ecosystem Council, Ex-Officio Member | Virtual           | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2000        | Not disclosed  | No                     |
| Kathleen Steele   | Sagebrush Ecosystem Program                    | In-person         | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2005        | ksteele@sagebrusheco.nv.gov  | No                     |
| Sarah Hale        | Sagebrush Ecosystem Program                    | In-person         | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2001        | sarah.hale@sagebrusheco.nv.gov   | No                     |
| Casey Adkins      | Sagebrush Ecosystem Program                    | In-person         | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2003        | <a href="mailto:Casey.adkins@sagebrusheco.nv.gov">Casey.adkins@sagebrusheco.nv.gov</a> | No                     |
| Skyler Monaghan   | Sagebrush Ecosystem Program                    | In-person         | 201 S. Roop St., Suite 101, Carson City, NV 89701 | 775.687.2004        | Smonaghan@sagebrusheco.nv.gov  | No                     |

|               |                                       |         |  |              |                             |     |
|---------------|---------------------------------------|---------|--|--------------|-----------------------------|-----|
| Nicole Ting   | Nevada Office of the Attorney General | Virtual | 100 N. Carson Street<br>Carson City, NV 89701                  | 775.684.1213 | nnting@ag.nv.gov            | No  |
| Alan Klebenow | Nexus Environmental Consulting        | Virtual | Not Provided   | 775.385.5328 | alan.klebenow@nexus-env.com | Yes |
| Astrea Strawn | NDOW                                  | Virtual | NDOW<br>6980 Sierra Center Pkwy, Ste 120<br>Reno, Nevada 89511 | 775.688.1561 | astrawn@ndow.org            | No  |
| Todd Allai    | NRCS                                  | Virtual | Not Provided   | Not Provided | Todd.Allai@usda.gov         | No  |
| Tim Bowden    | BLM                                   | Virtual | BLM, Nevada State Office                                       | 530-708-5880 | tbowden@blm.gov             | No  |

## **Appendix B. Summary of Comments and Responses**

No public comment received.

**PROPOSED REGULATION OF THE  
SAGEBRUSH ECOSYSTEM COUNCIL**

**LCB File No. R045-25**

October 13, 2025

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

AUTHORITY: §§ 1-19, NRS 232.162.

A REGULATION relating to greater sage-grouse; defining certain terms relating to the Nevada Conservation Credit System; setting forth certain requirements relating to the certification of a person as a verifier; establishing requirements and procedures for disciplinary actions taken against a verifier; exempting certain land owned by a tribal government from the requirements of the Nevada Conservation Credit System; revising requirements relating to the maintenance of sagebrush ecosystems and the conservation of the greater sage-grouse; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law creates the Sagebrush Ecosystem Council within the State Department of Conservation and Natural Resources and requires the Council to establish a program to mitigate damage to sagebrush ecosystems in this State by authorizing a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations to protect, enhance or restore sagebrush ecosystems. (NRS 232.162) Existing regulations establish the Nevada Conservation Credit System which requires, with certain exceptions, a person or entity that proposes an activity or project on public lands that will cause an adverse impact to the greater sage-grouse or the habitat of the greater sage-grouse to: (1) submit to the Sagebrush Ecosystem Technical Team certain information about the proposed activity or project; (2) work with the Team to avoid and minimize disturbances before mitigation; and (3) have a verifier quantify such impact in the form of debits. (NAC 232.470)

Once the impact to the greater sage-grouse or habitat of the greater sage-grouse is quantified and approved by the Program Manager of the Team, the person or entity is required to, among certain other requirements, mitigate the adverse impact on the greater sage-grouse or the habitat of the greater sage-grouse by: (1) acquiring or transferring from or transferring a sufficient number of credits in the Nevada Conservation Credit System to offset the debits; or (2) developing a mitigation plan that generates enough credits to offset the debits. (NAC 232.470) **Section 17** of this regulation authorizes a person or entity to submit to the Council a written appeal of the calculation of debits. **Section 17** also: (1) requires that any credits acquired or transferred from the Nevada Conservation Credit System must be acquired or transferred before a person causes the anthropogenic disturbance; (2) authorizes a person to mitigate a disturbance by implementing certain credit projects that have been preapproved by the Council; and (3) sets

forth the credit projects that have been preapproved. **Section 18** of this regulation makes a conforming change to account for the approval of a credit project by the Team.

**Section 14** of this regulation revises the definition of “public lands” to exclude lands to which title is held by a tribal government, which eliminates the applicability of the Nevada Conservation Credit System to such lands.

**Sections 2 and 3** of this regulation define the terms “credit project” and “debit project.” **Sections 13 and 16** of this regulation make conforming changes to account for the definition of the term “debit project.” **Section 15** of this regulation revises the definition of “verifier.” **Section 12** of this regulation applies the definitions in existing regulations and **sections 2-4** of this regulation to the provisions that govern the Nevada Conservation Credit System and **sections 5-11** of this regulation.

**Section 5** establishes the qualifications for certification as a field verifier or desktop verifier including certain education, experience and training. **Section 5** further requires a person who wishes to be certified as a verifier to apply to the Program Manager of the Team. Additionally, **section 5** provides that a certification as a verifier is valid for 1 year and may be renewed up to four times by participating in certain training. **Section 6** provides that if the Program Manager denies an application, the applicant may request from the Program Manager a statement of the reasons for the denial. Further, the applicant may appeal the denial to the Council. **Section 19** of this regulation requires the Team to train and certify persons to be verifiers in accordance with certain the requirements set forth in **section 5**.

**Section 7** sets forth the grounds for the Program Manager to take disciplinary action against a verifier. **Section 8** authorizes the Program Manager to issue a verbal or written warning that identifies the cause for the warning, any required corrective actions and a timeline for completing such actions. **Section 8** authorizes a verifier who receives such a warning to appeal the warning to the Council within 30 days after receiving the warning. **Section 9** authorizes the Program Manager to issue a notice of a disciplinary hearing if a verifier does not take the proper corrective action in response to a verbal or written warning. **Section 9** requires that such notice and hearing be conducted in accordance with certain provisions of existing law governing contested cases. (NRS 233B.121-233B.150)

**Section 4** defines the term “hearing officer” to mean a person who did not take part in an initial disciplinary action and who is appointed by the Program Manager to oversee disciplinary hearings held pursuant to **section 9**.

**Section 10** authorizes the Program Manager to summarily suspend a certification as a verifier if the Program Manager finds that, based upon the evidence in the possession of the Program Manager, the actions of the verifier pose a threat to life, limb or property or will cause immediate and irreparable harm to the interests of this State which requires emergency action and the immediate summary suspension of the certification. **Section 10** further requires the Program Manager to provide notice of such a suspension and initiate proceedings for a contested case.

**Section 11** authorizes a person whose certification as a verifier was suspended or revoked to reapply for certification after not less than 5 years after the date on which his or her certification was suspended or revoked. **Section 11** further: (1) provides that the person will be on probationary status for 5 years; and (2) requires the Program Manager to immediately initiate disciplinary action against a person who is issued a certification under such circumstances, if the Program Manager has cause to believe that the person has engaged in an activity that is grounds for disciplinary action.

**Section 1.** Chapter 232 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

**Sec. 2.** *“Credit project” means a project or other activity that preserves or improves the habitat of the greater sage-grouse and creates a credit.*

**Sec. 3.** *“Debit project” means a project or other activity that causes an anthropogenic disturbance and creates a debit.*

**Sec. 4.** *“Hearing officer” means a person who did not take part in an initial disciplinary action and who is appointed by the Program Manger to oversee a disciplinary hearing conducted pursuant to section 9 of this regulation.*

**Sec. 5. 1.** *To qualify for an initial certification as a verifier, a person must:*

*(a) For a field verifier:*

*(1) Hold a bachelor’s degree in natural resources management, ecology, forestry, wildlife management or environmental science or have experience equivalent to such a degree;*

*(2) Have at least 2 years of experience with standard quantitative vegetative field data collection methods, including, without limitation, experience with line-intercepts, Daubenmire plots and photo point monitoring;*

*(3) Have at least 1 year of experience using a global positing system; and*

*(4) Successfully complete the training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for an initial certification, including, without limitation, achieving a passing score on any exam offered during such training.*

*(b) For a desktop verifier:*

*(1) Hold a bachelor's degree in geographic information systems, natural resources management, ecology, forestry, wildlife management or environmental science or have experience equivalent to such a degree;*

*(2) Have at least 2 years of experience using a comprehensive geospatial platform to conduct spatial analysis; and*

*(3) Successfully complete the training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for an initial certification, including, without limitation, achieving a passing score on any exam offered during such training.*

*2. A person who wishes to be certified as a verifier shall apply to the Program Manager, on a form prescribed by the Sagebrush Ecosystem Technical Team. The Program Manager shall approve or deny the application for certification. The Program Manger may deny certification to a person who:*

*(a) Does not satisfy the requirements set forth in subsection 1, as applicable; or*

*(b) Has practiced, or attempted to practice, any deception or fraud in the certification or examination of the applicant, or in securing the certification of the applicant.*

*3. A certification as a verifier is valid for 1 year and may be renewed annually, and before the termination of the current certification period, up to four times by participating in training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for the purpose of renewing a certification. After the fourth renewal, a person who wishes to be certified as a verifier must submit a new application for certification in accordance with subsection 1 to remain certified as a verifier.*

*Sec. 6. If the Program Manager denies an application for certification submitted pursuant to section 5 of this regulation, the applicant may:*

*1. Request that the Program Manager provide the applicant with a statement of the reasons for the denial. The Program Manager shall provide the statement upon receiving such a request.*

*2. Appeal the denial to the Sagebrush Ecosystem Council. The appeal must be heard by a hearing officer appointed by the Program Manager or, at the request of the applicant, the Sagebrush Ecosystem Council. If the hearing officer or Sagebrush Ecosystem Council, as applicable, determines that the application should not have been denied, the hearing officer or Sagebrush Ecosystem Council, as applicable, will order the Program Manager to approve the application.*

**Sec. 7. 1.** *The Program Manager may take disciplinary action against a verifier for the following causes:*

*(a) Activity which is incompatible with the conditions of certification of a verifier or that violates state or federal law;*

*(b) Disgraceful or discourteous treatment of the public, the Sagebrush Ecosystem Technical Team or another verifier;*

*(c) Incompetence, inefficiency or inexcusable neglect of duty that creates an undue burden on the Sagebrush Ecosystem Program;*

*(d) Deception or fraud relating to the Nevada Conservation Credit System;*

*(e) Abuse, damage to or the waste of public equipment, property or supplies because of inexcusable negligence or willful acts;*

*(f) Conviction of any criminal act involving moral turpitude;*

*(g) Any act of violence that arises out of or during the performance of the official duties of the verifier;*

*(h) Repeated violations of any regulation of the Sagebrush Ecosystem Council;*

*(i) Failure to participate in any investigation conducted by or at the request of the Program Manager or the Sagebrush Ecosystem Council into the verifier's performance of his or her duties as a verifier;*

*(j) Failure to act as an unbiased third party and objectively verify project conditions while acting as a verifier; or*

*(k) Acting as a verifier on any debit project in which the verifier, or family member of the verifier has a pecuniary interest, or to any person to whom the verifier or employee of the verifier has a commitment in a private capacity.*

*2. The Program Manager shall not take disciplinary action against a verifier in response to questions, comments or constructive criticism of the Nevada Conservation Credit System or in retaliation against a verifier.*

**Sec. 8. 1.** *If the Program Manager has cause to believe that a verifier has engaged in any action that constitutes grounds for disciplinary action pursuant to section 7 of this regulation, the Program Manager may:*

*(a) Issue a verbal warning to the verifier. The Program Manager shall document the verbal warning, including, without limitation, the cause for the warning and any required corrective actions, and provide such documentation to the verifier upon request.*

*(b) Issue a written warning by personal delivery or by certified mail at the mailing address identified on the most recent application for a certification or application for renewal, as applicable. The written warning must include, without limitation, the cause for the warning, any required corrective actions and a timeline for completing such actions.*

*2. Within 30 days after receiving a verbal or written warning, a verifier may appeal the warning to the Sagebrush Ecosystem Council. The appeal must be heard by a hearing officer or, at the request of the verifier, the Sagebrush Ecosystem Council. If the appeal is heard by:*

*(a) A hearing officer, the hearing officer will hold a meeting with the verifier and determine whether the warning was appropriate; or*

*(b) The Sagebrush Ecosystem Council, a meeting must be held in compliance with chapter 241 of NRS at which the Council will determine whether the warning was appropriate.*

**Sec. 9. 1.** *If a verifier does not take the proper corrective action in response to a verbal or written warning issued pursuant to section 8 of this regulation, the Program Manager may issue a notice of a disciplinary hearing to suspend or revoke the certification of the verifier. Such notice and hearing must comply with the provisions governing contested cases in NRS 233B.121 to 233B.150, inclusive. The hearing officer, or at the request of the verifier, the Sagebrush Ecosystem Council, will preside over the proceedings.*

*2. Upon the written agreement of all parties, the date of the hearing may be changed.*

*3. Except as otherwise provided in NRS 233B.126, a verifier may communicate with the Program Manager to seek an explanation of the reasons for the disciplinary action and the related disciplinary procedures.*

*4. A verifier may waive in writing his or her right to a disciplinary hearing. Upon the receipt of such a waiver by the hearing officer or the Sagebrush Ecosystem Council, as applicable, the certification of the verifier must be immediately suspended or revoked, as applicable.*

**Sec. 10. 1.** *The Program Manager may summarily suspend the certification of a verifier without complying with the requirements of section 9 of this regulation if the Program*

*Manager finds that, based upon the evidence in the possession of the Program Manager, the actions of the verifier pose a threat to life, limb or property or will cause immediate and irreparable harm to the interests of this State which require emergency action and the immediate summary suspension of the certification of the verifier.*

*2. If the Program Manager suspends a certification pursuant to subsection 1, the Program Manager shall provide notice of the summary suspension to the holder of the certification by certified mail at the most recent mailing address identified on the application for certification and initiate proceedings for a contested case in accordance with NRS 233B.121 to 233B.150, inclusive, and section 9 of this regulation.*

**Sec. 11.** *1. A person whose certification as a verifier was suspended or revoked may submit an application for certification pursuant to section 5 of this regulation not less than 5 years after the date on which his or her certification was suspended or revoked. The Program Manager may issue a new certification to such a person provided that the person has complied with any orders that arose from the prior disciplinary proceedings.*

*2. If a person is issued a certification pursuant to subsection 1, the person will be placed on probationary status for 5 years after the date the certificate is issued. If the Program Manager has cause to believe that a verifier has engaged in any action that constitutes grounds for disciplinary action pursuant to section 7 of this regulation during the probationary period, the Program Manager shall immediately initiate disciplinary action against the person pursuant to section 8 of this regulation by issuing a written warning.*

**Sec. 12.** NAC 232.400 is hereby amended to read as follows:

232.400 As used in NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC

232.405 to 232.450, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 13.** NAC 232.433 is hereby amended to read as follows:

232.433 “Nevada Conservation Credit System” means the system established by the Sagebrush Ecosystem Council pursuant to NRS 232.162 that calculates:

1. Debits that will be caused by a proposed ~~[activity or a]~~ *debit* project.
2. Credits that are created to protect, enhance or restore sagebrush ecosystems.

**Sec. 14.** NAC 232.440 is hereby amended to read as follows:

232.440 “Public lands” means all lands within the exterior boundaries of the State of Nevada except lands to which title is held by any private person, private entity, *tribal government* or local government.

**Sec. 15.** NAC 232.450 is hereby amended to read as follows:

232.450 *1.* “Verifier” means a person trained and certified by the Sagebrush Ecosystem Technical Team to use the habitat quantification tool for the purpose of calculating:

~~[1.]~~ *(a) The credits that will be generated by a credit project;*

*(b) The debits related to an anthropogenic disturbance; and*

~~[2.]~~ *(c) The number of credits necessary to offset ~~[such debits.] a debit project.~~*

*2. The term includes a field verifier and a desktop verifier.*

**Sec. 16.** NAC 232.460 is hereby amended to read as follows:

232.460 *1.* Except as otherwise provided in this section and to the extent it is not prohibited by federal law, the provisions of NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation* apply to any person or entity that proposes ~~[an activity or]~~ *a*

*debit* project on public lands subject to state or federal review, approval or authorization ~~that will cause an anthropogenic disturbance~~.

2. The provisions of NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation* do not apply to:

- (a) A direct anthropogenic disturbance on private lands;
- (b) An activity or project which was approved by all relevant federal agencies and state agencies before December 7, 2018, so long as the activity or project maintains compliance with any condition or requirement for any such approval;
- (c) An activity or project using a mitigation agreement or framework agreement for greater sage-grouse signed by the United States Fish and Wildlife Service before December 7, 2018, and any amendments thereto;
- (d) A mineral exploration project which is limited to a surface disturbance of not more than 5 acres;
- (e) An activity or project that:
  - (1) Is necessary to protect public health or safety; or
  - (2) Will have a de minimis impact to greater sage-grouse and sagebrush ecosystems in this State; or
- (f) Any emergency activity or routine administrative activity that:
  - (1) Is performed by a federal agency, state agency, local government or utility for a public purpose; and
  - (2) Does not require any additional approval from the Federal Government or the State.

**Sec. 17.** NAC 232.470 is hereby amended to read as follows:

232.470 1. Any person or entity that proposes ~~[an activity or]~~ a *debit* project on public lands, subject to state or federal review, approval or authorization, that will cause an anthropogenic disturbance shall:

(a) Submit to the Sagebrush Ecosystem Technical Team sufficient information for determining the adverse impact the proposed ~~[activity or]~~ *debit* project will have to the greater sage-grouse or the habitat of the greater sage-grouse, including, without limitation, geographic information system data files and work with the Sagebrush Ecosystem Technical Team to avoid and minimize such adverse impact to the greatest extent possible; and

(b) Have the direct and indirect impacts of the anthropogenic disturbance:

(1) Quantified by a verifier in terms of the number of debits that the ~~[activity or]~~ *debit* project will cause. Upon completion of his or her calculations, the verifier shall submit the calculations to the Program Manager. The Program Manager shall use the habitat quantification tool and available field data to conduct a quality assurance of the calculations of the verifier not later than 30 days after the verifier submits his or her final calculations to the Program Manager. If there is a difference between the calculations of debits by the verifier and Program Manager, the Program Manager will work with the verifier to finalize the calculation. If there is still a difference between the calculations of debits by the verifier and the Program Manager, the calculations of debits by the Program Manager apply to the ~~[activity or]~~ *debit* project. ~~[; and]~~ *The person or entity proposing the debit project may submit a written appeal of the calculation of the debits to the Sagebrush Ecosystem Council. The Council will consider the appeal at its next regularly scheduled meeting, at which time the Council will render a decision on the matter by formal action.*

(2) Mitigated by:

(I) Acquiring from or transferring a sufficient number of credits in the Nevada Conservation Credit System to offset the number of debits determined pursuant to subparagraph

(1) ~~[-; or]~~ *before the person or entity causes the anthropogenic disturbance;*

(II) Developing a mitigation plan with the Sagebrush Ecosystem Technical Team approved by the Sagebrush Ecosystem Council pursuant to subsection ~~[-2]~~ 3 that will generate enough credits to offset the direct and indirect adverse impacts the proposed ~~[activity or]~~ *debit* project will have to the greater sage-grouse or the habitat of the greater sage-grouse ~~[-]~~; *or*

*(III) Subject to the approval and administration of the Sagebrush Ecosystem Technical Team, implementing a credit project set forth in subsection 3 that has been preapproved by the Council. The Sagebrush Ecosystem Technical team shall consider the factors set forth in subsection 2 to determine whether the credit project will generate enough credits to offset the direct and indirect adverse impacts the proposed debit project will have to the greater sage-grouse or the habitat of the greater sage-grouse.*

2. In determining whether to approve a mitigation plan ~~[-]~~ *developed pursuant to subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1*, the Sagebrush Ecosystem Council must consider:

- (a) The conservation actions that are included in the plan and the number of credits to be generated from such conservation actions;
- (b) The location where the credits will be generated;
- (c) The length of time necessary to generate the credits;
- (d) The length of time the credits will be maintained;

(e) Whether the credit durability provisions of the plan include appropriate mechanisms to ensure that a sufficient number of credits will be maintained for the appropriate amount of time; and

(f) Whether the financial provisions ensure maintenance of the credits for the duration of the ~~[activity-or]~~ *debit* project.

***3. The following credit projects are preapproved by the Council:***

***(a) Meadow improvement;***

***(b) Pinyon-juniper woodland removal;***

***(c) Fire restoration or rehabilitation;***

***(d) Invasive weeds treatment; and***

***(e) Anthropogenic disturbance removal.***

**Sec. 18.** NAC 232.475 is hereby amended to read as follows:

232.475 1. Not later than 10 working days after completion of the process set forth in NAC 232.470, the Program Manager must issue to the person or entity that is proposing the ~~[activity-or]~~ *debit* project a certification of mitigation that sets forth:

(a) The number of credits that the person or entity will acquire from or transfer to the Nevada Conservation Credit System; ~~[or]~~

(b) The mitigation plan approved by the Sagebrush Ecosystem Council pursuant to NAC 232.470 that will mitigate the direct and indirect adverse impacts that the proposed ~~[activity-or]~~ *debit* project will have to the greater sage-grouse or the habitat of the greater sage-grouse ~~[.]~~ ; *or*

***(c) The preapproved credit project that the person will implement approved by the Sagebrush Ecosystem Technical Team.***

2. The person or entity to whom a certification of mitigation is issued must ensure compliance with the terms set forth in the certification of mitigation for the duration of the ~~activity or~~ *debit* project.

**Sec. 19.** NAC 232.480 is hereby amended to read as follows:

232.480 The Sagebrush Ecosystem Technical Team shall:

1. Train and certify persons to be verifiers ~~{}~~ *in accordance with the requirements set forth in section 5 of this regulation;* and
2. Maintain a list on the Internet website of the Sagebrush Ecosystem Program of all verifiers who have been so trained and certified for the current calendar year.

**FORM 4:  
NEVADA SAGEBRUSH ECOSYSTEM PROGRAM SMALL BUSINESS IMPACT DISCLOSURE  
PROCESS PURSUANT TO 233B “Nevada Administrative Procedures Act”**

The purpose of this Form is to provide a framework pursuant to NRS 233B.0608 for drafting and submitting a Small Business Impact Statement (SBIS) to the Sagebrush Ecosystem Council in order to determine whether a SBIS is required to be noticed and available at the public workshop. A SBIS must be completed and submitted to the Legislative Counsel Bureau for ALL adopted regulations.

**Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time employees” (NRS 233B.0382).**

To determine whether a SBIS must be noticed and available at the public workshop, answer the following questions:

**2. Does this proposed regulation impose a direct and significant economic burden upon a small business?** *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No. See Question 8.

**3. Does this proposed regulation restrict the formation, operation or expansion of a small business?** *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

Yes, See attached Small Business Impact Statement

If **Yes** to either of question 1 & 2, a SBIS must be noticed and available at the public workshop.

**FORM 4: SMALL BUSINESS IMPACT STATEMENT (NRS 233B.0609)**  
(Provide attachments as needed)

**1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.**  
*(Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.)*

The Sagebrush Ecosystem Program (SEP) sent a questionnaire out to all known affected businesses, which included independent consultants, consulting firms, ranches, and mining/energy/technology companies. It was determined that there are 115 small businesses in Nevada that may be impacted by the regulation change. All entities captured and not captured by this mailing were able to voice their concerns during the workshop on September 2, 2025 in the Tahoe 2-E Conference Room at the Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, Nevada, and will have another opportunity to voice concerns during the hearing to be held November 17, 2025 at 12:00pm at 201 S. Roop St., Suite 101, Carson City, Nevada, 89701.

Of the one hundred and fifteen questionnaires sent out, two were undeliverable, and zero were returned with answers.

Minutes of the public workshop and subsequent hearing(s) will capture the discussions held regarding the amended regulation. These may be obtained online at [sagebrusheco.nv.gov](http://sagebrusheco.nv.gov) no later than 30 days after each meeting.

**2. The manner in which the analysis was conducted (if an impact was determined).**

As noted above, the SEP solicited input from all known small businesses who may be affected by the regulation change. The regulation would primarily affect small businesses who are involved in the Conservation Credit System (CCS), including independent consultants, consulting firms, ranches, and small mining, energy, and technology firms. No concerns were expressed through the questionnaire or during the September 2, 2025 workshop, but those affected will have another opportunity to provide input and participate in the process during the November 17, 2025 hearing.

**3. The estimated economic effect of the proposed regulation on small businesses:**

**a. Both adverse and beneficial effects:**

The proposed regulations will clarify definitions and NAC language in a manner that aligns with current policy to prevent confusion or misinterpretation. The proposed regulations will also codify two SEP policies that relate to third-party verifiers for the CCS. Verifiers are consultants hired by CCS project proponents to act as an unbiased third-party to accurately assess ecosystem conditions at a potential project site for Greater Sage-grouse mitigation. The proposed regulation changes will add definitions of Credit Obligation, Credit Project, and Debit Project, will clarify language in several sections throughout, and will codify 1) requirements for becoming and remaining a certified verifier for the CCS, and 2) the verifier decertification process for when rules and/or standards are not adhered to.

The proposed regulation change will not directly affect small businesses, but has the potential for indirect economic effects, both adverse and beneficial.

Adverse economic effects could arise from the cost of traveling to the Reno/Carson City area for the full in-person training, required once every five years for each person certified. Additionally, adverse effects could occur if a certified verifier chooses not to adhere to rules and standards set forth by the SEP and is subsequently decertified through a standardized process and disciplinary hearing. Decertification would result in a loss of opportunity to conduct work as a verifier for the CCS, and the associated loss of income. For other small businesses, indirect economic effects could occur from the need to hire a new verifier and potential project delays if their verifier is decertified.

Indirect beneficial economic effects on small businesses are also expected as a result of this regulation change. Once certified, verifiers can generate significant income by performing work for CCS Project Proponents (on average, rates for consulting work can range from approximately \$100 - \$200/hour). Additionally, by requiring rigorous training and holding verifiers accountable when they do not adhere to the SEP's rules and standards, the SEP can ensure that small businesses who hire verifiers will not pay extraneous consulting charges or experience significant project delays when work is completed inefficiently or incorrectly.

**a. Both direct and indirect effects:**

Same as above.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. (Include a discussion of any considerations of the methods listed below.)**

The SEP has worked to improve documents and training materials for verifier certification to ensure those becoming certified understand the process, their role, and responsibilities.

The SEP has considered methods to minimize the burden of the regulation on the most affected small businesses through several means:

- Providing verifier certification training free of charge
- Requiring in-person attendance for re-certification every 5 years instead of at more frequent intervals
- Offering a virtual option for re-certification in years between a verifier's required in-person training
- Allowing for multiple warnings prior to initiating the decertification process
- Allowing an appeals process at several points during the decertification process

**A. Simplification of the proposed regulation:**

- See above

**B. Establishment of different standards of compliance for a small business:**

- NA

**C. Modification of fees or fines so that a small business is authorized to pay a**

lower fee or fine:

- See above

**5. The estimated cost to the agency for enforcement of the proposed regulation. (Include a discussion of the methods used to estimate those costs.)**

The enforcement of the regulation falls within current operations of the Program; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

**6. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.**

The proposed regulation does not provide for new fees or increase an existing fee.

**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide and explanation of why such duplicative or more stringent provisions are necessary.**

There is no other federal, state, or local standard regulating the activity of verifiers certified by the SEP.

**8. The reasons for the conclusions regarding the impact of a regulation on small businesses.**

After an analysis of the 115 impacted businesses that the Program is aware of, it was determined that the regulation has the potential to cause indirect financial impacts (both adverse and beneficial) on smaller businesses. The SEP has mitigated the costs of attending in-person training as much as possible (as discussed in number 4) while still ensuring the integrity of the program. Other indirect adverse impacts can be avoided by verifiers adhering to the rules and standards set forth by the SEP. A workshop was held, and subsequent hearing(s) will be held, to acquire more comments from the public and affected businesses.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and the information contained in this statement was prepared properly and is accurate.



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Kathleen Steele, Program Manager, Sagebrush Ecosystem Program

10/14/2025

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Date



**ADOPTED REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS**

**LCB File No. R053-25**

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

AUTHORITY: § 1, NRS 488.045, 488.059, 501.181 and 501.243; §§ 2 and 3, NRS 501.105, 501.110 and 501.181; § 4, NRS 501.105, 501.181, 503.597 and 504.295; §§ 5-10, NRS 501.105, 501.181, 503.300 and 503.310; § 11, NRS 501.105 and 501.181.

A REGULATION relating to the Board of Wildlife Commissioners; revising provisions relating to the operation of vessels on certain waters in this State; making various changes to certain classifications of fish; revising provisions relating to northern pike fish; revising provisions governing the use of certain fish, or parts of certain fish, as bait; revising the circumstances under which live bait fish and other forms of aquatic life and animal life may be used as bait; revising provisions governing the capture, offering for sale, holding and transportation of aquatic bait and live bait fish by a person who is permitted to sell live bait; establishing provisions governing spearfishing or bowfishing for northern pike fish at Comins Lake; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Board of Wildlife Commissioners to establish policies to promote the safety of persons using vessels on the waters of this State. (NRS 501.181) Existing regulations provide that only a vessel without a motor or powered by an electric motor is allowed to be operated on certain waters in this State. (NAC 488.470) **Section 1** of this regulation provides that only a vessel without a motor or powered by an electric motor is allowed to be operated on the waters of the Battle Born Pond in Washoe County.

Existing law requires the Commission to classify, by regulation, fish as either game fish, protected fish or unprotected fish and authorizes the Commission to further classify protected fish as sensitive, threatened or endangered. (NRS 501.110) Existing regulations establish these classifications. (NAC 503.060, 503.065, 503.070) **Sections 2 and 3** of this regulation revise the scientific names for certain species of classified fish.

Existing law authorizes the Commission to prohibit the importation, transportation or possession of any species of wildlife that the Commission deems detrimental to the wildlife or the habitat of the wildlife in this State. (NRS 503.597) With certain exceptions, existing regulations prohibit a person from importing, transporting or possessing certain species of live wildlife, including, without limitation, northern pike. (NAC 503.110) **Section 4** of this regulation: (1) prohibits a person from releasing a northern pike into any body of water in this

State; and (2) requires any person who catches a northern pike by any method for taking fish to immediately kill the northern pike.

Existing law authorizes the Commission to: (1) prescribe by regulation the types of bait and methods by which it may or may not be used in any designated water; (2) regulate or prohibit the use of live bait in fishing; and (3) prescribe the species which may be held or sold by a person who holds a permit to sell live bait. (NRS 503.300, 503.310) Existing regulations authorize a person who has a fishing license or short-term permit to fish, or a person who is not required to obtain such a license or permit, to capture, transport and use bait for fishing or personal consumption, subject to certain exceptions. (NAC 503.502) **Section 5** of this regulation defines the term “animal life” to mean live insects, worms and other terrestrial invertebrates.

**Section 6** of this regulation: (1) prohibits the use of parts of any game fish or protected species of fish as bait; (2) authorizes the use of any unprotected species of freshwater bait fish or parts which are commercially prepared or preserved as bait in waters where the use of aquatic bait is authorized; (3) removes the authorization to transport aquatic bait from one area of this State to another; and (4) authorizes the use of any fresh, dead or frozen saltwater species of fish or aquatic bait or parts thereof as bait in waters where the use of aquatic bait is authorized.

Existing regulations establish requirements for the use of bait in: (1) the Western Region, which consists of all waters within Carson City and Churchill, Douglas, Humboldt, Lyon, Mineral, Storey, Pershing and Washoe Counties; (2) the Eastern Region, which consists of all waters in Elko, Eureka, Lander and White Pine Counties; and (3) the Southern Region, which consists of all waters in Clark, Esmeralda, Lincoln and Nye Counties. (NAC 503.504-503.507) **Sections 7-9** of this regulation authorize the use of certain forms of aquatic and animal life as bait in the Western, Eastern and Southern Regions. **Section 7** prohibits the capture, possession while fishing or use of fish as bait in certain waters of the Western Region. **Section 10** of this regulation removes the chart setting forth the authorized species of bait for each Region.

Existing regulations prohibit a hole cut in the ice for purposes of ice fishing from exceeding 10 inches in diameter. (NAC 503.583) **Section 11** of this regulation authorizes a person to cut a hole in the ice for purposes of ice fishing by spear or by bow and arrow for northern pike at Comins Lake which must not exceed 12 inches in width and 24 inches in length. **Section 11** requires a person to: (1) return the block of ice to the hole after fishing; and (2) for a hole that exceeds 10 inches in diameter, mark the location of the hole with natural vegetation or a marker which is painted brightly, not less than 36 inches in height and visible from a minimum distance of 100 feet.

**Section 1.** NAC 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 3, only vessels without motors are permitted on the following waters:

Waters

County

- (a) Angel Lake.....Elko
- (b) Blue Lake.....Humboldt
- (c) Marlette Lake..... Washoe
- (d) Truckee River from the California-Nevada state line to the point where the river enters the Pyramid Lake Indian Reservation..... Storey and Washoe

2. Except as otherwise provided in subsection 3, only vessels without motors and vessels which are powered by electric motors are permitted on the following waters:

| <u>Waters</u>   | <u>County</u>        |
|---|----------------------|
| (a) Groves Lake.....  | Lander               |
| (b) Sparks Marina Park .....  | Washoe               |
| (c) The lagoon south of Laughlin within section 33, T. 32 S., R. 66 E.,<br>M.D.B. & M., as marked with signs or buoys, or both..... | Clark                |
| (d) Spooner Lake.....   | Douglas              |
| (e) Knott Creek Reservoir .....   | Humboldt             |
| (f) Tonkin Springs Reservoir .....  | Eureka               |
| <b>(g) <i>Battle Born Pond</i> .....</b>  | <b><i>Washoe</i></b> |

3. The provisions of this section do not apply to a vessel that is:

- (a) Owned, operated and used for official purposes by a federal, state or local governmental entity which has jurisdiction over the body of water on which the vessel is operated; or

(b) Operating pursuant to a permit for a marine event that is requested by a federal, state or local governmental entity which has jurisdiction over the body of water on which the vessel is operated and issued pursuant to NRS 488.305 and NAC 488.490 to 488.510, inclusive.

**Sec. 2.** NAC 503.060 is hereby amended to read as follows:

503.060 The following species of fish and all hybrids thereof are classified as game fish:

1. Cold-water game fish are:

|                     | <b>Common Name</b>   | <b>Scientific Name</b>  |
|---------------------|----------------------|---|
| (a) Cutthroat trout | Bonneville .....     | <u>Oncorhynchus</u> <del>[elarkii]</del> <u>virginalis</u><br><u>utah</u>     |
|                     | Lahontan .....       | <u>Oncorhynchus</u> <del>[elarkii]</del> <u>henshawi</u><br><u>henshawi</u>   |
|                     | Yellowstone .....    | <u>Oncorhynchus</u> <del>[elarkii]</del> <u>virginalis</u><br><u>bouvieri</u> |
| (b) Salmon          | Kokanee .....        | <u>Oncorhynchus nerka</u>   |
|                     | Chinook (King) ..... | <u>Oncorhynchus tshawytscha</u>   |
| (c) Trout           | Brook.....           | <u>Salvelinus fontinalis</u>  |
|                     | Brown.....           | <u>Salmo trutta</u>   |
|                     | Bull.....            | <u>Salvelinus confluentis</u>   |
|                     | Lake.....            | <u>Salvelinus namaycush</u>   |
|                     | Rainbow .....        | <u>Oncorhynchus mykiss</u>  |
|                     | Redband .....        | <u>Oncorhynchus mykiss gairdneri</u>  |

Oncorhynchus mykiss newberrii

(d) Whitefish Mountain ..... Prosopium williamsoni

2. Warm-water game fish are:

|              | <b>Common Name</b>    | <b>Scientific Name</b>                                    |
|--------------|-----------------------|---|
| (a) Bullhead | Black .....           | <u>Ameiurus melas</u>                                     |
|              | Brown.....            | <u>Ameiurus nebulosus</u>                                 |
| (b) Catfish  | Channel .....         | <u>Ictalurus punctatus</u>                                |
|              | White.....            | <u>Ameiurus catus</u>                                     |
| (c) Bass     | Striped.....          | <u>Morone saxatilis</u>                                   |
|              | White.....            | <u>Morone chrysops</u>                                    |
|              | Largemouth Black..... | <u>Micropterus</u> <del>salmooides</del> <u>nigricans</u> |
|              | Smallmouth Black..... | <u>Micropterus dolomieu</u>                               |
| (d) Crappie  | Spotted Black .....   | <u>Micropterus punctulatus</u>                            |
|              | Black .....           | <u>Pomoxis nigromaculatus</u>                             |
|              | White.....            | <u>Pomoxis annularis</u>                                  |
| (e) Perch    | Sacramento.....       | <u>Archoplites interruptus</u>                            |
|              | Yellow.....           | <u>Perca flavescens</u>                                   |
| (f) Sunfish  | Bluegill.....         | <u>Lepomis macrochirus</u>                                |
|              | Green.....            | <u>Lepomis cyanellus</u>                                  |
|              | Redear .....          | <u>Lepomis microlophus</u>                                |

| <b>Common Name</b> | <b>Scientific Name</b> |
|--------------------|------------------------|
|--------------------|------------------------|

|             |                  |   |
|-------------|------------------|---|
|             | Pumpkinseed..... | <u>Lepomis gibbosus</u>   |
| (g) Walleye |                  | <u>Sander vitreus</u>   |
| (h) Muskie  | Tiger.....       | <u>Esox masquinongy x Esox</u><br><del>Lucius</del> <u>lucius</u> |

**Sec. 3.** NAC 503.065 is hereby amended to read as follows:

503.065 1. The following species of fish are classified as protected:

Minnows (Cyprinidae)

| <b>Common Name</b> | <b>Scientific Name</b> |
|--------------------|------------------------|
|--------------------|------------------------|

|          |                               |                                       |
|----------|-------------------------------|---------------------------------------|
| (a) Chub | Alvord.....                   | <u>Siphateles alvordensis</u>         |
|          | Big Smoky Valley Tui .....    | <u>Siphateles bicolor ssp. 8</u>      |
|          | Fish Creek Springs Tui .....  | <u>Siphateles bicolor euchila</u>     |
|          | Fish Lake Valley Tui .....    | <u>Siphateles bicolor ssp. 4</u>      |
|          | Hot Creek Valley Tui.....     | <u>Siphateles bicolor ssp. 5</u>      |
|          | Independence Valley Tui ..... | <u>Siphateles bicolor isolata</u>     |
|          | Newark Valley Tui.....        | <u>Siphateles bicolor newarkensis</u> |
|          | Railroad Valley Tui.....      | <u>Siphateles bicolor ssp. 7</u>      |
|          | Sheldon Tui.....              | <u>Siphateles bicolor eury soma</u>   |
|          | Virgin River (Muddy River     |                                       |



- (e) Springfish            Moorman White River ..... Crenichthys baileyi thermophilus  
                                  Preston White River ..... Crenichthys baileyi albivallis

2. The following species of protected fish are further classified as endangered:

Minnows (Cyprinidae)

|                | <b>Common Name</b>                   | <b>Scientific Name</b>                |
|----------------|--------------------------------------|---------------------------------------|
| (a) Chub       | Bonytail.....                        | <u>Gila elegans</u>                   |
|                | Pahranagat Roundtail .....           | <u>Gila robusta jordani</u>           |
|                | Virgin River .....                   | <u>Gila seminuda</u>                  |
| (b) Dace       | Moapa .....                          | <u>Moapa coriacea</u>                 |
|                | Ash Meadows Speckled.....            | <u>Rhinichthys osculus nevadensis</u> |
|                | Clover Valley Speckled .....         | <u>Rhinichthys osculus oligoporus</u> |
|                | Independence Valley<br>Speckled..... | <u>Rhinichthys osculus lethoporus</u> |
| (c) Pikeminnow | Colorado.....                        | <u>Ptychocheilus lucius</u>           |
| (d) Spinedace  | White River.....                     | <u>Lepidomeda albivallis</u>          |
| (e) Woundfin   |                                      | <u>Plagopterus argentissimus</u>      |

Suckers (Catostomidae)





| <b>Common Name</b>   | <b>Scientific Classification</b>   |
|--|--|
| (1) Lampreys .....   | All species in the family Petromyzontidae  |
| (2) Freshwater stingray.....   | All species in the family Potamotrygonidae   |
| (3) Freshwater shark.....  | All species in the genus <u>Carcharhinus</u>   |
| (4) Bowfin .....   | <u>Amia calva</u>  |
| (5) Gars.....  | All species in the family Lepisosteidae  |
| (6) Herring and shad, except threadfin<br>shad and gizzard shad .....                    | All species in the family Clupeidae, except<br><u>Dorosoma petenense</u> and <u>Dorosoma<br/>cepedianum</u>  |
| (7) European Whitefish .....   | All species in the genus <u>Leuciscus</u>  |
| (8) Mexican banded tetra.....  | <u>Astyanax mexicanus</u>  |
| (9) Piranhas .....   | All species in the genera <u>Serrasalmus</u> ,<br><u>Serrasalmo</u> , <u>Pygocentrus</u> , <u>Pristobrycon</u> ,<br><u>Hydrolycus</u> , <u>Rooseveltiella</u> and <u>Pygopristis</u> |
| (10) South American Parasitic Catfish..  | All species in the families Cetopsidae and<br>Trichomycteridae   |
| (11) White perch.....  | <u>Morone americana</u>  |
| (12) Freshwater drum .....   | <u>Aplodinotus grunniens</u>   |
| (13) Grass carp, except certified<br>triploids as authorized by a<br>special permit..... | <u>Ctenopharyngodon idella</u>   |

| <b>Common Name</b>                                | <b>Scientific Classification</b>   |
|---|--|
| (14) Pike top minnow.....                         | <u>Belonesox belizanus</u>   |
| (15) Snakehead.....                               | All species in the genera <u>Parachanna</u> and<br><u>Channa</u>   |
| (16) Walking catfish.....                         | All species in the genera <u>Clarias</u> ,<br><u>Heteropneustes</u> and <u>Dinotopterus</u>  |
| (17) Tiger fish, Tigerfish and Wolf<br>fish ..... | All species in the genera <u>Hydrocynus</u> and<br><u>Hoplias</u>  |
| (18) Sticklebacks .....                           | All species in the genera <u>Apeltes</u> , <u>Eucalia</u> ,<br><u>Gasterosteus</u> and <u>Pungitius</u>  |
| (19) Tilapia.....                                 | All species in the genera <u>Coelotilapia</u> ,<br><u>Coptodon</u> , <u>Heterotilapia</u> , <u>Oreochromis</u> ,<br><u>Pelmatolapia</u> , <u>Tilapia</u> and <u>Sarotherodon</u> |
| (20) Nile perch .....                             | All species in the genera <u>Lates</u> and <u>Luciolates</u>   |
| (21) Goldeye.....                                 | All species in the genus <u>Hiodon</u>   |
| (22) Carp:  |  |
| (I) Bighead.....                                  | <u>Hypophthalmichthys nobilis</u>  |
| (II) Black .....                                  | <u>Mylopharyngodon piceus</u>  |
| (III) Crucian.....                                | <u>Carassius carassius</u>   |
| (IV) Indian .....                                 | <u>Catla catla</u> , <u>Cirrhina mrigala</u> and <u>Labeo rohita</u>   |
| (V) Silver .....                                  | <u>Hypophthalmichthys molitrix</u>   |
| (23) Rudd.....                                    | <u>Scardinius erythrophthalmus</u>   |

| <b>Common Name</b>         | <b>Scientific Classification</b>           |
|----------------------------|--|
| (24) Northern Pike.....    | <u>Esox lucius</u>                         |
| (25) Swamp eel.....        | All species in the genus <u>Monopterus</u> |
| (26) Round goby.....       | <u>Neogobius melanostomus</u>              |
| (27) Flathead catfish..... | <u>Pylodictis olivaris</u>                 |
| (28) Peacock bass .....    | All species in the genus <u>Cichla</u>     |

(b) Reptiles:

| <b>Common Name</b>  | <b>Scientific Classification</b>  |
|---|---|
| (1) Alligators, crocodiles and gharials ..  | All species in the order Crocodilia   |
| (2) Bird snake .....  | All species in the genus <u>Thelotornis</u>                                     |
| (3) Boomslang .....   | <u>Dispholidus typus</u>  |
| (4) Keelbacks.....  | All species in the genus <u>Rhabdophis</u>                                      |
| (5) Burrowing Asps .....  | All species in the family Atractaspidae   |
| (6) Coral snakes, cobras, kraits,<br>mambas, Australian elapids<br>and sea snakes ..... | All species in the family Elapidae  |
| (7) Pit vipers and true vipers, except<br>species indigenous to this State ..           | All species in the family Viperidae, except<br>species indigenous to this State |

**Common Name**

**Scientific Classification**

- (8) Snapping Turtles..... All species in the family Chelydridae
- (9) Gila monsters and beaded lizards .... All species in the family Helodermatidae

(c) Amphibians:

**Common Name**

**Scientific Classification**

- (1) Clawed frogs..... All species in the genus Xenopus
- (2) Giant or marine toads ..... Bufo horribilis, Bufo marinus and Bufo paracnemis

(d) Mammals:

**Common Name**

**Scientific Classification**

- (1) Deer, elk, wapiti, moose and caribou All species in the family Cervidae
- (2) Wild Dogs or Dhole..... Cuon alpinus
- (3) Raccoon Dog ..... Nyctereutes procyonoides
- (4) Mongooses and Meerkats ..... All species in the genera Atilax, Cynictis, Helogale, Mungos, Suricate, Ichneumia and Herpestes

| <b>Common Name</b>                    | <b>Scientific Classification</b>  |
|---------------------------------------|---|
| (5) Wild European Rabbit .....        | <u>Oryctolagus cuniculus</u>  |
| (6) Multimammate Rat or Mouse .....   | All species in the genus <u>Mastomys</u> (=Praomys)   |
| (7) Bats .....                        | All species in the order Chiroptera   |
| (8) Nutria .....                      | <u>Myocastor coypus</u>   |
| (9) Coyote.....                       | <u>Canis latrans</u>  |
| (10) Foxes.....                       | All species in the genera <u>Vulpes</u> , <u>Fennecus</u> ,<br><u>Urocyon</u> , <u>Alopex</u> , <u>Lycalopex</u> and <u>Pseudalopex</u> |
| (11) Raccoon .....                    | <u>Procyon lotor</u>  |
| (12) Skunk .....                      | All species in the genera <u>Spilogale</u> , <u>Mephitis</u> and<br><u>Conepatus</u>  |
| (13) Wild pigs and hogs .....         | All species in the family Suidae, except domestic<br>breeds of <u>Sus scrofa</u>  |
| (14) Reedbucks.....                   | All species in the genus <u>Redunca</u>   |
| (15) Oryx and Gemsbok.....            | All species in the genus <u>Oryx</u>  |
| (16) Addax.....                       | <u>Addax nasomaculatus</u>  |
| (17) Blesbok, Topi and Bontebok ..... | All species in the genus <u>Damaliscus</u>  |
| (18) Hartebeests.....                 | All species in the genera <u>Alcelaphus</u> and<br><u>Sigmoceros</u>  |
| (19) Wildebeest and Gnus .....        | All species in the genus <u>Connochaetes</u>  |
| (20) Chamois .....                    | <u>Rupicapra rupicapra</u> and <u>R. pyrenaica</u>  |
| (21) Tahr.....                        | All species in the genus <u>Hemitragus</u>  |

**Common Name**

**Scientific Classification**

(22) Ibex, Wild Goats, Tur and

Markhor .....

All species in the genus Capra, except domestic goats, Capra hircus

(23) Barbary (Aoudad) Sheep .....

Ammotragus lervia

(24) Mouflon sheep, Urial, Bighorn

and Argali .....

All species in the genus Ovis, except domestic sheep, Ovis aries

(e) Birds:

**Common Name**

**Scientific Classification**

(1) Pink Starling or Rosy Pastor.....

Sturnus roseus

(2) Red-billed Dioch.....

Quelea quelea

(3) Red-whiskered Bulbul .....

Pycnonotus jocosus

(f) Crustaceans:

**Common Name**

**Scientific Classification**

(1) Asiatic mitten crab.....

Eriocheir sinensis

**Common Name**

**Scientific Classification**

- (2) Crayfish ..... All species in the families Parastacidae, Cambaridae and Astacidae, except Procambarus clarkii, Orconectes causeyi and indigenous species of the genus Pacifastacus

(g) Mollusks:

**Common Name**

**Scientific Classification**

- (1) African giant snail ..... Achatina fulica
- (2) Zebra and quagga mussels ..... All species in the genus Dreissena
- (3) New Zealand mud snail ..... Potamopyrgus antipodarum, P. jenkinsi
- (4) Apple snails ..... All species in the genus Pomacea
- (5) Golden mussel ..... Limnoperna fortunei

2. The headquarters of the Department and each regional office of the Department will maintain a physical description and picture of each species listed in this section when reasonably available.

3. The Department may issue a scientific permit for the collection or possession of wildlife or a commercial license for the possession of live wildlife, whichever is applicable, for the importation, transportation or possession of a species listed in this section only to:

- (a) A zoo or aquarium which is an accredited institutional member of the Zoological Association of America, the Association of Zoos and Aquariums or their successors.
- (b) A college, university or governmental agency, for scientific or public health research.
- (c) Any other scientific institution, as determined by the Department, for research or medical necessity.
- (d) Any person engaged in commercial aquaculture, upon application and proof to the Department that the activity will not be detrimental to aquatic life, other wildlife or recreational uses. As a condition of the issuance to such a person of a commercial license for the possession of a species listed in this section, a bond may be required to provide for the removal of any species to which the license applies that may escape or be released from captivity for any reason. The amount of the bond will be determined by the Department after considering the degree of potential hazard to wildlife.
- (e) A tax-exempt nonprofit organization that exhibits wildlife solely for educational or scientific purposes.

4. An interstate shipment of a species listed in this section may be transported through this State, without a permit or license issued by the Department, if:

- (a) The shipper or transporter has evidence of lawful possession of the species issued by the state or country where the species originated;
- (b) Mammals, birds or fish are accompanied by a health certificate issued by the state or country where the species originated that indicates the destination, origin and proof of ownership of the species being transported;
- (c) The species is in this State for less than 48 hours; and

(d) The species is not unloaded or otherwise released while being transported through this State.

5. *No person shall release a northern pike into a body of water in this State. If a person catches a northern pike by any method for taking fish, the northern pike must be killed immediately.*

6. This section does not apply to the Department when it is conducting authorized introductions or transplantations of a native species of big game mammal listed in this section.

**Sec. 5.** NAC 503.500 is hereby amended to read as follows:

503.500 As used in NAC 503.500 to 503.575, inclusive, unless the context otherwise requires:

1. *“Animal life” means live insects (such as grasshoppers), worms (such as earthworms and leeches) and all other terrestrial invertebrates.*

2. “Aquatic bait” means live, unprotected amphibians (such as salamanders, waterdogs and ~~frogs~~ bullfrogs), crustaceans (such as crayfish) and mollusks (such as clams and snails).

~~2.~~ 3. “Aquatic life” means live amphibians, crustaceans, mollusks, fish and all other animals which grow in, live in or frequent water.

~~3.~~ 4. “Artificial lures” means any device with a hook or hooks attached which is made partly or entirely of rubber, wood, metal, glass, plastic or feathers.

~~4.~~ 5. “Live bait fish” means live, unprotected species of freshwater fish.

~~5.~~ 6. “Minimum size” means the minimum total length a fish must measure to be possessed legally.

~~6.~~ 7. “Region” means one of the three administrative regions established by the Department.

~~[7.]~~ 8. “Single barbless hook” means a fish hook having one point which is manufactured without barbs or on which the barbs have been closed completely or filed off. The term does not include a fish hook which shares a common shank with one or more other fish hooks, regardless of whether the barbs have been closed completely or filed off.

~~[8.]~~ 9. “Total length” means the length of a fish measured from the tip of the nose to the tip of the tail fin.

**Sec. 6.** NAC 503.502 is hereby amended to read as follows:

503.502 1. A person who has a fishing license or short-term permit to fish, or who is not required to obtain such a license or permit pursuant to NRS 502.010 and NAC 502.285, may capture, transport and use bait for fishing or personal consumption except that:

(a) The use of any game fish or protected species of fish *or parts thereof* for bait is prohibited.

(b) Any unprotected species of freshwater bait fish or parts thereof which are *commercially* prepared ~~[and]~~ *or* preserved ~~[commercially]~~ may be used as bait only in waters where the use of aquatic bait is authorized, unless otherwise provided in the appropriate regional regulation.

(c) Aquatic bait, other than salamanders or saltwater mudsuckers, may be used only in the water from which it is taken.

(d) Aquatic life may be imported into this State only with the prior approval of the Department.

(e) ~~[Aquatic bait and live]~~ *Live* bait fish may be transported from one area of this State to another only as provided in the appropriate regional regulation for the use of live bait fish.

*(f) Any fresh, dead or frozen saltwater species of fish or aquatic bait, including, without limitation, sardines, anchovies and shrimp, or parts thereof may be used as bait only in waters*

*where the use of aquatic bait is authorized, unless otherwise provided in the appropriate regional regulation.*

2. A person who possesses bait in accordance with the provisions of this section shall not sell, barter or trade that bait.

3. Any bait obtained from a dealer in live bait fish who is licensed in this State must be accompanied by a currently dated receipt issued by that dealer.

**Sec. 7.** NAC 503.504 is hereby amended to read as follows:

503.504 1. The Western Region consists of all waters within Carson City and Churchill, Douglas, Humboldt, Lyon, Mineral, Storey, Pershing and Washoe Counties.

2. In the Western Region:

(a) Live bait fish may be used only in the river basin from which it is taken and only in the following waters:

(1) The Carson River Basin.

(2) The Humboldt River downstream from Stall Diversion Dam located near Golconda in Humboldt County, including Rye Patch Reservoir, Pitt-Taylor Reservoir, all waters in the Lovelock Valley, Chimney Reservoir and the Little Humboldt River downstream from Chimney Reservoir.

(3) The portion of the Lake Tahoe Basin located in Carson City and Douglas and Washoe Counties.

(4) Except as otherwise provided in subsection 3, the Truckee River Basin.

(5) The Walker River from the railroad bridge near Wabuska downstream to and including Walker Lake, except waters on the Walker River Paiute Reservation.

(b) *Except as otherwise provided in paragraph (c), in all waters of the Western Region not listed in paragraph (a), the capture, possession while fishing or use of fish as bait, whether dead or alive, or parts thereof, is prohibited.*

(c) Other forms of aquatic *life* and animal life, including, but not limited to, ~~[grasshoppers, earthworms,]~~ crayfish, *preserved salmon eggs and* any unprotected species of freshwater bait fish or parts thereof which are *commercially* prepared ~~[and]~~ *or* preserved ~~[commercially, and preserved salmon eggs]~~ may be used as bait.

3. ~~[The following provisions apply to all other waters in the Western Region:~~

~~—(a) The capture, possession while fishing or the use of fish as bait, whether dead or alive, or parts thereof, is prohibited.~~

~~—(b)]~~ Only artificial lures with single barbless hooks may be used in:

~~[(1)]~~ (a) Catnip Reservoir;

~~[(2)]~~ (b) Knott Creek Reservoir, including inlet and outlet streams;

~~[(3)]~~ (c) Marlette Lake, including tributaries and outlet streams;

~~[(4)]~~ (d) The portion of the East Walker River which is from one-quarter of a mile above the confluence of the East Walker River and Sweetwater Creek downstream to one-half of a mile below the confluence of the East Walker River and Red Wash Creek; and

~~[(5)]~~ (e) The portion of the Truckee River from the bridge on East Mustang Road downstream to the boundary of the Pyramid Lake Paiute Reservation.

~~[(e)]~~ 4. Only artificial lures may be used in:

~~[(1)]~~ (a) Hinkson Slough on the Mason Valley Wildlife Management Area; and

~~[(2)]~~ (b) Hobart Reservoir.

**Sec. 8.** NAC 503.506 is hereby amended to read as follows:

503.506 1. The Eastern Region consists of all waters in Elko, Eureka, Lander and White Pine Counties.

2. Within this region:

(a) ~~[/The] Except as otherwise provided in paragraph (b), the possession while fishing or use of fish as bait, whether dead or alive, or parts thereof, [for any unprotected species of freshwater bait fish or parts thereof which are prepared and preserved commercially except preserved salmon eggs,]~~ is prohibited.

(b) ~~[Aquatic bait may be used only in the water from which it is taken.]~~ *Other forms of aquatic life and animal life, including, but not limited to, crayfish, preserved salmon eggs and any unprotected species of freshwater bait fish or parts thereof which are commercially prepared or preserved may be used as bait.*

3. Only artificial lures may be used in the Tonkin Springs Reservoir and the collection ditch of the Ruby Lake National Wildlife Refuge.

4. Only artificial lures with single barbless hooks may be used on the Snake Range High Lakes and on the south fork of the Humboldt River from the access causeway for the Lucky Nugget subdivision upstream to Lee. Only one single barbless hook may be attached to each hook eye or ring of the lure.

**Sec. 9.** NAC 503.507 is hereby amended to read as follows:

503.507 1. The Southern Region consists of all waters in Clark, Esmeralda, Lincoln and Nye Counties.

2. In the waters of Lake Mead, Lake Mohave and the Colorado River located in Clark County:

(a) Only the following species of live freshwater fish may be lawfully raised, transported, sold, offered for sale or imported for use as live bait:

- (1) Golden shiner.
- (2) Fathead minnow.
- (3) Threadfin shad.
- (4) Goldfish.

(b) Carp, gizzard shad and mosquito fish may be used as bait but may be taken from and used only in the waters of the Colorado River.

(c) Other forms of aquatic *life* and animal life, including, but not limited to, ~~the waterdog, grasshopper, earthworm and~~ crayfish, *preserved salmon eggs and any unprotected species of freshwater bait fish or parts thereof which are commercially prepared or preserved* may be used as bait.

(d) A person holding a valid fishing license may purchase fish authorized for use as bait pursuant to paragraph (a) from a dealer in bait licensed in Arizona, California or Nevada or may, for the person's own use, take fish authorized for use as bait by:

- (1) A dipnet;
- (2) A cast net with a radius not exceeding 4 feet measured from the horn to the leadline;
- (3) A seine not exceeding 10 feet in length and 4 feet in width; or
- (4) A trap for minnows not exceeding 12 inches in depth, 12 inches in width or 24 inches in length.

3. Only artificial lures may be used in the Dacey Reservoir.

4. In all other waters of the Southern Region, the capture, possession while fishing or use of fish as bait, whether dead or alive, or parts thereof, other than preserved salmon eggs or any

unprotected species of freshwater bait fish or parts thereof which are *commercially* prepared ~~[and]~~ *or* preserved ~~[commercially,]~~ is prohibited.

**Sec. 10.** NAC 503.510 is hereby amended to read as follows:

503.510 ~~[1.]~~ Aquatic bait and ~~[the following species of]~~ live bait *fish* may be captured, offered for sale, held or transported by a person permitted to sell live bait, subject to the provisions of NAC 503.500 to 503.507, inclusive, and any special conditions contained in the annual permit issued by the Department. ~~[.]~~

~~Authorized Species by Region~~

| <del>Species</del>                                     | <del>Western<br/>Region</del> | <del>Eastern<br/>Region</del> | <del>Southern<br/>Region</del> |
|--|-------------------------------|-------------------------------|--------------------------------|
| <del>Lahontan redbreast (Richardsonius egregius)</del> | <del>X</del>                  | <del>N</del>                  |                                |
| <del>Tui chub (Siphateles bicolor)</del>               | <del>X</del>                  | <del>O</del>                  |                                |
| <del>Speckled dace (Rhinichthys osculus)</del>         | <del>X</del>                  | <del>N</del>                  |                                |
| <del>Mosquitofish (Gambusia ssp.)</del>                | <del>X</del>                  | <del>E</del>                  |                                |
| <del>Carp (Cyprinus carpio)</del>                      | <del>X</del>                  |                               |                                |
| <del>Goldfish (Carassius auratus)</del>                |                               | <del>P</del>                  | <del>X</del>                   |
| <del>Golden shiner (Notemigonus crysoleucas)</del>     |                               | <del>E</del>                  | <del>X</del>                   |
| <del>Fathead minnow (Pimephales promelas)</del>        | <del>X</del>                  | <del>R</del>                  | <del>X</del>                   |
| <del>Threadfin shad (Dorosoma petenense)</del>         |                               | <del>M</del>                  | <del>X</del>                   |
| <del>Mountain sucker</del>                             |                               | <del>I</del>                  |                                |

|   |              |              |              |
|---|--------------|--------------|--------------|
| <del>—(Catostomus platyrhynchus)</del>                    | <del>X</del> | <del>T</del> |              |
| <del>Tahoe sucker (Catostomus tahoensis)</del>            | <del>X</del> | <del>T</del> |              |
| <del>Salamander (Waterdogs) (Ambystoma)</del>             |              | <del>E</del> | <del>X</del> |
| <del>Paiute Sculpin (Cottus beldingi)</del>               | <del>X</del> | <del>D</del> |              |
| <del>Sacramento blackfish (Orthodon microlepidotus)</del> | <del>X</del> |              |              |

~~—2.— The reference work from which the species listed in subsection 1 were named is special publication 34 of the American Fisheries Society, Common and Scientific Names of Fishes from the United States, Canada and Mexico 7th edition, 2013.]~~

**Sec. 11.** NAC 503.583 is hereby amended to read as follows:

503.583 ~~[For]~~ *1. Except as otherwise provided in subsection 2, for* purposes of ice fishing, a hole cut through the ice must not exceed 10 inches in diameter.

*2. For purposes of ice fishing by spear or by bow and arrow for northern pike at Comins Lake, a person:*

*(a) May cut a hole through the ice which must not exceed 12 inches in width and 24 inches in length.*

*(b) May not cut more than one hole in the ice for each ice fishing site.*

*(c) Shall maintain in his or her possession the block of ice removed to create the hole in the ice.*

*(d) Before leaving the fishing site, shall:*

*(1) Return the block of ice that was removed into the hole cut through the ice; and*

*(2) For any hole which exceeds 10 inches in diameter, mark the location of the hole to indicate the potential hazard with:*

*(I) Natural vegetation; or*

*(II) A marker which is painted brightly, not less than 36 inches in height and visible from a minimum distance of 100 feet,*

*↳ which must be in the possession of the person at the time he or she cuts the hole through the ice.*



**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS  
NEVADA DEPARTMENT OF WILDLIFE  
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS  
AS REQUIRED BY NRS 233B.066**

**LCB FILE NO. R053-25  
Commission General Regulation 528**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 488 and 503.

**1. A clear and concise explanation of the need for the adopted regulation.**

Commission General Regulation 528 includes various amendments to NAC 488.470 through 503.583 to address needed changes including: setting motor restrictions on Battle Born Pond (NAC 488.470), establishing a “mandatory catch and kill” regulation for Northern Pike (NAC 503.110), revising bait restrictions statewide (NAC 503.500 – 515), amending ice hole size restriction to allow for larger sized holes for spear/bow fishing at Comins Lake (NAC 503.583), and updating scientific names in the classification of fish species (NAC 503.060 – 065).

**2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Public comment was solicited during both the regulation workshop of the Nevada Board of Wildlife Commissioners (NBWC) in September 2025 and the adoption hearing in November 2025. Public comment may also be submitted at any time by email to [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org).

Testimony provided during the NBWC meetings suggested using the language “electric with no wake” in respect to motor restrictions and sought an update on a previous pike catch and release study at Comins Lake.

Meeting minutes from the Nevada Board of Wildlife Commissioners’ meetings include all public comment and can be found here when posted: <https://nvboardofwildlife.org/#meetings>

**3. The number of persons who:**

- (a) Attended each hearing: (date and number of attended for workshops and hearings)**
- (b) Testified at each hearing: (date and number of attended for workshops and hearings)**
- (c) Submitted written comments: (date and number of attended for workshops and hearings)**

September 27, 2025, NBWC Meeting

- a. Attended: 25
- b. Testified: 1
- c. Written Comment: 0

November 8, 2025, NBWC Meeting

- a. Attended: 38
- b. Testified: 0
- c. Written Comment: 0

4. **For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:**
  - (a) **Name:** Paul Dixon
  - (b) **Telephone number:**
  - (c) **Business address:**
  - (d) **Business telephone number:**
  - (e) **Electronic mail address:** [noxid1960@gmail.com](mailto:noxid1960@gmail.com)
  - (f) **Name of entity or organization represented:** Clark County Advisory Board to Manage Wildlife
  
5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.** Comment was not solicited from small businesses. This regulation does not affect small businesses as the changes are associated with a program administered by the Nevada Department of Wildlife.
  
6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**  
N/A
  
7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
  - (a) **Both adverse and beneficial effects on businesses; and**  
There will be no adverse or beneficial effects from the proposed regulation on small business because it does not regulate the operation of any small business.
  
  - (b) **Both immediate and long-term effects on businesses:**  
There will be no immediate or long-term effects from the proposed regulation on small business because it does not regulate the operation of any small business.
  
  - (c) **Both adverse and beneficial effects on the public; and**  
There will be no adverse or beneficial effects from the proposed regulation on the public.
  
  - (d) **Both immediate and long-term effects on the public:**  
There will be no immediate or long-term effects from the proposed regulation on the public.
  
8. **The estimated cost to the agency for enforcement of the adopted regulation.**  
The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.
  
9. **A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or**

**overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This regulation does not include provisions that duplicate federal, state, or local standards.

- 10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

This regulation does not include provisions that are more stringent than federal standards.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increase an existing fee.



**STATE OF NEVADA  
NEVADA BOARD OF WILDLIFE COMMISSION  
NEVADA DEPARTMENT OF WILDLIFE  
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B**

**Commission General Regulation 528 – LCB File No. TBD – Motor Restrictions and Revisions Related to Fisheries**

**The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commission. Note: Small business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS233B.0382).**

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

**ANSWER:**

Comment was not solicited from small businesses. This regulation does not affect small businesses as the changes are associated with a program administered by the Nevada Department of Wildlife.

2. Describe the manner in which the analysis was conducted:

**ANSWER:**

Agency personnel concluded that there would be no small businesses impacted and, therefore, no need for a small business impact analysis.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- a.) Both adverse and beneficial effects:

**ANSWER:**

There will be no adverse or beneficial effects from the proposed regulation on small business because it does not regulate the operation of any small business.

- b.) Both direct and indirect effects:

**ANSWER:**

There will be no direct or indirect economic effects from the proposed regulation on small business because it does not regulate the operation of any small business.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

**ANSWER:**

There will be no impact from the proposed regulation on small businesses, therefore no methods were considered or taken by the agency.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

**ANSWER:**

The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

**ANSWER:**

The proposed regulation does not provide new or increased fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

**ANSWER:**

This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

**ANSWER:**

The agency concluded that this regulation does not impact small businesses because the changes are associated with a program administered by the Nevada Department of Wildlife.

I hereby certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

  
\_\_\_\_\_  
Alan Jenne, Director  
Nevada Department of Wildlife



**ADOPTED REGULATION OF THE ADMINISTRATOR OF THE  
EMPLOYMENT SECURITY DIVISION OF THE DEPARTMENT  
OF EMPLOYMENT, TRAINING AND REHABILITATION**

**LCB File No. R063-25**

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

AUTHORITY: §§ 1 and 2, NRS 612.220 and 612.550.

A REGULATION relating to unemployment compensation; prescribing the contribution rate schedule for calendar year 2026; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

The Unemployment Compensation Law requires employers to make contributions to the Unemployment Compensation Fund for the purpose of providing temporary benefits to persons who become involuntarily unemployed. (Chapter 612 of NRS) The amount of each employer’s contribution is a percentage of the employer’s average annual payroll. Existing law establishes a standard contribution rate of 2.95 percent. (NRS 612.540) However, after an employer has accumulated a specified number of consecutive calendar quarters of contribution and benefit experience, depending on the quarter in which the employer became subject to the Unemployment Compensation Law, the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation assigns the employer to a class of employers whose contribution rate is based on their previous experience with unemployment, as determined by a reserve ratio formula. An employer’s reserve ratio is calculated by subtracting the benefits charged to the employer’s account for all previous years from the contributions paid by the employer during all previous years and dividing the difference by the employer’s average payroll for the previous 3 years. The Administrator is required to annually prescribe the contribution rate schedule for each class of employers. (NRS 612.550) This regulation prescribes the contribution rate schedule for calendar year 2026.

**Section 1.** NAC 612.270 is hereby amended to read as follows:

612.270 The Administrator establishes the following schedule of contribution rates for eligible employers for calendar year ~~[2025:]~~ **2026:**

1. Class 1: A rate of 0.25 percent is assigned to each employer whose reserve ratio is ~~[18.0]~~ **16.5** percent or more;

2. Class 2: A rate of 0.55 percent is assigned to each employer whose reserve ratio is at least ~~16.4~~ 14.9 percent but less than ~~18.0~~ 16.5 percent;
3. Class 3: A rate of 0.85 percent is assigned to each employer whose reserve ratio is at least ~~14.8~~ 13.3 percent but less than ~~16.4~~ 14.9 percent;
4. Class 4: A rate of 1.15 percent is assigned to each employer whose reserve ratio is at least ~~13.2~~ 11.7 percent but less than ~~14.8~~ 13.3 percent;
5. Class 5: A rate of 1.45 percent is assigned to each employer whose reserve ratio is at least ~~11.6~~ 10.1 percent but less than ~~13.2~~ 11.7 percent;
6. Class 6: A rate of 1.75 percent is assigned to each employer whose reserve ratio is at least ~~10.0~~ 8.5 percent but less than ~~11.6~~ 10.1 percent;
7. Class 7: A rate of 2.05 percent is assigned to each employer whose reserve ratio is at least ~~8.4~~ 6.9 percent but less than ~~10.0~~ 8.5 percent;
8. Class 8: A rate of 2.35 percent is assigned to each employer whose reserve ratio is at least ~~6.8~~ 5.3 percent but less than ~~8.4~~ 6.9 percent;
9. Class 9: A rate of 2.65 percent is assigned to each employer whose reserve ratio is at least ~~5.2~~ 3.7 percent but less than ~~6.8~~ 5.3 percent;
10. Class 10: A rate of 2.95 percent is assigned to each employer whose reserve ratio is at least ~~3.6~~ 2.1 percent but less than ~~5.2~~ 3.7 percent;
11. Class 11: A rate of 3.25 percent is assigned to each employer whose reserve ratio is at least ~~2.0~~ 0.5 percent but less than ~~3.6~~ 2.1 percent;
12. Class 12: A rate of 3.55 percent is assigned to each employer whose reserve ratio is at least ~~0.4~~ -1.1 percent but less than ~~2.0~~ 0.5 percent;

13. Class 13: A rate of 3.85 percent is assigned to each employer whose reserve ratio is at least ~~[-1.2]~~ -2.7 percent but less than ~~[0.4]~~ -1.1 percent;

14. Class 14: A rate of 4.15 percent is assigned to each employer whose reserve ratio is at least ~~[-2.8]~~ -4.3 percent but less than ~~[-1.2]~~ -2.7 percent;

15. Class 15: A rate of 4.45 percent is assigned to each employer whose reserve ratio is at least ~~[-4.4]~~ -5.9 percent but less than ~~[-2.8]~~ -4.3 percent;

16. Class 16: A rate of 4.75 percent is assigned to each employer whose reserve ratio is at least ~~[-6.0]~~ -7.5 percent but less than ~~[-4.4]~~ -5.9 percent;

17. Class 17: A rate of 5.05 percent is assigned to each employer whose reserve ratio is at least ~~[-7.6]~~ -9.1 percent but less than ~~[-6.0]~~ -7.5 percent; and

18. Class 18: A rate of 5.4 percent is assigned to each employer whose reserve ratio is less than ~~[-10.0]~~ -9.1 percent.

**Sec. 2.** This regulation becomes effective on January 1, 2026.



**LEGISLATIVE REVIEW OF ADOPTED  
PERMANENT REGULATIONS AS REQUIRED BY  
NRS 233B.066**

**LCB FILE R063-25**

The following statement is submitted for adopted amendment to Nevada Administrative code (NAC) Chapter 612.270.

**1. A clear and concise explanation of the need for the adopted regulation.**

The proposed amendment to the regulation pertaining to NAC 612.270, pursuant to Nevada Revised Statute (NRS) 612.550 relates to Unemployment Insurance Contribution Rate Schedule for Nevada Employers for calendar year 2026 in compliance with NRS 612.550, which requires the Nevada Department of Employment, Training and Rehabilitation's (DETR) Employment Security Division (ESD) Administrator to annually classify employers and determine rates of contributions for employers. Because the existing rates expire at the end of each calendar year, this regulation amendment is needed to establish rates for calendar year 2026.

**2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

On September 10, 2025, the Employment Security Division publicly notified the State that it would be holding a **Small Business Workshop on October 6, 2025** to solicit public comment on proposed regulation **R063-25**. Said notification was provided more than 15 days as required in Nevada's Rulemaking process. Pursuant to NRS 233B.0608, the Small Business Impact Statement on the proposed regulation amendment for **NAC 612.270** was reviewed by DETR ESD staff, were noticed with the Small Business Workshop Agenda, and was reviewed before the public during the Small Business Workshop. Furthermore, DETR staff provided additional information to the public which included: an overview of the regulation amendment, an overview of the Small Business Impact Statement, and an overview of the 2026 UI Contribution Rate Schedule in **NAC 612.270**.

The Division received no written public comment pursuant to its Agenda posting as of October 5, 2025, nor were any public comments made at the **October 6, 2025** Small Business Workshop during the workshop's two public comment periods as published on the Agenda.

Following the Small Business Workshop, the DETR ESD Administrator took into consideration the data made available from DETR's Chief Economist, David Schmidt, and DETR's Research and Analysis Bureau regarding Nevada's employers, Nevada's economic indicators, and the current status of Nevada's Unemployment Insurance Trust Fund, and after careful consideration of all available data and information, made the decision to lower the average UI Contribution rate to **1.45%** for calendar year 2026.

**R063-25** was formerly drafted by LCB on October 16, 2025, and on **October 23, 2025** the Employment Security Division publicly notified the State that it would be holding a public meeting on **November 24, 2025, 2:00 PM** via its posting of a **Notice of Intent to Act Upon and Adopt Regulations** to solicit public comments on proposed regulation **R063-25**. Said notification, which

included the meeting Agenda and the proposed regulation **R063-25** as formerly drafted by Nevada's Legislative Counsel Bureau (LCB) was provided and posted both physically at the locations listed below and on DETR's Public Meetings website <https://detr.nv.gov/publicmeetings> and Nevada's Public Notice website at <https://notice.nv.gov/> within 30 days of the public meeting.

The Division received no written public comment as of November 21, 2025, nor were any public comments made at the **November 24, 2025** public meeting during the meeting's two public comment periods as published on the public meeting's Agenda.

In compliance with NRS 233B.0608, the live public meeting on the Intent to Act Upon and Adopt Regulations was held on **November 24, 2025** at **2:00 PM** at DETR's State Administrative Office (SAO) Auditorium, 500 E. Third Street, Carson City, Nevada 89713, and made available in person via live broadcast from DETR's St. Louis Auditorium, 2800 St. Louis Avenue, Las Vegas, Nevada 89104 and via ZOOM meeting to members of the public who wished to participate virtually. The purpose of this hearing was to receive public comments from all interested persons regarding the adoption of this regulation pertaining to Chapter 612, of the Nevada Administrative Code.

The transcript of the Hearing been requested and will post to DETR's Public Meetings page within 30 days of the Hearing at the following link; <https://detr.nv.gov/publicmeetings>.

**Posting locations:**

Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701

- Legislative Building, 401 South Carson Street, Carson City, NV 89701
- Legislative Counsel Bureau Web Site
- Department of Employment, Training and Rehabilitation Web Site
- Public Notices website
- Employment Security Division, State Administrative Office, 500 East Third Street, Carson City, NV 89713
- Employment Security Division Southern Administrative Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104
- Constituent Services Office of the Governor
- Employ NV Career Hub, 121 Industrial Way, Fallon, NV 89406
- Employ NV Career Hub, 3405 S. Maryland Parkway., Las Vegas, NV 89169
- Employ NV Career Hub, 2827 Las Vegas Blvd N., North Las Vegas, NV 89030
- Employ NV Career Hub, 4001 South Virginia St. Suite H., Reno, NV 89502
- Employ NV Career Hub, Carson City, 1929 North Carson Street, Carson City, NV 89701
- Employ NV Career Hub, Elko, 172 Sixth Street, Elko, NV 89801
- Nevada EmployNV Hub -Winnemucca, 475 Haskell St., Suite 1, Winnemucca, NV 89445

**3. The number of persons who:**

**a. Attended at each meeting:**

**Small Business Workshop:**

October 6, 2025: Carson City: 12

October 6, 2025: Las Vegas: 1

**Hearing:**

November 24, 2025: Carson City: 5

November 24, 2025: Las Vegas: 1

**b. Testified at each meeting:**

**Small Business Workshop:**

October 6, 2025

- No public comment

**Hearing:**

November 24, 2025

- No public comment

**c. Submitted to the agency written comments:**

**Small Business Workshop:** No written comments were received.

**Hearing:** No written comments were submitted

**4. A description of how comments were solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public via notification and process for submitting written comments included on the agendas for both the Small Business Workshop held on October 6, 2025 and the Notice of Intent to Act Upon and Adopt Regulations public meeting held on November 24, 2025. In addition to the two (2) periods for public comment included on the agendas for both the Small Business Workshop and the Notice of Intent to Act Upon and Adopt Regulations public meeting.

**5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The ESD Administrator adopted regulation **R063-25** without change following the engagement with the public and business community based on the validity of the information and data received through DETR's Chief Economist, David Schmidt, and DETR's Research and Analysis Bureau that provided a high confidence level to the validity of the UI Trust Fund status and the minimal impact that a decrease in the average unemployment insurance contribution rate to 1.45% for calendar year 2026 would have on said Fund, as well as the assessment of the minimal impact that said regulation would have on small businesses.

**6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

**a. Both adverse and beneficial effects; and**

All Nevada employers subject to average Unemployment Insurance (UI) contributions and eligible for experience rating will be affected by the proposed regulations constituting approximately 76,770 employers or 75.2% of all employers registered with the Employment Security Division. The proposed regulations represent a decrease in the average UI Contribution rate from 1.65% in 2025 to 1.45% in 2026.

**Beneficial Impacts**

By adopting this average UI Contribution rate of 1.45%, the average burden on employers will decrease from calendar year 2025 and will not revert to the standard contribution rate of 2.95% in the absence of this regulation amendment. Furthermore, at this average UI Contribution rate, UI contributions are expected to exceed UI benefit payments which will continue to allow the state to build its Trust Fund reserves.

**Adverse Impacts**

The only employers who will experience a higher contribution rate are those whose UI experience causes them to receive a rate higher than the standard rate of 2.95%.

**b. Both immediate and long-term effects.**

All Nevada employers subject to average Unemployment Insurance (UI) Contributions and eligible for experience rating will be affected by the proposed regulation, which will be lowered to 1.45% in calendar year 2026.

**Beneficial Impacts**

Possible increase in work search activity on the part of UI claimants, to the potential benefit of employers.

**Adverse Impacts**

This regulatory amendment does not pose any known adverse economic impact on the State and/or the public.

**Direct Impacts**

The direct impact of this regulation on any particular Nevada business depends on that business' prior experience with respect to unemployment. Because the rates that employers pay are fixed in statute, the average rate is adjusted each year in the regulatory process by adapting a range of reserve ratios which will apply to those rates. Each employer's reserve ratio changes each year as well, rising or falling, depending on the net balance of UI contributions and benefit charges from and to that account.

**Indirect Impacts**

This regulation complies with the federal compliance regulations governing Unemployment Insurance contribution rates. Therefore, employers maintain eligibility for a full 5.4% credit toward their federal unemployment insurance taxes. In addition, the additional solvency in the UI system will help to pay for unemployment benefits in the future. On average, evidence suggests that for each dollar in UI benefits, \$2 or more in economic activity results. In addition, employers benefit as funds are returned to the economy through UI benefit payments, helping to mitigate the decline in consumption that takes place in a recession. Finally, the UI system helps to maintain the attachment of workers to the local workforce and facilitate a faster return to work.

**Immediate Effect:**

This regulation will adopt the experience rating schedule that will be in effect for calendar year 2026. The Average UI Contribution Rate of 1.45%, combined with the Career Enhancement Program Assessment (CEP) pursuant to NRS 612.606, will maintain the total

of 1.50% of wages subject to unemployment contributions in calendar year 2026.

**Long-Term Effect:**

This regulation will continue to build reserves and/or offset costs in the Nevada Unemployment Insurance Trust Fund, earning interest to the credit of that fund and helping to improve the State’s ability to pay unemployment benefits.

**7. The estimated cost to the agency for enforcement of the adopted regulation.**

This regulation will be enforced as a regular part of ongoing DETR Employment Security Division operations and does not represent any additional burden on staff time, as the regulation is used to modify contribution rates each year. Funding for the administration of the unemployment insurance (UI) program is provided to DETR by the U.S. Department of Labor (USDOL).

**Anticipated Revenue Increase and Use**

This regulation lowers the 2025 average UI contribution rate at 1.65% to 1.45% for calendar year 2026. By Law, money collected from state unemployment insurance contributions can only be used to pay unemployment insurance benefits, so these funds will remain deposited in the Nevada Unemployment Insurance Trust Fund.

**8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

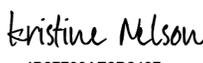
This regulation represents an annual modification to the Schedule of Contribution Rates for eligible employers for calendar year 2026. Therefore, this regulation does not duplicate or provide a more stringent standard than any other regulation of federal, state, or local governments.

**9. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

This regulation is not required pursuant to federal law, nor is there a federal regulation that regulates the same activity.

**10. If the regulation establishes a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This Regulation does not impose any new or increased fees on employers.

Signed by:  
  
4B27700AE2B2437...  
\_\_\_\_\_  
Kristine Nelson, ESD Administrator  
DETR

12/8/2025  
\_\_\_\_\_  
Date



**Small Business Impact Statement**  
**Department of Employment, Training, and Rehabilitation**  
**NAC 612.550 Rates for employers**  
**Pursuant to NRS 241.020 and 233B.0608**

**1. Description of the manner in which comments were solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

On September 8, 2025, the Division publicly posted notice of the meeting notice and agenda for the Workshop to Address the Impact of Proposed Regulation on Small Businesses to solicit public comments pursuant to NRS 241.020 and 233B.061. Said Small Business Workshop is being held on October 6, 2025 immediately following the Employment Security Council (ESC) public meeting that begins at 1:00 PM.

**2. Manner and Method of Analysis**

This analysis was conducted by the state employee, DETR's Chief Economist, with the most understanding of the subject of unemployment insurance, projected benefit and contributions, and ability to make a valid and educated determination as to the potential impact of said regulation amendments and repeals based on said economic analyses conducted and considerations from any/all public comments received by the Department during this rulemaking process. Analysis of expected benefit costs comes from a model of estimated employment growth and estimated average wage growth on a quarter-by-quarter basis throughout the time period to which the regulation would apply. Data about the number, size, and distribution of employers comes from the records of the Division from the required reports filed by those employers,

**3. Estimated Economic Impact**

All Nevada employers subject to Unemployment Insurance (UI) contributions and eligible for experience rating will be affected by the proposed regulations constituting approximately 76,770 employers or 75.2% of all employers registered with the Employment Security Division. The proposed regulations represent a range of options ranging from a decrease in the average UI Contribution rate to 1.35% to an unchanged average UI Contribution rate at 1.65% from 2025 to 2026.

**Beneficial Impacts**

Under all proposed regulation alternatives, the average burden on employers will either remain steady or could decrease and will not revert to the standard contribution rate of 2.95%. Further, these contributions are expected to exceed benefit payments and will continue to allow the state to build its Trust Fund reserves.

**Adverse Impacts**

The only employers who will experience a higher contribution rate are those whose UI experience causes them to receive a rate higher than the standard rate of 2.95%. Under the 1.65% average rate schedule, approximately 1,609 have a positive reserve ratio and have paid more in UI Contributions than received UI benefit charges over the life of their account while 5,246 have a negative ratio and have resulted in a net cost to the system. Under the 1.35% schedule, 1,235 of these employers have a positive reserve ratio, while 4,602 have a negative ratio.

### **Direct Impacts**

The direct impact of this regulation on any particular Nevada business depends on that business' prior experience with respect to unemployment. Because the rates that employers pay are fixed in statute, the average rate is reviewed each year in the regulatory process by adapting a range of reserve ratios which will apply to those rates. Each employer's reserve ratio changes each year as well, rising or falling, depending on the net balance of UI contributions and benefit charges from and to that account.

### **Indirect Impacts**

This regulation complies with the federal compliance regulations governing Unemployment Insurance contribution rates. Therefore, employers maintain eligibility for a full 5.4% credit toward their federal unemployment insurance taxes. In addition, the additional solvency in the UI system will help to pay for unemployment benefits in the future. On average, evidence suggests that for each dollar in UI benefits, \$2 or more in economic activity results. In addition, employers' benefit as funds are returned to the economy through UI benefit payments, helping to mitigate the drop in consumption that takes place in a recession. Finally, the UI system helps to maintain the attachment of workers to the local workforce and facilitate a faster return to work, both through job search and training services and through mandatory work search requirements.

## **4. Consideration of Impact on Small Businesses**

By using an experience-rated structure, employers' tax rates depend primarily on their own experience with unemployment, without regard for employer size or industry type. The distribution of small employers through the UI contribution schedule closely mirrors that of the state, generally varying by no more than 0.5%. The standard contribution rate remains fixed by statute at 2.95%. Additionally, federal laws only allow the State to assign rates of less than the standard rate to employers based on their experience with respect to unemployment, so no preferential rates may be assigned to small businesses.

## **5. Estimated Cost of Enforcement**

This regulation amendment will be enforced as a regular part of ongoing UI operations and does not represent any additional burden on staff time, as the regulation is used to modify contribution rates each year. Funding for the administration of the UI program is provided to the Department by the US Department of Labor.

## **6. Anticipated Revenue Increase and Use**

As this regulation adopts a lower average contribution rate than the standard rate of 2.95%, there is no anticipated revenue increase as a result of this regulation.

## **7. Duplication or More Stringent Standards than Federal, State, or Local Governments**

This regulation is only an annual modification to the unemployment insurance contribution schedule, therefore, the determination of the Division that this regulatory review is not anticipated to result in duplication or more stringent standards than those of federal, state, or local governments.

**8. The Reason for the Conclusions of the Agency Regarding the Impact of the Regulation on Small Businesses**

The distribution of small business employers closely matches the overall distribution of all employers in the state and because Unemployment Insurance (UI) law does not allow states to assign rates of less than the standard rate, 2.95% in Nevada, except on the basis of an employer's prior experience with respect to unemployment; the agency believes that there is no disparate impact to small businesses due to this regulation.

**Certification of Concerted Effort to Determine Impact on Small Business and Accuracy of Statement**

I certify that to the best of my knowledge or belief, a concerted effort was made by the Department of Employment, Training, and Rehabilitation to determine the impact of this regulation on small business, and that the information contained in this statement has been prepared properly and is accurate.

*Kristine Nelson* 09.08.2025  
\_\_\_\_\_  
Kristine Nelson  
ESD Administrator





**ADOPTED REGULATION OF THE ADMINISTRATOR OF THE  
EMPLOYMENT SECURITY DIVISION OF THE DEPARTMENT  
OF EMPLOYMENT, TRAINING AND REHABILITATION**

**LCB File No. R064-25**

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

AUTHORITY: § 1, NRS 612.220.

A REGULATION relating to unemployment compensation; requiring each employing unit that wishes to engage in payrolling to first submit a written request to and receive written approval from the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

The Unemployment Compensation Law requires employers to make contributions to the Unemployment Compensation Fund for the purpose of providing temporary benefits to persons who become involuntarily unemployed. In general, existing law requires employers to pay contributions to the Fund at a certain rate of the wages paid by the employer for employment. (Chapter 612 of NRS)

Existing regulations define the term “payrolling” to mean the practice of designating one employing unit to report the wages of an employee who performs services for another employing unit. Existing regulations prohibit an employing unit from engaging in payrolling unless: (1) the employing unit reporting the wages of an employee pays certain contribution rates; and (2) the contribution rate paid by the employing unit reporting the wages of an employee is equal to or greater than the contribution rate paid by the employing unit for whom the employee performs services. (NAC 612.258) This regulation additionally requires each employing unit that wishes to engage in payrolling to first submit a written request to and receive written approval from the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation.

**Section 1.** NAC 612.258 is hereby amended to read as follows:

612.258 1. Except as otherwise provided in subsection 2:

- (a) An employing unit shall not engage in payrolling.
- (b) Wages must be reported by the employing unit:

- (1) That has the right to hire and fire the employee;
- (2) That has the responsibility to control and direct the employee; and
- (3) For which the employee performs services.

2. The provisions of subsection 1 do not apply to an employing unit that reports the wages of an employee who performs services for another employing unit if:

(a) *The employing unit has submitted a written request to and received written approval to do so from the Administrator;*

(b) The employing unit pays the standard contribution rate or is assigned a contribution rate in classes 10 to 18, inclusive, pursuant to NAC 612.270; and

~~(b)~~ (c) The contribution rate paid by the employing unit reporting the wages of the employee is equal to or greater than the contribution rate paid by the employing unit for whom the employee performs services.

3. As used in this section:

(a) “Payrolling” means the practice of designating one employing unit to report the wages of an employee who performs services for another employing unit.

(b) “Standard contribution rate” means the rate of contributions prescribed by NRS 612.540.

**LEGISLATIVE REVIEW OF ADOPTED  
PERMANENT REGULATIONS AS REQUIRED BY  
NRS 233B.066**

**LCB FILE R064-25**

The following statement is submitted for adopted amendment to Nevada Administrative code (NAC) Chapter 612.258.

**1. A clear and concise explanation of the need for the adopted regulation.**

The proposed amendment to the regulation pertaining to NAC 612.258 relates to Payrolling and is an additional non-substantive internal control in section (c) that provides an approval procedure that would enable a reporting and tracking mechanism for DETR ESD for employing units that opt in to the Payrolling process, ensuring the integrity of the UI program and protecting both employers and claimants against fraud and/or abuse of the process.

**2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

On September 10, 2025, the Employment Security Division publicly notified the State that it would be holding a **Small Business Workshop on October 6, 2025** to solicit public comment on proposed regulation **R064-25**. Said notification was provided more than 15 days as required in Nevada's Rulemaking process. Pursuant to NRS 233B.0608(3), the Small Business Impact Statement on proposed regulation amendments for **NAC 612.258** was reviewed by DETR ESD staff, were noticed with the Small Business Workshop Agenda, and were reviewed before the public during the Small Business Workshop. Furthermore, DETR staff provided additional information to the public which included: an overview of the regulation amendment and the Small Business Impact Statement.

The Division received no written public comment pursuant to its Agenda posting as of October 5, 2025, nor were any public comments made at the **October 6, 2025** Small Business Workshop during the workshop's two public comment periods as published on the Agenda.

**R064-25** was formerly drafted by LCB on October 16, 2025, and on **October 23, 2025** the Employment Security Division publicly notified the State that it would be holding a public meeting on **November 24, 2025, 2:00 PM** via its posting of a **Notice of Intent to Act Upon and Adopt Regulations** to solicit public comments on proposed regulation **R064-25**. Said notification, which included the meeting Agenda and the proposed regulation **R064-25** as formerly drafted by Nevada's Legislative Counsel Bureau (LCB) was provided and posted both physically at the locations listed below and on DETR's Public Meetings website <https://detr.nv.gov/publicmeetings> and Nevada's Public Notice website at <https://notice.nv.gov/> within 30 days of the public meeting.

The Division received no written public comment as of November 21, 2025, nor were any public comments made at the **November 24, 2025** public meeting during the meeting's two public comment periods as published on the public meeting's Agenda.

In compliance with NRS 233B.0608, the live public meeting on the Intent to Act Upon and Adopt Regulations was held on **November 24, 2025 at 2:00 PM** at DETR's State Administrative Office

(SAO) Auditorium, 500 E. Third Street, Carson City, Nevada 89713, and made available in person via live broadcast from DETR's St. Louis Auditorium, 2800 St. Louis Avenue, Las Vegas, Nevada 89104 and via ZOOM meeting to members of the public who wished to participate virtually. The purpose of this hearing was to receive public comments from all interested persons regarding the adoption of this regulation pertaining to Chapter 612, of the Nevada Administrative Code.

The transcript of the Hearing been requested and will post to DETR's Public Meetings page within 30 days of the Hearing at the following link; <https://detr.nv.gov/publicmeetings>.

**Posting locations:**

Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701

- Legislative Building, 401 South Carson Street, Carson City, NV 89701
- Grant Sawyer State Building, 555 E. Washington Ave., Las Vegas, NV 89101
- Legislative Counsel Bureau Web Site
- Department of Employment, Training and Rehabilitation Web Site
- Public Notices website
- Employment Security Division, State Administrative Office, 500 East Third Street, Carson City, NV 89713
- Employment Security Division Southern Administrative Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104
- Constituent Services Office of the Governor
- Employ NV Career Hub, 121 Industrial Way, Fallon, NV 89406
- Employ NV Career Hub, 3405 S. Maryland Parkway., Las Vegas, NV 89169
- Employ NV Career Hub, 2827 Las Vegas Blvd N., North Las Vegas, NV 89030
- Employ NV Career Hub, 4001 South Virginia St. Suite H., Reno, NV 89502
- Employ NV Career Hub, Carson City, 1929 North Carson Street, Carson City, NV 89701
- Employ NV Career Hub, Elko, 172 Sixth Street, Elko, NV 89801
- Nevada EmployNV Hub -Winnemucca, 475 Haskell St., Suite 1, Winnemucca, NV 89445

**3. The number of persons who:**

**a. Attended at each meeting:**

**Small Business Workshop:**

October 6, 2025: Carson City: 12

October 6, 2025: Las Vegas: 1

**Hearing:**

November 24, 2025: Carson City: 5

November 24, 2025: Las Vegas: 1

**b. Testified at each meeting:**

**Small Business Workshop:**

October 6, 2025

- No public comment

**Hearing:**

November 24, 2025

- No public comment

**c. Submitted to the agency written comments:**

**Small Business Workshop:** No written comments were received.

**Hearing:** No written comments were submitted

**4. A description of how comments were solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public via notification and process for submitting written comments included on the agendas for both the Small Business Workshop held on October 6, 2025 and the Notice of Intent to Act Upon and Adopt Regulations public meeting held on November 24, 2025. In addition to the two (2) periods for public comment included on the agendas for both the Small Business Workshop and the Notice of Intent to Act Upon and Adopt Regulations public meeting.

**5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The ESD Administrator adopted regulation **R064-25** without change following the engagement with the public and business community based on the valid intent that said regulation amendment would establish in the form of internal control to ensure the integrity of the UI program and protecting both employers and claimants against fraud and/or abuse of the Payrolling process. In addition, said adoption was made pursuant to the assessment of the minimal impact that said regulation would have on small businesses.

**6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

**a. Both adverse and beneficial effects; and**

This regulation imposes no significant cost on the employer, so it is expected that employers choosing to opt-in to this process would continue to do so. This regulation amends the current regulation, which was enrolled in 2024, LCB File No. **R086-24**, adding an additional non-substantive section (c) that if approved, would provide an approval procedure that would enable a reporting and tracking mechanism of said payrolling exemption requests by the Department, ensuring the integrity of the UI program and protecting both employers and claimants against abuse.

**Adverse Impacts**

This regulatory change poses no substantial adverse impact to Nevada businesses.

**Beneficial Impacts**

This regulation helps to ensure the integrity of the UI program and experience-rating system, ensuring that costs from bad actors are not passed on to other businesses. Therefore this regulation provides the potential for significant benefits to other employers, depending on how many employers choose to engage in this process.

**b. Both immediate and long-term effects.**

**Immediate Effect:**

Immediate effects through the adoption of this regulation would ensure protection to both employers and claimants against abuse from employers who opt in to the Payrolling process through the exemption provided in NAC 612.258.

**Long-Term Effect:**

Long-term effects through the adoption of this regulation result from employers who opt in to this process paying a UI Contribution Rate greater than or equal to the rate that would be assessed for such workers, employers choosing to engage in this process provide a financial benefit to the UI system overall, increasing total revenue while incurring no additional costs. This regulation provides a stronger mechanism to track and enforce that provision, creating direct benefits to all employers in the system.

**Direct Impacts:**

By ensuring that employers who opt in to this process are paying a UI Contribution Rate greater than or equal to the rate that would be assessed for such workers, employers choosing to engage in this process provide a financial benefit to the UI system overall, increasing total revenue while incurring no additional costs. This regulation provides a stronger mechanism to track and enforce that provision, creating direct benefits to all employers in the system.

**Indirect Impacts:**

This regulatory change would assist the Department's ability to track and report said payrolling exemption requests to ensure compliance with NAC 612.258 as said regulation complies with the federal compliance regulations governing State Unemployment Tax Act (SUTA) Dumping Prevention Act, which is federal legislation signed into law in 2004, that requires states to pass laws preventing employers from artificially lowering their State Unemployment Tax Act (SUTA) rates through fraudulent means, such as manipulating business ownership and experience ratings to avoid paying higher UI taxes. The Act mandates penalties for violations and requires states to implement measures, including transfer of experience laws and SUTA dumping detection systems, to enforce compliance and ensure fair collection of unemployment taxes.

**7. The estimated cost to the agency for enforcement of the adopted regulation.**

This regulation will be enforced as a regular part of ongoing DETR Employment Security Division operations and does not represent any additional burden on staff time. Funding for the administration of the unemployment insurance (UI) program is provided to DETR by the U.S. Department of Labor (USDOL).

**Anticipated Revenue Increase and Use**

There is no anticipated revenue increase and/or use as a result of this regulation.

**8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This regulation represents an amendment to the current regulation in NAC 612.258, which was enrolled in 2024, LCB File No. **R086-24**, adding an additional non-substantive section (c) that

provides an approval procedure that would enable a reporting and tracking mechanism of said payrolling exemption requests by the Department, ensuring the integrity of the UI program and protecting both employers and claimants against abuse. Said regulation does not duplicate or provide a more stringent standard than any other regulation of federal, state, or local governments.

9. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

This regulation is not required pursuant to federal law, nor is there a federal regulation that regulates the same activity.

10. **If the regulation establishes a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This Regulation does not impose any new or increased fees on employers.

Signed by:  
  
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\_\_\_\_\_  
Kristine Nelson, ESD Administrator  
DETR

11/26/2025  
\_\_\_\_\_  
Date



## Small Business Impact Statement

### Department of Employment, Training, and Rehabilitation

#### NAC 612.258 Payrolling approval mechanism for employers

##### Pursuant to NRS 241.020 and 233B.0608

- 1. Description of the manner in which comments were solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

On September 8, 2025, the Division publicly posted notice of the meeting notice and agenda for the Workshop to Address the Impact of Proposed Regulation on Small Businesses to solicit public comments pursuant to NRS 241.020 and 233B.061. Said Small Business Workshop is being held on October 6, 2025 immediately following the Employment Security Council (ESC) public meeting that begins at 1:00 PM.

- 2. Manner and Method of Analysis**

This analysis was conducted by the state employee, DETR's Chief Economist, with the most understanding of the subject of unemployment insurance, projected benefit and contributions, and ability to make a valid and educated determination as to the potential impact of said regulation amendments and repeals based on said economic analyses conducted and considerations from any/all public comments received by the Department during this rulemaking process. Analysis of expected benefit costs comes from a model of estimated employment growth and estimated average wage growth on a quarter-by-quarter basis throughout the time period to which the regulation would apply. Data about the number, size, and distribution of employers comes from the records of the Division from the required reports filed by those employers,

- 3. Estimated Economic Impact**

Only those Nevada employers who choose to centrally report wages from an account that has a higher UI Contribution Rate will be subject to the proposed regulation, which requires an additional step of notification and approval to do so, while imposing no other significant cost. Because the employer is still choosing to opt-in to potentially paying a higher rate, it is assumed that the perceived value of doing so exceeds the cost to the employer. This regulation imposes no significant cost on the employer, so it is expected that employers choosing to opt-in to this process would continue to do so. This regulation amends the current regulation, which was enrolled in 2024, LCB File No. **R086-24**, adding an additional non-substantive section (c) that if approved, would provide an approval procedure that would enable a reporting and tracking mechanism of said payrolling exemption requests by the Department, ensuring the integrity of the UI program and protecting both employers and claimants against abuse.

#### **Beneficial Impacts**

This regulation helps to ensure the integrity of the UI program and experience-rating system, ensuring that costs from bad actors are not passed on to other businesses. Therefore this regulation provides the potential for significant benefits to other employers, depending on how many employers choose to engage in this process.

#### **Adverse Impacts**

This regulatory change poses no substantial adverse impact to Nevada businesses.

### **Direct Impacts**

By ensuring that employers who opt in to this process are paying a UI Contribution Rate greater than or equal to the rate that would be assessed for such workers, employers choosing to engage in this process provide a financial benefit to the UI system overall, increasing total revenue while incurring no additional costs. This regulation provides a stronger mechanism to track and enforce that provision, creating direct benefits to all employers in the system.

### **Indirect Impacts**

This regulatory change would assist the Department's ability to track and report said payrolling exemption requests to ensure compliance with NAC 612.258 as said regulation complies with the federal compliance regulations governing State Unemployment Tax Act (SUTA) Dumping Prevention Act, which is federal legislation signed into law in 2004, that requires states to pass laws preventing employers from artificially lowering their State Unemployment Tax Act (SUTA) rates through fraudulent means, such as manipulating business ownership and experience ratings to avoid paying higher UI taxes. The Act mandates penalties for violations and requires states to implement measures, including transfer of experience laws and SUTA dumping detection systems, to enforce compliance and ensure fair collection of unemployment taxes.

#### **4. Consideration of Impact on Small Businesses**

This regulatory change imposes no cost on any business not engaging in the payrolling exemption, and provides direct benefits to such employers by protecting the integrity of the UI system.

#### **5. Estimated Cost of Enforcement**

This regulation amendment will be enforced as a regular part of ongoing UI operations and does not represent any additional burden on staff time, as the regulation is used to modify contribution rates each year. Funding for the administration of the UI program is provided to the Department by the US Department of Labor.

#### **6. Anticipated Revenue Increase and Use**

There is no anticipated revenue increase as a result of this regulation.

#### **7. Duplication or More Stringent Standards than Federal, State, or Local Governments**

It is the determination of the Department that this regulatory review is not anticipated to result in duplication or more stringent standards than those of federal, state, or local governments.

#### **8. The Reason for the Conclusions of the Agency Regarding the Impact of the Regulation on Small Businesses**

The distribution of small business employers closely matches the overall distribution of all employers in the state and the Department believes that there is no disparate impact to small businesses due to this regulation.

Certification of Concerted Effort to Determine Impact on Small Business and Accuracy of Statement

I certify that to the best of my knowledge or belief, a concerted effort was made by the Department of Employment, Training, and Rehabilitation to determine the impact of this regulation on small business, and that the information contained in this statement has been prepared properly and is accurate.

*Kristine Nelson* 09.08.2025

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Kristine Nelson  
ESD Administrator





**STATE AGENCY REGULATIONS TO BE REVIEWED  
BY THE LEGISLATIVE COMMISSION**

**DECEMBER 17, 2025**

| <b>REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675<br/>AND DEFERRED AT A PREVIOUS MEETING</b> |             |   |
|---|-------------|---|
| <b>2024 REGULATIONS</b>   |             |   |
| <b>R016-24</b>  | <b>384</b>  | <b>COMSTOCK HISTORIC DISTRICT COMMISSION</b><br>A REGULATION revising various provisions relating to the<br>Comstock Historic District Commission<br><b>CONTACT Arthur Krupicz (775) 684-3443</b><br><b>art.krupicz@shpo.nv.gov</b> |
| <b>R057-24</b>  | <b>385B</b> | <b>NEVADA INTERSCHOLASTIC ACTIVITIES<br/>ASSOCIATION</b><br>A REGULATION revising provisions relating to conduct<br><b>CONTACT Paul Anderson (775) 827-2000</b><br><b>panderson@mcllawfirm.com</b>                                  |
| <b>2025 REGULATIONS</b>   |             |   |
| <b>R022-25</b>  | <b>385B</b> | <b>NEVADA INTERSCHOLASTIC ACTIVITIES<br/>ASSOCIATION</b><br>A REGULATION revising provisions relating to the payment<br>of membership dues<br><b>CONTACT Paul Anderson (775) 827-2000</b><br><b>panderson@mcllawfirm.com</b>        |





**STATE AGENCY REGULATIONS TO BE REVIEWED  
BY THE LEGISLATIVE COMMISSION**

**DECEMBER 17, 2025**

| <b>REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675<br/>AND DEFERRED AT A PREVIOUS MEETING</b> |             |   |
|---|-------------|---|
| <b>2024 REGULATIONS</b>   |             |   |
| <b>R016-24</b>  | <b>384</b>  | <b>COMSTOCK HISTORIC DISTRICT COMMISSION</b><br>A REGULATION revising various provisions relating to the<br>Comstock Historic District Commission<br><b>CONTACT Arthur Krupicz (775) 684-3443</b><br><b>art.krupicz@shpo.nv.gov</b> |
| <b>R057-24</b>  | <b>385B</b> | <b>NEVADA INTERSCHOLASTIC ACTIVITIES<br/>ASSOCIATION</b><br>A REGULATION revising provisions relating to conduct<br><b>CONTACT Paul Anderson (775) 827-2000</b><br><b>panderson@mcllawfirm.com</b>                                  |





**REVISED ADOPTED REGULATION OF THE  
COMSTOCK HISTORIC DISTRICT COMMISSION**

**LCB File No. R016-24**

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

AUTHORITY: §§ 1-3, NRS 384.050 and 384.090; §§ 4, 11 and 13, NRS 384.090; § 5, NRS 384.080, 384.090, 384.115 and 384.190; §§ 6 and 7, NRS 384.060 and 384.090; § 8, NRS 384.090 and 384.100; § 9, NRS 384.090 and 384.110; § 10, NRS 384.090 and 384.140; § 12, NRS 384.090 and 384.190.

A REGULATION relating to the Comstock Historic District; eliminating the offices of Secretary and Treasurer of the Comstock Historic District Commission; requiring money due and payable to the Commission to be deposited in the Account for the Comstock Historic District; transferring certain duties of the Treasurer to the Chair of the Commission; revising the powers and duties of the Chair and Vice Chair of the Commission; revising the qualifications of members of an architectural committee; renaming the Office Manager employed by the Commission as the District Officer; establishing the duties of the District Officer; revising requirements related to meetings of the Commission; revising a map of the boundaries of the Historic District; revising requirements relating to an application for a certificate of appropriateness; requiring the Commission to consider certain standards when determining whether to issue a certificate of appropriateness; revising requirements relating to a preapplication review conducted by the Commission; clarifying the powers of a county or city building inspector designated by the Commission; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Comstock Historic District Commission and requires the Commission to establish a historic district in certain areas of Storey and Lyon Counties. Existing law also: (1) prescribes the procedure for the establishment of a historic district; and (2) authorizes the Commission to alter or change the boundaries of the historic district by following the same procedure as provided for the establishment of a historic district. (NRS 384.040, 384.100) Existing regulations set forth a map of the boundaries of the Historic District, as originally established. (NAC 384.150) **Section 8** of this regulation revises the map in accordance with alterations or changes made to the boundaries of the Historic District. **Section 8** additionally provides: (1) a written description of the boundaries of the Historic District; and (2) that, if a conflict exists between the map and written description, the written description prevails.

Existing law grants the Commission various powers and duties related to the preservation and protection of any historic district established by the Commission. (NRS 384.080) Existing law additionally creates the Account for the Comstock Historic District in the State General Fund and requires the money deposited in the Account to be expended only for the maintenance of the

Commission or to carry out the program of historic preservation and restoration within the District. (NRS 384.170) Existing regulations require the Commission to elect or appoint a Chair, a Vice Chair, a Secretary and a Treasurer and set forth the powers and duties of those officers. (NAC 384.020-384.080) **Section 1** of this regulation eliminates the offices of Secretary and Treasurer of the Commission. **Sections 2 and 13** of this regulation make conforming changes related to the elimination of these offices. **Section 2** transfers certain duties of the Treasurer to the Chair and **section 3** of this regulation authorizes the Vice Chair to perform such duties on behalf of the Chair. **Section 2** further requires the Chair, or his or her designee, to deposit money due and payable to the Commission in the Account. Under existing regulations, the Chair of the Commission is required to supervise and control all of the business and affairs of the Commission. (NAC 384.040) **Section 2** removes this requirement.

Existing law authorizes the Commission to appoint any committees and subcommittees necessary to carry out its duties. (NRS 384.090) Existing regulations authorize the Commission to appoint an architectural committee composed of members who have expertise and background in architecture, engineering or design, particularly as it relates to the architectural design and engineering methods used between 1865 and 1880. (NAC 384.090) **Section 4** of this regulation removes the requirement for such experience, thereby authorizing the Commission to appoint any person who has expertise and background in architecture, engineering or design to an architectural committee.

Existing law authorizes the Commission to employ such personnel as the Commission deems necessary to carry out its duties. (NRS 384.080) Existing regulations: (1) authorize the Commission to employ an Office Manager; and (2) prescribe the duties of a person so employed. (NAC 384.110) **Section 5** of this regulation renames the Office Manager as the District Officer and sets forth the duties of the District Officer, including certain duties previously performed by the Secretary of the Commission.

Existing law authorizes the Commission to establish requirements related to meetings of the Commission. (NRS 384.060) Existing regulations require the Commission to meet on the first Tuesday of each month. (NAC 384.120) **Section 6** of this regulation instead requires the Commission to hold at least one regular meeting each month unless: (1) inclement weather or other uncontrollable circumstances make it impossible, impracticable or inadvisable for the Commission to meet; (2) a quorum of members is unable to meet; or (3) the Chair determines that there is not sufficient business to warrant meeting.

Existing regulations: (1) authorize the Commission to hold special meetings; and (2) require that written notice of any such meeting be delivered personally or sent by mail or telegram to each Commissioner. (NAC 384.120, 384.130) **Section 7** of this regulation eliminates the option to deliver the notice by telegram and authorizes the electronic transmission of the notice.

In general, existing law requires a person to obtain a certificate of appropriateness from the Commission before building or altering a structure within the Historic District. Under existing law, an application for a certificate of appropriateness must be accompanied by such plans, specifications and other material as the Commission prescribes. (NRS 384.110) Existing regulations require that each application for a certificate of appropriateness be accompanied by drawings or plans of the proposed alteration, additions or changes. (NAC 384.160) **Section 9** of this regulation instead requires that each application be accompanied by a written description of the proposed alteration, additions or changes. **Section 9** also removes a requirement that certain applications for a certificate of appropriateness be accompanied by certain photographs. Finally, **section 9** authorizes the Commission to require an applicant to submit any additional

information, documentation, drawings or photographs necessary to determine whether to issue a certificate of appropriateness to the applicant.

Existing law requires the Commission to consider certain factors in determining whether to issue a certificate of appropriateness. (NRS 384.140) **Section 10** of this regulation revises the principles that the Commission must consider when determining whether to issue a certificate of appropriateness. (NAC 384.170)

Existing regulations provide for the preapplication review of certain preliminary materials by the Commission. (NAC 384.180) **Section 11** of this regulation eliminates a requirement that certain notice be given to the Commission before a preapplication review.

Existing law prescribes the powers of a building inspector or other similar authority employed by the Commission. (NRS 384.190) Existing regulations authorize the Commission to designate a county or city building inspector to perform certain duties within the Historic District. (NAC 384.190) **Section 12** of this regulation clarifies the powers granted to a county or city building inspector so designated. Finally, **section 13** eliminates the authorization for certain officers of the Commission to enter into contracts or sign checks on behalf of the Commission.

**Section 1.** NAC 384.020 is hereby amended to read as follows:

384.020 1. The officers of the Commission consist of a Chair ~~}, a~~ *and* Vice Chair, ~~}, a~~ ~~Secretary and a Treasurer,}~~ as determined by the Commission.

2. The Commission may elect or appoint such other officers as it deems desirable. These officers shall perform the duties prescribed from time to time by the Commission.

3. Any two or more offices may be held by the same person, except the Office of Chair.

**Sec. 2.** NAC 384.040 is hereby amended to read as follows:

384.040 1. The Chair is the principal executive officer of the Commission . ~~and shall supervise and control all of the business and affairs of the Commission.}~~

2. The Chair shall preside at all meetings of the Commission.

3. The Chair may sign, with the ~~Secretary, or any other proper officer of the Commission authorized by the Commission,}~~ *Vice Chair*, any deeds, mortgages, bonds, contracts, or other instruments which the Commission has authorized to be executed, except in cases where the signing and execution is expressly delegated by the Commission, or by statute, to some other officer or agent of the Commission.

4. The Chair shall perform the duties incident to his or her office and such other duties as may be prescribed by the Commission from time to time.

*5. The Chair, or his or her designee, has charge and custody of and is responsible for all funds and securities of the Commission. The Chair, or his or her designee, shall receive and give receipts for money due and payable to the Commission from any source whatsoever and shall deposit all such money in the name of the Commission in the Account for the Comstock Historic District created by NRS 384.170.*

**Sec. 3.** NAC 384.050 is hereby amended to read as follows:

384.050 1. In the absence of the Chair, or in the event of his or her inability or refusal to act, as determined by a majority of the Commission, the Vice Chair shall perform the duties of the Chair.

2. When acting as Chair, the Vice Chair has all the powers of and is subject to all the restrictions upon the Chair.

3. The Vice Chair shall perform such other duties as from time to time may be assigned to him or her by the Chair or by the Commission.

*4. The Vice Chair may perform any of the actions described in subsection 5 of NAC 384.040 on behalf of the Chair.*

**Sec. 4.** NAC 384.090 is hereby amended to read as follows:

384.090 1. The Commission, by resolution adopted by a majority of the Commissioners, may designate one or more committees, each of which must consist of two or more Commissioners.

2. The committees, to the extent provided in the resolution, have and shall exercise the authority of the Commission and the management of the Commission; but the designation of

such committees and the delegation of authority to them does not operate to relieve the Commission or any individual Commissioner of any responsibility imposed upon the Commission or the Commissioner by law.

3. The Commission may appoint an architectural committee composed of members who have expertise and background in architecture, engineering or design .  ~~[, particularly as it relates to the architectural design and engineering methods used and employed in the Comstock Era between 1865 and 1880.]~~ This committee's purpose is to advise and consult with the Commission on applications for certificates of appropriateness, make recommendations to the Commission, and perform such other duties and functions as the Commission deems advisable. The members of this committee need not be members of the Commission.

4. Other committees not having and exercising the authority of the Commission may be designated by a resolution adopted by the Commission. Except as otherwise provided in the resolution, the members of such a committee need not be members of the Commission. The Chair shall appoint the members of the committee. Any member of the committee may be removed by the Chair whenever in his or her judgment the best interests of the Commission will be served by the removal.

**Sec. 5.** NAC 384.110 is hereby amended to read as follows:

384.110 1. The Commission may employ ~~[an Office Manager]~~ *a District Officer* to ~~[supervise all]~~ *carry out the powers and duties described in subsections 2 and 3.*

*2. The District Officer shall:*

*(a) Supervise:*

*(1) The office and day-to-day [routine] operations of the Commission [, supervise the] ;*

*(2) Any personnel employed by the Commission pursuant to NRS 384.080; and*

(3) Any building inspectors ~~and handle violations.~~

~~2. The Office Manager shall advise~~ *designated by the Commission pursuant to NAC 384.190;*

(b) *Advise* the Commission of pending business and applications ~~and report~~ ;

(c) *Report* violations ~~†~~.

~~3. The Office Manager shall interview~~ *of this chapter or NRS 384.010 to 384.210, inclusive, and handle any such violations in any manner required by the Commission;*

(d) *Interview* and advise applicants according to law and practice, ~~and shall advise them~~ *including, without limitation, advising applicants* of approved standards and details ~~†~~.

~~4. The Office Manager shall review~~ ;

(e) *Review* applications for presentation to meetings of the Commission ;

(f) *Keep the minutes of the meetings of the Commission in one or more books provided for that purpose;*

(g) *See that all notices are given in accordance with the provisions of this chapter or as required by law;*

(h) *Be custodian of the records of the Commission, including all applications for certificates of appropriateness, and their disposition, drawings, photographs, maps, and the library of the Commission;*

(i) *Keep a register of the mailing address of each member of the Commission;* and ~~shall perform~~

(j) *Perform* such other duties as the Commission from time to time may assign.

3. *The District Officer may:*

*(a) Issue certificates of appropriateness on behalf of the Commission in accordance with NRS 384.115; and*

*(b) Exercise the powers granted to a building inspector or similar authority by NRS 384.190.*

**Sec. 6.** NAC 384.120 is hereby amended to read as follows:

384.120 1. ~~{Regular meetings of the Commissioners must be held}~~ *Except as otherwise provided in subsection 2, the Commission will hold a regular meeting at least once each month at the Office of the Commission in Virginia City . ~~{on the first Tuesday of each month.}~~*

*2. The requirements of subsection 1 do not apply if:*

*(a) Inclement weather or other uncontrollable circumstances make it impossible, impracticable or inadvisable for the Commission to meet;*

*(b) A quorum of members is unable to meet; or*

*(c) The Chair determines that there is not sufficient business to warrant meeting.*

~~{2.}~~ 3. Special meetings of the Commissioners may be called by or at the request of the Chair or two Commissioners. The Chair shall fix the time of the special meeting and the place of the meeting, which may be within or without the Historic District.

~~{3.}~~ 4. If less than a majority of Commissioners are present, a majority of the Commissioners present may adjourn a meeting from time to time without further notice.

**Sec. 7.** NAC 384.130 is hereby amended to read as follows:

384.130 1. ~~{Notice}~~ *Written notice* of a special meeting of the Commission must be given at least 7 days before the meeting . ~~{by written}~~ *The notice ~~{delivered}~~ must be:*

*(a) Delivered* personally ~~{, or sent}~~ *to each Commissioner;*

(b) *Sent* by *regular* mail ~~for telegram~~ to each Commissioner, at his or her address as shown on the records of the Commission ~~†~~; *or*

(c) *Transmitted by electronic mail.*

2. Any Commissioner may waive notice of any meeting.

3. A Commissioner's attendance at a meeting constitutes a waiver of notice, except where the Commissioner attends for the express purpose of objecting to the transaction of business because it was not lawfully called.

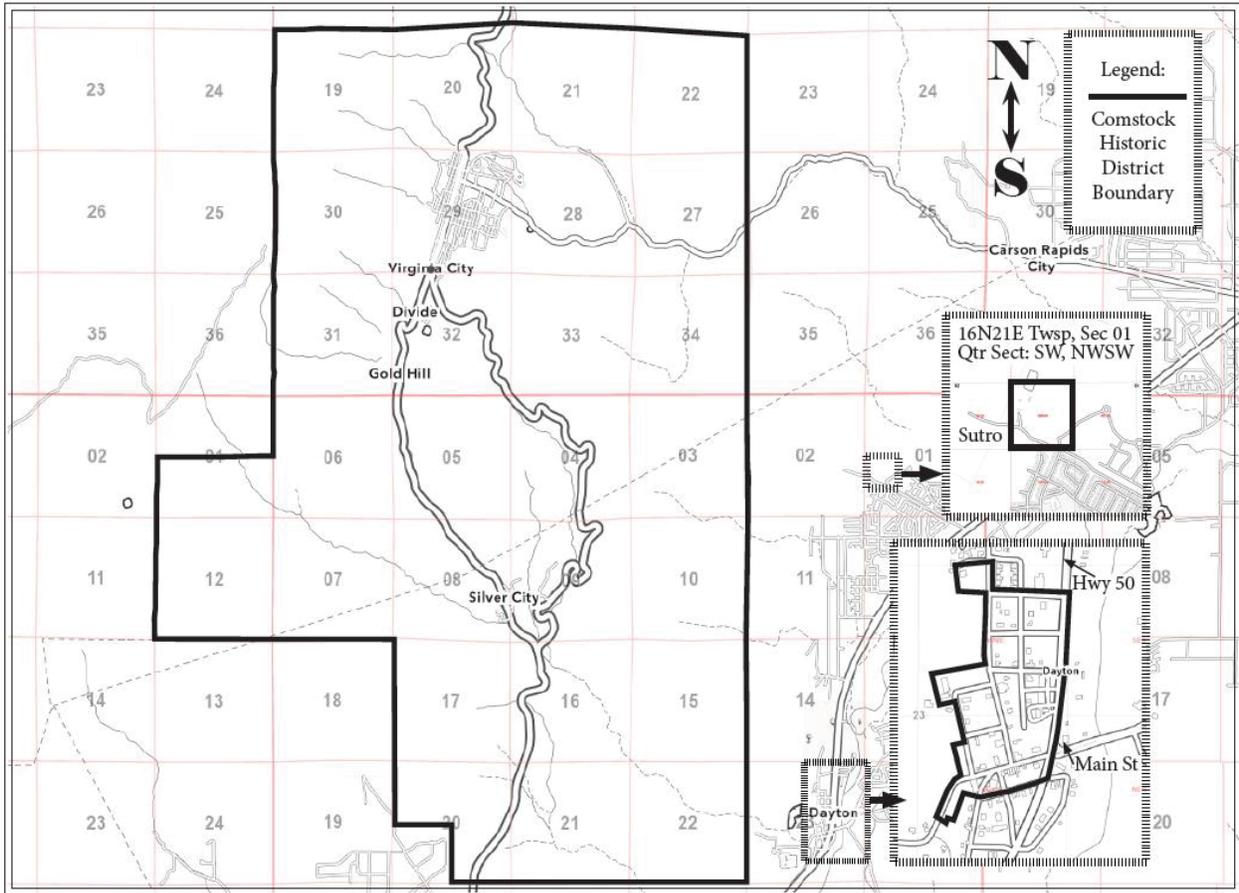
4. The general nature of the business to be transacted at the special meeting must be set forth in the notice.

**Sec. 8.** NAC 384.150 is hereby amended to read as follows:

384.150



1.



2. *The boundaries of the Historic District include all portions indicated on the map included in subsection 1 that are located within Storey and Lyon counties east of the Washoe County line and situated within:*

(a) *Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, T. 17 N., R. 21 E., M.D.B. & M.;*

(b) *Section 12 and S 1/2 of section 1, T. 16 N., R. 20 E., M.D.B. & M.;*

(c) *Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 21, 22 and N 1/2 and SE 1/4 of section 20, T. 16 N., R. 21 E., M.D.B. & M.;*

*(d) The NW 1/4 of the SW 1/4 of section 1, T. 16 N., R. 21 E., M.D.B. & M. that surrounds the entrance to Sutro Tunnel; and*

*(e) The portions of Old Town Dayton located within section 23, T. 16 N., R. 21 E., M.D.B. & M.*

*3. If a conflict occurs between the map included in subsection 1 and the description of the boundaries of the Historic District set forth in subsection 2, the boundaries of the Historic District set forth in the written description included in subsection 2 prevail.*

**Sec. 9.** NAC 384.160 is hereby amended to read as follows:

384.160 1. The Commission will prepare and make available applications for certificates of appropriateness to applicants desiring to erect, reconstruct, alter, restore, move or demolish any structure within the *Historic* District, and may establish a reasonable fee to cover the cost of processing an application.

2. The Commission may issue guidelines or bulletins and instruction sheets from time to time setting forth the general policies of the Commission, design criteria, projects or work that may be undertaken without a certificate of appropriateness, and such other information and data which the Commission deems necessary to better inform and assist applicants in submitting their applications for such certificates. *The guidelines, bulletins or instruction sheets issued pursuant to this subsection may include, without limitation, specific information concerning requirements related to exterior signage within the Historic District.*

3. All applications for certificates of appropriateness must be filed with the Office of the Commission and must remain a part of its records.

4. Every application must be accompanied by *a written description of the proposed alteration, additions or changes and may include, without limitation,* drawings or plans of the

proposed alteration, additions or changes, ~~[and for new construction of buildings or property use,]~~ signed by the person, architect ~~[,]~~ or draftsman who prepared them. ~~[As used in this subsection, “drawing” means plans and exterior elevation drawn to scale with sufficient detail to show, so far as they relate to exterior appearances, the architectural design of buildings, including proposed materials, textures and colors, including samples of materials or color samples, and the plot plan or site lay-out, including all improvements affecting appearances, such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.]~~

5. *The Commission may require an applicant to submit any additional information, documentation, drawings or photographs necessary to make a determination regarding the application.*

6. In the case of an application to alter or add to a structure within the *Historic* District, the application ~~[must]~~ *may* be accompanied by legible photographs of all sides of the structure. In the case of applications for demolition of structures, the applicant shall submit legible photographs of all sides of the ~~[building]~~ *structure* under consideration and photographs showing contiguous properties. In the case of an application to construct a new building in the *Historic* District, the application ~~[must]~~ *may* be accompanied by legible photographs of the adjoining properties. *In accordance with subsection 5, the Commission may require an applicant to submit any photographs described in this subsection.*

7. *As used in this section, “drawing” means plans and exterior elevation drawn to scale with sufficient detail to show, so far as they relate to exterior appearances, the architectural design of buildings, including proposed materials, textures and colors, including samples of materials or color samples, and the plot plan or site layout, including all improvements*

*affecting appearances, such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.*

Sec. 10. NAC 384.170 is hereby amended to read as follows:

384.170 ~~{1.—Preservation is the first responsibility of}~~ *In addition to considering the factors set forth in NRS 384.140, in passing upon the appropriateness of an application pursuant to NRS 384.115 or 384.130, the Commission ~~{, and preservation is preferred to restoration.}~~ will consider:*

1. *The Secretary of the Interior’s Standards for the Treatment of Historic Properties set forth in the version of 36 C.F.R. Part 68 that was in effect on December 17, 2025.*

2. *The following principles:*

(a) Architectural integrity ~~{is}~~, *authenticity and retention of historic building materials are preferable to ~~{synthetic style.}~~*

~~—3.—Change}~~ *substitute building materials and conjectural changes.*

(b) Alterations should be ~~{considered}~~ in ~~{relation to}~~ *keeping with the ~~{remainder}~~ character of the ~~{building}~~ structure and ~~{its neighboring structures.}~~*

~~—4.—Change}~~ *the Historic District.*

(c) *Rehabilitating or restoring a structure to ~~{authentic}~~ its historic appearance* is desirable.

~~{5.}~~ (d) In ~~{all}~~ *planning new ~~{building plans,}~~ construction within the Historic District,* extreme care should be observed. ~~{Each new building should be worthy of the area and a pride to the neighborhood. Since all}~~ *All new construction ~~{aims to capitalize on the merits of the historic background of the District, it}~~ should ~~{also}~~ contribute ~~{its share of}~~ *to the* quality, character and desirability ~~{.}~~ *of the Historic District. All new construction should be compatible with the**

*historic character of the Historic District and should not detract from the integrity of the Historic District.*

~~{6.}~~ (e) Economic consideration should have little effect on the Commission’s judgment insofar as permitting cheaper means of construction, decoration ~~{,}~~ and ~~{fabrication.~~

~~—7.— {imitations} building material selection.~~

(f) *Direct imitation* of ~~{old}~~ *historic* styles ~~{and fake architecture are}~~ *is* not desirable. It is more important that new construction be in scale with older structures and ~~{not detrimental}~~ *be differentiated from them in order* to ~~{buildings with historic and architectural worth.}~~ *not lend a false sense of history.*

Sec. 11. NAC 384.180 is hereby amended to read as follows:

384.180 ~~{1.}~~ Prior to a preparation of working drawings or calling for proposals or bids from contractors, prospective property developers, owners or agents may prepare preliminary ~~{scale}~~ drawings , ~~{and outlines,}~~ specifications, including color samples for outside work, and photographs for review and informal discussion with the Commission. The purpose of this review is to acquaint the developer, owner or agent with the standards of appropriateness of design that are required of his or her proposed development.

~~{2.— Preapplication review does not require formal application but does require notice to be given to the Commission at least 10 days before the date of the meeting in which the preliminary drawings are to be discussed.}~~

Sec. 12. NAC 384.190 is hereby amended to read as follows:

384.190 1. The Commission may designate any county or city building inspector within the *Historic* District to investigate, inspect and examine any structure, place or area within the *Historic* District . ~~{in accordance with NRS 384.190.}~~

2. ~~{When a certificate of appropriateness is granted,}~~ *Upon request, a county or city building inspector ~~{may be authorized by the Commission to make}~~ designated pursuant to subsection 1 may:*

(a) *Make* periodic inspections ~~{and make}~~ *of a structure, place or area within the Historic District;*

(b) *Provide* progress reports to the Commission ~~{~~

~~—3.— The inspector may also be requested to report any}~~ ; *and*

(c) *Report* violations of chapter 384 of NRS to the Commission and other appropriate authorities.

3. *Except as otherwise provided in this section, a county or city building inspector designated by the Commission pursuant to subsection 1 does not have the authority granted to a building inspector or similar authority by NRS 384.190.*

**Sec. 13.** NAC 384.060, 384.070 and 384.080 are hereby repealed.

## TEXT OF REPEALED SECTIONS

### **384.060 Duties of Treasurer.**

1. If required by the Commission, the Treasurer shall give a bond for the faithful discharge of his or her duties in such sum and with such surety or sureties as the Commission determines.

2. The Treasurer has charge and custody of and is responsible for all funds and securities of the Commission. The Treasurer shall receive and give receipts for money due and payable to the

Commission from any source whatsoever and, in accordance with subsection 3 of NAC 384.080, shall deposit all such money in the name of the Commission in such banks, trust companies, or other depositories as are selected by the Commission.

3. The Treasurer shall perform all the duties incident to his or her office and such other duties as from time to time may be assigned to him or her by the Chair.

**384.070 Duties of Secretary.** The Secretary shall:

1. Keep the minutes of the meetings of the Commission, in one or more books provided for that purpose;

2. See that all notices are given in accordance with the provisions of this chapter or as required by law;

3. Be custodian of the Commission's records, including all applications for certificates of appropriateness, and their disposition, drawings, photographs, maps, and the Commission's library;

4. Keep and maintain a card index system, as required by statute, and keep a register of the mailing address of each member of the Commission which must be furnished to the Secretary by the Commission; and

5. Perform all duties incident to his or her office and such other duties as from time to time may be assigned to him or her by the Chair or by the Commission.

**384.080 Contracts, checks, deposits.**

1. The Chair and Secretary may enter into any contract or execute and deliver any instrument in the name of and on behalf of the Commission.

2. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Commission must be signed by the Treasurer and countersigned by the Chair or Vice Chair of the Commission.

3. All money of the Commission must be deposited from time to time to the credit of the Commission, in such banks, trust companies, or other depositories as the Commission may select. The Commission may also purchase time certificates of deposit.



**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066**

**LCB File: R016-24**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 384.

**1. A clear and concise explanation of the need for the adopted regulation.**

The proposed NAC 384 revisions clarify and streamline the definitions, responsibilities, duties, and processes that pertain to the Comstock Historic District Commission (CHDC) and its ability to carry out the requirements of NRS 384. Revisions to NAC 384 include: Revising the district boundaries to remove the Virginia City Highlands residential area that does not contain historic resources; revising and clarifying the district boundaries at downtown Dayton and at Sutro Tunnel to include only the historic resources; streamlining the Certificate of Appropriateness (COA) process; eliminating the unnecessary officer positions of Secretary and Treasurer; clarifying the duties of the “District Officer” staff position; clarifying and streamlining processes including meeting notices, submission of COA applications, committee memberships, preapplication reviews, and assistance from outside building inspectors; allowing for greater flexibility in scheduling meetings; and clarifying the principles that the CHDC must consider when determining whether to issue a COA.

**2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Public workshops were held in-person on February 13 and March 13, 2023, to solicit public comment from interested parties. There were no participants during the February 13, 2023 public workshop. There were two public attendees during the March 13, 2023 workshop, but neither attendee offered public comment. An adoption public hearing was held on July 10, 2024. Members of the public were invited to participate both in-person and virtually in accordance with the Open Meeting Law. There was no public comment during the adoption hearing.

Additionally, copies of the proposed regulation changes, agenda, Small Business Impact Statement, and Notice of Intent to Act Upon Regulations were posted to the CHDC/State Historic Preservation Office website, the Nevada State Legislature website, and the public notice website. Notices and copies of the proposed regulations were also posted at public libraries, all locations where the State Historic Preservation Office has an office, the Bryan Building in Carson City, the State Library and Archives, and the Grant Sawyer Building in Las Vegas. The CHDC also allowed the public to submit written comment. One public comment was received via email in advance of the hearing, and summarized

into the record during the hearing. The public comment stated that the Lyon County Community Development Department preferred that the CHDC meetings be held on a consistent day each month so that the public could plan in advance.

Interested parties may obtain a summary of public comment by contacting the State Historic Preservation Office.

The Nevada Legislative Counsel Bureau (LCB) suggested changes to the permanent regulation. The CHDC included all of the changes suggested by the LCB, and an adoption public hearing was held on October 7, 2025. Members of the public were invited to participate both in-person and virtually in accordance with the Open Meeting Law. There was no public comment during the adoption hearing and no written comments were received.

Additionally, copies of the proposed regulation changes, agenda, Small Business Impact Statement, and Notice of Intent to Act Upon Regulations were posted to the CHDC/State Historic Preservation Office website, the Nevada State Legislature website, and the public notice website. Notices and copies of the proposed regulations were also posted at public libraries, all locations where the State Historic Preservation Office has an office, the Bryan Building in Carson City, and the State Library and Archives. The CHDC also allowed the public to submit written comment.

The Nevada Legislative Commission suggested changes to the permanent regulation at their meeting held on October 28, 2025. The CHDC included all of the changes suggested by the Commission, and an adoption public hearing was held on December 2, 2025. Members of the public were invited to participate both in-person and virtually in accordance with the Open Meeting Law. There was no public comment during the adoption hearing and no written comments were received.

Additionally, copies of the proposed regulation changes, agenda, Small Business Impact Statement, and Notice of Intent to Act Upon Regulations were posted to the CHDC/State Historic Preservation Office website, the Nevada State Legislature website, and the public notice website. Notices and copies of the proposed regulations were also posted at all locations where the State Historic Preservation Office has an office, the Bryan Building in Carson City, the State Library and Archives, and the Las Vegas State of Nevada Campus. The CHDC also allowed the public to submit written comment.

**3. The number of persons from the public who:**

**a. Attended each hearing:**

Four members of the public attended the public hearing on July 10, 2024.

Three members of the public attended the public hearing on October 7, 2025.

Six members of the public attended the public hearing on December 2, 2025.

**b. Testified at each hearing:**

No person from the public testified at the public hearing on July 10, 2024.

No person from the public testified at the public hearing on October 7, 2025.

No person from the public testified at the public hearing on December 2, 2025.

**c. Submitted to the agency written comments:**

One person from the public, Gavin Henderson, Lyon County Community Development Director, submitted a written comment on behalf of the Lyon County Community Development Department.

No other written comments were received by December 2, 2025.

**4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.**

No persons testified at the public hearing on July 10, 2024. One comment was received in writing from the following individual:

Name: Gavin Henderson  
Title: Lyon County Community Development Director  
Organization: Lyon County Community Development Department  
Organization Phone: 775-463-6592  
Direct Line: 775-463-6592, ext. 2473  
Email: ghenderson@lyon-county.org  
Address: 27 S. Main Street, Yerington, NV 89447

No persons testified at the public hearing on October 7, 2025. No comments were received in writing.

No persons testified at the public hearing on December 2, 2025. No comments were received in writing.

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

The CHDC and the State Historic Preservation Office (SHPO) determined that the regulation amendments do not impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business. Therefore, comments were not directly solicited from small businesses, and no summary of their response is provided. Small businesses did have the opportunity to

provide comment during the public workshops and public hearing, and were invited to submit written comment as part of the meeting notification process. The proposed amendments were also posted publicly.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted on December 2, 2025 and included all of the changes suggested at the Legislative Commission meeting held on October 28, 2025.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulation and on the public. These must be stated separately, and each case must include:**

**a. Both adverse and beneficial effects; and**

**• On business:**

The CHDC and SHPO foresee no adverse effects on regulated businesses as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial effects to business will be a more streamlined process for obtaining COAs for small projects, the ability to schedule a preapplication review in a more expedient manner, and a greater understanding of the historic district's principles, requirements, and processes.

**• On the public:**

The CHDC and SHPO foresee no adverse effects to the public as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial effects to the public will be eliminating the requirement for design review of houses built in the Virginia City Highlands, a more streamlined process for obtaining COAs for small projects, the ability to schedule a preapplication review in a more expedient manner, and a greater understanding of the historic district's principles, requirements, and processes.

**b. Both immediate and long-term effects.**

**• On business:**

The CHDC and SHPO foresee no immediate effect on a regulated businesses as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial long-term effects will be the more effective implementation of historic district regulations, which will result in the longevity of the district's historic character and integrity. That in turn will result in increased and continued economic impacts from heritage tourism.

**• On the public:**

The CHDC and SHPO foresee no immediate effect to the public as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial long-term effects will be the more effective implementation of historic district regulations, which will result in the longevity of the district's historic character and integrity. That in turn will result in the protection of property values and improved aesthetics of the district in which they reside.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

The CHDC and SHPO do not anticipate incurring any additional cost resulting from the proposed NAC 384 changes.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any existing regulation.

**10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The regulation does not create any new fees or increase an existing fee.



**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 223B.0608**

**LCB File No. R16-24**

**March 26, 2025**

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The Comstock Historic District Commission (CHDC) and the State Historic Preservation Office (SHPO) determined that the regulation amendments do not impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business. Therefore, comments have not been solicited from small businesses, and no summary of their response is provided. Small businesses did have the opportunity to provide comment during the public meetings to discuss the amendments and during the period when the proposed amendments were posted publicly.

- 2. Describe the manner in which the analysis was conducted.**

The CHDC and SHPO did consider the potential impact of the regulation on small businesses. After careful examination, it was determined that the amendments to this regulation would not affect small businesses in any significant way. As a result, the CHDC logically concluded that no further analysis was necessary regarding the impact on small businesses.

- 3. The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

The regulation repeal does not impose an adverse or beneficial effect, or directly or indirectly affect small businesses.

- 4. Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The CHDC and the SHPO concluded that the proposed regulation does not impact small businesses, therefore, there was no need for the Commission to consider reducing the impact on small businesses.

- 5. The estimated cost to the agency for enforcement of the proposed regulation.**

There are no anticipated costs to the CHDC or the SHPO.

- 6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulation change does not create a new fee or increase an existing fee.

- 7. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.**

Not applicable.

**8. Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

The CHDC and SHPO concluded that there was no impact on small businesses with the adoption of these regulations.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained within the statement was prepared properly and is accurate.

Respectfully,



Joseph Curtis, Chair  
Comstock Historic District Commission



**SECOND REVISED ADOPTED REGULATION  
OF THE NEVADA INTERSCHOLASTIC  
ACTIVITIES ASSOCIATION**

**LCB File No. R057-24**

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

AUTHORITY: §§ 1-10, NRS 385B.060.

A REGULATION relating to interscholastic activities; extending certain requirements concerning sportsmanship, ethics and conduct to certain persons attending a sanctioned sport; prescribing penalties for assault or battery of a sports official; establishing a process for the reinstatement of persons who are suspended from participating in or attending a sanctioned sport for committing assault or battery against a sports official; revising provisions relating to ejections from a sanctioned sport and the penalties relating to such ejections; revising the persons to whom a principal of a school or a designee thereof must provide a report concerning any penalty he or she imposes; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Nevada Interscholastic Activities Association to adopt regulations governing interscholastic events. (NRS 385B.060) Existing regulations require a coach, administrator, faculty member or other representative of a school to practice and demonstrate the highest principles of sportsmanship and ethics in all sanctioned sports, and provide that a person who violates such principles is subject to certain penalties. (NAC 385B.800, 385B.960) **Section 3** of this regulation further requires such persons to represent the highest principles of sportsmanship and ethics in all sanctioned sports and subjects a person who fails to do so to certain penalties.

Existing regulations require each pupil, coach, administrator, faculty member and sports official who participates in or is assigned to a sanctioned sport to comply with certain provisions relating to sportsmanship and ethics. (NAC 385B.802, 385B.812) **Sections 4 and 5** of this regulation extend these requirements to such persons whenever they attend a sanctioned sport, regardless of whether they are participating in or assigned to the sport being played.

Existing regulations prescribe certain procedures governing the ejection of a pupil or coach from a game, contest or meet and certain penalties to be imposed on a pupil or coach who is so ejected. (NAC 385B.822) **Section 6** of this regulation: (1) authorizes the ejection and suspension for 180 school days of any pupil or coach who commits assault or battery against a sports official; and (2) prescribes a procedure for the reinstatement of such a pupil or coach before the end of that period of 180 school days. **Sections 1, 2 and 7** of this regulation make various changes to prescribe a uniform definition of the term “eject” for the purposes of all

regulations governing sanctioned sports. **Section 7** additionally clarifies that certain provisions regarding the removal of a coach from the premises after being ejected from a game, contest or meet apply if the coach is ejected for committing assault or battery against a sports official.

Existing regulations establish the penalties for a pupil or coach who is ejected from a game, contest or meet for unsportsmanlike conduct. (NAC 385B.822) **Section 7** revises such penalties depending on: (1) the number of games, contests or meets from which a pupil or coach is ejected; (2) the number of scheduled games, contests or meets in the sanctioned sport for that season; and (3) the timing in the season of the game, contest or meet in which the ejection occurred. If a pupil is ejected from a game, contest or meet, **section 7** requires the pupil's head coach or the staff of the school responsible for the pupil's participation to ensure the pupil is escorted away from the area in which the game, contest or meet is being held. **Section 7** also requires a pupil or coach who is ejected from a game, contest or meet to satisfy certain requirements before again participating in or attending any level of a sanctioned sport. **Section 7** further clarifies that a decision to eject a pupil or coach from a game, contest or meet is final and may not be appealed.

Existing regulations prohibit a coach, sports official, administrator, faculty member or pupil from making a defamatory statement to the media or through the use of social media relating to any person, sports official or school involved in a game, contest or meet and prescribe penalties for doing so. (NAC 385B.826) **Section 8** of this regulation extends this prohibition to such persons when they attend a sanctioned sport, regardless of whether they are involved in or participate in the sport being played in the game, contest or meet.

Existing regulations require the principal of a school or his or her designee, or a sports official, to report to the Commissioner of Sports Officials of the Association certain penalties that the principal, designee or sports official imposes on a person relating to a game, contest or meet. (NAC 385B.828) **Section 9** of this regulation expands the list of persons to whom such penalties may be reported to include the designee of the Commissioner and the Association.

Existing regulations prohibit each coach, administrator or faculty member of a school who is involved in or has responsibility for any sanctioned sport from engaging in certain conduct. (NAC 385B.830) **Section 10** of this regulation extends these prohibitions to such persons when they are attending any sanctioned sport. **Section 10** also requires a coach, administrator or faculty member who attends a game, contest or meet and becomes aware of a spectator engaging in unsportsmanlike conduct to report that fact to the Commissioner, his or her designee or the Association.

**Section 1.** Chapter 385B of NAC is hereby amended by adding thereto a new section to read as follows:

*“Eject” means the permanent removal of a pupil or coach from a game, contest or meet by a principal of a school or designee thereof, or a sports official who is assigned to the game, contest or meet.*

**Sec. 2.** NAC 385B.002 is hereby amended to read as follows:

385B.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 385B.004 to 385B.054, inclusive, and section 1 of LCB File No. R139-24, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 3.** NAC 385B.800 is hereby amended to read as follows:

385B.800 1. A pupil who represents a school in any sanctioned sport must be of good moral character as determined by the principal of the school. The pupil shall comply with any standards concerning discipline adopted by the school he or she attends or school district in which he or she resides and shall not engage in conduct that discredits the pupil or school. As used in this subsection, “conduct that discredits the pupil or school” includes, without limitation:

(a) A violation of any training or disciplinary rules of the school or school district or a team at the school;

(b) The use or possession of:

(1) Any tobacco or alcoholic beverages; or

(2) Any controlled substance, unless in accordance with a lawfully issued prescription for the controlled substance; and

(c) The commission of any act that violates a law or regulation of this State or the Federal Government.

2. A coach, administrator, faculty member or any other representative of a school shall practice, ~~and~~ demonstrate *and represent* the highest principles of sportsmanship and ethics in all sanctioned sports.

3. A sports official who is assigned to a game, contest or meet shall carry out his or her duties in an impartial manner.

4. Any sports official or any pupil, coach, administrator, faculty member or other representative of a school who violates any provision of this section is subject to the penalties set forth in NAC 385B.960.

**Sec. 4.** NAC 385B.802 is hereby amended to read as follows:

385B.802 The provisions of NAC 385B.802 to 385B.812, inclusive, apply to each pupil, coach, administrator, faculty member and sports official who participates in , ~~for~~ is assigned to *or attends* any sanctioned sport.

**Sec. 5.** NAC 385B.812 is hereby amended to read as follows:

385B.812 1. Each pupil, coach, administrator, faculty member and sports official shall comply with the provisions of NAC 385B.802 to 385B.812, inclusive, during any period in which he or she is assigned to , ~~for~~ participates in *or attends* a sanctioned sport.

2. Any violation of the provisions of NAC 385B.802 to 385B.812, inclusive, may result in the imposition of the penalties set forth in NAC 385B.960.

3. A specific violation set forth in NAC 385B.820 to 385B.826, inclusive, includes the penalties specified in each of those sections.

**Sec. 6.** NAC 385B.820 is hereby amended to read as follows:

385B.820 1. If a team, pupil, coach, administrator or faculty member of a school violates any provision of NAC 385B.802 to 385B.812, inclusive, the principal of the school or a designee thereof shall, within 24 hours after becoming aware of the violation, prepare and submit to the Executive Director a written report concerning the violation. The report must include:

(a) The name of each person who is alleged to have committed the violation and any other person involved in the violation; and

(b) A statement indicating the disciplinary action, if any, the school will impose against the team, pupil, coach, administrator or faculty member for the violation.

2. As soon as practicable after receiving a written report pursuant to subsection 1, the Executive Director:

(a) Shall review the written report; and

(b) May impose any additional penalty against the team, pupil, coach, administrator or faculty member in accordance with the provisions of NAC 385B.960.

3. If a team, pupil, coach, administrator, faculty member or spectator who is enrolled at, employed by or affiliated with a school *or is attending a game, contest or meet* commits an act of violence against a sports official who is assigned to a game, contest or meet, the principal of the school or the designee shall prepare and submit to the Executive Director a written report concerning the act of violence within 24 hours after the act is committed.

4. *A pupil or coach who commits assault or battery against a sports official assigned to a game, contest or meet is guilty of unsportsmanlike conduct. The principal of the school with which the pupil or coach is affiliated or the designee thereof may, where the principal determines that such action is reasonably likely to prevent or discourage such conduct:*

*(a) Immediately eject the pupil or coach from the game, contest or meet; and*

*(b) Suspend the pupil or coach from participating in or attending any sanctioned sport, at any level, for 180 school days or until the pupil or coach is reinstated pursuant to subsection 9, whichever occurs first.*

5. A written report that is prepared pursuant to subsection 3 must include:

(a) The name of each person who is alleged to have committed the act of violence and any other person involved in the act; and

(b) The disciplinary action the school may take against the person for the act of violence.

~~5.1~~ **6.** As soon as practicable after receiving a written report pursuant to subsection 3, the Executive Director:

(a) Shall review the written report; and

(b) May impose a penalty in addition to the disciplinary action ~~if any,~~ taken by the school, including any penalties set forth in NAC 385B.960.

~~6.1~~ **7.** In addition to ~~imposing a~~ *any other* penalty *imposed* pursuant to ~~paragraph (b) of subsection 5.1~~ *this section*, if a pupil uses physical force or an immediate threat of physical force during the commission of an act of violence, the Executive Director may, depending upon the severity of the physical force or the immediate threat of physical force:

(a) Suspend the pupil from participating in *or attending* the sanctioned sport for the remainder of the season; or

(b) Prohibit the pupil from participating in any sanctioned sport for the remainder of the period in which the pupil is eligible to participate in sanctioned sports.

*8. A pupil or coach who is suspended in accordance with subsection 4 and wishes to have his or her eligibility to participate in or attend sanctioned sports reinstated before the passage of 180 school days must submit a request to the Executive Director seeking reinstatement in the form prescribed by the Association and, as determined by the Executive Director based on the severity of the assault or battery:*

*(a) Satisfy any conditions imposed by the principal of the school with which the pupil or coach is affiliated relating to the assault or battery;*

*(b) Attend a meeting with the Executive Director; or*

*(c) Comply with the requirements of both paragraphs (a) and (b).*

9. *The Executive Director may approve a request for reinstatement submitted pursuant to subsection 8 if he or she:*

(a) *Determines that the pupil or coach seeking reinstatement has complied with the requirements of subsection 8; and*

(b) *Has good cause to believe that the pupil or coach seeking reinstatement is unlikely to commit further acts of violence against a sports official or other pupils or coaches of sanctioned sports.*

10. *Not later than 30 days after the scheduled date of a meeting pursuant to paragraph (b) of subsection 8 or, if no such meeting is scheduled, not less than 30 days after receiving a request for reinstatement pursuant to subsection 8, the Executive Director shall notify the requester and the principal of the school with which the pupil or coach is affiliated in writing of his or her decision to approve or deny the request.*

11. *A decision made by the Executive Director pursuant to subsection 9 is a final decision and may not be appealed.*

~~7.~~ 12. As used in this section ~~;~~ ~~“act”~~:

(a) *“Act of violence” means assault, battery or any other conduct that threatens the safety of a participant, coach, administrator, spectator, employee, volunteer or sports official ~~;~~ at a sanctioned sport, including, without limitation, any unwelcome and intentional touching, hitting or shoving. ~~of the sports official.~~*

(b) *“Assault” has the meaning ascribed to it in NRS 200.471.*

(c) *“Battery” has the meaning ascribed to it in NRS 200.481.*

Sec. 7. NAC 385B.822 is hereby amended to read as follows:

385B.822 1. ~~Unsportsmanlike~~ *Except as otherwise provided in NAC 385B.820, unsportsmanlike* conduct which results in the ejection of a pupil or coach from a game, contest or meet must be treated in the following manner:

(a) If the ejection occurs before the last game, contest or meet of a season ~~in~~ *in a sanctioned sport for which the season consists of 10 or fewer scheduled games, contests or meets*, the pupil or coach must be removed from the game, contest or meet immediately and may not participate in *or attend* the next scheduled game, contest or meet for that season. ~~in~~

(b) *If the ejection occurs before the second-to-last game, contest or meet of a season in a sanctioned sport for which the season consists of more than 10 scheduled games, contests or meets, the pupil or coach must be removed immediately from the game, contest or meet and may not participate in or attend the next 2 scheduled games, contests or meets for that season.*

(c) *If the ejection occurs during the second-to-last game, contest or meet of a season in a sanctioned sport for which the season consists of more than 10 scheduled games, contests or meets, the pupil or coach must be removed immediately from the game, contest or meet and may not participate in or attend:*

*(1) The next scheduled game, contest or meet for that season; and*

*(2) The first scheduled game, contest or meet for the season for that sanctioned sport that is held immediately after the season in which the ejection occurs.*

(d) If the ejection occurs during the last game, contest or meet of a season, the pupil or coach must be removed from the game, contest or meet immediately and may not participate in *or attend* the first 2 scheduled ~~game, contest~~ *games, contests* or ~~meet~~ *meets* for the season for that sanctioned sport that is held immediately after the season in which the ejection occurs. ~~in~~ ~~or~~

~~—(e)~~ (e) If the ejection occurs during the last game, contest or meet of a season and the person ejected is a pupil who is enrolled in twelfth grade, the pupil must be removed from the game, contest or meet immediately and may not participate in the first 2 scheduled ~~{game, contest}~~ *games, contests* or ~~{meet}~~ *meets* of any other season in which he or she participates.

2. Except as otherwise provided in this subsection, if a coach is ejected from or becomes ineligible to participate in *or attend* a game, contest or meet pursuant to this section ~~{H}~~ *or NAC 385B.820*, the coach shall not remain on the premises during that game, contest or meet or any other game, contest or meet for which the coach is ineligible to participate *or attend* because of the ejection. If ~~{the}~~ *a coach who is ejected* is the only adult on the premises who is available to supervise his or her team or pupils who are participating in the game, contest or meet, the coach must be allowed to remain on the premises to supervise the team or pupils after the conclusion of the game, contest or meet.

3. If a pupil is ejected from a game, contest or meet, the pupil's head coach *or the staff of the school with which the pupil is affiliated* shall ensure that the pupil is ~~{supervised}~~ :

(a) *Supervised* for the remainder of the game, contest or meet ~~{H}~~ ; *and*

(b) *Escorted away from the premises before the next play.*

4. If a pupil or coach is ejected from two games, contests or meets during a season, the principal of the school ~~{eff}~~ *with which* the pupil or coach *is affiliated* or a designee thereof shall report that fact to the Executive Director ~~{H}~~ *and prohibit the pupil or coach from participating in or attending the next two scheduled games, contests or meets for that season.* In addition to any penalty imposed by the Association pursuant to NAC 385B.960, the principal or the designee may impose an additional penalty in accordance with that section.

5. If a pupil or coach is ejected from three or more games, contests or meets during a season, the pupil or coach may not participate in ~~the~~ *or attend*:

(a) *Any sanctioned sport for ~~which the game, contest or meet was held for the remainder of the season.~~ 180 school days; and*

(b) *All future sanctioned sports until the Executive Director approves such participation or attendance in accordance with subsection 7.*

6. *A pupil or coach who is ejected from a game, contest or meet for unsportsmanlike conduct pursuant to this section may not participate in or attend any level of any sanctioned sport until he or she:*

(a) *Satisfies all penalties imposed pursuant to this section at the level from which he or she was ejected;*

(b) *Completes the free course offered through the Learning Center of the National Federation of State High School Associations at the Internet address <http://www.nfhslearn.com> that has been specified by the Association based on the circumstances surrounding the ejection; and*

(c) *Submits the certificate of completion of the course described in paragraph (b) to an athletic administrator of the school with which the pupil or coach is affiliated, a designee of the board of trustees of the school district to which that school belongs, if applicable, or a designee of the Association.*

7. *A pupil or coach who is ejected from three or more games, contests or meets during a season and wishes to participate in or attend a sanctioned sport after the expiration of the period prescribed by paragraph (a) of subsection 5 must apply to the Executive Director in the*

*form prescribed by the Association. The Executive Director may approve such a request if he or she:*

*(a) Determines that the pupil or coach has complied with the requirements of subsection 6;*

*and*

*(b) Has good cause to believe that the pupil or coach seeking reinstatement is unlikely to engage in further unsportsmanlike conduct.*

8. Each coach of a school must comply with the provisions of this section and shall enforce those provisions against each of his or her assistant coaches and pupils. In addition to any penalty imposed by the Association pursuant to NAC 385B.960, the principal of the school or the designee, or the Executive Director may impose an additional penalty in accordance with that section.

~~{7.}~~ 9. The decision of *the principal of a school, the designee thereof or* a sports official to eject a pupil or coach from a game, contest or meet is a final decision and may not be appealed.

~~{8.}~~ 10. As used in this section ~~{~~

~~—(a) “Eject” means the permanent removal of a pupil or coach from a game, contest or meet by a sports official who is assigned to the game, contest or meet.~~

~~—(b) “Premises”}~~, *“premises”* means the area in which a game, contest or meet is conducted, including, without limitation, any area designated for spectators at that game, contest or meet.

**Sec. 8.** NAC 385B.826 is hereby amended to read as follows:

385B.826 1. A coach, sports official, administrator or faculty member who is involved in ~~{~~ *or attends a sanctioned sport* or a pupil who participates in ~~{~~ *or attends* a sanctioned sport shall not make a defamatory statement to the media or through the use of any social media relating to any person, sports official or school that is involved in any game, contest or meet.

2. The Association will investigate each alleged violation of this section. If the Association determines that a coach, sports official, administrator, faculty member or pupil specified in subsection 1 has violated this section, the Association will suspend the coach, sports official, administrator, faculty member or pupil from any involvement in the sanctioned sport for at least one game, contest or meet.

3. As used in this section, “social media” means any electronic service or account or electronic content, including, without limitation, any video, photograph, video blog, podcast, instant message, text message, electronic mail program, online service or Internet website profile.

**Sec. 9.** NAC 385B.828 is hereby amended to read as follows:

385B.828 1. The Executive Director or any principal of a school or a designee thereof, or a sports official who is assigned to a game, contest or meet, may impose any penalty set forth in NAC 385B.820 to 385B.826, inclusive. The penalty may be imposed during a game, contest or meet or after the review of a videotape or written report concerning the conduct for which the penalty is imposed.

2. If a principal of a school or the designee, or a sports official who is assigned to a game, contest or meet, imposes any penalty specified in subsection 1, the principal or the designee or the sports official shall immediately report that fact to the Commissioner **H**, *his or her designee or the Association*. As soon as practicable after receiving the report, the Commissioner, *his or her designee or the Association, as applicable*, shall submit the report to the Executive Director.

3. In addition to imposing a penalty for any conduct specified in subsection 1, the Executive Director may impose an additional penalty for that conduct in accordance with the provisions of NAC 385B.960.

**Sec. 10.** NAC 385B.830 is hereby amended to read as follows:

385B.830 1. Each coach, administrator or faculty member of a school who is involved in ,  
~~for~~ has responsibility for *or attends* any sanctioned sport shall not:

(a) Use any tobacco or alcoholic beverages or any controlled substance, unless in accordance with a lawfully issued prescription for the controlled substance, during any period in which he or she is *attending a game, contest or meet or is* directly supervising a pupil or team during a game, contest or meet or a practice for a game, contest or meet;

(b) Use foul or abusive language or insulting gestures or engage in abusive physical contact with any pupil, sports official or other person who is associated with a game, contest or meet or a practice for a game, contest or meet;

(c) Taunt a sports official, pupil, team, coach or spectator during any game, contest or meet;  
or

(d) Engage in conduct that may incite a fight, violence or other unsportsmanlike act.

2. Each coach, administrator or faculty member of a school shall ensure that each pupil enrolled in the school who participates in a game, contest or meet conducts himself or herself in accordance with the rules of sportsmanship.

3. Each coach, administrator or faculty member of a school shall, if a violation of this chapter occurs during a game, contest or meet, prepare a written report concerning the violation. The written report must be submitted to the Executive Director within 24 hours after the coach, administrator or faculty member becomes aware of the violation and must include, without limitation, the name of each person involved in the violation. As soon as practicable after receiving the written report, the Executive Director shall review the report and may impose any

appropriate penalty against any person who committed the violation in accordance with the provisions of NAC 385B.960.

4. Each coach, administrator or faculty member of a school who attends a game, contest or meet shall, if the coach, administrator or faculty member becomes aware of a spectator of the school who engages in unsportsmanlike conduct during the game, contest or meet:

- (a) ***Report that fact to the Commissioner, his or her designee or the Association;***
- (b) Require the spectator to refrain from engaging in the unsportsmanlike conduct; and
- ~~(b)~~ (c) Impose any applicable penalty or disciplinary action against the spectator.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066  
LCB FILE No. R057-24RA1**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 385B.

**1. A clear and concise explanation of the need for the adopted regulation.**

This regulation is necessary to address the ever-changing nature of high school athletics governed by the Nevada Interscholastic Activities Association (“NIAA”). This regulation revises provisions governing the conduct and sportsmanship of student athletes, coaches, and administrators during NIAA sanctioned events and imposes penalties against student athletes, coaches and administrators who violate provisions of the regulation.

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulation and notice of intent to act upon the regulation and amended notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA’s office, [www.niaa.com](http://www.niaa.com), as well as <http://notice.nv.gov>; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic  
Activities Association  
1188 Victorian Plaza Circle  
Sparks, NV 89431

Washoe County School District  
425 East Ninth Street  
Reno, NV 89520

Clark County School District  
5100 West Sahara Avenue  
Las Vegas, NV 89143

Carson City School District  
1140 West King Street  
Carson City, NV 89703

Elko County School District  
850 Elm Street  
Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on June 14, 2023, at its summer Board Meeting. On or about May 25, 2023, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated

in the proposed amendments all discussions held at the above-described Board of Control meeting, as well as comments from LCB staff attorneys. That Notice is attached as Exhibit "1." This regulation was again reviewed by the NIAA Board of Control at a workshop and board meeting held on September 27 and 28, 2024, respectively, which included the opportunity for public comment concerning the proposed amendment. The regulation was resubmitted to the LCB with revisions and thereafter returned to the NIAA where it was approved at the NIAA Board of Control meeting held on April 1 and 2, 2025. The regulation was then reviewed by the Legislative Commission on July 7, 2025, but was rejected based on the references in the regulation to spectators. The regulation was subsequently revised to remove any reference to spectators and was reviewed by the Board of Control at its September 23-24, 2025, meeting, where it was again approved.

The Legislative Commission heard this regulation on October 28, 2025, and expressed additional concern with the use of the phrase "verbal abuse" set forth in Section 8, paragraph 12 of R057-24 in regard to its application to spectators on the basis that such restriction would violate First Amendment rights. At a NIAA Board of Control meeting held on November 19, 2025, reference to spectators was removed from Section 8, paragraph 12, of R057-24 to address the Legislative Commissions concern. With that deletion this regulation is again submitted for review by the Legislative Commission.

3. **The number of persons who:**
  - (a) **Attended each hearing: 0**
  - (b) **Testified at each hearing: 0**
  - (c) **Submitted to the agency written comments: 0**
  
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is provided to the agency conducting the hearing:**
  - (a) **Name;**
  - (b) **Telephone number;**
  - (c) **Business address;**
  - (d) **Business telephone number;**
  - (e) **Electronic mail address; and**
  - (f) **Name of entity or organization represented.**

There was no testimony provided by any of the people in attendance at this meeting and, therefore, no information to provide in response hereto.

5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other people having an interest in the governance of

interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was finally adopted on April 1, 2025, without changing any part of the proposed regulation following revisions made at the September 27 and 28, 2024, NIAA Board of Control meeting, because no request for any changes was made at the workshop or hearing. The regulation was revised following the initial review of the regulation by the Legislative Commission on July 7, 2025, with all references to spectators being removed from the regulation and was approved as revised by the NIAA Board of Control at its September 23-24, 2025, Board meeting. The regulation was again revised by the NIAA Board of Control on November 19, 2025, at a meeting of the Board of Control based on concerns raised by the Legislative Commission at its October 28, 2025, meeting concerning use of the phrase “verbal abuse,” as explained in paragraph 2, above.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

(a) Both adverse and beneficial effects:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

N/A

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

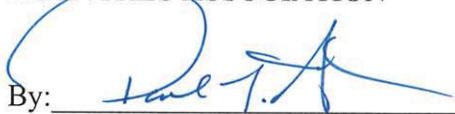
N/A

- 12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use to determine the impact of the regulation on a small business?**

As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do not impact private business.

Dated this 1<sup>st</sup> day of December, 2025.

NEVADA INTERSCHOLASTIC  
ACTIVITIES ASSOCIATION

By: 

Paul J. Anderson, Esq.  
Maupin, Cox & LeGoy  
4785 Caughlin Parkway  
Reno, NV 89519  
775-827-2000 (telephone)  
775-827-2185 (facsimile)  
[panderson@mcllawfirm.com](mailto:panderson@mcllawfirm.com) (Email)  
Legal Counsel

EXHIBIT 1

EXHIBIT 1

**NOTICE OF INTENT TO ACT UPON A REGULATION  
NRS 233B.0603**

The Nevada Interscholastic Activities Association (“NIAA”) will hold a public hearing starting at 9:00 a.m. on June 14, 2023, in conjunction with its regularly scheduled Board of Control meeting which is being conducted virtually with Board members participating remotely and members of the public appearing by live stream through a You Tube link as well as the NIAA website, [www.niaa.com](http://www.niaa.com). Members of the public have been provided the opportunity to address the regulation through the virtual link. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of an amendment to a Regulation that pertains to Chapter 385B of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of this amendment to Regulation is needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.
2. The Regulation changes will address the following:
  - (a) NAC 385B.800 through NAC 385B.830 modify certain regulations dealing with conduct of coaches, administrators and athletes, penalties for verbal assault of a sports official, and related reporting requirements for member schools.
- 3(a). The economic effect of the amendment of this amendment to Regulation on high school athletics will be minimal.
  - (b). The immediate and long-term effects of this amendment to Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.
4. The estimated cost to the NIAA for purposes of enforcement of the proposed amendment to Regulation are minimal.
5. This amendment to Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.
6. The adoption of this amendment to Regulation is not required pursuant to federal law.
7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does not establish any new fee or increases to existing fees associated with the governance of the NIAA.

People wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Bart Thompson, Executive Director, Nevada Interscholastic Activities Association, 1188 Victorian Plaza Circle, Sparks, Nevada 89431. Written submissions must be received by the NIAA on or before June 14, 2023. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the amendment to Regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at 1188 Victorian Plaza Circle, Sparks, Nevada 89431, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before May 5, 2023:

Office of the Nevada Interscholastic Activities Association  
1188 Victorian Plaza Circle  
Sparks, Nevada 89431

Clark County School District  
5100 West Sahara Avenue  
Las Vegas, Nevada 89143

Carson City School District  
1140 West King Street  
Carson City, Nevada 89703

Elko County School District  
850 Elm Street  
Elko, Nevada 89801

<http://notice.nv.gov>

Washoe County School District  
425 East Ninth Street  
Reno, Nevada 89520

[www.niaa.com](http://www.niaa.com)  
<https://notice.nv.gov>

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY  
NRS 233B.0608  
LCB FILE No. R057-24RA1**

The following statement is submitted in accordance with NRS 233B.0608:

1. **A description of the manner in which comment was solicited from affected small businesses, a summary of their response, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association (“NIAA”), exist solely to govern high school athletics in the State of Nevada. As such, private business simply is not affected.

2. **The manner in which the analysis was conducted.**

N/A. See response to number one, above.

3. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

- (a) **both adverse and beneficial affects; and**
- (b) **both direct and indirect effects.**

There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

4. **A description of the methods that the agency considered to reduce the impact of the proposed regulation on small business and a statement regarding whether the agency actually used any of those methods.**

N/A. See response to number one, above.

5. **The estimated cost to the agency for enforcement of the proposed regulation.**

None.

6. **If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation will not affect any small businesses and will not result in the generation of a new fee or an increase in any existing fees of the NIAA

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

N/A.

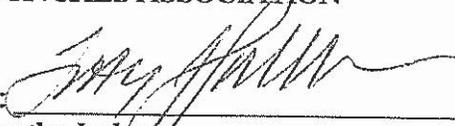
8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

N/A. See response to number one, above.

This is to certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement is accurate.

Dated this 1 day of December, 2025.

NEVADA INTERSCHOLASTIC  
ACTIVITIES ASSOCIATION

By: 

Timothy Jackson  
Executive Director  
1188 Victorian Plaza Circle  
Sparks, Nevada 89431  
[tjacksonf@niaa.com](mailto:tjacksonf@niaa.com)



**STATE AGENCY REGULATIONS TO BE REVIEWED  
BY THE LEGISLATIVE COMMISSION**

**DECEMBER 17, 2025**

| <b>REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675<br/>AND DEFERRED AT A PREVIOUS MEETING</b> |             |  |
|---|-------------|--|
| <b>2025 REGULATIONS</b>   |             |  |
| <b>R022-25</b>  | <b>385B</b> | <b>NEVADA INTERSCHOLASTIC ACTIVITIES<br/>ASSOCIATION</b><br>A REGULATION revising provisions relating to the payment<br>of membership dues<br><b>CONTACT Paul Anderson (775) 827-2000</b><br><b><a href="mailto:panderson@mclawfirm.com">panderson@mclawfirm.com</a></b> |





**REVISED ADOPTED REGULATION OF THE  
NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

**LCB File No. R022-25**

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

AUTHORITY: § 1, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising provisions governing the amount of annual dues a school is required to pay to maintain membership in the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic athletic events. (NRS 385B.060) Existing regulations establish the Board of Control of the Association and set forth the duties of the Board, including, without limitation, establishing the dues required for membership in the Association. (NAC 385B.106, 385B.114) Under existing regulations, the annual dues for membership in the Association are: (1) if a school enrolls less than 600 pupils during a school year, \$850; and (2) if a school enrolls at least 600 pupils during a school year, \$1.50 for each pupil enrolled in the school for that school year. (NAC 385B.212) This regulation provides that, beginning with the 2027-2028 school year: (1) the amount of annual dues for membership in the Association for a school that enrolls less than 600 pupils in a school year is \$1,500; and (2) if a school enrolls at least 600 pupils in a school year, the annual dues for membership that such a school must pay is \$5.00 for each pupil enrolled in the school for that school year.

**Section 1.** NAC 385B.212 is hereby amended to read as follows:

385B.212 1. Except as otherwise provided in NAC 385B.210, if a school enrolls ~~[less]~~:

(a) *Less* than 600 pupils during a school year, the annual dues for the membership of the school in the Association for that school year is \$850. ~~[If a school enrolls at]~~ *Beginning with the 2027-2028 school year, the annual dues for the membership of such a school in the Association for that school year is \$1,500.*

(b) *At* least 600 pupils during a school year, the annual dues for the membership of the school in the Association is \$1.50 for each pupil who is enrolled in the school for that school year.

*Beginning with the 2027-2028 school year, the annual dues for the membership of such a school in the Association for that school year is \$5.00 for each pupil who is enrolled in the school for that school year.*

2. Each school shall pay the annual dues specified in subsection 1 not later than August 1 of each year. The Executive Director may require a school to pay a penalty in an amount determined by the Board if the school fails to pay the annual dues for the school later than August 21 of that year.

3. The Board may impose a special assessment against each school. Any special assessment imposed against a school pursuant to this subsection must not exceed 20 percent of the annual dues paid by that school for the year in which the Board imposes the special assessment.

**LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY  
NRS 233B.066  
LCB FILE No. R022-25**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 385B.

**1. A clear and concise explanation of the need for the adopted regulation.**

This regulation is necessary to address the ever-changing nature of high school athletics governed by the Nevada Interscholastic Activities Association (“NIAA”). This regulation revises provisions that address the payment of annual membership dues by member schools of the NIAA, and a method for determining the assessment of dues member schools are to pay for annual membership in the Association in future years.

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulation and notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA’s office, [www.niaa.com](http://www.niaa.com), as well as <https://notice.nv.gov>; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic  
Activities Association  
1188 Victorian Plaza Circle  
Sparks, NV 89431

Washoe County School District  
425 East Ninth Street  
Reno, NV 89520

Clark County School District  
5100 West Sahara Avenue  
Las Vegas, NV 89143

Carson City School District  
1140 West King Street  
Carson City, NV 89703

Elko County School District  
850 Elm Street  
Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on June 3 and 4, 2025 at its Summer Board Meeting. On or about August 22, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. That Notice is

attached as Exhibit "1." This regulation was reviewed by the NIAA Board of Control at a board meeting held on September 23, 2025, respectively, which included the opportunity for public comment concerning the proposed amendment. The regulation was heard by the Legislative Commission on October 28, 2025, and was not approved, based on concern from some members of the Legislative Commission as to discretion provided to the NIAA Board of Control in setting annual dues for member schools as well as the amount charged to schools based on enrollment numbers. The Legislative Commission also requested additional explanation of the above from the NIAA. Below the NIAA provides this information.

The attached revised Regulation again addresses the annual dues a member school is required to pay based on enrollment numbers. The NIAA Board of Control determined that the amounts currently set forth in NRS 385B.212 do not reflect the current costs incurred by the NIAA to administer high school athletics, including regional and state championship events as well as general day-to-day operating expenses of the NIAA. Accordingly, economic reality necessitates an increase to the annual dues as reflected in the attached revised version of R022-25. These revisions are scheduled to begin with the 2027-2028 fiscal year.

In response to specific concerns raised by members of the Legislative Commission at the October 28, 2025, meeting, all member schools, and importantly, all the superintendents of the public schools including charter schools, have been made aware of the increased fees and no superintendent or member school has objected to the increases. Additionally, concern was raised as to a small school, such as one with less than 50 pupils, being required to pay the minimum fee that all schools with less than 600 pupils, but who are closer to that enrollment number are required to pay. The response to that concern is that the costs to the NIAA to administer regional and state championship events are fixed and do not vary based on school size. Accordingly, member schools with small enrollments that have teams that compete in the NIAA produce the same costs to the NIAA that larger schools generate. For these reasons the membership of the NIAA authorized the NIAA Board of Control to charge annual membership dues to member schools with less than 600 pupils a fixed annual membership dues of \$1500.00, beginning with the 2027-2028 fiscal school year, and to charge a per pupil fee of \$5.00 for schools with more than 600 pupils beginning with the 2027-2028 fiscal school year. These amounts eliminate any concern raised as to the unfettered discretion the NIAA Board of Control may have been able to exercise based on the language of the prior version of R022-25 that was considered at the October 28, 2025, meeting.

Finally, a question was raised at the October 28, 2025, meeting as to why the enrollment number of 600 exists. In response the NIAA points out that the delineation of enrollment numbers has been in place since the initial approval of this regulation by the Legislative Commission on November 2, 2004, through adoption of R206-03. It is the position of the NIAA that the 600 pupil enrollment number constitutes a solid compromise between the traditionally larger 4A and 5A member schools and the smaller 1A, 2A and 3A member

schools. Additionally, as mentioned above, going below the 600 pupil enrollment number would place the NIAA in an operating cost deficit as explained above.

3. **The number of persons who:**
  - (a) **Attended each hearing: 0**
  - (b) **Testified at each hearing: 0**
  - (c) **Submitted to the agency written comments: 0**
  
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is provided to the agency conducting the hearing:**
  - (a) **Name;**
  - (b) **Telephone number;**
  - (c) **Business address;**
  - (d) **Business telephone number;**
  - (e) **Electronic mail address; and**
  - (f) **Name of entity or organization represented.**

There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was adopted on September 23, 2025 without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
  - (a) **Both adverse and beneficial effects; and**
  - (b) **Both immediate and long-term effects.**

///

(a) Both adverse and beneficial effects:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

N/A

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

**12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use to determine the impact of the regulation on a small business?**

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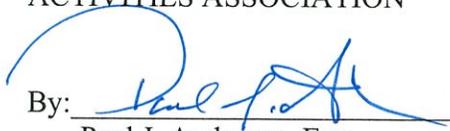
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As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do no impact private business.

Dated this 1<sup>st</sup> day of December, 2025.

NEVADA INTERSCHOLASTIC  
ACTIVITIES ASSOCIATION

By:  \_\_\_\_\_

Paul J. Anderson, Esq.  
Maupin, Cox & LeGoy  
4785 Caughlin Parkway  
Reno, NV 89519  
775-827-2000 (telephone)  
775-827-2185 (facsimile)

Legal Counsel

EXHIBIT 1

EXHIBIT 1

**NOTICE OF INTENT TO ACT UPON A REGULATION  
NRS 233B.0603**

The Nevada Interscholastic Activities Association (“NIAA”) will hold a public hearing starting at 1:00 p.m. on September 23, 2025, in conjunction with its regularly scheduled Board of Control meeting which is being conducted virtually with Board members participating remotely and members of the public appearing by live stream through a YouTube link as well as the NIAA website, [www.niaa.com](http://www.niaa.com). Members of the public have been provided the opportunity to address the regulation through the virtual link. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of an amendment to a Regulation that pertains to Chapter 385B of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of this amendment to Regulation is needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.

2. The Regulation changes will address the following:

(a) NAC 385B.212 addresses the payment of annual dues by member schools of the NIAA, and the method for determining the amount to assess member schools for annual dues in the future.

3(a). The economic effect of the amendment of this amendment to Regulation on high school athletics will be minimal.

(b). The immediate and long-term effects of this amendment to Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.

4. The estimated cost to the NIAA for purposes of enforcement of the proposed amendment to Regulation are minimal.

5. This amendment to Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.

6. The adoption of this amendment to Regulation is not required pursuant to federal law.

7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does establish an increase in fees paid by member schools of the NIAA for governance of the NIAA.

Persons wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Timothy Jackson, Executive Director, Nevada Interscholastic Activities Association, 1188 Victorian Plaza Circle, Sparks, Nevada 89431. Written submissions must be received by the NIAA on or before September 19, 2025. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the amendment to Regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at 1188 Victorian Plaza Circle, Sparks, Nevada 89431, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before August 22, 2025:

Office of the Nevada Interscholastic Activities Association  
1188 Victorian Plaza Circle  
Sparks, Nevada 89431

Clark County School District  
5100 West Sahara Avenue  
Las Vegas, Nevada 89143

Carson City School District  
1140 West King Street  
Carson City, Nevada 89703

Elko County School District  
850 Elm Street  
Elko, Nevada 89801

<http://notice.nv.gov>

Washoe County School District  
425 East Ninth Street  
Reno, Nevada 89520

[www.niaa.com](http://www.niaa.com)  
<https://notice.nv.gov>

**PROPOSED REGULATION OF THE  
NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

**LCB File No. R022-25**

July 30, 2025

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted-material] is material to be omitted.

AUTHORITY: § 1, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising provisions governing the amount of annual dues a school is required to pay to maintain membership in the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic athletic events. (NRS 385B.060) Existing regulations establish the Board of Control of the Association and set forth the duties of the Board, including, without limitation, establishing the dues required for membership in the Association. (NAC 385B.106, 385B.114) Under existing regulations, the annual dues for membership in the Association are: (1) if a school enrolls less than 600 pupils during a school year, \$850; and (2) if a school enrolls at least 600 pupils during a school year, \$1.50 for each pupil enrolled in the school for that school year. (NAC 385B.212) This regulation provides that the amount of annual dues for membership in the Association for a school that enrolls less than 600 pupils in a school year is instead determined by the Board. This regulation additionally provides that, if a school enrolls at least 600 pupils in a school year, the annual dues for membership are calculated by multiplying an amount, determined by the Board, by the number of pupils enrolled in the school for that school year. Finally, this regulation requires the Board, when determining the amount of annual dues for membership a school is required to pay to: (1) consult with member schools of the Association; and (2) consider certain factors related to the costs associated with conducting interscholastic activities and events in this State.

**Section 1.** NAC 385B.212 is hereby amended to read as follows:

385B.212 1. Except as otherwise provided in NAC 385B.210, if a school enrolls ~~less~~ : (a)

*Less* than 600 pupils during a school year, the *school must pay* annual dues for the

~~at] in an amount determined by the Board of \$1500 beginning in the 2027-2028 school year.~~

(b) At least 600 pupils during a school year, the annual dues for the membership of the school in the Association ~~[is \$1.50]~~ \$5.00 for each pupil ~~must be calculated by multiplying an amount, determined by the Board, by the number of pupils~~ who ~~is~~ are enrolled in the school for that school year.

~~2. When determining the amount of dues for membership a school in the Association is required to pay pursuant to subsection 1, the Board shall:~~

~~(a) Consult with member schools; and~~

~~(b) Consider the costs associated with conducting interscholastic activities and events in this State, including, without limitation:~~

~~(1) Organizing, supervising, certifying and providing sports officials;~~

~~(2) Using or retaining facilities for a league, regional or state tournament; and~~

~~(3) Any other factor which the Board deems relevant in determining the cost of conducting interscholastic activities and events.~~

~~3.~~ Each school shall pay the annual dues specified ~~in]~~ pursuant to subsection 1 not later than August 1 of each year. The Executive Director may require a school to pay a penalty in an amount determined by the Board if the school fails to pay the annual dues for the school later than August 21 of that year.

3. The Board may impose a special assessment against each school. Any special assessment imposed against a school pursuant to this subsection must not exceed 20 percent of the annual dues paid by that school for the year in which the Board imposes the special assessment.



**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY  
NRS 233B.0608  
LCB FILE No. R022-25**

The following statement is submitted in accordance with NRS 233B.0608:

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association (“NIAA”), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

- 2. The manner in which the analysis was conducted.**

N/A. See response to number one, above.

- 3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

**(a) both adverse and beneficial affects; and**

**(b) both direct and indirect effects.**

There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

- 4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small business and a statement regarding whether the agency actually used any of those methods.**

N/A. See response to number one, above.

- 5. The estimated cost to the agency for enforcement of the proposed regulation.**

None.

- 6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation will not affect any small businesses, but may result in an increase in annual membership dues paid by NIAA member schools.

- 7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

N/A.

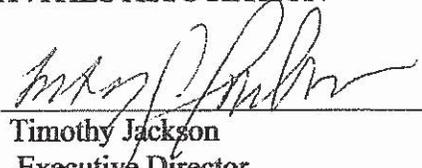
8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

N/A. See response to number one, above.

**This is to certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement was prepared properly and is accurate.**

Dated this 1<sup>st</sup> day of December, 2025.

NEVADA INTERSCHOLASTIC  
ACTIVITIES ASSOCIATION

By: 

\_\_\_\_\_  
Timothy Jackson  
Executive Director