Regulations Submitted
Pursuant to NRS 233B.067

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

September 24, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2024 REGULATIONS		
R152-24		**CANNABIS COMPLIANCE BOARD** A REGULATION revising various provisions relating to cannabis **CONTACT Michael Miles (702) 486-4522** **mmmiles@ccb.nv.gov**
R199-24	**379**	**STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ADMINISTRATOR** A REGULATION revising various provisions relating to public libraries **CONTACT Mike Strom (775) 684-3410** **mstrom@admin.nv.gov**
2025 REGULATIONS		
R029-25	**424**	**DIVISION OF CHILD AND FAMILY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES** A REGULATION revising various provisions relating to foster homes **CONTACT Amber Howell (775) 684-4446** **ahowell@dcfs.nv.gov**
R043-25	**483**	**DEPARTMENT OF MOTOR VEHICLES** A REGULATION revising fees relating to the productions of drivers' licenses **CONTACT Martin Hefner (775) 684-4773** **mhefner@dmv.nv.gov**
R052-25	**522**	**DIVISION OF MINERALS OF THE COMMISSION ON MINERAL RESOURCES** A REGULATION revising various provisions relating to natural resources **CONTACT Rob Ghiglieri (775) 684-7048** **rghiglieri@minerals.nv.gov**
R065-25	**604A/675**	**COMMISSIONER OF FINANCIAL INSTITUTIONS** A REGULATION establishing provisions relating to licensure **CONTACT Mary Young (702) 486-6731** **mmyoung@fid.state.nv.us**

R069-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to endorsements (SB 400, 2025) **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R071-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to professional administrators (AB 81 and SB 49, 2025) **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R074-25	**232**	**DIRECTOR OF THE DEPARTMENT OF BUSINESS AND INDUSTRY** A REGULATION establishing provisions relating to the Office of Nevada Boards, Commissions and Councils Standards **CONTACT Amanda Flocchini (702) 486-3755** **AJFlocchini@business.nv.gov**
R085-25	**388D**	**DEPARTMENT OF EDUCATION** A REGULATION establishing provisions relating to assessments administered by private schools **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R096-25	**656**	**CERTIFIED COURT REPORTERS' BOARD OF NEVADA** A REGULATION revising provisions relating to remote proceedings, fees and transcripts **CONTACT Debbie Uehara (702) 489-8787** **nvccrb@gmail.com**
R111-25	**630**	**BOARD OF MEDICAL EXAMINERS** A REGULATION revising various provisions relating to health care **CONTACT Sarah Bradley (775) 324-9365** **bradleys@medboard.nv.gov**
R112-25	**630**	**BOARD OF MEDICAL EXAMINERS** A REGULATION revising provisions relating to limited licenses (SB 124, 2025) **CONTACT Sarah Bradley (775) 324-9365** **bradleys@medboard.nv.gov**

R117-25	**616C/616D**	**ADMINISTRATOR OF THE DIVISION OF INDUSTRIAL RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY** A REGULATION revising various provisions relating to industrial insurance **CONTACT Amber Williams (702) 486-9072** **amwilliams@dir.nv.gov**
2026 REGULATIONS		
R004-26	**502/503**	**BOARD OF WILDLIFE COMMISSIONERS** A REGULATION revising provisions relating to permits for persons with disabilities **CONTACT Alejandra Medina (775) 688-1510** **amedina@ndow.org**
R005-26	**369**	**NEVADA TAX COMMISSION** A REGULATION revising provisions relating to alcoholic beverages (AB375, 2025) **CONTACT Kari Skalsky (775) 684-2041** **kskalsky@tax.state.nv.us**
R006-26	**704**	**PUBLIC UTILITIES COMMISSION OF NEVADA** A REGULATION revising provisions relating to gross domestic product deflator advice letters and applicability of certain provisions (AB 449, 2025) **CONTACT Adam Baker (702) 486-7231** **abaker@puc.nv.gov**
R008-26	**625A**	**BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS** A REGULATION revising provisions relating to practice under supervision and training programs **CONTACT Loretta Ponton (775) 746-9423** **board@nvrehs.org**
R018-26	**388D**	**DEPARTMENT OF EDUCATION** A REGULATION revising provisions relating to scholarship organizations **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R022-26	**284**	**HUMAN RESOURCES COMMISSION** A REGULATION revising various provisions relating to human resources **CONTACT Carrie Hughes (775) 684-0111** **cphughes@admin.nv.gov**
R023-26	**284**	**HUMAN RESOURCES COMMISSION** A REGULATION revising provisions relating to grievances **CONTACT Carrie Hughes (775) 684-0111** **cphughes@admin.nv.gov**

R024-26	**284**	**HUMAN RESOURCES COMMISSION** A REGULATION revising provisions relating to leave with pay **CONTACT Carrie Hughes (775) 684-0111** **cphughes@admin.nv.gov**
R028-26	**488**	**BOARD OF WILDLIFE COMMISSIONERS** A REGULATION revising provisions relating to boating **CONTACT Alejandra Medina (775) 688-1510** **amedina@ndow.org**
R039-26	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION establishing provisions relating to endorsements in trauma-informed instruction **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R043-26	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to early childhood and elementary education **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R044-26	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION establishing provisions relating to early childhood teaching endorsements for pupils who have autism **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R046-26	**630**	**BOARD OF MEDICAL EXAMINERS** A REGULATION revising various provisions relating to health care **CONTACT Sarah Bradley (775) 324-9365** **bradleys@medboard.nv.gov**
R047-26	**408**	**DEPARTMENT OF TRANSPORTATION** A REGULATION establishing provisions relating to proposals **CONTACT Maya Bourgeois (775) 888-7458** **mbourgeois@dot.nv.gov**
R048-26	**408**	**DEPARTMENT OF TRANSPORTATION** A REGULATION establishing provisions relating to delegation by the Board of Directors of the Department of Transportation **CONTACT Maya Bourgeois (775) 888-7458** **mbourgeois@dot.nv.gov**

R049-26	**408**	**DEPARTMENT OF TRANSPORTATION** A REGULATION establishing provisions relating to proposals by design-build teams **CONTACT Maya Bourgeois (775) 888-7458** **mbourgeois@dot.nv.gov**
R081-26	**360/361**	**NEVADA TAX COMMISSION** A REGULATION revising and repealing various provisions relating to revenue and taxation **CONTACT Kari Skalsky (775) 684-2041** **kskalsky@tax.state.nv.us**
R082-26	**370**	**NEVADA TAX COMMISSION** A REGULATION revising and repealing various provisions relating to tobacco **CONTACT Kari Skalsky (775) 684-2041** **kskalsky@tax.state.nv.us**
R085-26	**372**	**NEVADA TAX COMMISSION** A REGULATION revising and repealing various provisions relating to sales and use taxes **CONTACT Kari Skalsky (775) 684-2041** **kskalsky@tax.state.nv.us**
R098-26	**361/375**	**NEVADA TAX COMMISSION** A REGULATION revising provisions relating to electronic signatures **CONTACT Kari Skalsky (775) 684-2041** **kskalsky@tax.state.nv.us**
R099-26	**504**	**BOARD OF WILDLIFE COMMISSIONERS** A REGULATION designating Windermere Hills as a cooperative wildlife management area **CONTACT Mabel Torres (775) 688-1576** **mabel.torres@ndow.org**
R107-26	**449**	**HEALTH CARE PURCHASING AND COMPLIANCE DIVISION OF THE NEVADA HEALTH AUTHORITY** A REGULATION establishing provisions relating to senior living communities and senior living community referral agencies (SB260, 2023) **CONTACT Tina Leopard (702) 486-6515** **TLeopard@nvha.nv.gov**
R109-26	**289**	**PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION** A REGULATION revising provisions relating to minimum standards of training **CONTACT Kathy Floyd (775) 687-3335** **kfloyd@post.state.nv.us**

R110-26	**289**	**PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION** A REGULATION revising provisions relating to basic training courses **CONTACT Kathy Floyd (775) 687-3335** **kfloyd@post.state.nv.us**
R114-26	**638**	**NEVADA STATE BOARD OF VETERINARY MEDICAL EXAMINERS** A REGULATION revising various provisions relating to veterinary medicine **CONTACT Jennifer Pedigo (775) 688-1788** **vetbdinfo@vetboard.nv.gov**
R115-26	**680C**	**COMMISSIONER OF INSURANCE** A REGULATION revising provisions relating to fees **CONTACT Shayda Sanjideh (775) 687-0711** **shayda.sanjideh@doi.nv.gov**
R137-26	**640C**	**BOARD OF MASSAGE THERAPY** A REGULATION revising various provisions relating to massage therapy **CONTACT Colleen Platt (775) 848-2810** **cplatt@plattlawgroupreno.com**
R149-26	**634A**	**STATE BOARD OF ORIENTAL MEDICINE** A REGULATION revising various provisions relating to Oriental medicine **CONTACT Merle Lok (702) 675-5326** **omboardexecutivedirector@gmail.com**

2024

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R152-24

ADOPTED REGULATION OF THE

CANNABIS COMPLIANCE BOARD

LCB File No. R152-24

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

AUTHORITY: §§ 1-9, 40, 42-44, 49-59, 61, 75-84 and 89, NRS 678A.450, 678B.650, 678C.490 and 678D.500; §§ 10, 11, 60 and 87, NRS 678A.450, 678B.650 and 678D.500; §§ 12 and 86, NRS 678A.450, 678B.650, 678D.480 and 678D.500; §§ 13-15, 18-36, 41, 45 and 46, NRS 678A.450 and 678B.650; § 16, NRS 678A.450, 678A.645 and 678B.650; § 17, NRS 678B.633; § 37, NRS 678A.450, 678A.530 and 678B.650; § 38, NRS 233B.120 and 678A.450; § 39, NRS 233B.100 and 678A.450; § 47, NRS 678C.200 and 678D.200; § 48, NRS 678A.450, 678B.390, 678B.647 and 678B.650; §§ 62-74 and 88, NRS 678A.450, 678B.290 and 678B.650; § 85, NRS 678D.440.

A REGULATION relating to cannabis; providing the method to compute periods of time for the purposes of regulations governing cannabis; revising provisions relating to edible cannabis products; revising provisions relating to disciplinary action taken against a licensee or registrant; establishing and revising procedures for the submission to the Cannabis Compliance Board of certain petitions; authorizing the Board to take certain actions concerning unlicensed cannabis activities; revising the period by which certain notices and reports are required to be submitted to the Board; requiring the Board to assign each cannabis establishment a cannabis establishment ID number; revising provisions relating to cannabis independent testing laboratories; requiring certain information to be reported to the Board; revising the maximum amount of cannabis and cannabis products that may be possessed by a person or sold by a cannabis sales facility in a single transaction; eliminating certain fees; revising provisions relating to certain costs collected by the Board; revising various requirements relating to the operation of a cannabis establishment; authorizing the Board to quarantine cannabis or a cannabis product under certain circumstances; revising requirements for advertising by a cannabis establishment; revising provisions relating to the sampling and testing of cannabis and cannabis products; revising requirements for the treatment or remediation of cannabis; revising packaging and labeling requirements for cannabis and cannabis products; making various other changes relating to the regulation of cannabis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Before the enactment of Senate Bill No. 328 (S.B. 328) of the 2023 Legislative Session, existing law exempted the Cannabis Compliance Board from the requirements of the Nevada Administrative Procedure Act, which establishes the procedures for state agencies to adopt,

amend or repeal administrative regulations and adjudicate contested cases. (Chapter 233B of NRS) S.B. 328 eliminated the exemption of the Board from provisions of the Act, thereby requiring the Board to adopt, amend and repeal regulations and adjudicate contested cases in the same manner as other state agencies subject to the provisions of the Act. (Chapter 420, Statutes of Nevada 2023, at page 2526)

Sections 2-6 of this regulation define certain terms for purposes of the regulations adopted by the Board. **Section 4** defines the term "edible cannabis product" to mean an adult-use edible cannabis product or a medical edible cannabis product. **Sections 10-12, 60, 76-78, 86 and 87** of this regulation revise various provisions to specify that certain references to edible cannabis products apply only to adult-use edible cannabis products. **Section 7** of this regulation establishes the method to compute any period of time set forth in the regulations governing cannabis. **Section 8** of this regulation applies the definitions set forth in **sections 2-6** to the regulations adopted by the Board.

Existing law and regulations set forth procedures by which disciplinary action may be taken against a licensee or registrant who violates a provision of existing law governing the medical and adult-use of cannabis or any regulation adopted by the Board. (NRS 678A.500-678A.647; NCCR 4.020, 4.030, 4.070-4.135) Assembly Bill No. 76 (A.B. 76) of the 2025 Legislative Session revised those procedures to: (1) require a disciplinary hearing to be heard before a hearing officer, rather than the Board; and (2) provide for the review by the Board of the decision of a hearing officer under certain circumstances. (Chapter 459, Statutes of Nevada 2025, at page 2971) **Sections 23, 24, 31-37 and 89** of this regulation revise the procedures by which disciplinary action may be taken against a licensee or registrant. Specifically, **sections 23, 24, 33 and 89**, among other changes, make various changes to provisions of existing regulations adopted before the enactment of A.B. 76 to reflect that under existing law after the enactment of A.B. 76, disciplinary hearings are required to be heard before a hearing officer.

Existing law authorizes and requires the Board to adopt certain regulations relating to the imposition of disciplinary action against a licensee or registrant. (NRS 678A.450, 678B.650) Existing regulations establish categories of violations and set forth presumptive graduated penalties for each category of violation. (NCCR 4.035-4.060) **Sections 14, 15 and 25-29** of this regulation: (1) establish new categories of violations and the graduated penalties associated with such violations; and (2) revise the categories and presumptive graduated penalties set forth in existing regulations. **Sections 41, 46 and 59** of this regulation make conforming changes to reflect the recategorization of certain violations.

Under certain circumstances, existing law authorizes the Board, at any time, to resolve a matter involving a licensee or registrant who has allegedly violated a provision of existing law by entering into a consent or settlement agreement with the licensee or registrant. (NRS 678A.645) **Section 16** of this regulation: (1) sets forth the procedures for the approval of a consent or settlement agreement; (2) authorizes the Board or the hearing officer appointed to the case to enter a stay of the proceedings until the Board has approved or rejected a consent or settlement agreement; and (3) sets forth certain requirements for the contents of a consent or settlement agreement.

Existing law requires the Board to develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from certain provisions set forth in existing law which prohibit such a person from obtaining a license or registration card. (NRS 678B.633) **Section 17** of this regulation: (1)

prescribes the contents for such a petition; and (2) establishes the process by which the Board will consider the petition.

Existing law requires the Board to adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Existing law authorizes the Board to issue summonses and subpoenas and to take certain other actions in connection with such an investigation. (NRS 678A.450) **Section 18** of this regulation authorizes the Board to: (1) issue a notice of violation and an order to cease unlicensed cannabis activity to any person who engages in certain activities; and (2) take certain additional actions after the issuance of such a notice and order. **Section 19** of this regulation authorizes the Board to initiate an administrative proceeding to impose certain civil penalties if a person who has received such a notice and order continues to engage in such activities. In lieu of initiating an administrative proceeding, **section 19** additionally authorizes the Board to impose upon such a person an administrative fine of not more than $20,000. **Section 22** of this regulation sets forth certain procedures for the imposition of such an administrative fine. **Section 21** of this regulation authorizes the Board to bring a civil action against a person who engages in unlicensed cannabis activities to recover a civil penalty of not more than $50,000 and request that the Attorney General bring an action to enjoin the activities. **Section 20** of this regulation authorizes the Board to issue a summons or subpoena in connection with an investigation of unlicensed cannabis activities in accordance with existing law.

Section 30 of this regulation reduces the time period within which a cannabis establishment which becomes aware of an imminent health hazard must report the hazard to the Board or Board agents from within 2 hours of the discovery of the hazard to as soon as practicable after ensuring the safety of all persons in the vicinity of the hazard. (NCCR 4.065)

Section 38 of this regulation revises the procedures by which a licensee, registrant or applicant for a license or registration card may obtain a determination or advisory opinion from the Board by filing a petition for a declaratory ruling. **Section 39** of this regulation revises the procedures by which an interested party may file a petition with the Board to request the adoption, amendment or repeal of a regulation.

Section 40 of this regulation requires the Board to assign a cannabis establishment ID number to a cannabis establishment when the Board approves the application for the license of the cannabis establishment.

Existing regulations require a Board agent to enter and inspect, at least annually, each building or the premises of a cannabis establishment to ensure compliance with existing law. (NCCR 5.075) **Section 43** of this regulation requires a Board agent to enter and inspect each building or the premises of a cannabis independent testing laboratory at least biennially and conduct certain other inspections as necessary between biennial inspections. **Section 42** of this regulation removes an obsolete reference to **section 43**.

Existing regulations require a cannabis establishment to notify the Board of the closure of the cannabis establishment at least 15 days before the cannabis establishment is closed. (NCCR 5.090) **Section 44** of this regulation requires a cannabis establishment to notify the Board of a closure within 24 hours if the cannabis establishment closes temporarily due to circumstances which make operation impractical or impossible.

Section 45 of this regulation eliminates the $75 fee required by existing regulations to accompany a request for a replacement cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive. (NCCR 5.140)

Sections 47 and 54 of this regulation revise the maximum amount of cannabis and cannabis products that a person is authorized to possess and that a cannabis sales facility is authorized to sell to a consumer in a single transaction.

Existing law authorizes the Board to charge a licensee or applicant for certain costs incurred by the Board and its staff for an investigation conducted for certain purposes and provides that such charges are limited to: (1) a reasonable hourly fee at a rate established by the Board by regulation for each hour spent by agents of the Board in conducting the investigation; and (2) costs for the travel expenses and per diem allowances of the agents of the Board conducting the investigation. (NRS 678B.390) Existing regulations set forth procedures for the collection of costs attributed to the oversight of cannabis establishments. (NCCR 6.025) **Section 48** of this regulation eliminates these procedures and instead: (1) establishes the hourly rate that the Board will charge for certain investigations; and (2) provides the process for charging and disputing such costs.

Section 49 of this regulation requires a cannabis establishment to notify the Board or a Board agent in writing within 24 hours after receipt of a notice for eviction.

Existing regulations set forth certain procedures that a cannabis establishment must follow if it identifies a variance or reduction in inventory, including requirements that: (1) if a significant variance is discovered, it is immediately documented, investigated and reported to the Executive Director of the Board; and (2) if the variance is not due to documented causes, the cannabis establishment determine where the loss has occurred and document corrective action. (NCCR 6.080) **Section 50** of this regulation requires a cannabis establishment to: (1) report a significant variance to the appropriate Board agent within 24 hours after the completion of the investigation; and (2) additionally notify the Board of the discrepancy within 24 hours after discovering the reduction, conduct an investigation and notify the appropriate Board agent of the results within 24 hours after the completion of the investigation.

Existing regulations require a cannabis establishment to: (1) use the seed-to-sale tracking system managed by the independent contractor selected by the Board; and (2) ensure cannabis and cannabis products are tagged as required using the seed-to-sale tracking system. (NCCR 6.082) **Section 51** of this regulation specifies that a cannabis establishment is required to ensure that all mature cannabis plants, packages containing cannabis and batches of immature plants containing 150 plants or less are properly tagged and maintained in compliance with the requirements of the seed-to-sale tracking system. **Section 51** additionally authorizes the Board to quarantine any cannabis or cannabis product which is not properly tagged or which the Board has reasonable cause to believe violates the provisions of existing law or regulations governing cannabis.

Section 52 of this regulation revises various requirements concerning the security of a cannabis establishment.

Existing regulations require a cannabis sales facility to post certain signs containing certain statements and warnings in prominent locations inside the cannabis sales facility. (NCCR 6.120) **Section 53** of this regulation requires such signs to also be posted at any customer entrance and drive-through window. **Section 53** additionally removes certain provisions of existing regulations that are duplicative of provisions set forth in existing law. Finally, **section 53** provides that a sign containing only a business name or company logo is not required to contain certain warnings.

Section 55 of this regulation revises provisions governing the products that a cannabis sales facility is authorized to sell and is prohibited from selling.

Existing regulations require a cannabis sales facility to disclose to a consumer upon request certain information relating to quality assurance tests performed for the cannabis sales facility. (NCCR 7.035, 8.010) **Section 58** of this regulation requires a cannabis cultivation facility to: (1) create a soil amendment report which discloses certain information relating to soil amendments, fertilizers, pesticides and other crop production aids applied to the growing medium or cannabis plants during production; and (2) provide the report to a cannabis sales facility with each lot of usable cannabis provided to the cannabis sales facility. **Section 56** of this regulation requires a cannabis sales facility to provide a copy of the soil amendment report upon request by a consumer.

Section 57 of this regulation revises limitations set forth in existing regulations for the maximum amounts of cannabis or cannabis products that a cannabis sales facility is authorized to deliver to consumers at any one time or in 1 calendar day. Existing regulations require a cannabis sales facility that receives a report of loss or theft to immediately report the loss or theft to the appropriate law enforcement agency, the Board and the Executive Director of the Board. (NCCR 7.050) **Section 57** instead provides that such a report must be made immediately to the appropriate law enforcement agency and, after any risk to public safety has been abated, to the Board.

Existing regulations require a cannabis cultivation facility to retain at least one person who is a certified applicator and authorized to use pesticides for certain purposes. (NCCR 10.075) Assembly Bill No. 34 of the 2021 Legislative Session revised various provisions governing the certification of persons to apply or supervise the application of restricted-use pesticides, including eliminating the term "certified applicator." (Chapter 34, Statutes of Nevada 2021, at page 149) **Section 61** of this regulation instead requires a cannabis cultivation facility to retain at least one person who is a "private applicator," which existing law defines, generally, to mean an applicator who is certified to apply or supervise the application of any restricted-use pesticide for the purposes of producing any agricultural commodity on property owned or rented by the applicator or the applicator's employer. (NRS 555.2681)

Existing regulations require each cannabis independent testing laboratory to employ a scientific director and set forth certain requirements concerning the qualifications and duties of a scientific director. (NCCR 11.010) **Section 63** of this regulation requires a scientific director to: (1) reside within 200 miles of the cannabis independent testing laboratory; (2) ensure safety in the laboratory; and (3) conduct certain reviews of technical policies and procedures. Existing regulations authorize a cannabis independent testing laboratory to appoint an interim director for not more than 90 days under certain circumstances. (NCCR 11.010) **Section 63** authorizes an appropriate Board agent to extend that period of appointment. Finally, **section 63** increases, from 5 workdays to 10 workdays, the amount of time a scientific director is required to be on the premises of the laboratory each month and requires the appointment of an interim director if the scientific director is temporarily unable to comply with that requirement.

Section 64 of this regulation requires a cannabis independent testing laboratory to implement a safety program which includes certain guidelines.

Existing law requires a cannabis independent testing laboratory to become accredited pursuant to certain standards, and existing regulations require the laboratory to provide the Board with copies of each annual inspection report from the accrediting organization. (NRS 678B.290; NCCR 11.020) **Section 65** of this regulation requires the cannabis independent testing laboratory to provide the report and accreditation certificate to the Board within 3 business days after receipt of the documents from the accrediting organization.

Existing regulations require each cannabis independent testing laboratory to: (1) follow the standards and guidelines set forth in certain publications; and (2) validate or verify all quality assurance tests by observing certain standards and guidelines. (NCCR 11.025) **Section 66** of this regulation revises the list of those standards and guidelines. **Section 62** of this regulation adopts by reference the standards and guidelines which **section 66** requires the cannabis independent testing laboratory to adhere to or follow. **Section 66** additionally requires a quality control and quality assurance program maintained by a cannabis independent testing laboratory to: (1) include a written ethics policy; (2) provide training to all staff of the laboratory on the written ethics policy; and (3) require all staff of the laboratory to sign a statement which attests that the staff member will adhere to the written ethics policy.

Existing regulations set forth the testing methods that a cannabis independent testing laboratory must use and provide alternative methods that the laboratory is authorized to use if such methods are unavailable. (NCCR 11.025) **Section 66** revises the list of testing methods that a cannabis independent testing laboratory is authorized to use.

Existing regulations require each cannabis independent testing laboratory to establish certain policies relating to chain of custody and sample identification requirements. (NCCR 11.030) **Section 67** of this regulation requires each cannabis independent testing laboratory to: (1) ensure the positive identification of the cannabis or cannabis product by verifying the accuracy of certain information and matching it to the information documented in the seed-to-sale tracking system; and (2) adhere to certain chain of custody and sample identification requirements.

Section 68 of this regulation revises various requirements and procedures for the testing conducted by a cannabis independent testing laboratory for research and development purposes.

Existing regulations set forth the quality assurance tests that a cannabis independent testing laboratory is required to use to test cannabis and cannabis products. (NCCR 11.050) **Section 69** of this regulation sets forth the quality assurance tests required for usable cannabis which is destined for extraction and revises the quality assurance tests required for wet cannabis which is destined for extraction. **Sections 69 and 72** of this regulation further revise various procedures and requirements for the collection and disposal of samples of cannabis and cannabis products for testing and for the provision of a certificate of analysis by a cannabis independent testing laboratory.

Section 70 of this regulation revises the circumstances under which a cannabis independent testing laboratory is required to verify the homogeneity of the potency of an edible cannabis product.

Existing regulations set forth the procedure for performing a pesticide residue analysis and the circumstances under which a pesticide residue analysis is considered to be failed. (NCCR 11.050, 11.065) **Section 71** of this regulation requires a cannabis independent testing laboratory to establish limits of detection for every pesticide analyzed by the laboratory. **Section 71** further provides that if a pesticide which does not occur on the list of pesticides published by the State Department of Agriculture is detected in any amount which is positively identified to be equal to or greater than the limit of detection established by the cannabis independent testing laboratory, the pesticide residue analysis is considered to be failed.

Existing regulations authorize a lot or production run of cannabis that fails certain screening tests to be remediated under certain circumstances. (NCCR 11.075) **Section 73** of this regulation requires: (1) a Board agent to preapprove any process for the post-harvest treatment or remediation of cannabis; and (2) a cannabis establishment to maintain and provide to a cannabis

independent testing laboratory that collects a sample for testing documentation of post-harvest treatment or remediated lots or production runs.

Existing regulations require: (1) a cannabis establishment, upon request of the Board, to provide a sample of cannabis or a cannabis product to a cannabis independent testing laboratory; and (2) a cannabis independent testing laboratory to perform screenings and testing on the sample as directed by the Board. (NCCR 11.085) **Section 74** of this regulation revises requirements concerning the responsibility for the costs of such screenings and testing.

Section 75 of this regulation requires a cannabis cultivation facility or cannabis production facility to disclose in writing with each lot or production run provided to a cannabis sales facility or cannabis consumption lounge any process used for the purpose of reducing or eradicating microbial contamination any time post-harvest and sets forth the contents of such a disclosure. **Section 75** additionally requires a cannabis sales facility or cannabis consumption lounge to: (1) upon request, immediately provide the disclosure to a consumer or patient through certain authorized methods; and (2) post a notice in a certain manner which states that information regarding any treatment or remediation, laboratory results and soil amendments is available upon request.

Subject to certain restrictions, existing law authorizes the Board to adopt regulations setting forth requirements relating to the packaging and labeling of cannabis and cannabis products. (NRS 678A.450) Existing regulations set forth various requirements for the packaging and labeling of cannabis. (NCCR 12) **Section 77** revises, reorganizes and sets forth additional requirements for the packaging of cannabis and cannabis products sold by a cannabis establishment. **Sections 79-82** of this regulation revise labeling requirements for cannabis cultivation facilities, cannabis production facilities, cannabis sales facilities and cannabis consumption lounges.

Existing law sets forth the maximum amount of cannabis and the maximum amount of THC that may be contained in an adult-use cannabis product that is sold in a single package. (NRS 678D.420) **Section 76**: (1) removes provisions concerning such maximum amounts set forth in existing regulations that are duplicative of provisions set forth in existing law; and (2) sets forth the maximum amount of THC that may be contained in an adult-use cannabis product sold as a pill that is sold in a single package.

Existing regulations require, with certain exceptions, each single-serving edible cannabis product and each individual serving of a multiple-serving edible cannabis product containing not more than 10 milligrams of THC to be stamped or molded with a Nevada universal cannabis symbol. (NCCR 12.020) **Section 78** additionally requires each individual serving of a medical edible cannabis product to be stamped or molded with a Nevada universal cannabis symbol.

Existing regulations require, upon consumer request, a cannabis sales facility and cannabis consumption lounge to provide to the consumer accompanying material that discloses any pesticides applied to the cannabis plants and growing medium during production and processing. (NCCR 12.050) **Section 83** of this regulation requires the cannabis sales facility and cannabis consumption lounge to instead provide: (1) a copy of the soil amendment report and the certificate of analysis from the cannabis independent testing laboratory; and (2) such documents to the consumer immediately. Existing regulations additionally require a cannabis sales facility and cannabis consumption lounge to provide with all cannabis and cannabis products sold a written or electronic notification which contains certain warnings. (NCCR 12.050) **Section 83** revises the warnings that must be contained in such a notice.

Existing regulations set forth requirements governing advertising by a cannabis establishment, including warnings which must be included in such advertisements and limitations on the manner and form of such advertising. (NCCR 12.070) **Sections 9 and 84** of this regulation: (1) require such warnings to be set forth in a visible and legible manner; (2) provide that advertisements which are posted inside a cannabis establishment and not for distribution are not subject to certain advertising requirements and limitations; and (3) reorganize certain requirements relating to advertising.

Existing regulations require each cannabis establishment agent transporting cannabis or cannabis products for an adult-use cannabis distributor to make certain reports regarding: (1) motor vehicle crashes that occur during transportation; (2) any unauthorized stops; and (3) any loss or theft of cannabis or cannabis products that occurs during the transportation. Existing regulations further require an adult-use cannabis distributor that receives a report of loss or theft to immediately report the loss or theft to the appropriate law enforcement agency and to the Board. (NCCR 13.010) **Section 85** of this regulation: (1) increases from 2 hours to 24 hours the time frame in which a cannabis establishment agent transporting cannabis or cannabis products for such an adult-use cannabis distributor is required to make a report regarding a motor vehicle crash; (2) requires a cannabis establishment agent to make a report to the Board regarding any unauthorized stop within 24 hours after the stop; and (3) requires an adult-use cannabis distributor to report to the Board any loss or theft after any risk to public safety has been abated.

Section 89 repeals a requirement for the packaging of cannabis or a cannabis product which has been treated with radiation at any time to include certain statements and symbols which indicate that the product has been treated with irradiation. (NCCR 12.065) **Section 89** additionally repeals an obsolete provision regarding the applicability of certain regulations of the Board.

Section 1. NCCR 1 is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. ***"Day" means a calendar day.***

Sec. 3. ***"Diversion" means the transfer of cannabis or a cannabis product from a lawful to an unlawful channel of distribution or use, including, without limitation, the transfer of cannabis or cannabis products:***

1. For the purpose of facilitating an unlawful sale; or

2. Through the falsification of records or intentional inaccurate reporting of inventory.

Sec. 4. ***"Edible cannabis product" means:***

1. An adult-use edible cannabis product; or

2. A medical edible cannabis product.

Sec. 5. *"Intentionally" means voluntarily or deliberately, rather than accidentally or inadvertently. The term does not require proof of bad faith, ill will, evil intent or malice.*

Sec. 6. *"Knowingly" means actual knowledge that the facts exist which constitute an act or omission, or such knowledge as an ordinarily prudent person would possess using reasonable care and diligence.*

Sec. 7. *Except as otherwise provided by specific statute or regulation or as required by the context, the computation of any period of time prescribed by the NCCR which is stated in days or a longer period of time must be made in accordance with Rule 6(a)(1) of the Nevada Rules of Civil Procedure.*

Sec. 8. NCCR 1.040 is hereby amended to read as follows:

As used in these regulations, unless the context otherwise requires, the words and terms defined in ~~[NRS 678A.020 to 678A.240, NRS 678B.030 to 678B.070, NRS 678C.010]~~ *NCCR 1.050* to ~~[678C.110, and NRS 678D.010 to 678D.040]~~ *1.235, inclusive, and sections 2 to 6, inclusive, of this regulation* have the meanings ascribed to them in those ~~[statutes.]~~ *sections.*

Sec. 9. NCCR 1.052 is hereby amended to read as follows:

"Advertise" and "advertising" mean an attempt by written, electronic or graphic representation to promote a company ~~[and/or]~~ *or* company products or services. The terms include, without limitation, such representations made:

1. On radio, television, ~~[and/or]~~ *or* the internet.

2. In newspapers, magazines, directories, in-store signs and menus, circulars, brochures, or other printed matters.

3. On outdoor advertising or other signage consisting of signs, posters, displays, billboards, or any other stationary or permanently affixed advertisement promoting the sale of cannabis or cannabis products.

~~[Signage of the business name, company logos, devices, lights, figures, paintings, drawings, branding, or plaques that are used in the design of the cannabis establishment are not subject to the requirements of NCCR 12.070(1)-(3), however, each of the foregoing items must comply with the requirements detailed in NCCR 12.070(4).]~~

Sec. 10. NCCR 1.130 is hereby amended to read as follows:

"Multiple-serving edible cannabis product" means an ***adult-use*** edible cannabis product which is offered for sale to a consumer and contains, within a variance of 15 percent of the potency allowable, more than 10 milligrams and not more than 100 milligrams of THC. The term includes an ***adult-use*** edible cannabis product which contains multiple pieces, each of which contains 10 milligrams or less of THC, if the edible cannabis product offered for sale contains a total of more than 10 milligrams of THC.

Sec. 11. NCCR 1.220 is hereby amended to read as follows:

"Single-serving edible cannabis product" means an ***adult-use*** edible cannabis product which is offered for sale to a consumer and contains not more than 10 milligrams of THC.

Sec. 12. NCCR 1.222 is hereby amended to read as follows:

"Single-use cannabis product" means a type of cannabis or adult-use cannabis product, other than a ready-to-consume cannabis product, that the Board determined appropriate for consumption in a cannabis consumption lounge.

1. Single-use cannabis products include, but are not limited to, items that are designed for use in a single sitting.

2. ~~[A Single use]~~ ***Single-use*** cannabis products may be provided in bulk to a cannabis consumption lounge for later portioning prior to sale to consumers.

3. All ~~[Single-use]~~ ***single-use*** cannabis products must be prepared at a licensed cannabis establishment and may not exceed the allowable serving size.

4. All items must be sold as a single serving and labeled in accordance with NCCR 12.040 or 12.045 ~~[.]~~ ***, as applicable.***

5. ~~[Edible]~~ ***Single-use cannabis products that are adult-use edible*** cannabis products in liquid form must be homogenized prior to portioning and must be dispensed and sold to consumers utilizing a commercial weighing or dispensing device certified pursuant to ***chapter 581 of*** NRS ***.*** ~~[581.]~~

6. Single-use cannabis products must not contain more than:

(a) ~~[3.5]~~ ***Three and one-half*** grams of usable cannabis.

~~[(1) If the single-use cannabis product contains more than 1 gram of usable cannabis, it must include a written warning: "Caution - This product is very potent and is not recommended for inexperienced users".]~~

(b) ~~[10]~~ ***Ten*** milligrams of THC for an edible, capsule, or tincture.

(c) ~~[300]~~ ***Three hundred*** milligrams ***of*** THC for ~~[inhalable extracted cannabis products.~~

~~(1) All single-use cannabis product sold as an inhalable extracted cannabis product must include a warning, "Caution - This product is very potent and is not recommended for inexperienced users".]~~ ***a single-use cannabis product that is concentrated cannabis intended for use or consumption by means of inhalation.***

(d) ~~[400]~~ ***Four hundred*** milligrams of THC for a topical.

(e) ~~[100]~~ ***One hundred*** milligrams of THC for transdermal patches or other adult-use cannabis products not mentioned in this section.

~~[(1)]~~ ***7.*** If the single-use cannabis product ***:***

(a) Contains more than 1 gram of usable cannabis;

(b) Is a single-use cannabis product described in paragraph (b) of subsection 6; or

(c) Is a transdermal patch or other cannabis product not mentioned in this section and contains more than 10 milligrams of THC,

➥ it must include a written warning: "Caution- This product is very potent and is not recommended for inexperienced users".

Sec. 13. NCCR 4 is hereby amended by adding thereto the provisions set forth as sections 14 to 22, inclusive, of this regulation.

Sec. 14. ***1. The Board or a hearing officer employed by the Board will determine a category I violation of the NCCR or title 56 of NRS as follows:***

(a) Category I violations are violations which are of a severity that precludes the continuing operations of a cannabis establishment or the maintenance of a cannabis establishment agent registration card.

(b) Category I violations include, without limitation:

(1) Conviction of an excluded felony offense, as defined in NRS 678B.050; or

(2) Diversion of cannabis or a cannabis product.

2. Before consideration of the factors described in subsection 3 of NCCR 4.030, the Board or hearing officer will presume that the appropriate penalty for any category I violation is revocation of a license or cannabis establishment agent registration card.

Sec. 15. *1. The Board or a hearing officer employed by the Board will determine a category VII violation of the NCCR or title 56 of NRS as follows:*

(a) Category VII violations are violations which are inconsistent with the orderly regulation of the sale or production of cannabis or cannabis products and of a less serious nature than a category VI violation as described in NCCR 4.060.

(b) Category VII violations include, without limitation:

(1) Failure by a cannabis establishment agent to display or have in his or her immediate possession a cannabis establishment agent registration card or proof of temporary registration;

(2) Failing to provide written notice pursuant to NCCR 6.087 within 10 working days after the date on which a cannabis establishment agent begins or ends employment at a cannabis establishment;

(3) Failing to maintain a visitor log as required by NCCR 6.070;

(4) Failing to pay, in a timely manner, costs billed by the Board pursuant to NCCR 6.025;

(5) Failing to, within 30 days of the receipt of an invoice, pay costs for screening or testing pursuant to NCCR 11.085;

(6) Failure by a cannabis consumption lounge to provide water service pursuant to NCCR 15.095;

(7) Failing, in a timely manner, to pay taxes or file tax returns;

(8) Any variance of more than 0.25 percent of the total inventory of the cannabis establishment which is documented; or

(9) A violation of any requirement of the NCCR or title 56 of NRS that is not punishable pursuant to any other category of violation.

2. Before consideration of the factors described in subsection 3 of NCCR 4.030, the Board or hearing officer will presume that the following are appropriate penalties for a category VII violation:

(a) For the first or second category VII violation in the immediately preceding 3 years, a written formal warning.

(b) For the third category VII violation in the immediately preceding 3 years, a civil penalty of not more than $1,500.

(c) For the fourth category VII violation in the immediately preceding 3 years, a civil penalty of not more than $3,000.

(d) For the fifth category VII violation in the immediately preceding 3 years, a civil penalty of not more than $5,000.

(e) For the sixth category VII violation in the immediately preceding 3 years, a civil penalty of not more than $10,000.

(f) For the seventh or any subsequent category VII violation in the immediately preceding 3 years, one or both of the following:

(1) A civil penalty of not more than $20,000.

(2) Suspension for not more than 10 days of a license or cannabis establishment agent registration card.

Sec. 16. *1. A consent or settlement agreement may be entered into pursuant to subsection 5 of NRS 233B.121 or NRS 678A.645 before or after the commencement of a contested case. If such an agreement is discussed after the commencement of a contested case,*

the Board or the hearing officer appointed to the case may enter a stay of the proceedings until the Board has approved or rejected the agreement.

2. In considering such a consent or settlement agreement for approval, the Board may, by a majority vote of the members:

(a) Approve the consent or settlement agreement;

(b) Reject the consent or settlement agreement; or

(c) Remand the consent or settlement agreement back to the parties to discuss different terms for reconsideration at a later meeting of the Board.

3. A consent or settlement agreement entered into pursuant to NRS 678A.645 must contain the following, as applicable:

(a) Any civil penalties stipulated to by the parties;

(b) Any disciplinary actions to be imposed, including the revocation or suspension of a license;

(c) A statement of any mitigating circumstances present and the weight given to each mitigating circumstance; and

(d) Any other terms and conditions relevant to the contested case.

4. A consent or settlement agreement is not effective until the agreement is approved pursuant to subsection 2.

Sec. 17. *1. A petition submitted to the Board pursuant to NRS 678B.633 must include:*

(a) The name, residence address, telephone number, electronic mail address and, if applicable, business address of the petitioner;

(b) For each excluded felony offense:

(1) The date of conviction for the offense;

(2) The date that probation or supervised release ended for the offense; and

(3) A certified copy of the judgment of conviction for the offense;

(c) A statement explaining why the petitioner believes the petitioner:

(1) Will not pose a threat to the health and safety of the public; and

(2) Will not negatively impact the cannabis industry in this State;

(d) The position, employment, ownership or other role the petitioner plans to undertake in the cannabis industry in this State if the petition is granted;

(e) A list of conditions and limitations the petitioner is willing to accept on his or her involvement in the cannabis industry in this State;

(f) The signature of the petitioner or the legal representative of the petitioner; and

(g) Any other information or documents requested by a Board agent.

2. The Board will construe any petition submitted pursuant to this section in a manner consistent with the declared policy of this State.

3. The Board may summarily deny, with or without prejudice, a petition that does not meet the requirements set forth in subsection 1.

4. Upon receipt of the petition a Board agent shall:

(a) Evaluate the petition and conduct any investigation that the Board agent deems necessary; and

(b) Within 60 days, request any necessary additional information or documentation from the petitioner.

5. If a Board agent requests additional information or documentation pursuant to subsection 4, the petitioner shall submit such information or documentation to the Board

agent within 45 days after the request. The Board agent shall complete his or her evaluation of the petition within 45 days after the receipt of such information or documentation.

6. After a Board agent evaluates a petition pursuant to this section:

(a) The petition must be presented and considered at a meeting of the Board; and

(b) The Board will provide to the petitioner a notice which indicates the date of the meeting at which the Board will consider the petition.

7. During the meeting at which the Board considers the petition, the Board may:

(a) Close a portion of the meeting pursuant to NRS 241.030 and 241.033 to consider the petition;

(b) Question the petitioner; and

(c) After consideration of the petition, render a decision to:

(1) Grant the petition;

(2) Grant the petition with conditions; or

(3) Deny the petition with or without prejudice.

8. The Board shall, not later than 30 days after the date on which the Board rendered a decision pursuant to subsection 7, make and enter a written order in conformity with the decision.

9. The order of the Board made pursuant to subsection 8 is final and not subject to judicial review.

Sec. 18. *1. The Board may issue a notice of violation and an order to cease unlicensed cannabis activity to any person who:*

(a) Without the appropriate license:

(1) Cultivates, processes, distributes, transports, sells or offers to sell cannabis or cannabis products; or

(2) Advertises or encourages the unlawful sale or delivery of cannabis or cannabis products, including, without limitation, by listing or disseminating through print media or the Internet an advertisement for an unlicensed cannabis business or delivery service;

(b) Makes any false, misleading or deceptive statement or representation concerning the nature of a cannabis-related product, including, without limitation, a product containing a synthetic cannabinoid and a commodity or product containing hemp, as defined by NRS 557.160, which exceeds the maximum THC concentration established by the State Department of Agriculture for hemp, in connection with the sale or the offer to sell such a product; or

(c) Owns real property where an action described in paragraph (a) or (b) is taking place.

2. A notice of violation and order to cease unlicensed activity issued pursuant to subsection 1 must be served upon the person engaged in the unlicensed activity by:

(a) Delivering personally the notice and order;

(b) Sending the notice and order by registered or certified mail; or

(c) Affixing the notice and order to the physical location where the unlicensed cannabis activity is taking place in accordance with subsection 4.

3. A person who receives a notice and order to cease unlicensed cannabis activity shall cease the unlicensed cannabis activity immediately upon being served in the manner provided by subsection 2.

4. If the Board issues a notice of violation and order to cease unlicensed cannabis activity, the Board may:

(a) Pursuant to subsection 11 of NRS 678A.440, seize and destroy any cannabis and cannabis product found in the possession of the person to whom the notice and order was issued.

(b) Affix a copy of the notice and order on the front window, a door or an exterior wall of the physical location where the unlicensed cannabis activity is taking place. Any copy of the notice and order affixed pursuant to this paragraph must be affixed not more than 5 feet from the front door of the location or another point of entry accessible to the public at a height of not less than 4 feet and not more than 6 feet. If there is no direct entrance to the location from the street, the notice and order must be posted at any point of entry in a place where potential customers or members of the public are likely to see the notice and order.

(c) Affix one or more warning stickers at or near the front door or other entry point which is accessible from the street which advises the public that the person has been ordered to stop the unlawful activity and of the public health and safety concerns of illicit cannabis.

5. A person shall not remove a notice of violation, order to cease unlicensed cannabis activity or warning sticker that has been affixed by the Board pursuant to this section unless authorized by the Board. The Board may, in accordance with section 22 of this regulation, impose against a person who violates this subsection an administrative fine of not more than $50,000, in addition to any costs incurred by the Board because of the violation, including, without limitation, attorney's fees.

Sec. 19. *1. Except as otherwise provided in subsection 3, if a person continues to engage in an unlicensed activity described in section 18 of this regulation after the receipt of a notice of violation and order to cease unlicensed cannabis activity issued pursuant to section 18 of this regulation, the Board may initiate an administrative proceeding to impose a civil*

penalty in accordance with chapter 233B of NRS, NRS 678A.520 to 678A.600, inclusive, and NCCR 4.070 to 4.130, inclusive. For the purposes of an administrative proceeding initiated pursuant to this subsection, any reference to a "licensee" or "cannabis establishment" in those provisions must be interpreted as applying to the person against whom the administrative proceeding is initiated.

2. At any time before or after the commencement of an administrative proceeding pursuant to subsection 1, the parties may enter into a consent or settlement agreement in accordance with NRS 233B.121, 678A.645 and section 16 of this regulation. For the purposes of any such consent or settlement agreement, any reference to a "licensee" or "cannabis establishment" in those provisions must be interpreted as applying to the person against whom the administrative proceeding has been or may be initiated.

3. In lieu of initiating an administrative proceeding pursuant to subsection 1, the Board may, in accordance with section 22 of this regulation, impose an administrative fine of not more than $20,000 upon a person who continues to engage in an unlicensed cannabis activity described in section 18 of this regulation after receiving a notice of violation and order to cease unlicensed cannabis activity.

Sec. 20. *As part of an investigation of an unlicensed cannabis activity described in section 18 of this regulation, if the Board has cause to believe that a person has engaged in or is engaging in such an activity, the Board may issue a summons or subpoena in accordance with subsection 4 of NRS 678A.450.*

Sec. 21. *1. In addition to any other penalties, the Board may take any of the following actions against a person who engages in an unlicensed cannabis activity described in section 18 of this regulation:*

(a) Bring an action to recover a civil penalty of not more than $50,000.

(b) Request that the Attorney General bring an action to enjoin the unlicensed cannabis activity.

2. An action brought pursuant to paragraph (a) of subsection 1 is not barred by a prior acquittal of the person in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the person from denying the essential allegations of the criminal offense.

Sec. 22. *1. Before imposing an administrative fine upon a person pursuant to section 18 or 19 of this regulation, the Board will give written notice to the person of the intention of the Board to enter an order imposing an administrative fine and serve such notice personally or by registered or certified mail.*

2. Within 20 days after the written notice is served pursuant to subsection 1, the person may request a hearing to contest the order. If a hearing is not requested, the Board will enter a final order imposing the administrative fine. If a hearing is requested, the hearing must be conducted in accordance with the procedures described in section 19 of this regulation for an administrative proceeding.

Sec. 23. NCCR 4.020 is hereby amended to read as follows:

1. A violation of any of the provisions of ~~[Title]~~ *title* 56 of NRS or *the* NCCR is grounds for disciplinary action by the Board, including, without limitation, immediate revocation of a license for a cannabis establishment ~~[pursuant to NRS 678A.450 and NRS 678.650.~~

~~2. A violation of any of the provisions of Title 56 of NRS or NCCR is grounds for disciplinary action by the Board, including, without limitation, immediate revocation of~~] ***or*** a cannabis establishment agent registration card.

2. For the purposes of the penalty presumptions set forth in NCCR 4.035 to 4.060, inclusive, and sections 14 and 15 of this regulation:

(a) A violation occurs on the date that the cannabis establishment or cannabis establishment agent knew or reasonably should have known of the act or omission that constitutes a violation, regardless of the actual date the act or omission is determined or adjudicated to constitute a violation.

(b) If more than one violation of the same category is committed on the same day and the violations are separate and distinct, the violations constitute separate violations.

3. For the purposes of subsection 2, knowledge may be established by a statement of deficiencies letter from the Board or a Board agent or any other evidence determined to be sufficient by the Board or a hearing officer employed by the Board.

Sec. 24. NCCR 4.030 is hereby amended to read as follows:

1. The Board ***or a hearing officer employed by the Board*** may:

(a) Subject to the provisions of NCCR 4, impose a civil penalty of not more than ~~[$90,000]~~ ***$20,000*** per violation on any person who fails to comply with or violates any provision of the NCCR ~~[and Title]~~ ***or title*** 56 of NRS. Such a civil penalty must be paid to the State of Nevada for deposit in the State General Fund ***.*** ~~[;]~~

(b) ~~[Except as otherwise provided in paragraph (c), suspend]~~ ***Suspend*** or revoke a license or cannabis establishment agent registration card. ~~[If the Board orders the suspension of a license or cannabis establishment agent registration card, the Board shall prescribe the time period of the~~

~~suspension in the written decision. If the Board orders the revocation of a license or cannabis establishment agent registration card, the Board shall prescribe a period of not less than 1 year and not more than 10 years during which the person may not apply for reinstatement of the license or cannabis establishment agent registration card; and~~

~~(c) If corrective action approved by the Board will cure the noncompliance or violation but will not be completed within 30 days after issuance of the order, suspend for more than 30 days the license of a cannabis establishment or the cannabis establishment agent registration card of a person who fails to comply with or violates the provisions of the NCCR and Title 56 of NRS.]~~

2. ***If the Board or hearing officer orders the:***

(a) Suspension of a license:

(1) The Board or hearing officer will prescribe the time period of the suspension in the written decision; and

(2) A Board agent shall post a notice of closure at the facility which must remain posted until a Board agent approves its removal.

(b) Suspension of a cannabis establishment agent registration card, the Board or hearing officer will prescribe the time period of the suspension in the written decision.

(c) Revocation of a license or cannabis establishment agent registration card, the Board or hearing officer will prescribe a period of not less than 1 year and not more than 10 years during which the person may not apply for reinstatement of the license or cannabis establishment agent registration card.

3. To determine the amount of a civil penalty assessed pursuant to this section, the Board ***or hearing officer*** will consider the gravity of the violation, the economic benefit or savings, if any, resulting from the violation, the size of the business of the violator, the history of compliance

with the NCCR and ~~[Title]~~ ***title*** 56 of NRS by the violator, action taken to remedy the violation, the effect of the penalty on the ability of the violator to continue in business ***, the mitigating circumstances set forth in NRS 678A.647*** and any other matter as justice may require.

Sec. 25. NCCR 4.035 is hereby amended to read as follows:

1. The Board ***or a hearing officer employed by the Board*** will determine a category ~~[I]~~ ***II*** violation of the NCCR ~~[and Title]~~ ***or title*** 56 of NRS as follows:

(a) Category ~~[I]~~ ***II*** violations are ***violations which are*** of a severity that make a person ineligible to receive, renew, or maintain a license ***.*** ~~[, including,]~~

(b) Category II violations include, without limitation:

(1) ~~[Conviction of an excluded felony offense;]~~ ***Any variance in inventory of more than 10 percent of the total inventory of the cannabis establishment which is not documented;***

(2) Operating without all required permits, certificates, registrations ~~[and/or]~~ ***and*** licenses ~~[;]~~ ***, including, without limitation, a business license, a special land use permit or any permit required by the Department of Taxation;***

(3) Making an intentionally false statement to the Board or Board ~~[Agents;]~~ ***agents;***

(4) Intentionally destroying or concealing evidence;

(5) Intentionally failing to ~~[pay taxes to the Department of Taxation;]~~ ***comply with an order or directive issued by the Board;***

(6) Allowing noisy, disorderly or unlawful activity that results in death or serious physical injury, that involves the unlawful use or attempted use of a deadly weapon against another person or that results in a sexual offense which is a category A felony;

(7) Operating a cannabis establishment while the license for the cannabis establishment is suspended or revoked;

(8) Transporting cannabis outside of the boundaries of this State, except where authorized by an agreement between the Governor of this State and a participating tribal government;

(9) Making verbal or physical threats to a Board ~~[Agent]~~ ***agent*** or Board member;

(10) Failing to immediately admit regulatory or law enforcement personnel ***who present appropriate identification*** into the premises of a cannabis establishment;

(11) Refusing to allow an inspection or obstructing regulatory personnel or ***a*** law enforcement officer from performing his or her official duties;

(12) ~~[Purchasing or selling cannabis that has not passed the analysis required by a cannabis independent testing laboratory without written approval from the Board;~~

~~(13)]~~ Purchasing ***,*** ~~[or]~~ selling ***, receiving, cultivating, producing or otherwise using*** cannabis ***that is*** not found in the seed-to-sale tracking system ~~[;~~

~~(14) Failure to properly collect taxes;]~~ or

~~[(15)]~~ ***that was obtained from an unauthorized source;***

(13) Transporting or storing cannabis from an unlicensed source, other than patient or consumer samples stored at a cannabis independent testing laboratory, or diversion of cannabis or cannabis products ~~[.]~~ ***;***

(14) Working or volunteering at a cannabis establishment without a cannabis establishment agent registration card or permitting a person who does not have a cannabis establishment agent registration card to work or volunteer at a cannabis establishment;

(15) Failing to tag more than 10 percent of mature cannabis plants and packages required to be tagged pursuant to NCCR 6.082;

(16) Engaging in grossly negligent, unlawful or criminal conduct relating to cannabis; or

(17) Engaging in an act or omission that poses an imminent threat to the health or safety of the public.

2. Before consideration of the factors described in subsection ~~[1(a),]~~ ***3 of NCCR 4.030,*** the Board ***or hearing officer*** will presume that the following are appropriate penalties for ~~[violations of the NCCR and Title 56 of NRS:]~~ ***a category II violation:***

(a) For ~~[a]~~ ***the first*** category ~~[II]~~ ***II*** violation ~~[which is the:~~

~~(1) First violation]~~ in the immediately preceding 3 years, ~~[a]~~ ***one or both of the following:***

(1) A civil penalty of not more than ~~[$90,000 and a]~~ ***$20,000.***

(2) A suspension for not more than 30 days or revocation of a license or cannabis establishment agent registration card.

~~[(2) Second or subsequent]~~

(b) For the second category II violation in the immediately preceding 3 years ~~[,]~~ ***:***

(1) A civil penalty of not more than $20,000 and the suspension of a license or cannabis establishment agent registration card for not more than 30 days; or

(2) Revocation of a license or cannabis establishment agent registration card.

(c) For the third or subsequent category II violation in the immediately preceding 3 years, revocation of a license or cannabis establishment agent registration card.

~~[(b) Notwithstanding the foregoing, a single violation of NCCR 4.035(1)(a)(15) for diversion of cannabis or cannabis products requires revocation of a license, certificate, and/or cannabis establishment agent registration card.]~~

Sec. 26. NCCR 4.040 is hereby amended to read as follows:

1. The Board ***or a hearing officer employed by the Board*** will determine a category ~~[II]~~ ***III*** violation of the NCCR ~~[and Title]~~ ***or title*** 56 of NRS as follows:

(a) Category ~~[II]~~ ***III*** violations are violations ***which are*** of a severity that create a present threat to public health or safety ***.*** ~~[, including,]~~

(b) Category III violations include, without limitation:

(1) Making an unintentional false statement or representation of fact to the Board or Board ~~[Agents;]~~ ***agents;***

(2) Unintentionally destroying or concealing evidence;

(3) Failing to verify the age of, or selling or otherwise providing cannabis ***,*** ~~[or]~~ cannabis ***products or*** paraphernalia to, a person who is less than 21 years of age ~~[;]~~ ***unless the person holds a registry identification card or letter of approval;***

(4) Allowing a person who is less than 21 years of age to enter or remain in a cannabis establishment or transport vehicle unless the person holds a registry identification card or letter of approval;

(5) ~~[Permitting sales by]~~ ***Without the written approval of*** a ~~[person without a]~~ ***Board agent, transferring or taking possession of*** cannabis ~~[establishment agent registration card unless]~~ that ~~[person is deemed to be temporarily registered;]~~ ***has not passed all required testing performed by a cannabis independent testing laboratory;***

(6) ~~[Effecting a change in ownership and/or ownership interest without complying]~~ ***Unintentionally failing to comply*** with ~~[all the requirements of NCCR 5.110 and/or any additional]~~ ***an order or directive issued by the*** Board ***;*** ~~[guidance and orders regarding transfers of interest.]~~

(7) ***Failing to appear before the Board when notified to appear without providing notice or a reasonable excuse;***

(8) Allowing noisy, disorderly or unlawful activity that involves ***the*** use of a dangerous weapon against another person with intent to cause death or serious physical injury;

~~[(8) Allowing a person who is less than 21 years of age]~~

(9) Failing to ~~[work or volunteer at the cannabis establishment;~~

~~(9)]~~ ***install video cameras as required by NCCR 6.085;***

(10) Failing to cease operation and notify the Board or Board ~~[Agents]~~ ***agents*** during an imminent health hazard ~~[;~~

~~(10) Purchasing, cultivate, produce]~~ ***or resuming operation without approval after the Board has required a cessation of operations due to an imminent health hazard;***

(11) Without the approval of a Board agent, modifying quantities or ~~[otherwise use]~~ ***weights of*** cannabis ~~[from an unapproved source;~~

~~(11) Not properly segregating medical patient retail sales from adult use retail sales;]~~ ***or cannabis products after the cannabis or cannabis products have been tested;***

(12) ***Without the approval of a Board agent, retesting cannabis or cannabis products;***

(13) Operating ~~[an]~~ ***any*** unapproved ~~[extraction unit;~~

~~(13) Selling an amount of cannabis in excess of transaction limits;]~~ ***equipment that poses a risk of harm to human health or safety;***

(14) ***Failing to maintain a laboratory quality assurance program or quality control program;***

(15) Failing to maintain ~~[required security]~~ ***an*** alarm ~~[and surveillance systems;~~

~~(15)]~~ ***system pursuant to NCCR 6.085;***

(16) Any intentional variance from approved procedures in a laboratory;

~~[(16)]~~ ***(17)*** Failing to notify the Board or Board ~~[Agents]~~ ***agents*** of a loss of possession or control of a cannabis ~~[facility]~~ ***establishment*** within 24 hours;

~~[(17) Transferring,]~~

(18) Without the approval of a Board agent, transferring, moving, or disturbing cannabis or cannabis product which has been quarantined by the Board ~~[without Board approval;~~

~~(18)]~~ ***;***

(19) Failing to ~~[renew the cannabis establishment license on time;]~~ ***tag more than 5 percent but not more than 10 percent of mature cannabis plants and packages required to be tagged pursuant to NCCR 6.082;***

(20) Any variance in inventory of more than 5 percent but not more than 10 percent of the total inventory of the cannabis establishment which is not documented; or

~~[(19)]~~ ***(21)*** Any violation of NCCR ***5.170 or*** 11.070.

2. Before consideration of the factors described in subsection ~~[1(a),]~~ ***3 of NCCR 4.030,*** the Board ***or hearing officer*** will presume that the following are appropriate penalties for ~~[violations of the NCCR and Title 56 of NRS:]~~ ***a category III violation:***

(a) For ~~[a]~~ ***the first*** category ~~[II]~~ ***III*** violation ~~[which is the:~~

~~(1) First violation]~~ in the immediately preceding 3 years, ~~[a]~~ ***one or both of the following:***

(1) A civil penalty of not more than ~~[$25,000 and a]~~ ***$15,000.***

(2) A suspension for not more than 20 days of a license or cannabis establishment agent registration card.

~~[(2) Second]~~

(b) For the second category III violation in the immediately preceding 3 years, ~~[a]~~ ***one or both of the following:***

(1) A civil penalty of not more than ~~[$75,000 and a]~~ ***$15,000.***

(2) A suspension for not more than 30 days of a license or cannabis establishment agent registration card.

~~[(3) Third]~~

(c) For the third category III violation in the immediately preceding 3 years, a civil penalty of not more than $20,000 and a suspension for not more than 30 days of a license or cannabis establishment agent registration card.

(d) For the fourth or subsequent ***category III*** violation in the immediately preceding 3 years, revocation of a license or cannabis establishment agent registration card.

Sec. 27. NCCR 4.050 is hereby amended to read as follows:

1. The Board ***or a hearing officer employed by the Board*** will determine a category ~~[III]~~ ***IV*** violation of the NCCR ~~[and Title]~~ ***or title*** 56 of NRS as follows:

(a) Category ~~[III]~~ ***IV*** violations are violations ***which are*** of a severity that create a potential threat to public health or safety ***.*** ~~[, including,]~~

(b) Category IV violations include, without limitation:

(1) Transporting cannabis in an unauthorized vehicle;

(2) ~~[Allowing]~~ ***Except for a single-use cannabis product or a ready-to-consume cannabis product consumed in a cannabis consumption lounge, allowing*** consumption by any person of alcohol, cannabis ~~[(except at a consumption lounge)]~~ or other intoxicants on the premises of the cannabis establishment or in areas adjacent to the premises of the cannabis establishment which are under the licensee's control, including, without limitation, a parking lot;

(3) Failing to keep any required records, including seed-to-sale tracking requirements;

(4) ~~[Failing to tag plants as required;]~~ ***Any variance in inventory of more than 2 percent but not more than 5 percent of the total inventory of the cannabis establishment which is not documented;***

(5) Failing to follow an approved security plan;

(6) Allowing disorderly activity;

(7) Allowing any activity which violates the laws of this State;

(8) Failing to ***properly*** notify the Board or ***a*** Board ~~[Agents within 24 hours]~~ ***agent*** after discovery of a serious incident or criminal activity on the premises of the cannabis establishment;

(9) ~~[Unintentionally failing to pay taxes to the Department of Taxation;]~~ ***For any reason other than maintenance or repair, tampering with, disengaging or otherwise disabling a security system without authorization from a Board agent;***

(10) Selling unauthorized products ~~[;]~~ ***or using unauthorized ingredients in the production of cannabis products;***

(11) Failing to ~~[notify the Board or Board Agents of]~~ ***repair*** a ~~[modification or expansion of the facilities of the cannabis establishment or a change in equipment or menu of the cannabis establishment;]~~ ***video camera as required by NCCR 6.085;***

(12) ~~[Violating packaging or labeling requirements including seed-to-sale tracking system requirements;]~~ ***Failing to use sanitizer as required;***

(13) Storing or delivering ~~[an]~~ unapproved cannabis ~~[product]~~ or a cannabis product outside the seed-to-sale tracking system;

(14) Failing to meet requirements for the disposal of cannabis waste ~~[;]~~ ***, including, without limitation, failing to render waste containing cannabis unusable;***

(15) Using unauthorized pesticides, soil amendments, fertilizers or other crop production aids;

(16) Exceeding the maximum serving requirements for cannabis products;

(17) Exceeding a reasonable time frame for ***transit for*** delivery ***of cannabis or cannabis products*** without approval from the Board or Board ~~[Agents;]~~ ***agents;***

(18) ~~[Transporting or storing cannabis from an unlicensed source, other than patient samples stored at a cannabis interdependent testing laboratory, or diversion]~~ ***Any violation*** of ~~[cannabis or cannabis products;]~~ ***subsection 2 of NRS 678C.410;***

(19) Picking up, unloading or delivering cannabis at an unauthorized location;

(20) Failing to comply with requirements for hand washing and employee hygiene, including, without limitation, using a bare hand on a cannabis product;

(21) Failing to ~~[maintain]~~ ***adhere to*** proper ***time and*** temperature ***controls for the safety*** of ~~[potentially hazardous]~~ food or cannabis products;

(22) Selling or failing to dispose of cannabis, cannabis products or food items that are spoiled or contaminated;

(23) Failing to tag ***, as required pursuant to NCCR 6.082:***

(I) More than 2 percent but not more than 5 percent of the total inventory of the cannabis establishment of mature cannabis ~~[or a]~~ ***plants and packages; or***

(II) Any batch of immature cannabis ~~[product as required;]~~ ***plants which contains 150 immature cannabis plants or less that do not require individual tags;***

(24) Failing to follow seed-to-sale tracking system requirements while transporting or delivering cannabis or cannabis products ***;***

(25) Failing to properly update the licensee's point of contact with the Board ~~[;]~~ ***within 10 days after a change thereto;***

(26) ~~[Failure to maintain quality assurance/quality control program in a laboratory; or]~~ ***Operating any unapproved equipment in a manner which is not punishable as a category III violation;***

(27) Failure to maintain updated standard operating procedures;

(28) Allowing sales of any products at a cannabis consumption lounge that are not permitted to be sold at a cannabis consumption lounge;

(29) Allowing the removal of any single-use cannabis products or ready-to-consume cannabis products from a cannabis consumption lounge;

(30) Permitting the use or consumption of cannabis by any person displaying any visible signs of overconsumption at a cannabis consumption lounge;

(31) Failing to develop, implement, ~~[and/or]~~ ***or*** maintain a plan to mitigate the risk of impaired driving at a cannabis consumption lounge; ~~[or]~~

(32) Failing to maintain a separate room in a cannabis consumption lounge for cannabis smoking, vaping, and inhalation in a cannabis consumption lounge, unless all such activities are prohibited in the cannabis consumption lounge ~~[.]~~ ***;***

(33) Failing to comply with the provisions of NCCR 5.110;

(34) Failing to renew a license for a cannabis establishment on or before the date on which the license expires;

(35) Failing to maintain or ensure that an employee maintains any license, certificate, permit or accreditation required by the NCCR or title 56 of NRS, including, without limitation,

a cannabis establishment agent registration card, food protection manager certification or certification as a private applicator issued pursuant to chapter 555 of NRS;

(36) Failing to maintain separate operations and segregate inventory as required by NCCR 5.155;

(37) Failing to respond to an issuing entity within the designated time frame provided by law after the receipt of a statement of deficiencies or other document provided pursuant to the NCCR or title 56 of NRS which provides notice of a violation of the provisions of the NCCR or title 56 of NRS;

(38) Failing to adhere to the requirements of a plan of correction;

(39) Any violation of NCCR 11 relating to the collection or handling of samples for laboratory testing or analysis;

(40) Improperly storing cannabis, cannabis products, food or beverages;

(41) Failing to adequately clean and sanitize surfaces, equipment or utensils as required by NCCR 9.095 and 10.040;

(42) Failing to maintain hand-washing sinks pursuant to NCCR 6.095;

(43) Any infestation by pests that are not multi-generational or on contact surfaces;

(44) Failing to properly notify the Board of a reduction in the amount of cannabis in the inventory of the cannabis establishment or the completion of an investigation pursuant to subsection 9 of NCCR 6.080; or

(45) Failing to maintain a quality control unit as required.

2. Before consideration of the factors described in subsection ~~[1(a),]~~ ***3 of NCCR 4.030,*** the Board ***or hearing officer*** will presume that the following are appropriate penalties for ~~[violations of the NCCR and Title 56 of NRS:]~~ ***a category IV violation:***

(a) For ~~[a]~~ ***the first*** category ~~[III]~~ ***IV*** violation ~~[which is the:~~

~~(1) First violation]~~ in the immediately preceding 3 years, a civil penalty of not more than ~~[$10,000.~~

~~(2) Second]~~ ***$5,000.***

(b) For the second category IV violation in the immediately preceding 3 years, a civil penalty of not more than ~~[$30,000 and/or a suspension for not more than 10 days of a license or cannabis establishment agent registration card.~~

~~(3) Third]~~ ***$10,000.***

(c) For the third category IV violation in the immediately preceding 3 years, ~~[a]~~ ***one or both of the following:***

(1) A civil penalty of not more than ~~[$90,000 and/or a]~~ ***$20,000.***

(2) A suspension for not more than ~~[20]~~ ***10*** days of a license or cannabis establishment agent registration card.

~~[(4) Fourth]~~

(d) For the fourth category IV violation in the immediately preceding 3 years, ~~[a]~~ ***one or both of the following:***

(1) A civil penalty of not more than ~~[$90,000 and a]~~ ***$20,000.***

(2) A suspension for not more than ~~[60]~~ ***20*** days of a license or cannabis establishment agent registration card.

~~[(5) Fifth or subsequent]~~

(e) For the fifth or sixth category IV violation in the immediately preceding 3 years, ~~[revocation]~~ ***one or both of the following:***

(1) A civil penalty of not more than $20,000.

(2) Revocation of a license or cannabis establishment agent registration card.

(f) For the seventh or subsequent category IV violation in the immediately preceding 3 years, revocation of a license or cannabis establishment agent registration card.

Sec. 28. NCCR 4.055 is hereby amended to read as follows:

1. The Board ***or a hearing officer employed by the Board*** will determine a category ~~[IV]~~ ***V*** violation of the NCCR ~~[and Title]~~ ***or title*** 56 of NRS as follows:

(a) Category ~~[IV]~~ ***V*** violations ***are violations that*** create a climate which is conducive to abuses associated with the sale or production of cannabis or cannabis products ***.*** ~~[, including,]~~

(b) Category V violations include, without limitation:

(1) Failing to ~~[display or have in]~~ ***, before*** the ~~[immediate possession]~~ ***implementation of a modification or expansion*** of ~~[each]~~ ***the facilities of a*** cannabis establishment ~~[agent a cannabis establishment agent registration card]~~ or ~~[proof]~~ ***the modification*** of ~~[temporary registration;]~~ ***the equipment used or menu offered by a cannabis establishment:***

(I) Notify the Board or a Board agent in writing of the modification or expansion; and

(II) Obtain the approval of a Board agent for the modification or expansion;

(2) Removing, altering or covering a notice of suspension of a license or any other required notice or sign;

(3) Violating advertising requirements;

(4) ~~[Displaying products in a manner visible to the general public from a public right of way;~~

~~(5)]~~ Failing to ~~[respond]~~ ***adhere*** to ~~[an administrative notice of a violation]~~ ***packaging*** or ~~[failing to pay fines;~~

~~(6) Violating restrictions on sampling;~~

~~(7)]~~ ***labeling requirements;***

(5) Failing to maintain a standardized scale as required;

~~[(8) Improper storing of cannabis, cannabis products or other foods;~~

~~(9) Failing to properly wash, rinse and sanitize product contact surfaces as required;~~

~~(10) Failing to maintain hand-washing facilities that are stocked, accessible and limited to hand washing only;~~

~~(11) Infestation by pests that are not multigenerational or on contact surfaces;~~

~~(12) Failing to properly use sanitizer as required;~~

~~(13) Violating any transportation or delivery requirements not described in another category of violations;~~

~~(14)]~~ ***(6)*** Failing to properly respond to a Board or Board ~~[Agent's]~~ ***agent's*** request for documentation, information, video, or other records; ~~[or~~

~~(15)]~~ ***(7)*** Failing to comply with required employee training;

~~[(16)]~~ ***(8)*** Failing to offer required consumer education, support materials, warnings, ~~[and/or]~~ ***or*** notices to a cannabis consumption lounge consumer;

~~[(17)]~~ ***(9)*** Failing to comply with any laws or regulations related to on-site food preparation at a cannabis consumption lounge; ~~[or~~

~~(18)]~~ ***(10)*** Failing to comply with ventilation requirements at a cannabis consumption lounge ~~[.]~~ ***;***

(11) Providing or offering cannabis or cannabis products for no cost without a purchase;

(12) Failing to follow any standard operating procedures required to be developed or maintained by the cannabis establishment pursuant to the NCCR or title 56 of NRS;

(13) Failing to ensure that any video cameras installed as part of a security system maintain an unobstructed and complete view of all areas which contain cannabis or cannabis products;

(14) Failing to properly reconcile the disposal of cannabis and cannabis products with the seed-to-sale tracking system;

(15) Failing to document in the inventory control system established pursuant to NCCR 6.080 the name and number of the cannabis establishment agent registration card of the cannabis establishment agent responsible for the harvest or disposal of cannabis;

(16) Any violation of subsection 2 of NCCR 11.015; or

(17) Selling an amount of cannabis or cannabis products in a single transaction in excess of the limits for such a transaction.

2. Before consideration of the factors described in subsection ~~[1(a),]~~ ***3 of NCCR 4.030,*** the Board ***or hearing officer*** will presume that the following are appropriate penalties for ~~[violations of the NCCR and Title 56 of NRS:~~

~~(a) For[~~ a category ~~[IV]~~ ***V*** violation ~~[which is]~~ ***:***

(a) For the ~~[:~~

~~(1) First[~~ ***first category V*** violation in the immediately preceding 3 years, a civil penalty of not more than ~~[$5,000.~~

~~(2) Second[~~ ***$2,500.***

(b) For the second category V violation in the immediately preceding 3 years, a civil penalty of not more than ~~[$10,000 and/or a suspension for not more than 7 days of a license or cannabis establishment agent registration card.~~

~~(3) Third]~~ ***$5,000.***

(c) For the third category V violation in the immediately preceding 3 years, a civil penalty of not more than ~~[$20,000 and/or a suspension for not more than 10 days of a license or cannabis establishment agent registration card.~~

~~(4) Fourth]~~ ***$10,000.***

(d) For the fourth category V violation in the immediately preceding 3 years, ~~[a]~~ ***one or both of the following:***

(1) A civil penalty of not more than ~~[$40,000 and/or a]~~ ***$20,000.***

(2) A suspension for not more than ~~[20]~~ ***10*** days of a license or cannabis establishment agent registration card.

~~[(5) Fifth]~~

(e) For the fifth category V violation in the immediately preceding 3 years, a civil penalty of not more than ~~[$80,000]~~ ***$20,000*** and a suspension for not more than ~~[30]~~ ***20*** days of a license or cannabis establishment agent registration card.

~~[(6) Sixth or subsequent]~~

(f) For the sixth category V violation in the immediately preceding 3 years, ***a civil penalty of not more than $20,000 and a suspension for not more than 30 days of a license or cannabis establishment agent registration card.***

(g) For the seventh category V violation in the immediately preceding 3 years, a civil penalty of not more than $20,000 and a suspension for not more than 60 days of a license or cannabis establishment agent registration card.

(h) For the eighth or ninth category V violation in the immediately preceding 3 years, a civil penalty of not more than $20,000 or the revocation of a license or cannabis establishment agent registration card.

(i) For the tenth or subsequent category V violation in the immediately preceding 3 years, the revocation of a license or cannabis establishment agent registration card.

Sec. 29. NCCR 4.060 is hereby amended to read as follows:

1. The Board ***or a hearing officer employed by the Board*** will determine a category ~~[V]~~ ***VI*** violation of the NCCR ~~[and Title]~~ ***or title*** 56 of NRS as follows:

(a) Category ~~[V]~~ ***VI*** violations are ***violations that are*** inconsistent with the orderly regulation of the sale or production of cannabis or cannabis products ***.*** ~~[, including,]~~

(b) Category VI violations include, without limitation:

(1) Failing to ~~[submit monthly tax or sales reports or payments;]~~ ***notify the Board or a Board agent of a notice of eviction pursuant to NCCR 6.060;***

(2) Failing to ***properly*** notify the Board or Board ~~[Agents]~~ ***agents*** of a temporary closure of the cannabis establishment within 24 hours ~~[of]~~ ***after*** the closure;

(3) Failing to post any required signs;

(4) Failing to notify the Board of a change in the name of the cannabis establishment ~~[;]~~ ***within 10 days of the change;***

(5) ~~[Making]~~ ***Displaying cannabis or a cannabis product in*** a ~~[payment with a check returned for insufficient funds;]~~ ***manner visible to persons outside of a cannabis establishment;***

(6) Failing to ~~[comply with]~~ ***pay in a timely manner*** any ~~[other requirements not described in another category of violations;]~~ ***civil penalty or fine assessed pursuant to the NCCR or title 56 of NRS;***

(7) Failing to properly submit quarterly inventory reports, monthly sales reports, or other reports required by the Board;

(8) ~~[Failure]~~ ***Failing*** to ~~[pay for all costs involved in screening or testing related to quality assurance compliance checks within 30 days;]~~ ***tag more than 0.25 percent but not more than 2 percent of the total inventory of the cannabis establishment of mature cannabis plants and packages;***

(9) Operating a cannabis consumption lounge, or cannabis sales facility, outside of its designated hours of operation or failing to properly post the hours of operation of a cannabis consumption lounge, or cannabis sales facility;

(10) Failing to ~~[provide required water service at a cannabis consumption lounge; or]~~ ***properly affix seed-to-sale identification tags;***

(11) Failing to comply with requirements regarding visibility of consumption from the public at a cannabis consumption lounge ~~[.]~~ ***;***

(12) Violating any transportation or delivery requirements not described in NCCR 4.035 to 4.060, inclusive, and sections 14 and 15 of this regulation;

(13) Testing a lot which weighs more than the applicable weight limit for the lot;

(14) Any variance in inventory more than 0.25 percent but not more than 2 percent of the total inventory of the cannabis establishment which is not documented;

(15) Failing to produce, upon request by the Board or a Board agent pursuant to NCCR 6.085, a clear still photograph from any video camera image with the date and time of the recorded events displayed;

(16) Failing to accept or reject into the seed-to-sale tracking system any delivery of cannabis or a cannabis product within 24 hours after receipt; or

(17) Failing to comply with any requirements of NCCR 6.082 not punishable pursuant to any other provision of NCCR 4.035 to 4.060, inclusive, and sections 14 and 15 of this regulation.

2. Before consideration of the factors described in subsection ~~[1(a),]~~ ***3 of NCCR 4.030,*** the Board ***or hearing officer*** will presume that the following are appropriate penalties for ~~[violations of the NCCR and Title 56 of NRS:~~

~~(a) For]~~ a category ~~[V]~~ ***VI*** violation ~~[which is the:~~

~~(1) First]~~ ***:***

(a) For the first category VI violation in the immediately preceding 3 years, a warning.

~~[(2) Second]~~

(b) For the second category VI violation in the immediately preceding 3 years, a civil penalty of not more than ~~[$2,500.~~

~~(3) Third]~~ ***$1,500.***

(c) For the third category VI violation in the immediately preceding 3 years, a civil penalty of not more than ~~[$5,000 and/or a suspension for not more than 3 days of a license or cannabis establishment agent registration card.~~

~~(4) Fourth]~~ ***$3,000.***

(d) For the fourth category VI violation in the immediately preceding 3 years, a civil penalty of not more than ~~[$10,000 and/or a suspension for not more than 7 days of a license or cannabis establishment agent registration card.~~

~~(5) Fifth]~~ ***$5,000.***

(e) For the fifth category VI violation in the immediately preceding 3 years, a civil penalty of not more than ~~[$20,000 and/or a suspension for not more than 10 days of a license or cannabis establishment agent registration card.~~

~~(6) Sixth]~~ ***$10,000.***

(f) For the sixth or subsequent ***category VI*** violations in the immediately preceding 3 years, ~~[a]~~ ***one or both of the following:***

(1) A civil penalty of not more than ~~[$40,000 and/or a]~~ ***$20,000.***

(2) A suspension for not more than 20 days of a license or cannabis establishment agent registration card.

Sec. 30. NCCR 4.065 is hereby amended to read as follows:

1. The Board, through its Board ~~[Agents,]~~ ***agents,*** will determine whether an event is an imminent health hazard that requires immediate correction or cessation of operations to prevent injury or serious illness based on the nature, severity and duration of any anticipated injury, illness or disease and the number of injuries or illnesses to members of the public which may occur **.** Events that are presumed to be imminent health hazards include, without limitation:

(a) Interruption of electrical service;

(b) Lack of potable water or hot water;

(c) Grossly unsanitary occurrences or conditions including, without limitation, pest infestation or sewage or liquid waste not being disposed of in an approved manner;

(d) Lack of adequate refrigeration;

(e) Lack of adequate toilet and hand-washing facilities for employees;

(f) Misuse of poisonous or toxic materials;

(g) A suspected outbreak of foodborne illness;

(h) A fire or flood;

(i) Governor's emergency directives; or

(j) Any other condition or circumstance which endangers public health.

2. If a cannabis ~~[facility]~~ ***establishment*** becomes aware of any such condition listed above, independently and not through ~~[the Board's Agent,]~~ ***a Board agent,*** it must report said hazard to the Board or ***a*** Board ~~[Agents within two hours of the hazard's discovery.]~~ ***agent as soon as practicable after ensuring the safety of all persons in the vicinity of the hazard.***

Sec. 31. NCCR 4.070 is hereby amended to read as follows:

~~[The]~~ ***In addition to the requirements set forth in NRS 678A.520, a*** complaint must contain the following information:

1. The date of the violation or, if the date of the violation is unknown, the date that the violation was identified;

2. The address or description of the location where the violation occurred;

3. ~~[The section of the NCCR and Title 56 of NRS that was violated and a description of the violation;~~

~~4. The amount of the civil penalty that the Board may impose or a description of the action the Board may take for the violation;~~

~~5.]~~ A description of the payment process, including a description of the time within which and the place to which any civil penalty must be paid if the respondent does not wish to dispute the complaint;

~~[6.]~~ ***4.*** An order prohibiting the continuation or repeated occurrence of the violation described in the complaint;

~~[7.]~~ ***5.*** A description of the complaint process, including, without limitation, the time within which ***the*** respondent must serve an answer to the complaint and the place to which the answer must be served; and

~~[8.]~~ ***6.*** The name of the Board ~~[Agent]~~ ***agent*** who performed the investigation.

Sec. 32. NCCR 4.090 is hereby amended to read as follows:

1. Parties to proceedings governed by this regulation may appear personally or through an attorney, except that the parties must personally attend any hearing on the merits unless such attendance has been waived pursuant to NCCR ~~[2.]~~ ***2.025 or 2.040.***

2. When a party has appeared through an attorney, service of all notices, motions, orders, decisions, and other papers shall thereafter be made upon the attorney.

3. When a party is represented by an attorney, the attorney shall sign all motions, oppositions, notices, requests, and other papers on behalf of the party, including requests for subpoenas.

4. An attorney may withdraw from representing a person upon notice to the person or licensee, and the Board. The notice must include the reason for the requested withdrawal. The attorney must notify the person or licensee of an opportunity to object to the withdrawal. If the party or licensee objects to the withdrawal, the person or licensee must so notify the Board ~~[.]~~ ***not later than 7 days after receipt of the notice.*** The Board may deny the request if there may be

an unreasonable delay in the case or the substantial rights of the person or licensee may be prejudiced.

5. If the Board finds that an attorney has violated any provision of this section, the Board may bar the attorney from participating in the case or may impose such other sanctions as the Board deems appropriate.

6. A person or licensee subject to a hearing pursuant to this chapter is responsible for all costs related to the presentation of the defense.

Sec. 33. NCCR 4.095 is hereby amended to read as follows:

1. Within 10 days after the respondent answers the complaint pursuant to NRS 678A.520 and demands a hearing ***,*** or if the Board orders a hearing even if the respondent waives his or her right to a hearing, the parties shall hold an early case conference at which the parties and a hearing officer employed by the Board ~~[, or as permitted by NAC 616C.2753, or a delegated member of the Board, a panel of the Board, or the Board]~~ must preside. At the early case conference, the parties shall in good faith:

(a) Set the earliest possible hearing date ***and the estimated duration of the hearing*** agreeable to the parties and the hearing officer ~~[, a delegated member of the Board, panel of the Board,]~~ or ~~[the Board, including the estimated duration of the hearing no]~~ ***not*** later than 45 days after receiving the respondent's answer unless an ***extension is granted pursuant to subsection 8 of NRS 678A.520, or an*** expedited hearing is determined to be appropriate;

(b) Set dates:

(1) By which all documents must be exchanged;

(2) By which witness lists must be exchanged;

(3) By which all prehearing motions and responses thereto must be filed; and

(4) For any other foreseeable actions that may be required for the matter;

(c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;

(d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and

(e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

2. A formal hearing must be held at the time and date set ~~[at the early case conference]~~ ***pursuant to subsection 1 and presided over*** by ~~[:~~

~~(a) The Board;~~

~~(b) A]~~ ***a*** hearing officer ***.*** ~~[; or~~

~~(c) A panel of three members of the Board.]~~

3. The hearing will be conducted as set forth in NRS 678A.540. ~~[If the hearing is held before a hearing officer or panel of the Board, the hearing officer or panel shall issue, within 30 days of the last date of the hearing, findings of fact and conclusions of law for the Board's review pursuant to NCCR 4.135(1).]~~

4. ~~[For purposes of NRS 678A.550 and the regulations regarding conduct of a hearing, a Board member shall be deemed present at a hearing when said Board member has reviewed the full written or audio transcript of the hearing and all evidence submitted at the hearing.]~~ ***The dates set pursuant to paragraph (b) of subsection 1 may be continued to a later date by agreement of the parties with the approval of the Chair or the hearing officer.***

Sec. 34. NCCR 4.100 is hereby amended to read as follows:

1. If a person applies for reinstatement of a license or cannabis establishment agent registration card that has been revoked ***,*** ~~[pursuant to this chapter,]~~ the person shall:

(a) Submit an application on a form supplied by the Board.

(b) Satisfy all the current requirements for the issuance of an initial license or cannabis establishment agent registration card.

(c) Attest that, in this State or any other jurisdiction:

(1) The person has not, during the period of revocation, violated any state or federal law relating to cannabis, and no criminal or civil action involving such a violation is pending against the person; and

(2) No other regulatory body has, during the period of revocation, taken disciplinary action against the person, and no such disciplinary action is pending against the person.

(d) Satisfy any additional requirements for reinstatement of the license or cannabis establishment agent registration card prescribed by the Board.

2. The Board will consider each application for reinstatement of a license or cannabis establishment agent registration card submitted pursuant to this section. In determining whether to reinstate the license or cannabis establishment agent registration card, the Board will consider the following criteria:

(a) The severity of the act resulting in the revocation of the license or cannabis establishment agent registration card.

(b) The conduct of the person after the revocation of the license or cannabis establishment agent registration card.

(c) The amount of time elapsed since the revocation of the license or cannabis establishment agent registration card.

(d) The veracity of the attestations made by the person pursuant to subsection 1.

(e) The degree of compliance by the person with any additional requirements for reinstatement of the license or cannabis establishment agent registration card prescribed by the Board.

(f) The degree of rehabilitation demonstrated by the person.

3. If the Board reinstates the license or cannabis establishment agent registration card, the Board may place any conditions, limitations or restrictions on the license or cannabis establishment agent registration card as it deems necessary.

4. The Board may deny reinstatement of the license or cannabis establishment agent registration card if the person fails to comply with any provisions of this section.

5. This section shall not be interpreted to give any party or other person a right to reinstatement of the license or cannabis establishment agent registration card.

Sec. 35. NCCR 4.105 is hereby amended to read as follows:

1. ~~[If, due to the actions of a cannabis establishment, there could be an impairment of the health and safety of the public, the Executive Director, or the Deputy Director in his absence, will convene an emergency Board meeting telephonically.~~

~~2.]~~ Pursuant to subsection 3 of NRS 233B.127, if the Board finds that the public health, safety or welfare imperatively requires emergency action, the Board may issue an order of summary suspension of the license of a cannabis establishment or a cannabis establishment agent registration card pending proceedings for revocation or other action. An order of summary suspension issued by the Board must contain findings of the exigent circumstances which warrant the issuance of the order of summary suspension, and a suspension under such an order is effective immediately.

~~[3.]~~ ***2.*** The Board ***or its designee*** will give notice to a licensee or person that is subject to an order of summary suspension of the facts or conduct that warrant the order and the deficiencies that must be corrected to lift the order. A cannabis establishment whose license has been suspended pursuant to ~~[section 2]~~ ***subsection 1*** shall develop a plan of correction for each deficiency and submit the plan to the Board for approval within 10 business days after receipt of the order of summary suspension. The plan of correction must include specific requirements for corrective action, which must include times within which the deficiencies are to be corrected. A licensee or person that is subject to an order of summary suspension shall not operate until the Board or its designee has confirmed that the deficiencies identified in the order have been corrected.

~~[4.]~~ ***3.*** If the plan submitted pursuant to ~~[section 3]~~ ***subsection 2*** is not acceptable to the Board or its designee, the Board may direct the cannabis establishment to resubmit a plan of correction or the Board may develop a directed plan of correction with which the cannabis establishment must comply. The Board's acceptance of a plan of correction does not preclude the Board from assessing fines ~~[and/or pursing]~~ ***or pursuing*** disciplinary action against the licensee for any violations connected with the suspension.

~~[5.]~~ ***4.*** A licensee or person that is subject to an order of summary suspension may request a hearing regarding the order within 10 business days after the order is issued. A hearing on the summary suspension must be held within 30 days after that request for hearing.

Sec. 36. NCCR 4.110 is hereby amended to read as follows:

1. Within 20 calendar days after the service of the answer by the first answering respondent, and thereafter as each respondent answers the complaint, the parties shall confer for the purpose of complying with subsection 3 **.** ~~[of this section.]~~

2. Within 5 calendar days after a request for hearing regarding an order of summary suspension, the parties shall confer for the purpose of complying with subsection 3 ***.*** ~~[of this section.]~~

3. At each conference the parties shall:

(a) Exchange copies of all documents and other evidence then reasonably available to a party which are then intended to be offered as evidence in support of the party's case in chief; and

(b) Exchange written lists of persons each party then intends to call as a ~~[material]~~ witness in support of that party's case in chief. Each witness shall be identified by name, if known, position, business address, and a brief description of the purpose for which the witness will be called. If no business address is available, the party shall provide a home address for the witness, or shall make the witness available for service of process. ~~[For the purpose of this paragraph, a "material witness" is a person whose testimony relates to a genuine issue in dispute which might affect the outcome of the proceeding.]~~

4. The investigative file for a case ***, or any portion thereof,*** is not discoverable unless Board counsel intends to present materials from the investigative file as evidence in support of the case. The investigative file for the case includes all communications, records, affidavits or reports acquired or created as part of the investigation of the case, whether or not acquired through a subpoena related to the investigation of the person. Discovery of the investigative file is limited ~~[to]~~ solely to those documents the Board Counsel intends to use as evidence in support of its case, as disclosed prior to the hearing.

5. A party may not serve any written discovery on another party, inclusive of interrogatories, requests for production, requests for admissions ~~[and/or]~~ ***or*** depositions by written questions.

6. ~~[Pursuant to NRS 678A.530(2), a party may take the deposition of a material witness.~~

~~(a) A party who wishes to take a deposition of a material witness must request such a deposition at any early case conference held in the matter or submit a written application at least 30 days before the hearing. The application must:~~

~~(1) Set forth the reason why the deposition is necessary; and~~

~~(2) Be accompanied by the appropriate orders for deposition.~~

~~(b) A material witness is a witness who has percipient knowledge of the alleged misconduct of the licensee. If there is any dispute as to whether a particular witness is material, such dispute shall be submitted to the Chair or hearing officer and they shall rule on whether such witness is material.~~

~~(c) The Chair or the hearing officer shall approve or deny the application within 5 days after the receipt of the application.~~

~~(d) If a material witness deposition is allowed it shall be conducted in accordance with the Nevada rules of civil procedure and not last more than one day/seven hours unless good cause is shown.~~

~~(e) Depositions of non-material witnesses may be permitted in two very limited circumstances:~~

~~(1) If the potential witnesses resides outside of Nevada; or~~

~~(2) If the witness is not available to testify during the hearing.~~

~~(f) If the parties cannot agree on whether a non-material witness can be deposed, such dispute shall be submitted to the Chair or the hearing officer and they shall rule on this issue, taking into account whether the burden and expense of the proposed deposition outweighs its likely benefit.~~

~~7.]~~ It shall be a continuing obligation of the parties to produce documents, witness lists, and other matters governed by this section as such become identified by and available to the parties. A party may amend its responses to the requirements of this section by informing the adverse party that documents previously produced or witnesses previously listed, will not be introduced in that party's case in chief.

7. A party may not supplement any information provided pursuant to this section after the applicable date is set pursuant to NCCR 4.095 unless the party demonstrates good cause for the failure of the party to timely disclose such information. If good cause is shown, the opposing party must be granted a reasonable period of time to disclose witnesses and documents that rebut the new evidence supplemented pursuant to this subsection.

Sec. 37. NCCR 4.130 is hereby amended to read as follows:

1. The executive assistant shall issue subpoenas, including subpoenas duces tecum, upon the request of a party, in accordance with this section.

2. Subpoenas may be issued ~~[only for the following purposes:~~

~~(a) To compel a nonparty witness]~~ to ~~[appear and give oral testimony at a deposition as providedby NRS 678A.530(2); and~~

~~(b) To]~~ compel any person to appear at the hearing on the merits of the case, to give oral testimony alone, or to produce documents or other tangible things.

3. Subpoenas shall be submitted to the executive assistant for issuance on a form approved by the Chair. Concurrently with the submission of the subpoena to the executive assistant, the requesting party shall serve a copy on all other parties to the proceeding, and shall file proof of such service with the Board.

4. Subpoenas will not be issued in blank. A subpoena submitted for issuance must contain the title and number of the case, the name of the person to whom it will be directed, the date, time, and place of the hearing or deposition, and the name and signature of the requesting party or the requesting party's attorney. A subpoena duces tecum must in addition contain a complete description of specific documents or other tangible things that the witness will be required to produce at the hearing.

5. Unless the witness agrees otherwise, a subpoena issued ~~[for the purpose provided by subsection 2(b)]~~ ***pursuant to this section*** must be served by the requesting party at least 10 calendar days prior to the hearing or deposition. A subpoena will be issued during the hearing or upon less than 10 days' notice only upon order of the Board for reasonable cause shown by the requesting party.

Sec. 38. NCCR 4.140 is hereby amended to read as follows:

1. ~~[Any]~~ ***Pursuant to NRS 233B.120, any*** applicant for licensure, licensed cannabis establishment, or holder of ***a*** registry identification card may obtain a determination or advisory opinion from the Board as to the applicability of any provision of chapters 678A ~~[through]~~ ***to*** 678D ***, inclusive,*** of NRS or any regulation adopted pursuant thereto by bringing a petition for a declaratory ruling before the Board. No other persons or entities may petition the Board for a declaratory ruling.

2. A declaratory ruling is an extraordinary remedy that will be considered by the Board only when the objective of the petitioner cannot reasonably be achieved by other means and when the ruling would be significant to the regulation of cannabis. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

3. A petition for a declaratory ruling ~~[shall]~~ ***must*** be filed with the Executive Director ~~[,~~ ~~together with a nonrefundable filing fee in the amount of $500.00~~

~~4. The petition for a declaratory ruling]~~ ***and*** must contain:

(a) The name, business address ***, electronic mail address*** and telephone number of the petitioner;

(b) A statement of the nature of the interest of the petitioner in obtaining the declaratory ruling;

(c) A statement identifying the specific statute or regulation in question;

(d) A clear and concise statement of the interpretation or position of the petitioner relative to the statute or regulation order in question;

(e) A description of any contrary interpretation, position or practice that gives rise to the petition;

(f) A statement of the facts and law that support the interpretation of the petitioner, along with a table of legal authorities;

(g) A statement showing why the subject matter is appropriate for Board action in the form of a declaratory ruling and why the objective of the petitioner cannot reasonably be achieved by other administrative remedy;

(h) A statement identifying all persons or groups who the petitioner believes will be affected by the declaratory ruling, including the cannabis industry as a whole, and the manner in which the petitioner believes each person will be affected; and

(i) The signature of the petitioner or the petitioner's legal representative.

4. If a petitioner files a petition that does not contain all the information set forth in subsection 3, the Board may summarily dismiss the petition with or without prejudice.

5. A petitioner may not file a petition for declaratory ruling involving questions or matters that are issues in a ~~[disciplinary action or civil penalty action with]~~ ***contested case which is before*** the Board in which the petitioner is a party or has a financial ~~[and/or]~~ ***or*** ownership interest in a party **.**

6. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Board will consider a petition for ***a*** declaratory ruling at the next scheduled Board meeting ~~[, provided that]~~ ***if*** the petition is filed with the Executive Director ~~[15]~~ ***at least 20*** calendar days prior to that scheduled Board meeting. ~~[If]~~ ***Unless the petitioner shows good cause, if*** the petition is not filed with the Executive Director ~~[15]~~ ***at least 20*** calendar days prior to next scheduled Board meeting, the petition will be considered at the following scheduled Board meeting.

7. In considering a petition for a declaratory ruling at the Board's meeting, the Board, by majority vote of the members, may take any of the following actions:

(a) Dismiss the petition and close the case **.** ~~[;]~~

(b) Order a hearing with oral argument on the petition and set a date for said hearing, which may be at a subsequently scheduled Board meeting **.** ~~[;]~~

(c) Issue an order permitting any other licensee or applicant to file a brief supporting or opposing the petition. If the Board chooses this option, supporting or opposing briefs shall be due 10 calendar days after the Board meeting during which the petition is considered and any reply briefs shall be due 5 calendar days thereafter. All such briefs must be timely filed and served on the Executive Director and the other parties involved, or will not be considered. ~~[Each such brief must be accompanied by a non-refundable filing fee of $250;]~~

(d) After hearing the petition and reviewing any additional briefing ***,*** ~~[(]~~ if applicable ***,*** ~~[),]~~ issue an order granting ~~[,]~~ ***the petition,*** denying ~~[,]~~ ***the petition with or without prejudice*** or granting ***the petition*** in part ***.*** ~~[, the petition.]~~

8. The petitioner may not obtain judicial review of any ~~[Board]~~ order entered ***by the Board*** pursuant to this ~~[regulation.~~

~~9. The petitioner, or any other party filing a brief under subsection 7(c), may request a waiver of the filing fee pursuant to a showing of financial hardship.]~~ ***section.***

Sec. 39. NCCR 4.145 is hereby amended to read as follows:

1. ~~[Any]~~ ***Pursuant to NRS 233B.100, any*** interested party may petition the Board to request the adoption, amendment or repeal of a regulation ***.*** ~~[under NCCR pursuant to NRS 678A.460(1)(d).]~~

2. The Board will construe any such petition pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

3. A petition to the Board to request the adoption, amendment or repeal of a regulation ~~[shall]~~ ***must*** be filed with the Executive Director ~~[, together with a nonrefundable filing fee in the amount of $500.00.~~

~~4. The petition to request the adoption, amendment or repeal of a regulation must]~~ ***and*** contain:

(a) The name, business address ***, electronic mail address*** and telephone number of the petitioner;

(b) A statement of the substance or nature of the regulation, amendment or repeal requested;

(c) A statement identifying the specific regulation in question;

(d) A clearly drafted proposed new regulation to be adopted, a clearly drafted amendment to a specific regulation or a detailed statement of what regulation is to be repealed and why, depending on the specific request;

(e) A statement identifying all persons or groups who the petitioner believes will be affected by the adoption, amendment or repeal of a regulation, including the cannabis industry as a whole, ~~[and]~~ the manner in which the petitioner believes each person will be affected ~~[;]~~ ***and any relevant supporting data and evidence;*** and

(f) The signature of the petitioner or the petitioner's legal representative.

4. If a petitioner files a petition that does not contain all the information set forth in subsection 3, the Board may summarily dismiss the petition with or without prejudice.

5. A petitioner may not file a petition for adoption, amendment or repeal of a regulation that involves regulations that are issues in a ~~[disciplinary action or civil penalty action with]~~ ***contested case which is before*** the Board in which the petitioner is a party or has a financial ~~[and/or]~~ ***or*** ownership interest in a party.

6. ~~[The]~~ ***Except as otherwise provided in this section, the*** Board will ~~[consider]~~ ***, within 30 days after the submission of*** a petition ~~[for adoption, amendment or repeal of a regulation at the next scheduled Board meeting, provided that the petition is filed with the Executive Director 15 calendar days prior to that scheduled Board meeting. If the petition is not filed with the Executive Director 15 calendar days prior to next scheduled]~~ ***pursuant to this section, either deny the petition in writing stating the reasons for the denial or initiate regulation-making proceedings. The*** Board ~~[meeting, the petition will be considered at the following scheduled Board meeting.]~~ ***may extend the 30-day deadline with the consent of the petitioner. The Board may delegate to the Chair the duty to decide whether to deny a petition.***

7. In considering a petition for adoption, amendment or repeal of a regulation at the Board's meeting, the Board, by majority vote of the members, may take any of the following actions:

(a) ~~[Dismiss the petition with no action taken;~~

~~(b) Refer]~~ ***If the petitioner has consented to extend the 30-day deadline pursuant to subsection 6, refer*** the petition to the Cannabis Advisory Commission for consideration and recommendations;

~~[(c)]~~ ***(b)*** Order a hearing with oral argument on the petition and set a date for said hearing, which may be at a subsequently scheduled Board meeting;

~~[(d)]~~ ***(c)*** Issue an order permitting any other ~~[licensee or applicant]~~ ***interested person*** to file a brief supporting or opposing the petition ~~[. If the Board chooses this option, supporting or opposing briefs shall be due 10 calendar]~~ ***, which must be:***

(1) Submitted not later than 2 days ~~[after]~~ ***before*** the ***date on which the*** Board ~~[meeting during which]~~ ***is required to make a determination on*** the petition ~~[is considered and any reply briefs shall be due 5 calendar days thereafter. All such briefs must be timely filed and served]~~ ***; and***

(2) Served on the Executive Director and ~~[the]~~ ***any*** other parties involved ~~[, or will not be considered. Each such brief must be accompanied by a non-refundable filing fee of $250;~~

~~(c)]~~ ***; or***

(d) After hearing the petition and reviewing ***, if applicable,*** any additional briefing ***,*** ~~[(if applicable),]~~ issue an order granting, denying, or granting in part and denying in part, the petition. ***The petition may be denied, with or without prejudice, for any reason deemed appropriate by the Board, including, without limitation:***

(1) The petitioner has failed to adequately comply with the requirements of this section or NRS 233B.100;

(2) The petitioner does not constitute an interested person;

(3) The petition contradicts the laws of this State or the declared policy of this State;

(4) The matters set forth in the petition are moot or already addressed in an existing statute or regulation; or

(5) The petition lacks sufficient data or evidence for the Board to make a decision on the petition.

8. ***Except as otherwise provided in subsection 6, before considering a petition pursuant to subsection 7, the Board may submit the petition to a hearing officer employed by the Board to review the petition and recommend to the Board a course of action to take on the petition. In reviewing a petition, the hearing officer may consult with staff of the Board and any attorney representing the Board.***

9. If a petition is summarily dismissed without prejudice or denied without prejudice pursuant to subsection 4 or 7, the petitioner may file a new or amended petition to attempt to cure any deficiencies in the petition.

10. The petitioner may not obtain judicial review of any ~~[Board]~~ order entered ***by the Board*** pursuant to this ~~[regulation.~~

~~9. The petitioner, or any other party filing a brief under subsection 7(d), may request a waiver of the filing fee pursuant to a showing of financial hardship.]~~ ***section.***

11. As used in this section, "interested person" means a licensee, an applicant for a license, a group or association of licensees or applicants for a license or a person or group of persons directly affected by provisions of the NCCR or title 56 of NRS.

Sec. 40. NCCR 5.000 is hereby amended to read as follows:

1. It is declared policy of Nevada that all cannabis establishments, are licensed and controlled so as to better protect the public health, safety, morals, good order and welfare of inhabitants and to preserve the competitive economy and the policies of free competition of the State of Nevada. Any cannabis establishment license, business license, ~~[agent]~~ ***registration*** card, or approval by the Board pursuant to the provisions of chapters 678A ~~[D]~~ ***to 678D, inclusive,*** of NRS is a revocable privilege, and no holder acquires any vested right therein or thereunder. No applicant for a license or other affirmative Board approval has any right to a license or the granting of the approval sought.

2. An application for a cannabis establishment license, business license, ~~[agent]~~ ***registration*** card, or approval by the Board is seeking the granting of a privilege, and the burden of proving the applicant's qualification to receive any license is at all times on the applicant. An applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action or financial loss which may result from action with respect to an application and expressly waive any claim for damages as a result thereof.

3. An application for a cannabis establishment license, business license, ~~[agent]~~ ***registration*** card, or approval by the Board, shall constitute a request to the Board for a decision upon the applicant's general suitability, character, integrity, and ability to participate or engage in, or be associated with, the cannabis industry in the manner or position sought by the application ***.*** ~~[;~~ ~~and, by]~~ ***By*** filing an application with the Board, the applicant specifically consents to the making of such a decision by the Board at their election when the application, after filing, becomes moot for any reason other than death.

4. A request for withdrawal of an application may be made at any time prior to final action upon the application by the Board by filing a written request to withdraw with the Board. Final action by the Board upon an application occurs when the Board adopts its conclusion regarding the application. Unless any Board member directs a request for withdrawal be placed on an agenda for action, the Board Chair may, in the Chair's discretion, grant the request for withdrawal without prejudice. The Board may, in its discretion, deny the request, or grant the request with or without prejudice. If a request for withdrawal is granted with prejudice, the applicant is not eligible to apply again for licensing or approval until ~~[after expiration of]~~ 1 year ~~[from]~~ ***after*** the date of such withdrawal **.**

5. After completion of its investigation and proceedings respecting an application, the Board will issue ~~[the]~~ ***:***

(a) An approval ***of the application and assign a cannabis establishment ID number to the cannabis establishment;*** or

(b) A denial of the application **,** ~~[. If the Board denies an application, the denial will be]~~ accompanied by written reasons upon which the denial is based.

6. All ~~[such]~~ denials ***issued pursuant to subsection 5*** and ***the*** reasons ~~[will]~~ ***for the denials must*** be made public ~~[,]~~ and ~~[no denial will]~~ ***must not*** be ***kept*** secret.

7. Any person whose application has been denied ***pursuant to subsection 5*** is not eligible to apply again for licensing or approval until ~~[after expiration of]~~ 1 year ~~[from]~~ ***after*** the date of such denial, unless the Board determines in its discretion otherwise.

Sec. 41. NCCR 5.039 is hereby amended to read as follows:

1. In determining whether to issue a medical cannabis establishment license

pursuant to NCCR 5.037, the Board shall consider the following criteria of merit and score each application accordingly:

(a) Whether the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title. Select one below:

o 0 Points- Meets minimum requirement of $200,000 or minimum established by the Board.

o 1 Point- Meets twice the minimum requirement of $200,000 or minimum established by the Board.

o 2 Points- Meets three times or more of minimum requirement of $200,000 or minimum established by the Board.

(b) The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment at operating other businesses or nonprofit organizations. Select one below:

o 0 Points- No previous operating experience within the last 10 years.

o 1 Point- two or more persons within the ownership structure have responsibility and direct experience managing a company's operations or finances within the last 10 years.

o 2 Points- four or more persons within the ownership structure have responsibility and direct experience managing a company's operations or finances.

(c) The educational and life experience of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment. Select one of the first 3 below plus the Bonus, if appropriate:

o 0 Points- No proposed owners have undergraduate or graduate degrees and less than 5 years work experience.

o 1 Point- two or more persons in the ownership structure have undergraduate degrees (inclusive of a Bachelor's or Associate's degree or their equivalent) ~~[and/or]~~ ***or*** 5 years of work experience.

o 2 Points- two or more persons have undergraduate degrees plus at least 1 person has a post graduate degree or 10 years work experience.

(d) Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment with respect to the compassionate use of cannabis to treat medical conditions:

o 0 Points- No demonstrated knowledge.

o 1 Points- Demonstrated knowledge ~~[and/or]~~ ***or*** experience.

(e) The likely impact of the proposed medical cannabis establishment on the community in which it is proposed to be located. If the Board of County Commissioners issues a letter of approval for the applicant, the applicant shall be awarded 5 points.

(f) The adequacy of the size of the proposed medical cannabis establishment to serve the needs of persons who are authorized to engage in the medical use of cannabis. Select one below:

o 0 Points- The applicant estimates that it will cultivate less than 10 cannabis plants ~~[and/or]~~ ***or*** process less than 10 pounds of cannabis per year.

o 1 Point- The applicant estimates that it will cultivate 10 to 50 cannabis plants ~~[and/or]~~ ***or*** process 10 to 50 pounds of cannabis per year.

o 2 Points- The applicant estimates that it will cultivate 51 to 100 cannabis plants ~~[and/or]~~ ***or*** process 51 to 100 pounds of cannabis per year.

o 3 Points- The applicant estimates that it will cultivate more than 100 cannabis plants ~~[and/or]~~ ***or*** process more than 100 pounds of cannabis per year.

(g) A diversity plan that comports with NCCR 5.045(2)(a)(10): Select all that apply:

o 0 Points- No diversity plan.

o 5 Points – A diversity plan that fully complies with all requirements of NCCR ~~[5.045(2)(a)(1)]~~ ***5.045(2)(a)(10).***

(h) Whether the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment or has had an ownership interest of 5% or more or board or officer position in a cannabis establishment that has admitted to a violation or been adjudicated to have violated a Category I Violation in ~~[NCCR 4.035]~~ ***section 14 of this regulation*** or a Category II Violation in NCCR ~~[4.040.]~~ ***4.035.***

o 0 Points- No infraction history **.**

o -1 point (negative) – Two Category II Violations.

o -2 points (negative) – Three or more Category II Violations.

o -2 points (negative) – One or two Category I Violations.

o -3 points (negative) – Three or more Category I Violations.

Sec. 42. NCCR 5.070 is hereby amended to read as follows:

1. Board ~~[Agents]~~ ***agents*** or the Executive Director may, at any time ~~[they]~~ ***the Board agents or Executive Director*** determine an inspection is needed, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and procedures of any cannabis establishment and of any person proposing to engage in the operation of a cannabis establishment. An inspection of a facility may include, without limitation, investigation of standards for safety from fire on behalf of the Board by the local fire protection agency. If a local fire protection agency is not available, the State Fire Marshal may conduct the

inspection after the cannabis establishment pays the appropriate fee to the State Fire Marshal for such inspection.

2. The Board will not issue a license for a cannabis establishment until the Board ~~[Agents]~~ ***agents*** complete an inspection of the cannabis establishment. Such an inspection may require more than one visit to the cannabis establishment.

3. Board ~~[Agents]~~ ***agents*** may conduct a preliminary walk-through of a cannabis establishment, upon request and subject to the availability of inspectors, to assist with questions and identify issues for correction before the inspection of the cannabis establishment. Before requesting a preliminary walk-through, a cannabis establishment must complete all construction and be near completion of all other requirements of the laws and regulations of this State. If a Board ~~[Agent]~~ ***agent*** conducts a preliminary walk-through at the request of a cannabis establishment, the Board will issue an invoice to the cannabis establishment for the costs of the preliminary walk-through, including, without limitation, travel and inspection activities.

4. In addition to complying with the provisions of chapters 372A and 678B of NRS and chapter 372A of NAC governing the imposition of an excise tax on cannabis establishments, a cannabis establishment may not operate until it has been issued a license from the Board.

5. The Board will not issue a license for a cannabis establishment until the Board has received a satisfactory report of full compliance with and completion of all applicable public safety inspections required by state and local jurisdictions, including, without limitation, fire, building, health and air quality inspections **.** ~~[, except as otherwise provided in NCCR 5.075.]~~

Sec. 43. NCCR 5.075 is hereby amended to read as follows:

1. Submission of an application for a license for a cannabis establishment constitutes permission for entry to and reasonable inspection of the cannabis establishment by the Board

~~[and]~~ ***or a*** Board ~~[Agents,]~~ ***agent,*** with or without notice. An inspector conducting an inspection pursuant to this section does not need to be accompanied during the inspection.

2. The Executive Director may, upon receipt of a complaint against a cannabis establishment, except for a complaint concerning the cost of services, a complaint concerning the efficacy of cannabis or a complaint related to consumer service issues, conduct an investigation during the operating hours of the cannabis establishment, with or without notice, into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that cannabis establishment or any other cannabis establishment which may have information pertinent to the complaint.

3. ***A*** Board ~~[Agents]~~ ***agent*** may enter and inspect any building or premises at any time, with or without notice, to:

(a) Secure compliance with any provision of the NCCR or ~~[Title]~~ ***title*** 56 of NRS;

(b) Prevent a violation of any provision of the NCCR or ~~[Title]~~ ***title*** 56 of NRS; or

(c) Conduct an unannounced inspection of a cannabis establishment in response to an allegation of noncompliance with the NCCR or ~~[Title]~~ ***title*** 56 of NRS.

4. The Board may:

(a) Summon witnesses to appear and testify on any subject material to its responsibilities under this chapter or ~~[Title]~~ ***title*** 56 of NRS. No property owner and no officer, director, superintendent, manager or agent of any company or corporation, whose property is wholly in one county, shall be required to appear, without his or her consent, at a place other than the county seat or at the nearest town to his or her place of residence or the principal place of business of such company or corporation. Such summons may be served by personal service by the Executive Director or his or her agent or by the sheriff of the county.

(b) Except as otherwise provided in this paragraph, issue subpoenas to compel the attendance of witnesses and the production of books and papers and may seek to enforce the subpoenas by petition to any court of competent jurisdiction in the manner provided by law. The Board will not issue a subpoena to compel the production of books and papers that contain individually identifiable health information.

5. Any member of the Board, the Executive Director or any officer of the Board designated by the Board or Executive Director may administer oaths to witnesses.

6. The Board and Board ~~[Agents]~~ ***agents*** may:

(a) Inspect and examine all premises wherein cannabis is manufactured, sold or distributed;

(b) Inspect all equipment and supplies in, upon or about such premises;

(c) Summarily seize and remove from such premises any cannabis or cannabis products and impound any equipment, supplies, documents or records for the purpose of examination and inspection;

(d) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any applicant or licensee, on his or her premises, or elsewhere as practicable, and in the presence of the applicant or licensee, or his or her agent, relating to the gross income produced by any cannabis establishment, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of ~~[this chapter]~~ ***the NCCR*** or any chapter of ~~[Title]~~ ***title*** 56 of NRS; and

(e) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any affiliate of a licensee whom the Board knows or reasonably suspects is involved in the financing, operation or management of the licensee. The inspection, examination,

photocopying and audit may take place on the premises of the affiliate or another location, as practicable, and in the presence of the affiliate or its agent.

7. ***Except as otherwise provided in this subsection, a*** Board ~~[Agents]~~ ***agent*** will enter and inspect at least annually, with or without notice, each building or the premises of a cannabis establishment to ensure compliance with the provisions of ~~[this chapter]~~ ***the NCCR*** and ~~[Title]~~ ***title*** 56 of NRS. ***A Board agent will enter and inspect each building or the premises of a cannabis independent testing laboratory at least biennially and conduct other inspections, including inspections to investigate a complaint, as necessary between biennial inspections.*** Nothing in this subsection shall be construed to prohibit an appropriate local administrative authority from conducting an inspection of the facilities or operations of a cannabis establishment as provided by the ordinance of a local government.

8. Board ~~[Agents]~~ ***agents*** will enter and inspect, with or without notice, any building or premises operated by a cannabis establishment within 72 hours after the Board is notified that the cannabis establishment is operating without a license for the cannabis establishment.

9. Board ~~[Agents]~~ ***agents*** will inspect the medical cannabis establishment and the cannabis establishment of a dual licensee at the same time using the same inspection team to ensure consistency and efficiency. Board ~~[Agents]~~ ***agents*** will conduct such an inspection in a manner which is not unduly burdensome for the dual licensee.

10 The Board or Board ~~[Agents]~~ ***agents*** may consult with any person or entity, as needed, in any of the Board's audits, inspections ~~[, and/or]~~ ***or*** investigations. This includes, but is not limited to, allowing such persons or staff from said entities to accompany Board ~~[Agents]~~ ***agents*** during inspections ~~[, and/or]~~ ***or*** investigations.

11. The Board will administer the provisions of the NCCR and ~~[Title]~~ ***title*** 56 of NRS for the protection of the public and in the public interest in accordance with the policy of this State.

12. As used in this section, "individually identifiable health information" means information which identifies a natural person, or from which the identity of a natural person may reasonably be ascertained, and which relates to:

(a) The past, present or future physical or mental health or condition of the person; or

(b) The provision of health care to the person.

Sec. 44. NCCR 5.090 is hereby amended to read as follows:

~~[If]~~

1. Except as otherwise provided in subsection 2, if a cannabis establishment is closing, the person identified in subsection 1 of NCCR 2.050 for the cannabis establishment ~~[must]~~ ***shall*** notify the Board of the ~~[closing]~~ ***closure*** at least 15 days before the cannabis establishment is closed. If the intent is to permanently close the cannabis establishment it must surrender its license to the Board immediately upon closing.

2. If a cannabis establishment closes temporarily due to circumstances which make operation impractical or impossible, including, without limitation, a loss of functioning utilities, the cannabis establishment shall notify the Board or a Board agent in writing of the closure within 24 hours after the closure.

Sec. 45. NCCR 5.140 is hereby amended to read as follows:

To request a replacement cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive that has been lost, stolen or destroyed, the cannabis establishment agent shall submit to the Board, within 3 working days after the card was lost, stolen or destroyed, a request for a replacement card which must include:

1. The name and date of birth of the cardholder;

2. If known, the number of the lost, stolen or destroyed cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive; ***and***

3. If the cardholder cannot provide the number of the lost, stolen or destroyed cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive, a copy of:

(a) Any valid government-issued identification card of the cardholder which includes a photograph of the person; or

(b) A cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive previously issued to the person.

~~[4. An application fee of $75.]~~

Sec. 46. NCCR 5.145 is hereby amended to read as follows:

1. To make a change to the name or address on a cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive, the cannabis establishment agent must submit to the Board a request for the change, which must include:

~~[1.]~~ ***(a)*** The name on and the number of the current cannabis establishment agent registration card or cannabis establishment agent registration card for a cannabis executive of the cardholder;

~~[2.]~~ ***(b)*** The new name or address of the cardholder;

~~[3.]~~ ***(c)*** The effective date of the new name or address of the cardholder;

~~[4.]~~ ***(d)*** For a change of the address of the cardholder, the county and state in which the new address is located; and

~~[5.]~~ ***(e)*** For a change of the name of the cardholder, a copy of any valid government-issued identification card of the cardholder which includes a photograph of the person and the new name and address of the cardholder.

~~[6.]~~ ***2.*** Failure to update ~~[your]~~ ***a*** name or address within forty-five days constitutes a category ~~[V]~~ ***VI*** violation pursuant to NCCR 4.060.

Sec. 47. NCCR 6.010 is hereby amended to read as follows:

~~[1.]~~ The maximum allowable quantity of ~~[adult use]~~ cannabis ***and cannabis*** products a person may possess is

~~[(a) One ounce (28.35 grams)]~~ ***:***

1. Two and one-half ounces or 70.875 grams of usable cannabis ~~[.~~

~~(b)]~~ ***;***

2. The equivalent to ~~[one-eighth]~~ ***one-fourth*** ounce of concentrated cannabis, not to exceed ~~[3,543]~~ ***7,087*** milligrams of THC;

~~[(c) 3,543]~~

3. Seven thousand eighty-seven milligrams of THC contained within ~~[edible]~~ cannabis products; or

~~[(d)]~~ ***4.*** A combination of usable ~~[and]~~ ***cannabis,*** concentrated cannabis ***and cannabis products*** not to exceed the legal limit.

~~[2. The maximum allowable quantity of medical cannabis products a holder of a valid registry identification card may possess is:~~

~~(a) Two and one half ounces (70.875 grams) of usable cannabis.~~

~~(b) 10,000 milligrams of THC concentrate;~~

~~(c) 10,000 milligrams of THC contained within one or more edible cannabis products; or~~

~~(d) A combination of usable and concentrated cannabis not to exceed the legal limit.]~~

Sec. 48. NCCR 6.025 is hereby amended to read as follows:

1. For ~~[the ongoing activities of the Board relating to the oversight]~~ ***an investigation*** of ~~[cannabis establishments]~~ ***a licensee or an applicant for a license described in subsection 5 of NRS 678B.390,*** the Board will ~~[collect an assessment from each cannabis establishment]~~ ***charge the licensee or applicant*** for the ~~[time and effort]~~ ***costs*** attributed to the ~~[oversight of the cannabis establishment]~~ ***investigation*** at an hourly rate ~~[established by the Board. Necessary]~~ ***of $111 for each hour spent by Board agents conducting the investigation. The Board will additionally charge costs for*** travel ~~[accommodations]~~ ***expenses*** accrued by Board agents ~~[,~~ ~~including airfare]~~ and ~~[hotel stays, will also be billed to the cannabis establishment. These activities where the hourly rate for time and effort will be charged include, but are not limited to:~~

~~(a) Any type of routine inspection;~~

~~(b) Any type of routine audit;~~

~~(c) Hearing preparation and attendance for Board agents;~~

~~(d) Investigations of complaints submitted to the Board by a consumer, or any other outside individual or entity, if said complaint is substantiated;~~

~~(e) Investigations based on any type of requested transfer of interest;~~

~~(f) Investigations based on any type of requested waiver;~~

~~(g) Investigations based on an application for a new cannabis establishment license; and~~

~~(h) Any other type of inspection, audit, or investigation deemed necessary by the Board.]~~ ***per diem allowances.***

2. ~~[The assessment for time and effort]~~ ***Before conducting an investigation described in subsection 5 of NRS 678B.390, the Board*** will ~~[be based upon]~~ ***provide*** the ~~[hourly rate~~

~~established]~~ ***licensee or applicant an estimate of the anticipated costs*** for the ~~[Board agents as determined by the budget of the Board. Licensees will be notified of any fee changes.]~~ ***investigation.***

3. ~~[Cannabis establishments and its agents]~~ ***The Board*** will ~~[not be billed for]~~ ***provide to a licensee or applicant for a license charged for an investigation pursuant to this section*** an ~~[investigation regarding an application for a registration card. Furthermore, cannabis establishments will not be billed for Petitions filed pursuant to NCCR 4.140 or 4.145.]~~ ***invoice with an itemized list of the costs charged by the Board. Except as otherwise provided in subsection 5, the licensee or applicant shall pay the costs within 60 days after receipt of the invoice. A licensee or applicant for a license may request documentation prepared by the Board or the Board agents conducting the investigation relating to the costs of the investigation by sending the request by electronic mail to ccbtimeandeffort@ccb.nv.gov.***

4. ~~[As used in this section, "substantiated" means supported]~~ ***A licensee or an applicant for a license charged for an investigation pursuant to this section may:***

(a) Dispute any itemized cost to the Board; or ~~[established]~~

(b) Request a reduction of the total amount charged for the investigation if the total amount charged by the Board exceeds the estimate of the anticipated costs provided pursuant to subsection 2 by ~~[evidence or proof.]~~ ***25 percent or more.***

5. If a licensee or applicant for a license disputes an itemized cost or requests a reduction of the total amount charged for an investigation pursuant to subsection 4, payment of the costs is stayed until the Board makes a final determination on the dispute or reduction.

Sec. 49. NCCR 6.060 is hereby amended to read as follows:

1. Except as otherwise provided in this section, a cannabis establishment shall operate according to the plans and specifications included within the application for a license for the cannabis establishment submitted pursuant to NRS ~~[687B.210, NRS 687B.250.]~~ ***678B.210 or 678B.250, as applicable.***

2. A cannabis establishment may operate in a manner that deviates from the plans or specifications included within its application for a license if the change would comply with state and local laws, regulations and ordinances and the cannabis establishment provides the Board with a written notification of its intent to make the change which includes, without limitation:

(a) The name, physical address and license number of the cannabis establishment; and

(b) A description of the proposed change.

3. Upon receipt of a written notification pursuant to subsection 2, the Board will add the information to the file that the Board maintains on the cannabis establishment and send a letter of approval or denial.

4. A cannabis establishment which has completed a change to its facilities, pursuant to ~~[section]~~ ***subsection*** 2, shall submit documentation of the change to the Board as soon as practicable, but in no event later than the date of the next scheduled inspection of the cannabis establishment by the Board.

5. The Board ~~[Agents]~~ ***agents*** will inspect or audit any change to the facilities of a cannabis establishment that the Executive Director deems necessary of inspection or auditing at the next inspection of the cannabis establishment by the Board ~~[Agents]~~ ***agents*** or at such other time as the Executive Director determines to be appropriate after the date that the cannabis establishment projects for completion of the change or notifies the Board of the completion of the change, whichever is earlier.

6. A cannabis establishment shall not commence the operation of any material change to the facilities or operations of the cannabis establishment until the Board ~~[Agents]~~ ***agents*** complete an inspection or audit of the change or notifies the cannabis establishment that an inspection or audit is not necessary. Material changes include, without limitation, modifications to:

(a) The infrastructure of the facilities of the cannabis establishment, including, without limitation, modifications requiring demolition or new construction of walls, plumbing, electrical infrastructure, heating, ventilation, or air conditioning; and

(b) The operating capability of the cannabis establishment, including, without limitation, the implementation of a new extraction device or removal of an existing extraction device, a change to the growing method from the method previously used and inspected or a change to the lighting technology, hydroponic system, pod or other contained growing system. The addition of one or more new pods which are identical to a pod that has already been inspected is not a material change.

7. A cannabis establishment must be operational within 30 days of receiving its final inspection and is issued a license to operate, and must maintain all minimum requirements at all times. If a facility plans to be inactive for more than 30 days, a plan must be presented to the Board for approval.

8. If a cannabis establishment receives a notice of eviction, the cannabis establishment must notify the Board or a Board agent, in writing, within 24 hours after receipt of the notice.

Sec. 50. NCCR 6.080 is hereby amended to read as follows:

1. Each cannabis establishment shall designate in writing a cannabis establishment agent who has oversight of the inventory control system of the cannabis establishment.

2. Except as otherwise provided in subsection 4, a cannabis establishment shall only acquire cannabis or cannabis products from another Nevada licensed cannabis establishment, including, without limitation, a cannabis cultivation facility, a cannabis production facility or a cannabis sales facility.

3. Pursuant to ~~[Title]~~ ***title*** 56 of NRS, a cannabis consumption lounge may only acquire single-use cannabis products, cannabis and adult-use cannabis products needed for ready-to-consume cannabis products from a cannabis sales facility.

4. A cannabis cultivation facility may acquire seeds for the cultivation of cannabis from any person if the acquisition of the seeds does not violate the provisions of ~~[Title]~~ ***title*** 56 of NRS. A cannabis cultivation facility may also acquire cannabis or cannabis products from a consumer if the acquisition does not violate the provisions of ~~[Title]~~ ***title*** 56 of NRS.

5. With the exception of a cannabis consumption lounge, a cannabis establishment shall not acquire concentrated cannabis or products containing concentrated cannabis from another cannabis establishment, except that a cannabis sales facility or a cannabis production facility may acquire concentrated cannabis or products containing concentrated cannabis from a cannabis production facility. A cannabis cultivation facility may sell crude collected resins to a cannabis sales facility if the crude collected resins are:

(a) From a single batch;

(b) Unaltered; and

(c) Not combined, except as provided in subsection ~~[5.]~~ ***6.***

6. A cannabis cultivation facility may combine lots of crude collected resins which have been collected in accordance with subsection ~~[4]~~ ***5*** and have passed all testing pursuant to NCCR 11.050 prior to combining.

7. Each cannabis establishment, except a cannabis independent testing laboratory, shall establish and implement an inventory control system that documents:

(a) Each day's beginning inventory, acquisitions, harvests, sales, disbursements, disposal of unusable cannabis and ending inventory, including, without limitation, the:

(1) Number of plants and cuttings;

(2) Weight of flowers, measured in grams;

(3) Weight of trim, measured in grams;

(4) Quantity of THC, measured in milligrams; and

(5) Weight of seeds, measured in grams.

(b) When acquiring cannabis from another cannabis establishment:

(1) A description of the cannabis acquired, including the amount, strain and batch number, lot number and production run number, or any combination thereof;

(2) The name and identification number of the license of the cannabis establishment providing the cannabis;

(3) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent providing the cannabis;

(4) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the cannabis on behalf of the cannabis establishment; and

(5) The date of acquisition.

(c) When acquiring cannabis from a medical cannabis establishment ***:*** ~~[registered pursuant to this Act:]~~

(1) A description of the cannabis acquired, including the amount, strain and batch number, lot number and production run number, or any combination thereof;

(2) The name and identification number of the medical cannabis establishment ~~[registration certificate]~~ ***license*** of the medical cannabis establishment providing the cannabis;

(3) The name and the number of the ~~[medical]~~ cannabis establishment agent registration card of the ~~[medical]~~ cannabis establishment agent providing the cannabis;

(4) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the cannabis on behalf of the cannabis establishment; and

(5) The date of acquisition.

(d) For each batch of cannabis cultivated:

(1) The batch number, lot number and production run number, as applicable.

(2) Whether the batch originated from cannabis seeds or cannabis cuttings.

(3) The strain of the cannabis seeds or cannabis cuttings planted.

(4) The number of cannabis seeds or cannabis cuttings planted.

(5) The date on which the cannabis seeds or cuttings were planted.

(6) A list of all chemical additives used in the cultivation, including, without limitation, nonorganic pesticides, herbicides and fertilizers.

(7) The number of cannabis plants grown to maturity.

(8) Harvest information, including, without limitation:

(I) The date of harvest;

(II) The final yield weight of processed usable cannabis, in grams; and

(III) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent responsible for the harvest.

(9) The disposal of cannabis that is not usable cannabis, including:

(I) A description of and reason for the cannabis being disposed of, including, if applicable, the number of failed or other unusable cannabis plants;

(II) The date of disposal;

(III) Confirmation that the cannabis was rendered unusable before disposal;

(IV) The method of disposal; and

(V) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent responsible for the disposal.

(e) When providing cannabis to another cannabis establishment:

(1) The amount, strain, batch number, lot number and production run number, as applicable, of cannabis provided to the cannabis establishment;

(2) The name and license number of the other cannabis establishment;

(3) The name and the number of the cannabis establishment agent registration card of the cannabis establishment agent who received the cannabis on behalf of the other cannabis establishment; and

(4) The date on which the cannabis was provided to the cannabis establishment.

(f) When receiving edible cannabis products from another cannabis establishment:

(1) A description of the edible cannabis products received from the cannabis establishment, including the total weight of each edible cannabis product and the amount of THC, measured in milligrams, and the production run number of the cannabis in each edible cannabis product.

(2) The total amount and production run number of cannabis in the edible cannabis products.

(3) The name and:

(I) License number of the cannabis establishment providing the edible cannabis products to the receiving cannabis establishment;

(II) The number of the cannabis establishment agent registration card of the cannabis establishment agent providing the edible cannabis products to the receiving cannabis establishment; and

(III) The number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the edible cannabis products on behalf of the receiving cannabis establishment.

(4) The date on which the edible cannabis products were provided to the cannabis establishment.

(g) When receiving cannabis products from another cannabis establishment:

(1) A description of the cannabis products received from the cannabis establishment, including the total weight of each cannabis product and the amount of THC, measured in milligrams, and production run number of the cannabis in each cannabis product.

(2) The total amount and production run number of cannabis in the cannabis products.

(3) The name and:

(I) License number of the cannabis establishment providing the cannabis products to the receiving cannabis establishment;

(II) The number of the cannabis establishment agent registration card of the cannabis establishment agent providing the cannabis products to the receiving cannabis establishment; and

(III) The number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the cannabis products on behalf of the receiving cannabis establishment.

(4) The date on which the cannabis products were provided to the cannabis establishment.

(h) When receiving concentrated cannabis or products containing concentrated cannabis from a cannabis production facility:

(1) A description of the concentrated cannabis or products containing concentrated cannabis received from the cannabis production facility, including the total weight of each product, the amount of THC **,** ~~[(except a cannabis independent testing laboratory),]~~ measured in milligrams, and the production run number for each product;

(2) The name and:

(I) License number of the cannabis establishment providing the concentrated cannabis or products containing concentrated cannabis to the receiving cannabis establishment;

(II) The number of the cannabis establishment agent registration card of the cannabis establishment agent providing the concentrated cannabis or products containing concentrated cannabis to the receiving cannabis establishment; and

(III) The number of the cannabis establishment agent registration card of the cannabis establishment agent receiving the concentrated cannabis or products containing concentrated cannabis on behalf of the receiving cannabis establishment ~~[.]~~ ***; and***

(3) The date on which the concentrated cannabis or products containing concentrated cannabis were provided to the cannabis establishment.

8. Each cannabis establishment shall:

(a) Establish and maintain a seed-to-sale tracking system which adequately documents the flow of materials through the manufacturing process.

(b) Establish procedures which reconcile the raw material used to the finished product on the basis of each job. Significant variances must be documented, investigated by management

personnel and immediately reported to the ~~[Executive Director]~~ ***appropriate Board agent*** and to the cannabis establishment that ordered the concentrated cannabis or cannabis product.

(c) Provide for quarterly physical inventory counts to be performed by persons independent of the manufacturing process which are reconciled to the perpetual inventory records. Significant variances must be documented, investigated by management personnel and ~~[immediately]~~ reported to the ~~[Executive Director.]~~ ***appropriate Board agent within 24 hours after the completion of the investigation.***

9. If a cannabis establishment identifies a reduction in the amount of cannabis in the inventory of the cannabis establishment which is not due to documented causes, the cannabis establishment shall ***:***

(a) Notify the Board of the discrepancy within 24 hours after discovering the reduction;

(b) Conduct an investigation to determine where the loss has occurred ~~[and take]~~ ***;***

(c) Take and document corrective action ~~[.]~~ ***; and***

(d) Notify the Board of the results of any investigation conducted by the cannabis establishment within 24 hours after the completion of the investigation.

10. If the reduction in the amount of cannabis in the inventory of the cannabis establishment is due to suspected criminal activity by a cannabis establishment agent, the cannabis establishment shall report the cannabis establishment agent to the Board ***in writing*** and to the appropriate law enforcement agencies within 24 hours. The Board may require the cannabis establishment to provide additional information as it determines necessary to conduct an investigation.

~~[10.]~~ ***11.*** A cannabis establishment shall:

(a) Maintain the documentation required by subsections ~~[5, 6 and]~~ 7 ***, 8 and 9*** at the cannabis establishment for at least 5 years after the date on the document; and

(b) Provide the documentation required by subsections ~~[5, 6 and]~~ 7 ***, 8 and 9*** to the Board or Board ~~[Agents]~~ ***agents*** for review upon request.

Sec. 51. NCCR 6.082 is hereby amended to read as follows:

1. A cannabis establishment shall:

~~[1.]~~ ***(a)*** Use the seed-to-sale tracking system managed by the independent contractor selected by the Board;

~~[2.]~~ ***(b)*** Connect to the seed-to-sale tracking system using the independent contractor's application programming interface;

~~[3.]~~ ***(c)*** Pay any fees assessed by the independent contractor for using the seed-to-sale tracking system, including, without limitation, user fees or application programming interface fees; and

~~[4.]~~ ***(d)*** Ensure cannabis and cannabis products ***, including, without limitation, all mature cannabis plants, packages containing cannabis and all batches of immature plants containing 150 plants or less,*** are ***properly*** tagged ~~[as required using]~~ ***and maintained in compliance with the requirements of the*** the seed-to-sale tracking system.

2. The Board may quarantine any cannabis or cannabis product which is not properly tagged pursuant to this section or which the Board has reasonable cause to believe fails to comply with the provisions of the NCCR or title 56 of NRS. A person shall not transfer, move or disturb any cannabis or cannabis product that has been quarantined without the approval of a Board agent.

Sec. 52. NCCR 6.085 is hereby amended to read as follows:

1. To prevent unauthorized access to cannabis at a cannabis establishment, the cannabis establishment must ***develop a written standard operating procedure for security and*** have:

(a) ~~[One single secure entrance]~~ ***All entrances*** of the physical building ~~[;]~~ ***secured in accordance with this section.***

(b) No visible cannabis or cannabis products from outside the establishment.

(c) Security equipment to deter and prevent unauthorized entrance into limited access areas that includes, without limitation:

(1) Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular or private radio signals, or other mechanical or electronic device, and which, for a cannabis cultivation facility which engages in outdoor cultivation, covers the entirety of the cultivation area and the perimeter and exterior area of the cannabis cultivation facility;

(2) Exterior lighting to facilitate surveillance which, for a cannabis cultivation facility which engages in outdoor cultivation:

(I) When the lighting would not interfere with the growing cycle of a crop, covers the entirety of the cultivation area and the perimeter and exterior area of the cannabis cultivation facility; and

(II) When the lighting would interfere with the growing cycle of a crop, covers the perimeter and exterior area of the cannabis cultivation facility;

(3) Electronic monitoring, including, without limitation, each of the following:

(I) At least one call-up monitor that is 55 inches or more;

(II) A printer capable of immediately producing a clear still ~~[photo]~~ ***photograph*** from any video camera image, which ~~[photo]~~ ***photograph*** must be provided to the Board or Board ~~[Agents]~~ ***agents*** for review upon request;

(III) Video cameras with a recording resolution of at least 1920 x 1080, or the equivalent, at a rate of at least 15 frames per second which provide ***unobstructed*** coverage of all entrances and exits of the building, ***the entirety of*** any room or area that holds a vault and any point-of-sale location, which record 24 hours per day, which are capable of being accessed remotely by a law enforcement agency in real time and which may record motion only. The information necessary to remotely access the camera footage must be entered into the cannabis establishment's Accela portal. A video camera providing coverage of a point-of-sale location must allow for the identification of any person purchasing cannabis. In a cannabis consumption lounge, the entire area that is used by consumers must be covered by video cameras;

(IV) Video cameras with a recording resolution of at least 720 x 480, or the equivalent, at a rate of at least 15 frames per second which provide coverage of all limited access areas not described in sub-subparagraph (III) and any activity in or adjacent to the establishment, which record 24 hours per day, which are capable of being accessed remotely by a law enforcement agency, the Board, and Board ~~[Agents]~~ ***agents*** in real time upon request, which may record motion only and which, for a cannabis cultivation facility which engages in outdoor cultivation, cover the entirety of the cultivation area and the perimeter and exterior area of the cannabis cultivation facility. The information necessary to remotely access the camera footage must be entered into the cannabis establishment's portal within the Board's electronic licensing system;

(V) A video camera which is capable of identifying any activity occurring within the cannabis establishment in low light conditions 24 hours per day;

(VI) A method for storing video recordings from the video cameras for at least 30 calendar days in a secure on-site or off-site location or through a service or network that provides on-demand access to the recordings and providing copies of the recordings to the Board and Board ~~[Agents]~~ ***agents*** for review upon request, on portable, external hard drives or other media as directed by the Board or Board ~~[Agents,]~~ ***agents,*** at the expense of the cannabis establishment, and within a reasonable timeframe as determined by the Board or Board ~~[Agents.]~~ ***agents.*** Adequately sized portable, external drives must be immediately available to store a minimum of seven days (168 Hours) of video from a minimum of seven cameras. External drives must be USB 3.0 or greater and formatted with FAT32 or exFAT and will not be returned to the establishment;

(VII) A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system;

(VIII) In a cannabis consumption lounge, security personnel are required to monitor real time security camera footage while the facility is open for business as prescribed by the Board; and

(IX) Sufficient battery backup for video cameras and recording equipment to support at least 5 minutes of recording in the event of a power outage;

(4) Immediate automatic or electronic notification to alert local law enforcement agencies of an unauthorized breach of security at the cannabis establishment in the interior of each building of the cannabis establishment; and

(5) For a cannabis cultivation facility which engages in outdoor cultivation:

(I) An alarm system and video cameras which are monitored 24 hours per day;

(II) An exterior barrier, determined to be appropriate by local law enforcement, which is located around the perimeter of the cannabis cultivation facility and which consists of a solid block wall or chain link fence with a height of at least 8 feet and an additional fence with a height of at least 8 feet located at least 10 feet and not more than 20 feet inside of the solid block wall or chain link fence; and

(III) A secure brick and mortar building which is approved by the appropriate Board ~~[Agent]~~ ***agent*** as suitable to dry and store cannabis and which meets the security and sanitation requirements for a cannabis cultivation facility which engages in indoor cultivation of cannabis.

(d) Policies and procedures:

(1) That restrict access to the areas of the cannabis establishment that contain cannabis to persons authorized to be in those areas only;

(2) That provide for the identification of persons authorized to be in the areas of the cannabis establishment that contain cannabis;

(3) That prevent loitering, other than consumers already admitted to a cannabis consumption lounge;

(4) For conducting electronic monitoring;

(5) For the use of the automatic or electronic notification to alert local law enforcement agencies of an unauthorized breach of security at the cannabis establishment;

(6) For limiting the amount of money available in any retail areas of the cannabis establishment and for training employees on this practice;

(7) For notifying the public of the minimal amount of money available, which may include, without limitation, the posting of a sign;

(8) For maintaining communication with law enforcement agencies; and

(9) For providing and receiving notifications regarding burglary, attempted burglary, robbery, attempted robbery and other suspicious activity.

2. Each video camera used pursuant to subparagraph (3) of paragraph ~~[(a)]~~ ***(c)*** of subsection 1 must:

(a) Include a date and time generator which possesses the capability to display the date and time of recorded events on the recording in a manner that does not significantly obstruct the recorded view; and

(b) Be installed in a manner that will prevent the video camera from being readily obstructed, tampered with or disabled.

3. A cannabis establishment shall make a reasonable effort to repair any malfunction of security equipment within 72 hours after the malfunction is discovered. ~~[A]~~ ***Within 24 hours after discovering the malfunction, the*** cannabis establishment shall ~~[notify]~~ ***:***

(a) Notify the Board and ***, if requested,*** local law enforcement ***;*** ~~[within 24 hours after a malfunction is discovered]~~ and ~~[provide]~~

(b) Provide to the Board a plan of correction. ~~[Failure to correct a malfunction within 72 hours after the malfunction is discovered is a violation of this section.]~~

4. ***A cannabis establishment shall not tamper with, disengage or otherwise disable any component of a security system unless it is for the purpose of repair or maintenance of that component.*** If a video camera used pursuant to subparagraph (3) of paragraph ~~[(a)]~~ ***(c)*** of subsection 1 malfunctions ~~[,]~~ ***or is disabled for the purpose of repair or maintenance,*** the cannabis establishment shall immediately provide alternative video camera coverage or use other security measures, such as assigning additional supervisory or security personnel, to provide for the security of the cannabis establishment. If the cannabis establishment uses other security

measures, the cannabis establishment must immediately notify the Executive Director, and the Executive Director will determine whether the other security measures are adequate.

5. Each cannabis establishment shall maintain a log that documents each malfunction and repair of the security equipment of the cannabis establishment pursuant to subsections 3 and 4. The log must state the date, time and nature of each malfunction, the efforts taken to repair the malfunction and the date of each effort, the reason for any delay in repairing the malfunction, the date the malfunction is repaired and, if applicable, any alternative security measures that were taken. The log must also list, by date and time, all communications with the Board, Board ~~[Agents]~~ ***agents*** or Executive Director concerning each malfunction and corrective action. The cannabis establishment shall maintain the log for at least 1 year after the date of last entry in the log.

6. Each cannabis establishment must employ a security manager or director who must be responsible for:

(a) Conducting a semiannual audit of security measures to ensure compliance with the state procedures of the cannabis establishment and identify potential security issues;

(b) Training employees on security measures, emergency response and robbery prevention and response before starting work and on an annual basis; and

(c) Evaluating the credentials of any third party who intends to provide security to the cannabis establishment before the third party is hired by or enters into a contract with the cannabis establishment.

7. Each cannabis establishment shall ensure that the security manager or director of the cannabis establishment, at least one employee of the cannabis establishment or the employees of any third party who provides security to the cannabis establishment has completed or will

complete within three months of being hired, to be proven by written attestation from the employee and the training officer, the following training:

(a) Training in theft prevention or a related subject;

(b) Training in emergency response or a related subject;

(c) Training in the appropriate use of force or a related subject that covers when the use of force is and is not necessary;

(d) Training in the use and administration of first aid, including cardiopulmonary resuscitation;

(e) Training in the protection of a crime scene or a related subject;

(f) Training in the control of access to protected areas of a cannabis establishment or a related subject;

(g) Not less than 8 hours of on-site training in providing security services; and

(h) Not less than 8 hours of classroom training in providing security services.

8. A cannabis cultivation facility which engages in the outdoor cultivation of cannabis must be located in such a manner as to allow local law enforcement to respond to the cannabis cultivation facility within 15 minutes after being contacted unless the local law enforcement agency determines some other response time is acceptable.

9. Cannabis establishments must ensure that armed security officers do not violate the provisions of NRS 202.257 (possessing a firearm while under the influence of a controlled substance). In addition, a cannabis consumption lounge shall prohibit consumers from bringing firearms into a consumption lounge, including posting of signs providing notice of same.

10. A cannabis establishment shall operate the business in a decent, orderly, and respectable manner. A licensee shall not knowingly permit any activity or acts of disorderly conduct, nor

shall a licensee permit rowdiness, undue noise, or other disturbances or activity offensive to a reasonable person, neighboring business, or to the residents of the neighborhood in which the business is located.

11. If an emergency requires law enforcement, firefighters, emergency medical service providers, Board ~~[Agents]~~ ***agents*** or other public safety personnel to enter the premises of the business, the cannabis establishment is responsible for ensuring that all consumption of inhalable cannabis, if allowed, and other activities if requested, cease until such personnel have completed their investigation or services and have left the premises.

12. A cannabis establishment must report directly to the Board ***, in writing,*** any criminal activity requiring an in-person response from law enforcement within 24 hours after an owner or employee of the business learns of the event.

13. If the Board learns of an increase in criminal activity at or near the location of a particular cannabis establishment, the Board may require the licensee to create an appropriate risk mitigation plan and submit ***the plan*** to the Board.

14. Employees are prohibited from consuming cannabis while on duty and at work. The cannabis establishment shall create appropriate procedures to ensure employees do not show up to work or remain at work intoxicated.

Sec. 53. NCCR 6.120 is hereby amended to read as follows:

1. ~~[A]~~ ***In addition to the restrictions set forth in paragraph (c) of subsection 11 of NRS 678B.520, a*** cannabis establishment ~~[:~~

~~(a) Shall not engage in advertising which contains any statement or illustration that:~~

~~(1) Is false or misleading;~~

~~(2) Promotes overconsumption of cannabis or cannabis products;~~

~~(3) Depicts the actual consumption of what appears to be cannabis or cannabis products; or~~

~~(4) Depicts a child or other person who appears to be less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.~~

~~(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.~~

~~(c) Shall~~] ***shall*** not place an advertisement:

~~[(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;~~

~~(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;~~

~~(3) At a sports or entertainment event to which persons who are less than 21 years of age are allowed entry;~~

~~(4)~~]

(a) On or inside of a motor vehicle used by a cannabis establishment for private transportation;

~~[(5)~~] ***(b)*** On signs carried by a natural person, including, without limitation, handbills, pamphlets, cards or other types of advertisements that are distributed to the general public, but

excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; ~~[and~~

~~(6)]~~ ***or***

(c) Where prohibited by local ordinance.

~~[(d) Shall not advertise or offer any cannabis or cannabis product as "free" or "donated" without a purchase.~~

~~(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must be visible, legible, and include, without limitation, the following words:~~

~~(1) "Keep out of reach of children"; and~~

~~(2) "For use only by adults 21 years of age and older."]~~

2. A cannabis sales facility shall post signs in prominent locations inside ***the*** cannabis sales facility ***, including, without limitation, any customer entrance and drive-through window,*** which state activities that are strictly prohibited and punishable by law, including, without limitation, the following statements:

(a) "No minors permitted on the premises unless the minor holds a letter of approval and is accompanied by a designated primary caregiver";

(b) "No on-site or public consumption of any cannabis or cannabis products";

(c) "Distribution to persons under the age of 21 is prohibited";

(d) ~~[~~"Except for medical cannabis patients, possession~~]~~ ***"Possession*** of over ~~[~~1 ounce~~]~~ ***2.5 ounces*** of usable cannabis, ~~[~~a~~]~~ cannabis ~~[~~product~~]~~ ***products*** containing more than ~~[~~3,543~~]~~ ***7,087*** milligrams of THC or a combination of the two which exceeds the legal limit is prohibited"; and

(e) "Transportation of cannabis or cannabis products across state lines is prohibited."

3. A sign containing only a business name or company logo is not required to contain the words "Keep out of reach of children" or "For use only by adults 21 years of age and older."

Sec. 54. NCCR 7.025 is hereby amended to read as follows:

A cannabis sales facility shall not sell to any consumer an amount of cannabis or cannabis products which exceeds:

1. ~~[One ounce (28.35 grams)]~~ ***Two and one-half ounces or 70.875 grams*** of usable cannabis ***;*** ~~[other than concentrated cannabis;]~~

2. ~~[One-eighth]~~ ***The equivalent to one-fourth*** ounce of concentrated cannabis ~~[or cannabis products containing not more than 3,543]~~ ***, not to exceed 7,087*** milligrams of THC; ~~[or]~~

3. ***Seven thousand eighty seven milligrams of THC contained within cannabis products; or***

4. A combination of usable ~~[and]~~ ***cannabis,*** concentrated cannabis ***and cannabis products*** not to exceed the legal limit.

Sec. 55. NCCR 7.030 is hereby amended to read as follows:

1. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** cannabis sales facility shall only offer for sale ~~[cannabis, cannabis]~~ ***:***

(a) Cannabis;

(b) Cannabis products ~~[, cannabis]~~ ***;***

(c) Cannabis paraphernalia ~~[, cannabis-related]~~ ***;***

(d) Cannabis-related accessories, ~~[products]~~ ***including:***

(1) Items for the consumption or storage of cannabis;

(2) Lighters;

(3) Air purifiers; and

(4) Branded merchandise;

(e) Products containing CBD ***;*** and ~~[products]~~

(f) Products containing ~~[industrial]~~ hemp ***, as defined in NRS 557.160,*** which are related to cannabis.

2. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

3. A cannabis sales facility shall not sell any food, beverage or personal care item that does not contain cannabis ~~[.]~~ ***, except that a cannabis sales facility may sell any food described in subsection 2 of NAC 446.042.***

4. A cannabis sales facility shall not sell ~~[any]~~ ***:***

(a) Any product that contains nicotine ~~[.~~

~~5. A cannabis sales facility shall not sell any]~~ ***;***

(b) Any product that contains alcohol if the product would require the cannabis sales facility to hold a license issued pursuant to chapter 369 of NRS ~~[.~~

~~6.]~~ ***; or***

(c) Any cannabis-related accessory which:

(1) Appeals to children;

(2) Depicts an image of a cartoon character, mascot, action figure, balloon, fruit or toy; or

(3) Is modeled after a product which is primarily consumed by or marketed to children.

5. A cannabis sales facility shall not ~~[sell]~~ ***:***

(a) Sell cannabis or cannabis products to a consumer through the use of, or accept a sale of cannabis or cannabis products from, a third party, intermediary business, broker or any other business that does not hold a license for a cannabis sales facility in this State ~~[.~~

~~7. A cannabis sales facility shall not]~~ ***;***

(b) Enter into a contract with a third party or intermediary business to advertise delivery to consumers ~~[. This section applies to advertising only and not delivery services.~~

~~8. A cannabis sales facility shall not recommend]~~ ***; or***

(c) Recommend products to women that are pregnant or breastfeeding.

6. As used in this section, "branded merchandise" means any item which is not cannabis or a cannabis product and which contains the logo or other branding of a cannabis sales facility, including, without limitation, an article of clothing, pen, bag or other similar item that contains such a logo or such branding.

Sec. 56. NCCR 7.035 is hereby amended to read as follows:

1. A cannabis sales facility must store all usable cannabis, concentrated cannabis and cannabis products behind a counter or other barrier to ensure a consumer does not have direct access to the cannabis, concentrated cannabis or cannabis products.

2. Upon the request of a consumer, a cannabis sales facility must disclose the name of the cannabis ***independent*** testing ~~[facility]~~ ***laboratory*** which performed the required quality assurance tests for the cannabis sales facility and ***provide to the consumer a copy of*** the ~~[corresponding]~~ certificate of analysis ~~[.]~~ ***and a copy of the soil amendment report prepared pursuant to NCCR 8.010.***

3. A cannabis sales facility may only sell usable cannabis obtained from a cannabis cultivation facility in this State.

4. ~~[Except as otherwise provided in subsection 6, a]~~ ***A*** cannabis sales facility may only sell concentrated cannabis and cannabis products obtained from a cannabis ~~[product manufacturing]~~ ***production*** facility in this State.

5. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** a cannabis sales facility may not sell a product other than usable cannabis, concentrated cannabis or cannabis products which contain any level of THC or CBD without the approval of the appropriate Board ~~[Agent.]~~ ***agent.***

6. Each cannabis sales facility shall maintain a file which contains a certificate of analysis for any ~~[such]~~ ***product*** approved ~~[product]~~ ***pursuant to subsection 5 and any hemp or commodity or product made using hemp*** at the cannabis sales facility and shall make the file available for review upon request.

~~[6.]~~ ***7.*** The provisions of subsection ~~[4 does]~~ ***5 do*** not apply to ~~[industrial]~~ hemp ~~[, as defined in NRS 557.040,]~~ which is certified and registered with the State Department of Agriculture ~~[.]~~ ***or any commodity or product made using such hemp.***

8. As used in this section, "hemp" has the meaning ascribed to it in NRS 557.160.

Sec. 57. NCCR 7.050 is hereby amended to read as follows:

1. A cannabis sales facility shall not ***at any one time*** deliver more than ~~[5]~~ ***12.5*** ounces ~~[(141.75 grams)]~~ ***or 354.3 grams*** of ~~[cannabis or an equivalent amount of cannabis products to any combination of consumers within a single trip.~~

~~2. A medical cannabis sales facility shall not deliver more than 10 ounces (283.5 grams) of]~~ cannabis, edible cannabis products ~~[or]~~ ***, adult-use*** cannabis-infused products, ***medical cannabis-infused products*** or any combination thereof when making a sales delivery ~~[exclusively]~~ to ***any combination of consumers,*** persons who hold a valid registry identification card or ***persons who are*** designated as a primary caregiver.

~~[3.]~~ ***2.*** A cannabis sales facility shall not deliver cannabis or cannabis products to a consumer at any location that has been issued a gaming license, as defined in NRS 463.0159.

~~[4.]~~ ***3.*** A cannabis sales facility shall not knowingly deliver more than ~~[1 ounce (28.35 grams)]~~ ***2.5 ounces or 70.875 grams*** of cannabis or cannabis products to a consumer in a private residence in one calendar day.

~~[5.]~~ ***4.*** A cannabis sales facility shall not deliver cannabis or cannabis products to any person other than the consumer who ordered the cannabis or cannabis products. Before delivering cannabis or cannabis products to a consumer, the cannabis establishment agent delivering the cannabis or cannabis products for a cannabis sales facility shall:

(a) Confirm by telephone that the consumer ordered the cannabis or cannabis products and verify the identity of the consumer; and

(b) Enter the details of such a confirmation in a log which must be made available for inspection by an appropriate law enforcement agency, the Board and Board ~~[Agents. 6.]~~ ***agents.***

5. A cannabis sales facility shall not allow a cannabis establishment agent to deliver cannabis or cannabis products unless the cannabis or cannabis products are:

(a) Stored in a lockbox or locked cargo area within the vehicle being used for delivery;

(b) Not visible from outside the vehicle; and

(c) Contained in sealed packages and containers which remain unopened during delivery.

➥ For the purpose of this subsection, the trunk of a vehicle is not considered to be a lockbox or locked cargo area unless the trunk cannot be accessed from within the vehicle and can only be accessed using a key which is different from the key used to access and operate the vehicle.

~~[7.]~~ ***6.*** A cannabis sales facility shall ensure that a cannabis establishment agent delivering cannabis or cannabis products for the cannabis sales facility has a means of communicating with the cannabis sales facility while he or she provides delivery.

~~[8.]~~ ***7.*** A person shall not be present within any vehicle while it is being used for the delivery of cannabis or cannabis products unless the person is a cannabis establishment agent for the cannabis sales facility providing delivery of the cannabis or cannabis products or an independent contractor retained by the cannabis sales facility to provide delivery.

~~[9.]~~ ***8.*** Each cannabis establishment agent delivering cannabis or cannabis products must:

(a) Report to ~~[a person designated by the cannabis establishment to receive such reports]~~ ***the appropriate Board agent*** any motor vehicle crash that occurs during the delivery as soon as reasonably possible after the crash occurs, but in no instance shall such time to report exceed ~~[12]~~ ***24*** hours;

(b) Report to Board ~~[Agents]~~ ***agents*** any unauthorized stop; and

(c) Report to a person designated by the cannabis establishment to receive such reports any loss or theft of cannabis or cannabis products that occurs during the delivery immediately after the cannabis establishment agent becomes aware of the loss or theft.

9. A cannabis sales facility that receives a report of loss or theft pursuant to ~~[this]~~ paragraph ***(c) of subsection 8*** must immediately report the loss or theft to the appropriate law enforcement agency ~~[,]~~ ***and, after any risk to public safety has been abated,*** to the Board ***.*** ~~[and to the Executive Director.]~~

Sec. 58. NCCR 8.010 is hereby amended to read as follows:

1. A cannabis cultivation facility must ~~[disclose]~~ ***provide*** in writing with each lot of usable cannabis provided to a cannabis sales facility:

(a) ~~[All]~~ ***A soil amendment report which discloses all*** soil amendments, fertilizers, pesticides, and other crop production aids applied to the growing medium or cannabis plant included in the lot; and

(b) The name of the cannabis ***independent*** testing ~~[facility]~~ ***laboratory*** which performed the required quality assurance tests and the certificate of analysis for the lot.

2. A cannabis cultivation facility may provide a cannabis sales facility free display samples of usable cannabis packaged in a sample jar protected by a plastic or metal mesh screen to allow consumers to smell the product before purchase. A sample jar may not contain more than 3.5 grams of usable cannabis. The sample jar must not be left unattended and must be sealed shut. The sample jar and the usable cannabis within may not be sold to a consumer and must be either returned to the cannabis cultivation facility which provided the usable cannabis and sample jar or destroyed by the cannabis sales facility after use and documented by the cannabis sales facility using its inventory control system pursuant to NCCR 6.080. A cannabis production facility may provide uninfused edibles as display samples.

3. The provisions of chapters 372A of NRS and chapter 372A of NAC regarding the excise tax on cannabis apply to free samples of usable cannabis provided pursuant to subsection 2.

Sec. 59. NCCR 9.015 is hereby amended to read as follows:

Based on the risks inherent to the operation of a cannabis production facility and a cannabis consumption lounge which serves food, the persons responsible for managing each such facility shall demonstrate to the Board knowledge of disease prevention, and the requirements of ~~[Title]~~ ***title*** 56 of NRS and ***the*** NCCR, by:

1. Complying with the provisions of ~~[Title]~~ ***title*** 56 of NRS and ***the*** NCCR and having no category I, II, ~~[II(b) or]~~ III ***or IV*** violations pursuant to NCCR ~~[4.035-4.050]~~ ***4.035 to 4.050, inclusive, and section 14 of this regulation*** during inspections.

2. Ensuring that at least one employee is available during all operating hours in which food is being prepared or served, which is a certified food protection manager who has shown proficiency in the required information through passing a test that is part of a program which certifies a person to be a food protection manager and which:

(a) Has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify persons as food protection managers; or

(b) Provides to such persons other training acceptable to the Board.

3. Responding correctly to the questions of an inspector of cannabis establishments regarding:

(a) The relationship between the prevention of disease and the personal hygiene of a cannabis establishment agent engaged in the extraction of concentrated cannabis or production of cannabis products.

(b) The prevention of the transmission of disease by a cannabis establishment agent engaged in the extraction of concentrated cannabis or production of cannabis products who has a disease or medical condition that may transmit disease.

(c) The symptoms associated with the diseases that are transmissible through cannabis products and ingredients.

(d) The significance of the relationship between maintaining the temperature for a certain amount of time for potentially hazardous cannabis products and ingredients and the prevention of illness transmission.

(e) The hazards involved in the consumption of raw or undercooked meat, poultry and eggs.

(f) The required temperatures and times for safe cooking of potentially hazardous cannabis products and ingredients, including, without limitation, meat, poultry and eggs.

(g) The required temperatures and times for the safe refrigerated storage, hot holding, cooling and reheating of potentially hazardous cannabis products and ingredients.

(h) The relationship between the prevention of illness transmission and the management and control of:

(1) Cross contamination;

(2) Hand contact with finished cannabis products and ingredients;

(3) Hand washing; and

(4) Maintaining the establishment in a clean condition and in good repair.

(i) The correct procedures for cleaning and sanitizing utensils and the surfaces of equipment that have direct contact with cannabis products and ingredients.

(j) The identification of poisonous or toxic materials in the facility and the procedures necessary to ensure that those materials are safely stored, dispensed, used and disposed of according to applicable state and federal laws and regulations.

Sec. 60. NCCR 9.045 is hereby amended to read as follows:

1. Each cannabis production facility shall contract with a cannabis ***independent*** testing ~~[facility]~~ ***laboratory*** to perform testing to ensure the homogeneity of the potency of the product on each edible cannabis product produced by the facility. A cannabis production facility shall not sell an edible cannabis product unless the appropriate Board ~~[Agent]~~ ***agent*** has preapproved the production of the edible cannabis product and a cannabis ***independent*** testing ~~[facility]~~

laboratory has verified the homogeneity of the potency of the product as described in NCCR 11.060.

2. ~~[A]~~ ***An adult-use*** cannabis production facility shall not sell an ***adult-use*** edible cannabis product other than a multiple-serving edible cannabis product or a single-serving edible cannabis product. An ***adult-use*** edible cannabis product sold as a multiple-serving edible cannabis product must not contain more than 100 milligrams of THC. An ***adult-use*** edible cannabis product sold as a single-serving edible cannabis product must not contain more than 10 milligrams of THC.

3. A cannabis product manufacturing facility shall not sell an edible cannabis product unless the appropriate Board ~~[Agent]~~ ***agent*** has approved that:

(a) The recipe and production procedures for the edible cannabis product will ensure consistent concentration of THC for the edible cannabis product; and

(b) The cannabis production facility has demonstrated that its process for producing the edible cannabis product produces a homogenous product.

4. Any change in the recipe, production run size or equipment used to produce an edible cannabis product must be approved by the appropriate Board ~~[Agent.]~~ ***agent.*** The Board ~~[Agent]~~ ***agent*** may require new approval or testing pursuant to this section for such a change.

Sec. 61. NCCR 10.075 is hereby amended to read as follows:

1. Each cannabis establishment shall ensure that it has written procedures:

(a) Assigning responsibility for sanitation and describing in sufficient detail the cleaning schedules, methods, equipment and materials to be used in cleaning the buildings and facilities of the cannabis establishment; and

(b) For the use of appropriate rodenticides, insecticides, fungicides, fumigating agents and cleaning and sanitizing agents by the cannabis establishment.

2. Each cannabis establishment shall ensure that the written procedures described in subsection 1 are followed. A copy of these procedures shall be provided promptly to the Board or Board ~~[Agents]~~ ***agents*** upon request.

3. All sanitation procedures of a cannabis establishment apply to work performed by contractors or temporary cannabis establishment agents for the cannabis establishment as well as work performed by full-time cannabis establishment agents during the ordinary course of operations.

4. Each cannabis cultivation facility shall retain at least one person who is a ~~[certified]~~ ***private*** applicator, as defined in NRS ~~[555.2618, who is authorized to use pesticides for:~~

~~(a) If the cannabis cultivation facility engages in the cultivation of cannabis indoors, greenhouse and nursery pest control pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NAC 555.640; and~~

~~(b) If the cannabis cultivation facility engages in the cultivation of cannabis outdoors, agricultural pest control of animals or plants pursuant to paragraph (a) or (b) of subsection 1 of NAC 555.640.]~~ ***555.2681.***

Sec. 62. NCCR 11 is hereby amended by adding thereto a new section to read as follows:

1. The Board hereby adopts by reference the following publications, as those publications existed on June 20, 2024, which must be complied with only as required by specific regulation:

(a) The standards set forth in subparagraphs (1) to (4), inclusive, published by ASTM International. A copy of each standard is available by mail from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address https://www.astm.org for the price of $72:

(1) ASTM D8282, "Standard Practice for Laboratory Test Method Validation and Method Development";

(2) ASTM D8347, "Standard Guide for Requirements for Analytical Laboratory Related Professions Within the Cannabis and Hemp Industries";

(3) ASTM D8244, "Standard Guide for Analytical Laboratory Operations Supporting the Cannabis/Hemp Industry"; and

(4) ASTM D8334/D8334M, "Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses."

(b) The Official Methods of Analysis of AOAC International, published by AOAC International. A copy of that publication may be obtained at the Internet address https://global.oup.com/academic/product/official-methods-of-analysis-of-aoac-international-9780197610138 for the price of $1,000.

(c) "Appendix J AOAC International Methods Committee Guidelines for Validation of Microbiological Methods for Food and Environmental Surfaces" of the Official Methods of Analysis of AOAC International, published by AOAC International. The Appendix may be accessed free of charge at the Internet address https://academic.oup.com/aoac-publications/book/45491/chapter/392388961.

(d) "Appendix K Guidelines for Dietary Supplements and Botanicals" of the Official Methods of Analysis of AOAC International, published by AOAC International. The Appendix may be accessed free of charge at the Internet address https://academic.oup.com/aoac-publications/book/45491/chapter/392389499.

(e) International Standard ISO 16140-3 "Microbiology of the Food Chain - Method Validation - Part 3: Protocol For The Verification Of Reference Methods And Validated

Alternative Methods In A Single Laboratory," published by the International Organization for Standardization. A copy of that standard may be obtained from the American National Standards Institute at the Internet address https://webstore.ansi.org/SDO/ISO for the price of $295.20 for members and $369.00 for nonmembers.

(f) Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control, published by the American Herbal Pharmacopoeia. A copy of that publication may be obtained from the American Herbal Pharmacopoeia, P.O. Box 66809, Scotts Valley, California 95067, or at the Internet address http://www.herbal-ahp.org, for the price of $44.95 for a print copy or $39.95 for a digital copy.

(g) The OECD Series on Principles of Good Laboratory Practice and Compliance Monitoring, published by the Organisation for Economic Co-operation and Development. A copy of that publication may be obtained free of charge from the Organisation for Economic Co-operation and Development at the Internet address https://www.oecd-ilibrary.org/environment/oecd-series-on-principles-of-good-laboratory-practice-and-compliance-monitoring_2077785x.

(h) International Standard ISO/IEC 17025 "General Requirements For The Competence Of Testing And Calibration Laboratories," published by the International Organization for Standardization. A copy of that publication may be obtained from the American National Standards Institute at the Internet address https://webstore.ansi.org/SDO/ISO for the price of $234.40 for members and $293.00 for nonmembers.

(i) The Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, Pharmaceuticals, and Cannabis: An Aid to Interpretation of

ISO/IEC 17025:2017, published by AOAC International. A copy of that publication may be obtained from AOAC International at the Internet address https://www.aoac.org/aoac-accreditation-guidelines-for-laboratories-alacc/ for the price of $265 for members and $336 for nonmembers.

(j) "Recommendations for Regulators - Cannabis Operations," published by the American Herbal Products Association. A copy of that publication is available free of charge at the Internet address https://www.ahpa.org/Files/Document%20Library/AHPAGuidancePolicies/Cannabis_Operations_Recommendations_Regulators.pdf.

(k) "WHO Expert Committee on Specifications for Pharmaceutical Preparations: Fifty-fourth report, Annex 4: Good chromatography practices," published by the World Health Organization. A copy of that publication is available free of charge at the Internet address https://cdn.who.int/media/docs/default-source/medicines/norms-and-standards/guidelines/trs1025/trs1025-annex4.pdf.

(l) "Guidance Document for Single Laboratory Validation of Quantitative Analytical Methods – Guidance Used in Support of Pre-and-Post-Registration Data Requirements for Plant Protection and Biocidal Products," published by the Organisation for Economic Co-operation and Development. A copy of the publication is available free of charge at the Internet address https://www.oecd.org/en/publications/2014/07/guidance-document-for-single-laboratory-validation-of-quantitative-analytical-methods-guidance-used-in-support-of-pre-and-post-registration-data-requirements-for-plant-protection-and-biocidal-products_82b45579.html.

(m) The Bacteriological Analytical Manual (BAM), published by the United States Food and Drug Administration. A copy of that publication is available free of charge at the Internet address https://www.fda.gov/food/laboratory-methods-food/bacteriological-analytical-manual-bam.

(n) The Elemental Analysis Manual (EAM) for Food and Related Products, published by the United States Food and Drug Administration. A copy of that publication is available free of charge at the Internet address https://www.fda.gov/food/laboratory-methods-food/elemental-analysis-manual-eam-food-and-related-products.

(o) The Pesticide Analytical Manual (PAM), published by the United States Food and Drug Administration. A copy of that publication is available free of charge at the Internet address https://www.fda.gov/food/laboratory-methods-food/pesticide-analytical-manual-pam.

(p) The Microbiology Laboratory Guidebook, published by the Food Safety and Inspection Service of the United States Department of Agriculture. A copy of that publication is available free of charge at the Internet address https://www.fsis.usda.gov/news-events/publications/microbiology-laboratory-guidebook.

(q) Laboratory Safety Guidance, published by the Occupational Safety and Health Administration of the United States Department of Labor. A copy of the publication is available free of charge at the Internet address https://www.osha.gov/sites/default/files/publications/OSHA3404laboratory-safety-guidance.pdf.

(r) The following Standard Method Performance Requirements, published by AOAC International, which are available free of charge at the Internet address https://www.aoac.org/resources:

(1) Standard Method Performance Requirements (SMPRs) for Determination of Heavy Metals in Cannabis-Containing Beverages.

(2) Standard Method Performance Requirements (SMPRs) for Determination of Pesticides in Cannabis-Containing Beverages.

(3) Standard Method Performance Requirements (SMPRs) for Quantitation of Cannabinoids in Beverages.

(4) Standard Method Performance Requirements (SMPRs) for Quantitative Analysis of Mycotoxins in Cannabis Biomass and Cannabis-Derived Products.

(5) Standard Method Performance Requirements (SMPRs) for Viable Yeast and Mold Count Enumeration in Cannabis and Cannabis Products.

(6) Standard Method Performance Requirements (SMPRs) for Mycotoxin Screening Technique in Cannabis Plant Material and Cannabis Derivatives.

(7) Standard Method Performance Requirements (SMPRs) for Detection of Shiga Toxin-Producing Escherichia coli in Cannabis and Cannabis Products.

(8) Standard Method Performance Requirements (SMPR) for Quantitation of Cannabinoids in Edible Chocolate.

(9) Standard Method Performance Requirements (SMPR) for Identification and Quantitation of Selected Pesticide Residues in Dried Cannabis Materials.

(10) Standard Method Performance Requirements (SMPR) for Quantitation of Cannabinoids in Cannabis Concentrates.

(11) Standard Method Performance Requirements (SMPR) for Quantitation of Cannabinoids in Dried Plant Materials.

(12) Standard Method Performance Requirements (SMPR) for Detection of Aspergillus in Cannabis and Cannabis Products.

(13) Standard Method Performance Requirements (SMPR) for Quantitation of Cannabinoids in Plant Materials of Hemp (Low THC Varieties Cannabis sp.).

(14) Standard Method Performance Requirements (SMPRs) for Detection of Salmonella species in Cannabis and Cannabis Products.

(15) Standard Method Performance Requirements (SMPRs) for Determination of Heavy Metals in a Variety of Cannabis and Cannabis-Derived Products.

(16) Standard Method Performance Requirements (SMPR) for Identification and Quantitation of Selected Residual Solvents in Cannabis-Derived Materials.

2. If a new edition of or revision to a publication adopted by reference in subsection 1 is published, the Board will review the new edition or revision and, within 30 days after the completion of the review, determine whether the revision or new edition is appropriate for application in this State. If the Board does not approve a new edition of or revision to an adopted publication within 30 days after the completion of the review, the new edition or revision is deemed to be disapproved by the Board.

Sec. 63. NCCR 11.010 is hereby amended to read as follows:

1. Each cannabis independent testing laboratory must employ a scientific director who must *reside within 200 miles of the laboratory and* be responsible for:

(a) Establishing and maintaining a quality control and quality assurance program that ensures the quality of the cannabis independent testing laboratory's services, and that is capable of identifying any failure of quality when it occurs;

(b) Supervising all staff of the cannabis independent testing laboratory; ~~[and]~~

(c) ***Ensuring safety in the cannabis independent testing laboratory, including hazardous substance control;***

(d) Reviewing all new technical policies and procedures and any substantial changes to existing technical policies and procedures before the implementation of such policies and procedures and documenting such a review;

(e) Reviewing, at least biennially, all technical policies and procedures after their implementation to ensure that the technical policies and procedures are complete, current and scientifically valid and relevant and documenting such a review; and

(f) Actively participating in the operation of the testing laboratory to the extent necessary to assure compliance with the provisions of ~~[this Act.]~~ ***the NCCR and title 56 of NRS.***

2. The scientific director of a cannabis independent testing laboratory must have earned:

(a) A doctorate degree in science from an accredited college or university and have at least 2 years of post-degree laboratory experience;

(b) A master's degree in science from an accredited college or university and have at least 4 years of post-degree laboratory experience; or

(c) A bachelor's degree in science from an accredited college or university and have at least 6 years of post-degree laboratory experience.

3. If a scientific director is no longer employed by a cannabis independent testing laboratory, the cannabis independent testing laboratory shall not be permitted to conduct any testing ~~[.]~~ ***unless an interim director is appointed pursuant to this section.*** An interim director that meets the minimum qualifications ***for a scientific director pursuant to this section*** may be appointed for ~~[no]~~ ***not*** more than 90 days ~~[.]~~ ***unless an extension is granted by the appropriate Board agent.***

4. A cannabis independent testing laboratory shall ~~[immediately]~~ inform the Board ~~[upon]~~ ***of*** the appointment of a new scientific director ~~[.]~~ ***or interim director within 3 business days after the appointment.***

5. A scientific director shall be available to the personnel of a testing laboratory, in person or by telephonic or other electronic means, for any necessary consultation.

6. The scientific director must be on the premises of the testing laboratory at least ~~[5]~~ ***10*** workdays each month. ***If a scientific director is temporarily unable to meet this requirement, the testing laboratory shall appoint an interim director that meets the minimum qualifications for a scientific director pursuant to this section for a period of time not to exceed 90 days unless an extension is granted by the appropriate Board agent.***

7. The scientific director:

(a) May not delegate the responsibility of conducting and documenting a review described in paragraph (d) of subsection 1.

(b) May delegate the responsibility of conducting and documenting a review described in paragraph (e) of subsection 1 to a person who has sufficient skill, knowledge and experience.

Sec. 64. NCCR 11.015 is hereby amended to read as follows:

1. A cannabis independent testing laboratory shall not handle, test or analyze cannabis unless:

(a) The cannabis independent testing laboratory has been issued a license;

(b) The cannabis independent testing laboratory is independent from all other persons involved in the cannabis industry in Nevada; and

(c) No person with a direct or indirect interest in the cannabis independent testing laboratory has a direct or indirect financial interest in:

(1) A cannabis sales facility;

(2) A cannabis production facility;

(3) A cannabis cultivation facility;

(4) ~~[~~A~~]~~ ***An adult-use*** cannabis distributor;

(5) A provider of health care who provides or has provided written documentation for the issuance of registry identification cards or letters of approval;

(6) Any other entity that may benefit from the cultivation, manufacture, dispensing, sale, purchase or use of cannabis or cannabis products ~~[~~.~~]~~ ***;*** or

(7) A cannabis consumption lounge.

2. A cannabis independent testing laboratory shall implement business practices which are structured and managed so as to safeguard impartiality in testing including:

(a) A testing laboratory may not offer a different fee schedule or waive payment in the event of failing or otherwise undesirable test results; and

(b) Refunds, rebates or any other return of payment in the form of alternate compensation is not permitted for the reason of failing or otherwise undesirable test results.

3. A cannabis independent testing laboratory is not required to use ~~[~~a~~]~~ ***an adult-use*** cannabis distributor to collect or move samples for testing.

4. A cannabis independent testing laboratory shall implement a safety program which adopts all applicable guidelines from Laboratory Safety Guidance adopted by reference in section 62 of this regulation.

Sec. 65. NCCR 11.020 is hereby amended to read as follows:

1. ~~[Each cannabis independent testing laboratory must agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after licensure. The scope of accreditation must cover all analytes pursuant to NCCR 11.050~~

~~2.]~~ Each cannabis independent testing laboratory that claims to be accredited ***as described in subsection 4 of NRS 678B.290*** must provide the Board with copies of each annual inspection report from the accrediting organization, including, without limitation, any deficiencies identified in and any corrections made in response to the report.

~~[3.]~~ ***The annual inspection report and accreditation certificate must be provided to the Board within 3 business days after receipt of the documents from the accrediting organization.***

2. Inspection by an accrediting organization is not a substitute for inspection by the Board or Board ~~[Agents.]~~ ***agents.***

Sec. 66. NCCR 11.025 is hereby amended to read as follows:

1. Each cannabis independent testing laboratory must ~~[:]~~ ***adhere to the following publications adopted by reference in section 62 of this regulation:***

(a) ~~[Follow the most current version of the]~~ ***ASTM D8282, "Standard Practice for Laboratory Test Method Validation and Method Development";***

(b) ASTM D8347, "Standard Guide for Requirements for Analytical Laboratory Related Professions Within the Cannabis and Hemp Industries";

(c) ASTM D8244, "Standard Guide for Analytical Laboratory Operations Supporting the Cannabis/Hemp Industry";

(d) ASTM D8334/D8334M, "Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses";

(e) *Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control* ~~[monograph published by the American Herbal Pharmacopoeia.~~

~~(b) Follow the Recommendations]~~ ***;***

(f) "Recommendations for Regulators ***-*** ~~[ ]~~ Cannabis ~~[Operations published by the American Herbal Products Association.~~

~~(c) Be accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by an impartial organization that operates in conformance with standard ISO/IEC 17011 of the International Organization for Standardization and is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.~~

~~(d) Follow the]~~ ***Operations";***

(g) "WHO Expert Committee on Specifications for Pharmaceutical Preparations: Fifty-fourth report, Annex 4: Good chromatography practices";

(h) "Guidance Document for Single Laboratory Validation of Quantitative Analytical Methods – Guidance Used in Support of Pre-and-Post-Registration Data Requirements for Plant Protection and Biocidal Products";

(i) International Standard ISO/IEC 17025 "General Requirements For The Competence Of Testing And Calibration Laboratories"; and

(j) *Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements,* ~~[and]~~ *Pharmaceuticals* ~~[ ]~~ ***, and Cannabis :*** *An Aid to* ~~[the]~~ *Interpretation of ISO/IEC* ~~[17025:2005 (2015) published by AOAC International.]~~ ***17025:2017.***

2. Each cannabis independent testing laboratory shall demonstrate proficiency in testing samples using the analytical methods approved by the Board or the appropriate Board ~~[Agent]~~ ***agent*** by participating in the approved proficiency testing program for all required analytes

within 6 months after the date upon which the cannabis independent testing laboratory is issued a license.

3. The Board may require an independent third party to inspect ~~[and/or]~~ ***or*** monitor the analytical testing methodologies and technical competence of the cannabis independent testing laboratory on an ongoing basis.

4. Each cannabis independent testing laboratory shall:

(a) Adopt and follow minimum good laboratory practices which must, at a minimum, satisfy the *OECD Series on Principles of Good Laboratory Practice* ~~[(GLP)]~~ *and Compliance Monitoring* ~~[published by the Organisation for Economic Co-operation and Development.]~~ ***adopted by reference in section 62 of this regulation.***

(b) Become certified by the International Organization for Standardization and agree to have the inspections and reports of the International Organization for Standardization made available to the Board or Board ~~[Agents.]~~ ***agents.***

(c) Maintain internal standard operating procedures. A copy of these procedures shall be provided promptly to the Board or Board ~~[Agents]~~ ***agents*** upon request.

(d) Maintain a quality control and quality assurance program ~~[.~~

~~5.]~~ ***which:***

(1) Includes a written ethics policy;

(2) Provides training to all staff of the cannabis independent testing laboratory on the written ethics policy; and

(3) Requires all staff of the cannabis independent testing laboratory to sign a statement which attests that the staff member will adhere to the written ethics policy.

5. The Board ~~[Agents]~~ ***agents*** or an independent third party authorized by the Board may conduct an inspection of the practices, procedures and programs adopted, followed and maintained pursuant to subsection 4 and inspect all records of the cannabis independent testing laboratory.

6. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** cannabis independent testing laboratory must use, when available ~~[,]~~ ***and approved by the appropriate Board agent,*** testing methods that have undergone validation by the *Official Methods of Analysis of AOAC International*, ***adopted by reference in section 62 of this regulation, or*** the Performance Tested Methods Program of the Research Institute of AOAC International ***.*** ~~[,]~~ ***If such methods are not available, the cannabis independent testing laboratory may use:***

(a) Methodologies published by the International Organization for Standardization or the United States Pharmacopeia;

(b) Methodologies published in the ***following publications adopted by reference in section 62 of this regulation:***

(1) The *Bacteriological Analytical Manual* ~~[of the Food and Drug Administration, the International Organization for Standardization, the United States Pharmacopeia, the]~~ ***(BAM);***

(2) The Elemental Analysis Manual (EAM);

(3) The Pesticide Analytical Manual (PAM); and

(4) The *Microbiology Laboratory Guidebook* ~~[of the Food Safety and Inspection Service of the United States Department of Agriculture or an equivalent]~~ ***;***

(c) A third-party validation study ***which is equivalent to the methodologies described in paragraph (b) and which is*** approved by the Board ~~[.]~~ ***; or***

(d) If no ~~[such]~~ testing method ***described in paragraph (a), (b) or (c)*** is available, a cannabis independent testing laboratory may use an alternative testing method or a testing method developed by the cannabis independent testing laboratory ~~[upon demonstrating]~~ ***if the independent testing laboratory demonstrates*** the validity of the testing method ***in cannabis matrices*** to and ~~[receiving the]~~ ***receives*** approval ~~[of]~~ ***from*** the ***appropriate*** Board ~~[.]~~ ***agent.***

7. All quality assurance tests ***required*** pursuant to NCCR 11.050 ~~[. shall]~~ ***must comply with the applicable Standard Method Performance Requirements (SMPRs) adopted by reference in paragraph (r) of subsection 1 of section 62 of this regulation and*** be validated or verified ~~[by the cannabis independent testing laboratory observing the guidelines of the most recent version of standard]~~ ***in accordance with the following publications adopted by reference in section 62 of this regulation, as applicable:***

(a) ASTM D8282 **,** ~~[:]~~ "Standard Practice for Laboratory Test Method Validation and Method Development" ~~[, published by the American Society for Testing and Materials (ASTM) and available at www.astm.org, or any subsequent standard as approved by the appropriate Board Agent.~~

~~8. The Board hereby adopts by reference:~~

~~(a) The Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control monograph published by the American Herbal Pharmacopoeia. A copy of that publication may be obtained from the American Herbal Pharmacopoeia, P.O. Box 66809, Scotts Valley, California 95067, or at the Internet address http://www.herbal-ahp.org/~~

~~(b) The OECD Series on Principles of Good Laboratory Practice (GLP) and Compliance Monitoring published by the Organisation for Economic Co-operation and Development. A copy of that publication may be obtained free of charge from the Organisation for Economic Co-~~

~~operation and Development at the Internet address http://www.oecd.org/env/ehs/testing/oecdseriesonprinciplesofgoodlaboratorypracticeglpandcompliancemonitoring.htm~~

~~(c) Standard ISO/IEC 17025 published by the International Organization for Standardization. A copy of that publication may be obtained from the American National Standards Institute at the Internet address https://webstore.ansi.org/RecordDetail.aspx?sku=ISO%2fIEC+17025%3a2005~~

~~(d) The Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, and Pharmaceuticals An Aid to the Interpretation of ISO/IEC 17025:2005 (2015) published by AOAC International. A copy of that publication may be obtained from AOAC International at the Internet address https://www.aoac.org/aoac-accreditation-guidelines-for-laboratories-alacc/]~~ ***;***

(b) "Appendix J AOAC International Methods Committee Guidelines for Validation of Microbiological Methods for Food and Environmental Surfaces";

(c) "Appendix K Guidelines for Dietary Supplements and Botanicals"; and

(d) International Standard ISO 16140-3 "Microbiology of the Food Chain - Method Validation - Part 3: Protocol For The Verification Of Reference Methods And Validated Alternative Methods In A Single Laboratory."

Sec. 67. NCCR 11.030 is hereby amended to read as follows:

Each cannabis independent testing laboratory must establish ***and adhere to*** policies for an adequate chain of custody and sample identification requirements for samples of products provided to the cannabis independent testing laboratory for testing or research purposes, including, without limitation, policies and requirements for:

1. Issuing instructions for the minimum sample and storage requirements;

2. Documenting ***in the seed-to-sale tracking system*** the condition of the external package and integrity seals utilized to prevent contamination of, or tampering with, the sample;

3. Documenting ***in the seed-to-sale tracking system*** the ~~[condition]~~ ***description*** and amount of the sample provided at the time of ***collection or*** receipt;

4. Documentation of any pertinent sample identifiers, including but not limited to product type, product name, strain name, seed-to-sale tracking number, ~~[batch/lot]~~ ***batch or lot*** number and production run number as appropriate;

5. Documenting all persons handling the original samples, aliquots and extracts;

6. Providing adequate identification on sample containers throughout all phases of testing, including, but not limited to aliquots, dilutions, tubes, slides, culture plates, extracts, data files, images, and other secondary samples created during the processing or testing of a sample. The sample ~~[identifier(s)]~~ ***identifiers*** on any sample container must be indelible, legible, and able to withstand all stages of processing and conditions of storage;

7. Documenting all transfers of samples, aliquots and extracts referred to another cannabis independent testing laboratory for additional testing or whenever requested by a client;

8. Maintaining a current list of authorized cannabis establishment agents and restricting entry to the laboratory to only those authorized;

9. Securing the cannabis independent testing laboratory during nonworking hours;

10. Securing short- and long-term storage areas when not in use;

11. Utilizing a secured area to log-in and aliquot samples;

12. Ensuring samples are stored appropriately; ~~[and]~~

13. Documenting the disposal of samples, aliquots and extracts ~~[.]~~ ***;***

14. Ensuring the positive identification of the cannabis or cannabis product by verifying the accuracy of the seed-to-sale tracking information present on the source package immediately before sample collection and matching the information to the information documented in the seed-to-sale tracking system; and

15. Adhering to the chain of custody and sample identification requirements of ASTM D8334/D8334M, "Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses," as adopted by reference in section 62 of this regulation.

Sec. 68. NCCR 11.045 is hereby amended to read as follows:

1. A cannabis cultivation facility or a cannabis production facility may conduct operations and request limited laboratory testing by a cannabis independent testing laboratory for research and development purposes.

2. A cannabis cultivation facility or cannabis production facility described in subsection 1 shall:

(a) Notify ***and receive approval from*** the appropriate Board ~~[Agent]~~ ***agents*** of its intent to conduct research and development on a form prescribed by the Board by electronic mail before sending a sample to a cannabis independent testing laboratory;

(b) ~~[Receive approval from the appropriate Board Agent for the requested research and development studies.~~

~~(c)]~~ Quarantine each batch, lot or production run in a separate quarantine area and label each batch, lot or production run with a distinctive label containing "R&D QUARANTINE" as a header and footer in ***at least*** 20-point white font and a red background;

~~[(d)]~~ ***(c)*** Account for all cannabis subject to quarantine pursuant to paragraph (b) in the seed-to-sale tracking system;

~~[(c)]~~ ***(d)*** Limit all research and development operations to clearly segregated and designated areas or rooms marked "R&D CULTIVATION AREA" or "R&D PRODUCTION AREA" on 8 1/2 by 11-inch ***or larger*** signs with a red background and white lettering, posted at the entrance to the area or room and along the walls of the area or room, with a minimum of one sign for every 300 square feet of the area or room; ~~[and~~

~~(f)]~~ ***(e)*** Perform research and development operations in a grow room only if the plants used for such operations are designated and separated from other plants ~~[.]~~ ***; and***

(f) Before the collection of the samples, provide to the cannabis independent testing laboratory that will be performing testing on the cannabis the research and development approval form approved pursuant to paragraph (a).

3. A cannabis cultivation facility or cannabis production facility operating as described in subsection 1 may request limited testing protocols from a cannabis independent testing laboratory for research and development purposes. A cannabis independent testing laboratory shall not perform any laboratory tests on research and development samples which were not specifically indicated as part of the approved study. ***If laboratory tests are conducted on a lot or production run pursuant to this subsection, a cannabis cultivation facility or cannabis production facility must, for the final testing of a lot or production run, use the same cannabis independent testing laboratory which performed laboratory tests pursuant to this subsection. The Board may grant a variance for good cause from the requirements for testing samples for research and development purposes.***

4. A cannabis independent testing laboratory that performs testing for a cannabis cultivation facility or cannabis production facility described in subsection 1 shall report the results of the testing to the cannabis establishment and to the Board ~~[by electronic mail.]~~ ***in a manner***

prescribed by the Board. The cannabis independent testing laboratory shall clearly mark the test results with "R&D TESTING ONLY -- NOT FOR RESALE" on the top of each page of the report in 20-point white font and a red background.

5. A batch, lot or production run produced for research and development purposes pursuant to this section which fails quality assurance testing need not be destroyed ~~[.]~~ ***but must not be remediated without approval from the Board.***

6. A batch, lot or production run originally produced for research and development purposes pursuant to this section may not be sold to a cannabis sales facility until the batch, lot or production run has undergone and passed all ***quality assurance*** testing **.** ~~[required by NCCR 6.100.]~~

Sec. 69. NCCR 11.050 is hereby amended to read as follows:

1. Each cannabis independent testing laboratory must use the sampling protocols and the general body of required quality assurance tests for usable cannabis, as received, concentrated cannabis and cannabis products set forth in this section. Such tests may include moisture content, potency analysis, foreign matter inspection, microbial screening, pesticide and other chemical residue and metals screening and residual solvents levels. A cannabis independent testing laboratory may request permission from the appropriate Board ~~[Agent]~~ ***agent*** to obtain additional sample material for the purposes of completing required quality assurance tests but may not use such material for the purposes of resampling or repeating quality assurance tests. A cannabis independent testing laboratory may retrieve samples from the premises of another cannabis establishment and transport the samples directly to the cannabis independent testing laboratory. A cannabis independent testing laboratory transporting samples may make multiple stops if:

(a) Each stop is for the sole purpose of retrieving a sample from a cannabis establishment; and

(b) All samples remain secured at all times.

2. The tests required pursuant to subsection 1 by a cannabis independent testing laboratory are as follows:

Product	Tests Required	Action Levels
Usable cannabis, infused pre-rolls and crude collected resins, as received, excluding wet cannabis	1. Moisture content 2. Potency analysis 3. Terpene analysis 4. Foreign matter inspection 5. Mycotoxin screening 6. Heavy metal screening 7. Pesticide residue analysis 8. Herbicide screening 9. Growth regulator screening 10. Total yeast and mold 11. Total Enterobacteriaceae 12. Salmonella 13. Pathogenic E. coli 14. Aspergillus fumigatus 15. Aspergillus flavus 16. Aspergillus terreus	1. < 15% 2. N/A 3. N/A 4. None detected 5. < 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A 6. Arsenic: < 2 ppm, Cadmium: < 0.82 ppm, Lead: < 1.2 ppm, Mercury: < 0.4 ppm 7. See ~~[NAC 555.640]~~ ***NCCR 11.065*** 8. See ~~[NAC 555.640]~~ ***NCCR 11.065*** 9. See ~~[NAC 555.640]~~ ***NCCR 11.065***

	17. Aspergillus niger ~~[18. Total coliform]~~	10. < 10,000 colony forming units per gram 11. < 1,000 colony forming units per gram 12. None detected per gram 13. None detected per gram 14. None detected per gram 15. None detected per gram 16. None detected per gram 17. None detected per gram ~~[18. < 1,000 colony forming units per gram]~~
Usable cannabis, as received, which is destined for extraction	***1. Foreign matter inspection*** ***2. Mycotoxin screening*** ***3. Heavy metal screening*** ***4. Pesticide residue analysis*** ***5. Herbicide screening*** ***6. Growth regulator screening*** ***7. Total Enterobacteriaceae*** ***8. Salmonella*** ***9. Pathogenic E. coli***	***1. None detected*** ***2. < 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 ug/kg for Ochratoxin A*** ***3. Arsenic: < 2 ppm, Cadmium: < 0.82 ppm, Lead: < 1.2 ppm, Mercury: < 0.4 ppm*** ***4. See NCCR 11.065*** ***5. See NCCR 11.065*** ***6. See NCCR 11.065*** ***7. < 1,000 colony forming units per gram*** ***8. None detected per gram*** ***9. None detected per gram***

Wet cannabis, as received, which is destined for extraction	1. ~~[Potency analysis~~ ~~2. Terpene analysis~~ ~~3.]~~ Foreign matter inspection ~~[4.]~~ ***2.*** Mycotoxin screening ~~[5.]~~ ***3.*** Heavy metal screening ~~[6.]~~ ***4.*** Pesticide residue analysis ~~[7.]~~ ***5.*** Herbicide screening ~~[8.]~~ ***6.*** Growth regulator screening ~~[9. Total yeast and mold~~ ~~10.]~~ ***7.*** Total Enterobacteriaceae ~~[11.]~~ ***8.*** Salmonella ~~[12.]~~ ***9.*** Pathogenic E. coli ~~[13. Aspergillus fumigatus~~ ~~14. Aspergillus flavus~~ ~~15. Aspergillus terreus~~ ~~16. Aspergillus niger~~ ~~17. Total coliform]~~	1. ~~[N/A~~ ~~2. N/A~~ ~~3.]~~ None detected ~~[4.]~~ ***2.*** < 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A ~~[5.]~~ ***3.*** Arsenic: < 2 ppm Cadmium: < 0.82 ppm Lead: < 1.2 ppm Mercury: < 0.4 ppm ~~[6.]~~ ***4.*** See NCCR 11.065 ~~[7.]~~ ***5.*** See NCCR 11.065 ~~[8.]~~ ***6.*** See NCCR 11.065 ~~[9. < 10,000 colony forming units per gram~~ ~~10.]~~ ***7.*** < 1,000 colony forming units per gram ~~[11.]~~ ***8.*** None detected per gram ~~[12.]~~ ***9.*** None detected per gram ~~[13. None detected per gram~~ ~~14. None detected per gram~~ ~~15. None detected per gram~~ ~~16. None detected per gram~~ ~~17. < 1,000 colony forming units per gram]~~

Extract of cannabis (nonsolvent) like hashish, bubble hash, infused dairy butter, mixtures of extracted products or oils or fats derived from natural sources, including concentrated cannabis extracted with ethanol or CO2	1. Potency analysis 2. Foreign matter inspection 3. Mycotoxin screening 4. Heavy metal screening 5. Pesticide residue analysis 6. Total yeast and mold 7. Total Enterobacteriaceae 8. Salmonella 9. Pathogenic E. coli 10. Aspergillus fumigatus	1. N/A 2. None detected 3. < 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A 4. Arsenic: < 2 ppm Cadmium: < 0.82 ppm Lead: < 1.2 ppm Mercury: < 0.4 ppm
	11. Aspergillus flavus 12. Aspergillus terreus 13. Aspergillus niger	5. See NCCR 11.065 6. < 1,000 colony forming units per gram 7. < 100 colony forming units per gram 8. None detected per gram 9. None detected per gram 10. None detected per gram 11. None detected per gram 12. None detected per gram 13. None detected per gram

Extract of cannabis (solvent-based) made with any approved solvent, including concentrated cannabis extracted by means other than with ethanol or CO2	1. Potency analysis 2. Foreign matter inspection 3. Residual solvent test 4. Mycotoxin screening 5. Heavy metal screening 6. Pesticide residue analysis 7. Total yeast and mold 8. Total Enterobacteriaceae 9. Salmonella 10. Pathogenic E. coli 11. Aspergillus fumigatus 12. Aspergillus flavus 13. Aspergillus terreus 14. Aspergillus niger	1. N/A 2. None detected 3. < 500 ppm 4. < 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A 5. Arsenic: < 2 ppm Cadmium: < 0.82 ppm Lead: < 1.2 ppm Mercury: < 0.4 ppm 6. See NCCR 11.065 7. < 1,000 colony forming units per gram 8. <100 colony forming units per gram 9. None detected per gram 10. None detected per gram 11. None detected per gram 12. None detected per gram 13. None detected per gram 14. None detected per gram
Edible cannabis product, including a product which contains concentrated cannabis	1. Potency analysis 2. Foreign matter inspection 3. Total Enterobacteriaceae 4. Salmonella 5. Pathogenic E. coli 6. Total aerobic count 7. Water activity or pH	1. N/A 2. None detected 3. < 1,000 colony forming units per gram 4. None detected per gram 5. None detected per gram 6. < 100,000 colony forming units per gram 7. Water activity < 0.86 or pH < 4.6

Liquid cannabis product, including, without limitation, soda or tonic, including a product which contains concentrated cannabis	1. Potency analysis 2. Foreign matter inspection 3. Total Enterobacteriaceae 4. Salmonella 5. Pathogenic E. coli 6. Total aerobic count 7. Water activity or pH	1. N/A 2. None detected 3. < 1,000 colony forming units per gram 4. None detected per gram 5. None detected per gram 6. < 100,000 colony forming units per gram 7. Water activity < 0.86 or pH < 4.6
Topical cannabis product, including a product which contains concentrated cannabis	1. Potency analysis	1. N/A

3. A sample of usable cannabis must be at least ~~[10]~~ ***20*** grams. A sample of a production run must be the lesser of 1 percent of the total product weight of the production run or 25 units of product, but not less than 5 grams of the production run. Before testing, all samples must be homogenized by the testing laboratory using a homogenization process which has been approved by the appropriate Board ~~[Agent]~~ ***agent*** and in a manner that prevents contamination of test samples or analytical portions.

4. The analytical portion that is used for the purposes of ~~[any]~~ ***each*** microbial test must be a minimum of ~~[one]~~ ***1*** gram, unless otherwise approved by the Board.

5. A cannabis establishment shall not submit wet cannabis to a cannabis independent testing laboratory for testing unless the wet cannabis is destined for extraction and weighed within 2 hours after harvest. The plant must not undergo any further processing, including, without limitation, drying the plant and subsequently selling separately the cannabis bud and cannabis trim from the plant, before being weighed.

6. ~~[As used in this section, "as received" means the unaltered state in which a sample was collected, without any processing or conditioning, which accounts for all mass, including moisture content.]~~ A cannabis independent testing laboratory shall not report the results of usable cannabis on a dry weight basis.

7. A cannabis independent testing laboratory shall ***, upon request,*** provide the final certificate of analysis to the Board ~~[and to]~~ ***pursuant to NCCR 11.070. Unless an extension is granted by*** the ***Board, the*** cannabis ~~[establishment from which]~~ ***independent testing laboratory shall provide*** the ~~[sample was collected]~~ ***certificate of analysis to the Board*** within 2 business days after ~~[obtaining]~~ the ~~[results.]~~ ***request is received.***

8. The certificate of analysis ~~[shall]~~ ***must*** include ~~[a]~~ ***:***

(a) A photo of the product, as received ~~[.]~~ ***; and***

(b) A disclaimer in 8-point font which states "The test results listed in this certificate of analysis may not reflect the current state of the product if more than one year has passed since testing due to product changes during storage."

9. As used in this section, "as received" means the unaltered state in which a sample was collected, without any processing or conditioning, which accounts for all mass, including moisture content.

Sec. 70. NCCR 11.060 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 2, a cannabis independent testing laboratory shall perform testing to verify the homogeneity of the potency of an edible cannabis product by testing multiple samples from a single production run.

2. A cannabis independent testing laboratory that tests an edible cannabis product which has previously had the homogeneity of the potency of the edible cannabis product verified by a

cannabis independent testing laboratory and which has not undergone a change in recipe may verify the homogeneity of the edible cannabis product by testing one or more single units or servings from a production run of the edible cannabis product.

3. The cannabis independent testing laboratory ~~[will]~~ ***shall*** verify the homogeneity of the potency of the edible cannabis product only if:

(a) The concentration of THC ~~[and weight]~~ of each sample is within 15 percent above or below the intended concentration of THC ***;*** ~~[and weight;]~~ and

(b) ~~[No combination of samples which comprise 10 percent or less]~~ ***For an adult-use edible cannabis product, the concentration*** of ~~[the cannabis product contain 20 percent or more of the total]~~ THC ~~[in]~~ ***of each sample does not exceed*** the ~~[cannabis product.]~~ ***relevant limit prescribed by subsection 2 of NCCR 9.045.***

Sec. 71. NCCR 11.065 is hereby amended to read as follows:

1. A cannabis establishment shall only use a pesticide in the cultivation or production of cannabis or cannabis products if the pesticide appears on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550.

2. When performing pesticide residue analysis pursuant to NCCR 11.050, a cannabis independent testing laboratory shall analyze for the pesticides which occur on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550 at the detection levels specified by the State Department of Agriculture and for any other substances required by the Board. If:

(a) A pesticide which occurs on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550 is detected at a level which exceeds the level specified by the State Department of Agriculture; or

(b) A pesticide which does not occur on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550 is detected in any amount which is positively ~~[verified,]~~ ***identified by the cannabis independent testing laboratory to be equal to or greater than the limit of detection established by the laboratory pursuant to subsection 3,*** the pesticide residue analysis is failed.

3. A cannabis independent testing laboratory shall establish a limit of detection for every pesticide analyzed by the laboratory, which must:

(a) Be lower than the limit of quantitation for the pesticide; and

(b) Not exceed 0.1 ppm (µg/g).

Sec. 72. NCCR 11.070 is hereby amended to read as follows:

1. Immediately before packaging:

(a) Usable cannabis for sale to a cannabis sales facility, cannabis production facility or another cannabis cultivation facility, a cannabis cultivation facility shall segregate all harvested cannabis into homogenized lots of flower and trim, respectively, and allow a cannabis independent testing laboratory to select a homogenous representative sample for testing from each lot the cannabis cultivation facility has segregated. The cannabis ***independent*** testing laboratory which performs the test must collect the samples. If the cannabis cultivation facility has segregated the lot of harvested cannabis into packages or container sizes smaller than the entire lot, the cannabis cultivation facility must present all packages ~~[comprising]~~ ***composing*** the lot to the cannabis independent testing laboratory, and the testing laboratory must sample and test each package containing harvested cannabis from the lot. ***If a lot that will be sampled pursuant to this paragraph has been remediated, the cannabis cultivation facility shall, before***

any sample collection, notify the cannabis independent testing laboratory that the lot has been remediated.

(b) Concentrated cannabis or cannabis products, a cannabis production facility shall ***segregate all concentrated cannabis and cannabis products into production runs and*** allow a cannabis independent testing laboratory to select a random ***homogeneous representative*** sample from each ~~[lot or]~~ production run for testing ***.*** ~~[by the cannabis independent testing laboratory.]~~ The cannabis independent testing laboratory performing the testing must collect the samples. ***If a production run of concentrated cannabis or cannabis products is stored in multiple containers, the cannabis production facility must present all containers which compose the production run to the cannabis independent testing laboratory and the cannabis independent testing laboratory must sample and test each container. If a production run that will be sampled pursuant to this paragraph has been remediated, the cannabis production facility shall, before any sample collection, notify the cannabis independent testing laboratory that the production run has been remediated.***

(c) The cannabis independent testing laboratory selecting a sample shall seal the sample within the package to ensure sample integrity. The sample shall be collected in a tamper resistant package or in a package that is sealed with tamper resistant tape immediately after the sample is placed in the package.

(d) The cannabis independent testing laboratory shall ensure the seed-to-sale identification tag is affixed to the sample package. The batch, lot or production run number and the weight or quantity of the sample shall be documented on the sample package and on the chain of custody.

2. ~~[A]~~ ***If a*** cannabis independent testing laboratory ~~[that]~~ collects a sample ***from a cannabis cultivation facility or cannabis production facility*** pursuant to this section ~~[shall test]~~ ***:***

(a) The cannabis independent testing laboratory shall:

(1) Test the sample as provided in NCCR 11.050.

(2) When collecting a sample, adhere to ASTM D8334/D8334M, "Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses" adopted by reference in section 62 of this regulation, including, without limitation, the aseptic sampling procedures described in that publication.

(b) The cannabis cultivation facility or cannabis production facility shall:

(1) Provide the person who is collecting the sample with access to a hand-washing sink.

(2) Maintain video camera coverage of the sampling process.

3. From the time that a lot or production run has been homogenized for sample testing and eventual packaging and sale to a cannabis sales facility, cannabis production facility or, if applicable, another cannabis cultivation facility, the cannabis establishment which provided the sample shall segregate and withhold from use the entire lot or production run, except the samples that have been removed by the cannabis independent testing laboratory for testing, until the cannabis independent testing laboratory provides the certificate of analysis from its tests and analysis. During this period of segregation, the cannabis establishment which provided the sample shall maintain the lot or production run in a secure, clearly designated, cool and dry location so as to prevent the cannabis from becoming contaminated or losing its efficacy. Under no circumstances shall the cannabis establishment which provided the sample sell the cannabis or cannabis products, as applicable, to a cannabis sales facility, cannabis production facility or, if applicable, another cannabis cultivation facility before the time that the cannabis independent testing laboratory has completed its testing and analysis and provided the certificate of analysis to the cannabis establishment which provided the sample.

4. ~~[Except as otherwise provided in subsection 5, a cannabis independent testing laboratory shall immediately return or dispose of any sample received pursuant to this section upon the completion of any testing, use or research. If a cannabis independent testing laboratory disposes of a sample received pursuant to this section, the cannabis independent testing laboratory shall document the disposal of the sample using its seed-to-sale tracking system pursuant to NCCR 6.080 and 6.082.~~

~~5.]~~ A cannabis independent testing laboratory shall keep any sample which fails testing, or which is collected by the Board for confirmation testing for 30 days after failure or collection. A sample which is kept pursuant to this subsection must be stored in a manner approved by the appropriate Board ~~[Agent.]~~ ***agent.*** A cannabis independent testing laboratory shall dispose of a sample kept pursuant to this subsection after 30 days have elapsed after failure or collection ~~[.~~

~~6.]~~ ***and document the disposal of the sample using the seed-to-sale tracking system.***

5. Except as otherwise provided in NCCR 11.075, if a sample provided to a cannabis independent testing laboratory pursuant to this section does not pass the testing required by NCCR 11.050, the cannabis establishment which provided the sample shall dispose of the entire lot or production run from which the sample was taken and document the disposal of the sample using ~~[its inventory control]~~ ***the seed-to-sale tracking*** system ~~[pursuant to NCCR 6.080 and 6.082.~~

~~7.]~~ ***6.*** If a sample provided to a cannabis independent testing laboratory pursuant to this section passes the testing required by NCCR 11.050, the cannabis independent testing laboratory shall release the entire lot or production run for immediate manufacturing, packaging and labeling for sale to a cannabis sales facility, a cannabis production facility or, if applicable, another cannabis cultivation facility.

~~[8.]~~ ***7.*** A cannabis establishment shall not use more than one cannabis independent testing laboratory to test the same lot or production run of cannabis without the approval of the appropriate Board ~~[Agent.~~

~~9.]~~ ***agent.***

8. A cannabis independent testing laboratory shall file with the Board, in a manner prescribed by the Board, an electronic copy of the certificate of analysis for all tests performed by the cannabis independent testing laboratory, regardless of the outcome of the test, including all testing required by NCCR 11.050 to 11.065, inclusive **.** ~~[, at the same time that it transmits those results to the facility which provided the sample.~~

~~10. An electronic mail message transmitted pursuant to subsection 9 must be formatted]~~ ***The certificate of analysis must be reported*** as follows:

(a) ~~[The subject line of the electronic mail message must be the name of the cannabis establishment from which the sample was collected.~~

~~(b)]~~ The name of the electronic file containing the certificate of analysis must be ~~[:]~~ ***in the following format:***

(1) ~~[Except as otherwise provided in subparagraph (2) or (3), the Facility]~~ ***The cannabis establishment*** ID assigned by the Board to the cannabis independent testing laboratory, followed by an underscore, followed by the ~~[four-digit identifier]~~ ***cannabis establishment ID*** assigned by the Board to the cannabis establishment from which the sample was collected, followed by an underscore, followed by ~~[:~~

~~(I) If the sample was from a production run, the production run number; or~~

~~(II) If the sample was not from a production run, the batch number,]~~ ***the identification number assigned to the sample in the seed-to-sale tracking system,*** followed by an underscore,

followed by the ~~[lot number.]~~ ***product name assigned to the sample in the seed-to-sale tracking system.***

(2) If the certificate of analysis is from a retesting of a previously failed sample, ***the format prescribed by subparagraph (1), followed by*** an underscore followed by the word "Retest ***."*** ~~[" must be appended to the end of the name of the electronic file.]~~

(3) If the certificate of analysis has been amended, ***the format prescribed by subparagraph (1), followed by*** an underscore followed by the word "Amended" must be appended to the end of the name of the electronic file.

~~[(c)]~~ ***(b)*** If the certificate of analysis ~~[has]~~ ***:***

(1) Has been amended, the electronic copy of the certificate of analysis must state "Amended" in 20-point bold red font at the center of the top of the first page of the report and must contain a statement of the reason for the amendment that clearly and completely describes the change in 10-point ***red*** font.

~~[11.]~~ ***(2) Is from a retesting of a failed sample, the electronic copy of the certificate of analysis must:***

(I) State "Retest" in 20-point bold red font at the center of the top of the first page of the report and the certificate must be accompanied by the retest approval issued by a Board agent to the laboratory; and

(II) Be accompanied by the retest approval for the sample issued by a Board agent to the cannabis independent testing laboratory and a list of samples pertaining to the retest approval.

9. A cannabis independent testing laboratory shall not provide preliminary test results to a cannabis cultivation facility or cannabis production facility, including, without limitation,

an employee or representative of a cannabis cultivation facility or cannabis production facility, before submitting the certificate of analysis to the Board.

10. The Board will take immediate disciplinary action against any cannabis establishment which fails to comply with the provisions of this section or falsifies records related to this section, including, without limitation, revoking the license of the cannabis establishment.

~~[12.]~~ ***11.*** A cannabis independent testing laboratory may subcontract its testing of cannabis or cannabis products only to another cannabis independent testing laboratory.

~~[13.]~~ ***If a cannabis independent testing laboratory subcontracts its testing pursuant to this subsection, the name and cannabis establishment ID of the cannabis independent testing laboratory which performs the testing must be included on the final certificate of analysis in at least 8-point font.***

12. The Board may publish on ~~[their]~~ ***its Internet*** website all ~~[Certificates]~~ ***certificates*** of ~~[Analysis]~~ ***analysis*** issued to ~~[them]~~ ***it*** in the preceding time.

Sec. 73. NCCR 11.075 is hereby amended to read as follows:

1. Upon approval of the appropriate Board ~~[Agent,]~~ ***agent,*** a lot or production run of cannabis that fails a residual solvents, pH, water activity (aw), homogeneity, or microbial screening test may be remediated or used to make an extract. After processing, the remediated lot or extract must pass all required quality assurance tests.

2. If a sample from a cannabis production facility fails a quality assurance test, the entire production run from which the sample was taken automatically fails the quality assurance test.

3. At the request of a cannabis cultivation facility or a cannabis production facility, the appropriate Board ~~[Agent]~~ ***agent*** may, on a case-by-case basis, authorize a retest to validate the

results of a failed test. The cannabis cultivation facility or cannabis production facility is responsible for all costs involved in a retest performed pursuant to this section.

4. A cannabis cultivation facility or a cannabis production facility may not request a retest pursuant to this section if the lot or production run has undergone any type of remediation since the time samples were initially taken for testing. ***A cannabis independent testing laboratory shall not retest a lot, production run or test sample of cannabis or a cannabis product or implement internal procedures for the retesting of cannabis or cannabis products without the approval of the appropriate Board agent.***

5. A cannabis cultivation facility or a cannabis production facility shall submit a request for retesting to the appropriate Board ~~[Agent]~~ ***agent*** in writing and on a form designated by the Board.

6. If the appropriate Board ~~[Agent]~~ ***agent*** grants a request for retesting, the Board ~~[Agent]~~ ***agent*** will select the cannabis independent testing laboratory that will perform the retest.

7. Except as otherwise provided in this subsection, a cannabis cultivation facility or a cannabis production facility may submit a request for retesting of not more than 50 lots or production runs each calendar year. For any subsequent failure of a quality assurance test in a calendar year, the facility shall request permission from the Board for an additional 50 tests, destroy the lot or the entire production run, or request to send the lot or production run to extraction or remediation. The Board may extend authority to the Executive Director of the ~~[CCB]~~ ***Board*** to approve such requests. If the additional 50 retests are approved, a cannabis cultivation facility or a cannabis production facility must obtain the results of two retests in the category which failed, from two different cannabis independent testing laboratories. For the retested lot or production run to be approved for sale, both retests must provide passing results. If

both retests provide passing results, the certificate of analysis with the higher quantifiable results will be recorded. If it is not clear which certificate has higher results, the appropriate ~~[board]~~ ***Board*** agent will select the one to be recorded. No more than one such request for additional tests is permitted within a calendar year. A lot which only fails a quality assurance test for moisture content must not be counted for the purpose of this subsection.

(a) To request permission from the Board for an additional 50 tests, a cannabis cultivation facility or a cannabis production facility must file a petition with the Board which must include the following:

(1) Request for the additional 50 tests;

(2) List the prior 50 lots or production runs that failed, what they failed for, and which cannabis independent testing laboratory performed the test; and

(3) List whether the prior 50 lots or production runs passed pursuant to a retest, and which cannabis independent testing laboratories performed the retests.

8. A failed quality assurance test for pesticide residue must be retested by the State Department of Agriculture unless otherwise approved by the Board or appropriate Board ~~[Agent.]~~ ***agent.***

9. If a sample passes the same quality assurance test upon retesting, the cannabis cultivation facility or cannabis production facility need not destroy the lot or production run and may sell the lot or production run to a cannabis cultivation facility, cannabis sales facility or cannabis production facility, as applicable.

10. If a sample fails the same quality assurance test upon retesting, the Board ~~[Agent]~~ ***agent*** denies a request for retesting or a cannabis cultivation facility or a cannabis production facility

does not request retesting after a sample fails a quality assurance test, the facility shall destroy the entire lot or production run from which the sample was taken.

11. Any process for the post-harvest treatment or remediation of cannabis must be preapproved by a Board agent. A cannabis establishment that conducts any post-harvest remediation or treatment of cannabis or has any cannabis of the cannabis establishment remediated or treated by another cannabis establishment shall:

(a) Maintain documentation of post-harvest treatment or remediated lots or production runs, including the date and method of treatment or remediation; and

(b) Provide copies of the documentation maintained pursuant to paragraph (a) to any cannabis independent testing laboratory that collects a sample of a post-harvest treatment or remediated lot or production run for testing.

Sec. 74. NCCR 11.085 is hereby amended to read as follows:

1. Upon the request of the Board, a cannabis ~~[facility]~~ ***establishment*** must provide a cannabis independent testing laboratory designated by the Board with a sample of cannabis or a cannabis product in an amount determined by the cannabis independent testing laboratory to be sufficient for random quality assurance compliance checks in a secure manner such that the cannabis independent testing laboratory can confirm that it has received and is testing the correct sample.

2. The cannabis independent testing laboratory that receives a sample pursuant to subsection 1 shall, as directed by the Board:

(a) Screen the sample for pesticides, chemical residues, herbicides, growth regulators and unsafe levels of metals;

(b) Perform any other quality assurance test deemed necessary by the Board; and

(c) Report its results to the Board.

3. ~~[The]~~ ***If the Board requests screening or testing to be conducted pursuant to this section for the purpose of an investigation of a*** cannabis cultivation facility , ~~[or]~~ cannabis production facility ***or cannabis independent testing laboratory, the cannabis cultivation facility, cannabis production facility or cannabis independent testing laboratory*** is responsible for all costs involved in screening or testing performed pursuant to this section ~~[.]~~ ***, even if no violation was discovered. Any costs imposed pursuant to this subsection must be paid to the cannabis independent testing laboratory performing the screening or testing within 30 days after the receipt of an invoice for the costs.***

4. If the Board requests screening or testing to be conducted pursuant to this section for the purpose of an investigation to verify the accuracy of the test results of a cannabis independent testing laboratory, the cannabis independent testing laboratory that issued the results under investigation is responsible for all costs involved in screening or testing performed pursuant to this section.

Sec. 75. NCCR 12 is hereby amended by adding thereto a new section to read as follows:

1. A cannabis cultivation facility or cannabis production facility must disclose in writing with each lot or production run provided to a cannabis sales facility or cannabis consumption lounge any process used for the purpose of reducing or eradicating microbial contamination any time post-harvest. The disclosure must include, without limitation, the date of the treatment or remediation and information on the process used by the cannabis cultivation facility or cannabis production facility and may provide such information through an electronic medium, including, without limitation, a quick response code or a link to an Internet website.

2. Upon request, a cannabis sales facility or cannabis consumption lounge shall immediately provide the disclosure provided by a cannabis cultivation facility or cannabis production facility pursuant to subsection 1 to the consumer or patient through any of the following means:

(a) A paper copy of the disclosure.

(b) An electronic copy of the disclosure.

(c) Inclusion on the package or label provided to the consumer.

3. A cannabis sales facility or cannabis consumption lounge shall post a notice which states that information regarding any treatment or remediation, laboratory results and soil amendments is available upon request. The notice must be posted conspicuously at each location in the cannabis sales facility or cannabis consumption lounge at which cannabis or cannabis products are sold, including drive-through windows, in at least 18-point font.

4. Nothing in this section prohibits a cannabis establishment from including on a package or label a statement that the cannabis or cannabis product has not been treated or remediated after harvest.

Sec. 76. NCCR 12.010 is hereby amended to read as follows:

1. ~~[Unless preparing bulk packages only for delivery to another cannabis establishment and not for sale to a consumer, a cannabis establishment that packages cannabis or cannabis products must individually package, label and seal the cannabis or cannabis products in a single package for sale.]~~ A ~~[cannabis sales facility shall only sell cannabis or cannabis products in a]~~ single package ~~[which must not contain:~~

~~(a) More than 1 ounce (28.35 grams) of usable cannabis.~~

~~(b) For a~~ ***for an adult-use*** cannabis product sold as a ~~capsule,~~ ***pill must not contain*** more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

~~(c) For a cannabis product sold as a tincture, more than 800 milligrams of THC.~~

~~(d) For a cannabis product sold as an edible cannabis product, more than 100 milligrams of THC.~~

~~(e) For a cannabis product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.~~

~~(f) For a cannabis product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.~~

~~(g) For any other cannabis product, more than 800 milligrams of THC.~~

2. ~~An edible cannabis product must be packaged in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams of THC per serving, and include a statement that the edible cannabis product contains cannabis and its potency was tested with an allowable variance of plus or minus 15 percent of the allowable limit.~~

~~3.~~ For cannabis or cannabis products that are intended to be sold to a consumer, the text used on all labeling must be printed in at least 8-point font and may not be in italics.

Sec. 77. NCCR 12.015 is hereby amended to read as follows:

1. ~~Any edible~~ ***Except as otherwise provided in NCCR 12.040, any*** cannabis ***or cannabis*** product ~~containing~~ ***sold by a*** cannabis ***establishment*** must:

(a) Be clearly and unambiguously packaged as cannabis with ***, if not already included on a label affixed to or included with the container or package containing the cannabis or cannabis product,*** the words ***"THIS PRODUCT CONTAINS CANNABIS"*** and ~~includes the~~ warning

"KEEP OUT OF REACH OF CHILDREN" in bold type that clearly identifies that the product contains cannabis ***.*** ~~[;]~~

(b) Be packaged in a manner which is not modeled after a brand of products primarily consumed by or marketed to children ***.*** ~~[;]~~

(c) Be presented in packaging which does not contain an image of a cartoon character, mascot, action figure, balloon or toy, except that ***, for a cannabis product,*** such an item may appear in the logo of the cannabis production facility which produced the product ***.*** ~~[;]~~

(d) Not be packaged or marketed as candy ***.*** ~~[;]~~

(e) ~~[Include a]~~ ***Be packaged in packaging that is of a food-grade material and which protects the contents from contamination.***

(f) When sold at a cannabis sales facility, be placed into a package or directly packaged in opaque, child-resistant packaging in accordance with 16 C.F.R. Part 1700 and the requirements set forth in this section. The child-resistant packaging must maintain its effectiveness for multiple openings before leaving the cannabis sales facility with the consumer.

(g) For an edible cannabis product, be packaged in a manner that, if not already included on a label affixed to or included with the container or package containing the edible cannabis product:

(1) Includes:

(I) A Nevada universal cannabis symbol approved by the Board to indicate that the product contains cannabis; ~~[and~~

~~(f)]~~ ***(II)*** The net weight of the product;

~~[(g)]~~ ***(III)*** A list of all ingredients and all major food allergens as identified in 21 U.S.C. § ~~[343; and~~

~~(h)]~~ ***321(qq);***

(IV) A notice that the actual amount of THC may be within 15 percent of the stated amount for the edible cannabis product; ***and***

(V) A warning that states "Caution: Intoxicating effects may be delayed by 2 or more hours"; and

(2) Indicates the number of servings of THC in the edible cannabis product. If the edible cannabis product is an adult-use edible cannabis product, the number of servings must be measured in servings of a maximum of 10 milligrams of THC per serving.

2. ~~[When sold at a cannabis sales facility, any cannabis or cannabis product must be placed into a package or directly packaged in opaque, child-resistant packaging in accordance with 16 C.F.R. Part 1700 and the standards specified in subsection 3 or 4. The child-resistant packaging must maintain its effectiveness for multiple openings before leaving the cannabis sales facility with the consumer.~~

~~3. Except as otherwise provided in subsection 4, cannabis products in solid or liquid form must be packaged in a food-grade material or container.~~

~~4. Edible]~~ ***Adult-use edible*** cannabis products in liquid form containing more than 10 milligrams ***of*** THC must be packaged using a resealable cap in a container that:

(a) Clearly demarks each serving of cannabis in a way that enables a reasonable person to intuitively determine how much of the product constitutes a single serving of THC; or

(b) Includes a device that allows a reasonable person to intuitively measure and serve a single serving of THC.

➥ The portion of such a container that demarks each serving of cannabis need not be opaque.

~~[5. Any container or packaging containing usable cannabis, concentrated cannabis or cannabis products must protect the contents from contamination and must be of a food grade material.~~

~~6. An edible cannabis product must be sealed in a container which is not transparent and sold in packaging which is opaque.~~

~~7.]~~ ***3.*** Each single serving in a multiple-serving edible cannabis product must be physically demarked in a way that enables a reasonable person to intuitively determine how much of the edible cannabis product constitutes a single serving. Each demarked serving must be easily separable in a manner that allows an average person who is 21 years of age or over to physically separate, with minimal effort, an individual serving of the edible cannabis product.

~~[8.]~~ ***4.*** If an ***adult-use*** edible cannabis product is of a kind that is impracticable to clearly demark each serving of cannabis with the dose in milligrams of THC, the ***adult-use*** edible cannabis product must:

(a) Contain not more than 10 milligrams of THC per unit of sale; or

(b) Be sold in a package that contains more than one individually wrapped single-serving edible cannabis product.

Sec. 78. NCCR 12.020 is hereby amended to read as follows:

1. Except as otherwise provided in subsection ***2 or*** 3, each single-serving edible cannabis product ***,*** ~~[and]~~ each individual serving containing not more than 10 milligrams of THC of a multiple-serving edible cannabis product ***and each individual serving of a medical edible cannabis product*** must be stamped or molded with a Nevada universal cannabis symbol approved by the Board to indicate that the product contains cannabis.

2. ~~[An]~~ ***If an*** edible cannabis product ~~[that]~~ is impractical to stamp or mold with a Nevada universal cannabis symbol, including, without limitation, bulk goods or powders, each individual serving must be individually wrapped with the Nevada universal cannabis symbol on the wrapper***. An*** exemption from stamping or molding product must be requested on a form prescribed by the Board.

3. An edible cannabis product in liquid form which is packaged as required by NCCR 12.015 need not be stamped or molded as described in this section.

Sec. 79. NCCR 12.030 is hereby amended to read as follows:

~~[1. A]~~ ***If not already included on the container or package, a*** cannabis cultivation facility shall label all cannabis before it sells the cannabis to another cannabis establishment ~~[and shall securely affix to or include with the package a label that includes, without limitation, in legible English:~~

~~(a) The name of the cannabis establishment and its cannabis establishment ID;~~

~~(b) If the cannabis establishment is operated by a dual licensee, the cannabis establishment ID number of the medical cannabis cultivation facility operated by the dual licensee;~~

~~(c) The batch number;~~

~~(d) The lot number;~~

~~(e) The date of final harvest;~~

~~(f) The date of final testing;~~

~~(g) The date on which the product was packaged;~~

~~(h) The cannabinoid profile and potency levels and terpenoid profile of the top three terpenes as determined by the cannabis testing facility, which may include the potential total THC but must not include any other calculated level of THC;~~

~~(i) The quantity of cannabis being sold;~~

~~(j) A warning that states: "THIS PRODUCT CONTAINS CANNABIS"; and~~

~~(k) A warning that states: "Keep out of Reach of Children."~~

~~2. The label required by subsection 1 for a container or package containing usable cannabis sold by a cannabis cultivation facility must be in substantially the following form:~~

~~TK's Cannabis Products~~
~~Cannabis establishment ID: RCXXX~~
~~Medical Cannabis establishment ID: CXXX (if applicable)~~

~~Production Run Number: 1234~~

~~THIS PRODUCT CONTAINS CANNABIS~~

~~Keep out of Reach of Children~~

~~Produced on: 01/01/2020~~
~~Best if used by: 03/17/2020 (for edibles only)~~
~~Cannabinoid profile:~~

~~Total THC content (mg):~~
~~THC content per serving +/- 15%: (for edibles only)~~
~~Serving size – 1 piece~~
~~This product contains concentrated cannabis produced with butane.~~

~~Ingredients: Wheat, Sugar, Milk Chocolate~~
~~Allergy Warning: Peanuts, Tree Nuts, Eggs, Wheat, Soy~~
~~Net Weight: 100mg~~~~]~~

with information necessary for the functionality of the seed-to-sale tracking system.

Sec. 80. NCCR 12.035 is hereby amended to read as follows:

~~[1. A]~~ ***If not already included on the container or package, a*** cannabis production facility shall label all cannabis products before it sells the cannabis products to a cannabis sales facility or another cannabis production facility ~~[and shall securely affix to or include with the package a label that includes, without limitation, in legible English and in a manner which must not mislead consumers:~~

(a) The name of the cannabis establishment and its cannabis establishment ID;

(b) If the cannabis establishment is operated by a dual licensee, the cannabis establishment ID number of the medical cannabis facility for the production of cannabis operated by the dual licensee;

(c) The production run number;

(d) A warning that states: "Keep out of reach of children."

(e) The date of production;

(f) The cannabinoid profile and potency levels as determined by the cannabis testing facility,

(g) If the product is an edible cannabis product, the expiration date;

(h) The total amount of THC in the cannabis product, measured in milligrams;

(i) The total amount of THC in each serving of the edible cannabis product;

(j) A list of all ingredients and all major food allergens as identified in 21 U.S.C. § 343;

(k) The net weight of the product;

(l) If concentrated cannabis or a cannabis extract was added to the product, a disclosure of the type of extraction process used and any solvent, gas or other chemical used in the extraction process or any other compound added to the concentrated cannabis;

(m) If the product is an edible cannabis product other than extracts and tinctures, the serving size; and

(n) A warning that states: "THIS PRODUCT CONTAINS CANNABIS."

2. The label required by subsection 1 for a container or package containing edible cannabis products sold by a cannabis production facility must be in substantially the following form:

~~TK's Cannabis Products~~
~~Cannabis establishment ID: RCXXX~~
~~Medical Cannabis establishment ID: CXXX (if applicable)~~

~~Production Run Number: 1234~~

~~THIS PRODUCT CONTAINS CANNABIS~~

~~Keep out of Reach of Children~~

~~Produced on: 01/01/2020~~
~~Best if used by: 03/17/2020 (for edibles only)~~
~~Cannabinoid profile:~~
~~Total THC content (mg):~~
~~THC content per serving +/- 15%: (for edibles only)~~
~~Serving size – 1 piece~~
~~This product contains concentrated cannabis produced with butane.~~

~~Ingredients: Wheat, Sugar, Milk Chocolate~~
~~Allergy Warning: Peanuts, Tree Nuts, Eggs, Wheat, Soy~~
~~Net Weight: 100mg~~]

with information necessary for the functionality of the seed-to-sale tracking system.

Sec. 81. NCCR 12.040 is hereby amended to read as follows:

1. ~~[A]~~ ***If not already included on the container or package, a*** cannabis sales facility and cannabis consumption lounge must affix to ~~[,]~~ ***or*** include with ~~[, or supply through an electronic medium approved by the appropriate board agent]~~ each container or package containing usable cannabis sold at retail or ready-to-consume cannabis product and single-use cannabis product ***that is usable cannabis*** sold at consumption lounges, ~~[if not already included on the container or package,]~~ ***or provide through an electronic medium approved by the appropriate Board agent with each sale of such cannabis or cannabis products,*** a label which must include, without limitation:

(a) The business or trade name and the cannabis establishment ID of the cannabis cultivation facility that cultivated and sold the usable cannabis;

(b) ~~[If the cannabis cultivation facility is operated by a dual licensee, the cannabis establishment]~~ ***The inventory*** ID number ~~[of the medical cannabis cultivation facility operated]~~ ***, commonly known as the "parent tag," which is assigned*** by the ~~[dual licensee;~~

~~(c) The batch number;~~

~~(d) The lot number;~~

~~(e)]~~ ***seed-to-sale tracking system;***

(c) The quantity sold, including the net weight measured in ounces and grams or by volume, as appropriate;

~~[(f)]~~ ***(d)*** The name and address of the cannabis sales facility or cannabis consumption lounge;

~~[(g)]~~ ***(e)*** The ***detected*** cannabinoid profile ***,*** ~~[and]~~ potency levels and terpenoid profile ***of the top three terpenes, if detected,*** as determined by the cannabis independent testing laboratory, which may include the potential total THC but must not include any other calculated level of THC;

~~[(h) A warning that states: "This product may have intoxicating effects and may be habit forming;"~~

~~(i) The statement: "This product may be unlawful outside of the State of Nevada";~~

~~(j)]~~ ***(f)*** The date on which the cannabis was harvested;

~~[(k)]~~ ***(g)*** A warning that states: "THIS PRODUCT CONTAINS CANNABIS";

~~[(l)]~~ ***and***

(h) A warning that states: "Keep out of Reach of Children ***."*** ~~[";~~ ***and]***

2. The label required by subsection 1 for a container or package containing usable cannabis sold at retail must be in substantially the following form:

We Care Cannabis sales facility or cannabis consumption lounge
123 Main Street, Carson City, NV 89701
THIS PRODUCT CONTAINS CANNABIS
16.7% THC 1.5% CBD 0.3% CBN
Myrcene 5.6 mg/g Limonene 5.1 mg/g
Valencene 3.5 mg/g

MM's Plant Emporium
Cannabis establishment ID: RCXXX
~~[Medical establishment ID: CXXX (if applicable)]~~
Inventory Package ID: 1234

Keep out of Reach of Children
~~[Batch #: 1234~~
~~Lot #: 1234]~~
Final harvest: 01/01/2020

~~[WARNING:~~
~~This product may have intoxicating effects and may be habit forming.]~~

Net Weight: .25 ounces (7 grams)

~~[This product may be unlawful outside the State of Nevada]~~

3. Ready-to-consume cannabis products offered for sale at a cannabis consumption lounge do not require packaging before sale, but, in addition to the requirements of this section and NCCR 12.045, all of the required disclosures set forth in NCCR 15 must be provided to the consumer.

Sec. 82. NCCR 12.045 is hereby amended to read as follows:

1. ~~[A]~~ ***If not already included on the container or package, a*** cannabis sales facility and cannabis consumption lounge must affix to ~~[,]~~ ***or*** include with ~~[, or supply through an electronic medium approved by the appropriate board agent]~~ each container or package containing cannabis products sold at retail or ready-to-consume cannabis product and ~~[Single-use]~~ ***single-use*** cannabis product ***that is not usable cannabis*** sold at consumption lounges, ~~[if not already on the container package,]~~ ***or provide through an electronic medium approved by the appropriate***

Board agent with each sale of such a cannabis product, a label which must not mislead consumers and must include, without limitation:

(a) The business or trade name and the cannabis establishment ID of the cannabis production facility that manufactured and sold the product;

(b) ~~[If the cannabis production facility is operated by a dual licensee, the cannabis establishment]~~ ***The inventory package*** ID number ~~[of the medical facility for the production of edible cannabis products or cannabis infused products operated]~~ ***, commonly known as the "parent tag," which is assigned*** by the ~~[dual licensee;]~~ ***seed-to-sale tracking system;***

(c) ~~[The production run number that accounts for all lot numbers of all cannabis used in the extraction of the concentrated cannabis or contained in the product, as recorded in the inventory control system of the cannabis production facility that sold the concentrated cannabis or product;~~

~~(d)]~~ The name and address of the cannabis sales facility or cannabis consumption lounge;

~~[(e) The]~~

(d) If the cannabis product is not an edible cannabis product, the date on which the cannabis product was manufactured;

~~[(f)]~~ ***(e)*** If the product is an edible ~~[, a suggested use by]~~ ***cannabis product, the expiration*** date;

~~[(g)]~~ ***(f)*** The ***detected*** cannabinoid profile ***,*** ~~[and]~~ potency levels ~~[of the product,]~~ ***and terpenoid profile of the top three terpenes, if detected,*** as determined by the cannabis independent testing laboratory that tested the product;

~~[(h)]~~ ***(g)*** For edible cannabis products, the total amount of THC in each serving of the product ~~[and a notice that the actual amount of THC in each serving may be within 15 percent of the stated amount;~~

~~(i)~~ ***;***

(h) A list of all ingredients and all major food allergens as identified in 21 U.S.C. § ~~343.~~

~~(j)~~ ***321(qq);***

(i) The concentration of THC in the product, measured in milligrams;

~~(k)~~ ***(j)*** The net weight of the ~~cannabis or~~ cannabis product;

~~(l) For edible cannabis products, a warning that states: "Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed by 2 or more hours";~~

~~(m)~~ ***(k)*** If concentrated cannabis or a cannabis extract was added to the product, a disclosure of the type of extraction process and any solvent, gas or other chemical used in the extraction process, or any other compound added to the concentrated cannabis or the cannabis extract;

~~(n) A warning that states: "This product may have intoxicating effects and may be habit forming";~~

~~(o)~~ ***(l)*** A warning that states: "Keep out of Reach of Children"

~~(p) A statement that: "This product may be unlawful outside of the State of Nevada"; and~~

~~(q)~~ ***; and***

(m) A warning that states: "THIS PRODUCT CONTAINS CANNABIS."

2. The label required by subsection 1 for a container or package containing concentrated cannabis or cannabis products sold at retail must be in substantially the following form:

We Care Cannabis sales facility or cannabis consumption lounge
123 Main Street, Carson City, NV 89701

~~[THIS PRODUCT CONTAINS CANNABIS]~~

Cookie
Net Weight: 2 ounces (56 grams)
Produced on: 1/1/2020 ***(if applicable)***
~~[Best if used by:]~~ ***Expires on:*** 6/3/2020 ***(for edibles only)***
Cannabinoid profile:
Terpenoid profile:
Total THC Content (mg):
THC content per serving ~~[+/- 15%:]~~ ***: (for edibles only)***

~~[CAUTION: When eaten or swallowed the intoxicating effects of this product can be delayed by 2 or more hours.~~
~~Keep out of Reach of Children~~

~~This product may be unlawful outside the State of Nevada.]~~

Manufactured at: KC's Kitchen
Cannabis establishment ID: RCXXX
~~[Medical cannabis establishment ID: CXXX (if applicable)~~

~~Production Run #5463]~~
Inventory Package ID Number: 1234

INGREDIENTS: Flour, Butter, Canola Oil, Sugar, Chocolate, Cannabis, Strawberries

CONTAINS ALLERGENS: Milk, Wheat

Contains cannabis extract processed with butane.

~~[WARNING: This product may have intoxicating effects and may be habit forming.]~~

Sec. 83. NCCR 12.050 is hereby amended to read as follows:

1. Upon consumer request, a cannabis sales facility and cannabis consumption lounge must ***immediately*** provide with all usable cannabis and cannabis products sold at retail or ready-to-consume cannabis ~~[product]~~ ***products*** and single-use cannabis ~~[product]~~ ***products*** sold at

cannabis consumption lounges, ***the*** accompanying ~~[material that discloses any pesticides applied to the cannabis plants and growing medium during production and processing.]~~ ***soil amendment report and a copy of the certificate of analysis from the cannabis independent testing laboratory.***

2. A cannabis sales facility and cannabis consumption lounge must provide with all usable cannabis and cannabis products sold at retail or ready-to-consume cannabis ~~[product]~~ ***products*** and single-use cannabis ~~[product]~~ ***products*** sold at cannabis consumption lounges, a written notification or an electronic notification through an electronic medium approved by the appropriate ~~[board]~~ ***Board*** agent which contains the following warnings:

(a) That cannabis and cannabis products must be kept out of the reach of children;

(b) That cannabis and cannabis products can cause severe illness in children;

(c) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(d) ~~["THE]~~ **"** INTOXICATING EFFECTS ~~[OF CANNABIS]~~ MAY BE DELAYED BY 2 HOURS OR MORE ~~[AND]~~ ***, SO*** USERS ~~[OF CANNABIS PRODUCTS]~~ SHOULD INITIALLY INGEST ~~[A SMALL AMOUNT OF THE PRODUCT CONTAINING]~~ NO MORE THAN 10 MILLIGRAMS OF THC, THEN WAIT AT LEAST 2 HOURS BEFORE INGESTING ANY ADDITIONAL ~~[AMOUNT OF]~~ CANNABIS";

(e) ~~["Cannabis or cannabis products may have intoxicating effects and]~~ ***"This product*** may be ~~[habit forming. Smoking is hazardous to your health.";]~~ ***unlawful outside of the State of Nevada.";***

(f) "Ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and a person should consult with a physician before doing so.";

(g) "There may be mental or physical health risks associated with consumption of cannabis or cannabis products, including but not limited to cardiovascular problems, psychosis, or exacerbation of anxiety ~~[and/or]~~ ***or*** depression. People with health concerns should consult with a physician before ingesting cannabis.";

(h) "WARNING: Pregnant or breastfeeding people should not use cannabis or cannabis products. Using cannabis during pregnancy or while breastfeeding may be harmful to your baby's development.";

(i) "Cannabis or cannabis products can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of cannabis or cannabis ~~[products";]~~ ***products.";***

(j) "Ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence." ***; and***

(k) "Overconsumption of cannabis or cannabis products may cause negative health effects such as nausea, vomiting, anxiety, agitation, paranoia, and psychosis. Individuals with symptoms of overconsumption should seek immediate medical attention."

3. For cannabis consumption lounges that allow inhalation of cannabis, the following warning must be included with the warnings listed in ~~[NCCR 12.050]~~ subsection 2 ***:*** ~~[a-k above: (a)]~~ "WARNING: This is a smoking lounge. Occupants will be exposed to secondhand smoke. Secondhand smoke is hazardous to your ~~[health";]~~ ***health."***

4. The text used on all accompanying material and warnings must be printed in at least 12-point font and may not be in italics.

Sec. 84. NCCR 12.070 is hereby amended to read as follows:

~~[A]~~

1. Except as otherwise provided in subsection 2, a cannabis establishment shall ensure that all advertising by the cannabis establishment contains ~~[such]~~ ***:***

(a) In a visible and legible manner, the following warnings ~~[as may be prescribed by the Board, which must include, without limitation, the following words:~~

~~1.]~~ ***:***

(1) "Keep out of reach of children"; ***and***

~~[2.]~~ ***(2)*** "For use only by adults 21 years of age and older"; and

~~[3. Shall ensure that all advertising by the cannabis establishment contains:~~

~~(a)]~~ ***(b) The following information in a visible and legible manner:***

(1) The name of the cannabis establishment; and

~~[(b)]~~ ***(2)*** The ~~[adult-use]~~ cannabis establishment ~~[Identification]~~ ***ID*** number assigned to the cannabis establishment by the Board ~~[. If]~~ ***or, if*** a cannabis establishment holds more than one license, ~~[the cannabis establishment must include any one of]~~ ***either*** the adult-use cannabis establishment ~~[identification]~~ ***ID*** number or ***the*** medical cannabis establishment ~~[identification]~~ ***ID*** number ***.*** ~~[in all of the cannabis establishment's advertisements.~~

~~4. A]~~

2. The requirements of subsection 1 do not apply to:

(a) Signage of the business name, company logos, devices, lights, figures, paintings, drawings, branding or plaques that are used in the design of the cannabis establishment; or

(b) Advertisements which are posted inside a licensed cannabis establishment and are not for distribution, including, without limitation, displays or images for the promotion of a brand.

3. Except as otherwise provided in subsection 4, a cannabis establishment shall not engage in advertising that ~~[in]~~ ***:***

(a) In any way makes cannabis or cannabis products appeal to children, including ***,*** without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy ~~[. The cannabis establishment shall ensure that the advertisement is not]~~ ***; or***

(b) Is modeled after a brand of products primarily consumed by or marketed to children.

4. The limitations set forth in subsection 3 on the use of fruit for advertising cannabis or a cannabis product:

(a) Do apply to signage of the business name, company logos, devices, lights, figures, paintings, drawings, branding or plaques that are used in the design of the cannabis establishment.

(b) Do not apply to a display or image for the promotion of a brand which is posted inside a licensed cannabis establishment and not for distribution.

Sec. 85. NCCR 13.010 is hereby amended to read as follows:

1. ~~[A]~~ ***An adult-use*** cannabis distributor may transport cannabis and cannabis products between a cannabis establishment and another cannabis establishment or between the buildings of a cannabis establishment.

2. A cannabis establishment shall not transport cannabis or cannabis products to a cannabis sales facility and an independent cannabis consumption lounge unless the cannabis establishment holds a license for ~~[a]~~ ***an adult-use*** cannabis distributor.

3. ~~[A]~~ ***An adult-use*** cannabis distributor shall not purchase or sell cannabis or cannabis products, or deliver cannabis or cannabis products to a consumer under their distribution license.

4. ~~[A]~~ ***An adult-use*** cannabis distributor may enter into an agreement or contract with a cannabis establishment for the transport of cannabis or cannabis products. Such an agreement or contract may include, without limitation, provisions relating to insurance coverage, climate control and theft by a third party or an employee.

5. ~~[A]~~ ***An adult-use*** cannabis distributor, and each cannabis establishment agent employed by the ***adult-use*** cannabis distributor who is involved in the transportation, is responsible for cannabis and cannabis products once the ***adult-use*** cannabis distributor takes control of the cannabis or cannabis products and leaves the premises of a cannabis establishment.

6. ~~[A]~~ ***An adult-use*** cannabis distributor shall not allow a cannabis establishment agent to transport cannabis or cannabis products unless:

(a) The cannabis establishment agent carries a copy, for the duration of the transportation, of the transportation manifest generated using the seed-to-sale tracking system pursuant to NCCR ~~[13.030]~~ ***13.015*** for the transportation;

(b) Each cannabis establishment agent involved in the transportation has, in his or her immediate possession, his or her cannabis establishment agent registration card or verification of temporary authorization;

(c) The cannabis or cannabis products are stored in a sanitary and secure manner in a lockbox or locked cargo area within the vehicle being used for delivery and not visible from outside the vehicle;

(d) The vehicle being used for delivery has no advertising, signage or other markings relating to cannabis; and

(e) The cannabis establishment agent transporting cannabis or cannabis products for the ***adult-use*** cannabis distributor on behalf of a cannabis establishment has a means of communicating with the cannabis establishment.

7. Each cannabis establishment agent transporting cannabis or cannabis products for ~~[a]~~ ***an adult-use*** cannabis distributor must:

(a) Report to a person designated by the ***adult-use*** cannabis distributor to receive such reports and to the Board any motor vehicle crash that occurs during the transportation within ~~[2]~~ ***24*** hours after the crash occurs;

(b) Report to the Board any unauthorized stop ~~[;]~~ ***within 24 hours after the stop;*** and

(c) Report to a person designated by the ***adult-use*** cannabis distributor to receive such reports any loss or theft of cannabis or cannabis products that occurs during the transportation immediately after the cannabis establishment agent becomes aware of the loss or theft. ~~[A]~~ ***An adult-use*** cannabis distributor that receives a report of loss or theft pursuant to this paragraph must immediately report the loss or theft to the appropriate law enforcement agency and ***, after any risk to public safety has been abated,*** to the Board.

8. Each ***adult-use*** cannabis distributor shall maintain a log of all reports received pursuant to subsection 7 for review by the Board or Board ~~[Agents]~~ ***agents*** upon request.

9. Any cannabis or cannabis product which is damaged or refused by the receiving cannabis establishment must be transported back to the originating cannabis establishment.

Sec. 86. NCCR 15.035 is hereby amended to read as follows:

1. A cannabis consumption lounge must store all single-use cannabis products, and ready-to-consume cannabis products behind a counter or other barrier to ensure a consumer does not

have direct access to the products. Such products must be stored in a manner that prevents physical, biological, or chemical contamination.

2. Upon the request of a consumer, a cannabis consumption lounge must disclose the name of the cannabis independent testing laboratory which performed the required quality assurance tests and ***issued*** the corresponding certificate of analysis.

3. A cannabis consumption lounge may only sell single-use cannabis products obtained from an adult-use cannabis retail store in this State.

4. A cannabis consumption lounge may procure ~~[multi-serving]~~ ***multiple-serving*** edible cannabis products from adult-use cannabis retail stores in this State and resell individual servings to consumers.

5. A cannabis consumption lounge may only use cannabis, concentrated cannabis, and cannabis products which have been obtained from an adult-use cannabis retail store in this State.

6. A cannabis consumption lounge may not sell a product other than single-use cannabis products or ready-to-consume cannabis products which contain any level of THC or CBD without the approval of the appropriate Board ~~[Agent.]~~ ***agent.*** Each cannabis consumption lounge shall maintain a file which contains a certificate of analysis for any such approved product at the cannabis consumption lounge and shall make the file available for review upon request.

Sec. 87. NCCR 15.040 is hereby amended to read as follows:

1. The cannabis consumption lounge shall comply with any federal, state and local applicable laws or regulations related to on-site food preparation.

2. ~~[Required certification of certain employees.~~

~~(a)~~ If the cannabis consumption lounge serves food, including ***adult-use*** edible cannabis products, ~~[it is required that]~~ ***the cannabis consumption lounge shall:***

(a) Employ a Certified Food Protection Manager, as certified by an American National Standards Institute (ANSI) accredited program ~~[, be employed by the lounge and]~~ ***;***

(b) Require the Certified Food Protection Manager to be onsite during all hours of operation in which food is being prepared or served;

~~[(b) If the cannabis consumption lounge serves food, including edible cannabis products, it is required]~~ ***and***

(c) Require that all employees which handle food ~~[must]~~ obtain a food handler card from the local health department ~~[.~~

~~(1) If]~~ ***or, if*** the local health department does not offer this service, ~~[employees must]~~ obtain a food handler certification from an American National Standards Institute (ANSI) accredited organization.

3. ~~[Required logs that must be maintained]~~ ***A cannabis consumption lounge shall maintain the following logs*** for ~~[a minimum of two]~~ ***at least 2*** years ***:*** ~~[.]~~

(a) Consumer illness log for illnesses reported after consumption or overconsumption ~~[.~~

~~(1) Log to]~~ ***, which must*** include ***, without limitation, the*** name ~~[,]~~ ***of the consumer,*** date and time of consumption, type of food or cannabis consumed, date and time of illness onset, illness description and contact information ~~[.]~~ ***of the consumer.***

(b) Employee illness log ~~[.~~

~~(1) Log to]~~ ***, which must*** include, ~~[at a minimum,]~~ ***without limitation, the*** name ~~[,]~~ ***of the employee,*** dates called out due to illness, symptoms and diagnosis.

~~[➥ Communicable]~~

4. A cannabis consumption lounge shall report any communicable illnesses ~~[must be reported]~~ in accordance with NCCR 6.090 and ~~[NRS]~~ ***chapter*** 441A ~~[.]~~ ***of NRS.***

Sec. 88. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

As soon as practicable after the effective date of this regulation, the Cannabis Compliance Board will review any new edition of or revision to a publication adopted by reference in section 62 of this regulation that was published after June 20, 2024, and before the effective date of this regulation and, within 30 days after the completion of the review, determine whether the new edition or revision is appropriate for application in this State. If the Board does not approve a new edition of or revision to an adopted publication within 30 days after the completion of the review, the new edition or revision is deemed to be disapproved by the Board.

Sec. 89. NCCR 4.010, 4.135 and 12.065 are hereby repealed.

TEXT OF REPEALED SECTIONS

4.010 Applicability. NCCR 4 shall apply to disciplinary proceedings governed by NRS 678A.500 to 678A.640. Unless otherwise ordered by the Chair, this regulation shall apply to all such proceedings that are pending on the effective date of this regulation.

4.135 Disposition of charges: Adjudication by Board.

1. Prior to the adjudication, at least three members of the Board shall review a full transcript of the hearing or the phonographic recording of the hearing to ensure they have heard all the evidence presented and shall review the findings of fact and conclusions of law submitted after the hearing.

2. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Board agent or counsel for the Board to present a disciplinary recommendation and argument;

(b) The respondent or counsel of the respondent to present an argument, if they wish to, in opposition to or support of the disciplinary recommendation; and

(c) The Board may limit the time within which the parties and the complainant may make their arguments and statements.

3. At the conclusion of the presentations of the parties, the Board shall deliberate and may by a majority vote impose discipline based upon the evidence, findings of fact and conclusions of law and the presentations of the parties.

4. If the Board finds that a violation has occurred, it shall by order any and all discipline authorized by this Chapter and Title 56 of the NRS.

5. Within 30 days after the conclusion of the adjudication by the Board, the Board shall issue a final order, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

12.065 Cannabis treated with radiation. If any cannabis or cannabis product has been treated with radiation at any time, any and all packaging of the irradiated cannabis or cannabis

product must include labeling that contains the following statement: “NOTICE: This product contains ingredients that have been treated with irradiation” in bold lettering, along with the Radura symbol as used by the U.S. Food and Drug Administration.

JOE LOMBARDO
Governor

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Executive Director

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MAJ. GEN. ONDRA BERRY, (RET.)
Chair

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

INFORMATIONAL STATEMENT
LCB File No. R152-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 678A, 678B and 678D.

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

The Cannabis Compliance Board's update to this regulation is necessary to update and incorporate changes from the 2023 Legislative Session including clarifying definitions, establish new category violations, redefine and update existing category violations, and address issues regarding disciplinary actions, exemptions and collection of fees. Also included are changes to classify and improve packaging and advertising, possession and purchase limits, annual agent card costs, and wholesale cannabis distribution. The proposed revisions modify, clarify and update existing legal requirements to ensure regulatory compliance while strengthening protections for public health and safety.

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.

The Cannabis Compliance Board sent copies of the proposed regulations and notices of workshop and intent to act upon the regulations by electronic mail (ListServ) to the Board's general interested parties list, Legislative Counsel Bureau Regulation Notices, and Public Notices on Notice.nv.gov as follows:

Date of Notice	**Workshop or Hearing**	**Date of Meeting**	**# Persons Notified**	**# Persons Opened**
03/13/2024	Workshop	03/28/24	9699	3764
04/15/2024	Workshop	04/30/24	9799	3610
04/29/2024	Workshop	05/14/24	9850	3653
05/16/2024	Workshop	05/31/24	9953	3658
10/17/2025 and	Adoption Hearing	11/20/25	12306	5007
11/14/2025			12229	4410
06/12/2026	Adoption Hearing	06/18/26	12561	1825

Printed notices were posted at the following locations:

Nevada State Library
100 Stewart St.
Carson City, NV 89701

Legislative Building
401 S. Carson Street
Carson City, NV 89701

One Nevada
1 State of Nevada Way
Las Vegas, NV 89119

Cannabis Compliance Board
700 E. Warm Springs Rd. Suite 100
Las Vegas, NV 89119

Cannabis Compliance Board
3850 Arrowhead Dr., Suite 100
Carson City, NV 89706

Access to the proposed regulations, minutes, video recordings of the workshops and Adoption Hearings may be obtained on the Cannabis Compliance Board website at www.ccb.nv.gov or by emailing ccblicensing@ccb.nv.gov. Persons interested in the summary of public response regarding R152-24 may email ccblicensing@ccb.nv.gov for a copy of the following summary.

Summary of public responses and discussion:
Written comments were submitted to CCB prior to each workshop and are summarized as follows:

- **March 28, 2024, Workshop (NCCR 12)**
  Public comments primarily focused on proposed packaging, labeling, and advertising amendments. Commenters generally supported providing consumers with accurate product information while expressing concerns regarding implementation costs, operational impact, and potential unintended consequences of new labeling requirements. Several commenters requested flexibility in allowing existing packaging inventories to be exhausted, minimizing unnecessary waste, and permitting disclosures through alternative methods where appropriate. Consumer advocates emphasized transparency regarding post-harvest treatment of cannabis products and recommended that any remediation or microbial treatment be clearly disclosed on product labels to allow informed purchasing decisions.

- **April 30, 2024, Workshop (NCCR 5, 7, 11)**
  Public comments primarily focused on proposed laboratory testing, sampling, and operational requirements. Differing views were expressed on increasing cannabis lot sizes, balancing potential cost savings and operational efficiencies against concerns regarding sampling accuracy, public health, and impacts on smaller cultivators. Requests were made for greater flexibility in regulatory language, clearer guidance, and the continued use of established laboratory practices to avoid unintended compliance burdens. Additional comments addressed testing requirements, consumer safety, remediation, Certificates of

Analysis, and payment protections for laboratories, with an overall emphasis on maintaining public health while minimizing unnecessary operational impacts.

- **May 14, 2024, Workshop (NCCR 1, 4, and 6)**
  Comments largely supported efforts to align regulations with statutory changes enacted during the 2023 Legislative Session while recommending additional clarification throughout the proposed regulations. Stakeholders requested more precise definitions, greater consistency in regulatory terminology, clearer standards for enforcement, and guidance regarding disciplinary categories, inventory variances, reporting requirements, and operational expectations. Several comments also encouraged the Board to reduce unnecessary administrative burden while maintaining public health and safety protections.

- **May 31, 2024, Workshop (NCCR 12)**
  Comments reflected differing perspectives regarding product labeling and post-harvest treatment disclosures. Patient advocates generally supported mandatory labeling of treated cannabis products to promote consumer awareness and informed decision-making, while industry representatives expressed concerns regarding implementation costs, packaging waste, operational flexibility, and the potential impact of disclosure language on consumer perception. Additional recommendations included allowing electronic or supplemental disclosures, reducing unnecessary point-of-sale labeling requirements, and providing adequate implementation periods for packaging changes.

Overall Themes Across All 2024 Workshops
Across all workshop comment submissions, several recurring themes emerged. Commenters consistently supported regulations that promote public health, safety, and consumer transparency while requesting clear regulatory language, practical implementation timelines, and flexibility that minimizes unnecessary economic and administrative burdens. Many stakeholders also emphasized the importance of consistent definitions, transparent communication, and regulations that can be implemented efficiently without compromising consumer protections or regulatory oversight.

Summary of workshop discussions
Public comments were given, and discussion was held at each workshop, and is summarized as follows:

- **March 28, 2024, Workshop**
  Public comments primarily focused on proposed amendments related to packaging, labeling, advertising, and operational requirements. Stakeholders expressed concerns regarding implementation costs, packaging waste, and the potential burden associated with new labeling requirements. Additional comments emphasized the importance of consumer transparency, particularly regarding product treatment disclosures, while recommending reasonable implementation timelines and flexibility to reduce unnecessary impacts on licensees.

- **May 14, 2024, Workshop**
  Public comments generally supported efforts to update regulations to reflect statutory changes while requesting greater clarity and consistency throughout the proposed language. Stakeholders expressed concerns regarding regulatory ambiguity, administrative burden, reporting requirements, disciplinary provisions, and operational compliance. Several commenters recommended refining definitions, improving consistency across regulations, and providing additional guidance to facilitate compliance.

- **May 31, 2024, Workshop**
  Public comments reflected differing viewpoints regarding proposed labeling requirements for treated cannabis products. Some commenters supported enhanced disclosure to promote consumer awareness and informed purchasing decisions, while others expressed concerns regarding implementation costs, packaging impacts, and operational challenges. Additional comments recommended allowing flexible methods of disclosure, reducing duplicative requirements, and providing adequate time for regulated businesses to implement changes.

Overall Summary
Across all 2024 public workshops, recurring themes included requests for clear and consistent regulatory language, practical implementation timelines, and reduced administrative burden while maintaining strong public health, safety, and consumer protection standards. Stakeholders generally supported modernizing regulations but encouraged the adoption of flexible, clearly defined requirements that promote compliance, operational efficiency, and regulatory transparency.

Summary of public comments at adoption hearings:
Additional public comments were received at each adoption hearing, and are summarized as follows:

- **November 20, 2025, Adoption Hearing Summary:**
  Public comment primarily focused on proposed amendments affecting independent testing laboratory regulations, sample collection requirements, labeling provisions, and implementation timelines. Commenters expressed concern that several proposed changes differed from language previously presented during the public workshop process and may conflict with legislative intent. Stakeholders requested additional clarification regarding laboratory testing standards, certificates of analysis, sample size requirements, software and delivery platform language, labeling requirements, and implementation schedules. Several commenters recommended postponing adoption of portions of the regulations to allow for additional stakeholder review and workshops before final action.

Following public comment and Board discussion, members acknowledged that several provisions of the proposed laboratory regulations warranted additional review. The Board voted to postpone consideration of NCCR 11, Sections 61 through 73, for up to 60 days to allow further evaluation and stakeholder input, while approving the remaining regulatory amendments presented for adoption.

- **June 18, 2026, Adoption Hearing Summary:**
  Public comment generally supported the extensive work completed to update the proposed regulations while requesting clarification and refinement of several provisions before implementation. Stakeholders expressed concerns regarding the incorporation of scientific standards by reference, potential conflicts between proposed regulations and recently enacted legislation, sample size requirements for laboratory testing, branded merchandise provisions, post-harvest treatment approvals, and the potential costs associated with increased testing requirements. Several commenters emphasized the importance of clear regulatory language, practical implementation, and ensuring that licensees are not subject to conflicting statutory and regulatory requirements.

Board discussion focused primarily on the proposed increase in laboratory sample size from ten grams to twenty grams and whether amendments should be made prior to adoption. Members considered the scientific justification for the increase, the potential financial impact on licensees, and whether modifying the proposal at that stage of the regulatory process could delay adoption.

Following discussion, the Board determined that amending the proposal could significantly delay the rulemaking process and voted to adopt the regulations as presented without modification.

3. The number of persons who:

(a) Attended each hearing: November 20, 2025 – 23; June 18, 2026 - 22

(b) Testified at each hearing: November 20, 2025 – 4; June 18, 2026 - 7

(c) Submitted to the agency written comments:

- November 20, 2025: Eight attendees submitted written comments.
- June 18, 2026: Two attendees submitted written comments.

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.

The list of contact information for each person who attended, testified, or submitted written comment as provided to the agency is attached as Exhibit A.

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.

The Cannabis Compliance Board sent copies of the proposed regulations along with an electronic Small Business Impact Survey via the CCB website as well as ListServ notices as follows:

Date of Notice	Due Date for Survey	Date of Workshop	# Persons Notified	# Persons Opened
02/29/2024	03/10/2024	03/28/2024	9701	3941
03/22/2024	04/07/2024	04/30/2024	9732	3857
04/11/2024	04/21/2024	05/14/2024	9806	3780
05/16/2024	05/23/2024	05/31/2024	9953	3754

The summary of comment received is attached as R152-24B. Persons interested in obtaining a summary of the Small Business Impact Statements may email ccblicensing@ccb.nv.gov and include in the subject line "SBIS Summary 2024".

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.

File R152-24 RP1 was adopted as is by the CCB Board on June 18, 2026, and the file included changes discussed at the workshops.

7. 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 each case must include:

(a) Both adverse and beneficial effects; and

(b) Both immediate and long-term effects.

(a) Both adverse and beneficial effects on the cannabis industry:

Adverse effects: The Agency estimates that the proposed regulations will not have an adverse economic effect on the cannabis industry or the public. The revisions update existing regulations and reduce certain financial and regulatory requirements, resulting in less burdensome compliance obligations. These changes are not expected to impose substantial costs or operational burdens on the cannabis industry. Additionally, most, if not all, licensed cannabis establishments in Nevada qualify as small businesses; therefore, any economic impacts are attributable to market competition rather than the size of the business.

Beneficial effects: The Agency estimates that the proposed regulations will provide beneficial economic effects on the cannabis industry by streamlining labeling requirements, reducing replacement agent card fees, and clarifying testing requirements, thereby lowering compliance costs and increasing regulatory certainty. The revised enforcement provisions reduce civil penalties and investigation costs, establish a progressive disciplinary framework, and strengthen efforts to combat the illicit market, supporting fair competition and the continued growth of Nevada's legal cannabis industry. Similarly, clearer testing and labeling requirements and disincentives to the illicit market bolster public benefit by increasing regulatory certainty and decreasing access to unsafe products.

(b) Both immediate and long-term effects

Immediate effects: The proposed regulations are expected to have no adverse economic effect on small businesses and are anticipated to provide overall economic and regulatory benefits. In the immediate term, regulated cannabis businesses will benefit from streamlined labeling requirements, reduced replacement cannabis agent card fees, clarified testing standards, and reduced compliance and enforcement costs. The public is expected to benefit from clearer regulatory standards, improved product quality and safety, and a regulatory framework that promotes compliance and consumer confidence.

Long-term effects: Over the long term, the regulations are expected to improve regulatory consistency, promote fair competition, enhance confidence in testing and product safety, and support a stable, compliant legal cannabis market. The public is expected to benefit from clearer regulatory standards, improved product quality and safety, and a regulatory framework that promotes compliance and consumer confidence.

8. The estimated cost to the agency for enforcement of the proposed regulation:

The proposed regulations present no significant foreseeable or anticipated cost or decrease in costs to the Cannabis Compliance Board.

9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap 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 regulation of other state or local governmental entities.

10. If the regulation includes provisions that are more stringent than a federal regulation that 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.

The proposed regulations do not provide a new fee or increase existing fees.

EXHIBIT A

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.

Adoption Hearing November 20, 2025

Cannabis Compliance Board Deputy Director Michael Miles
Kara Cronkhite, Chief of Health and Safety, Cannabis Compliance Board
Senior Deputy Attorney General Allison Herr represented the Cannabis Compliance Board

1. **Layke Martin** on behalf of the Nevada Cannabis Association
   702-483-7255
2. **Amanda Connor** of Connor & Connor PLLC
   2580 Anthem Village Dr, Henderson NV 702-750-9139
3. **Kimberly Maxon-Rushton** on behalf of RSR Analytical Laboratories
   krushton@cooperlevenson.com 702-832-1900
4. **Logan Wilson** of Jennings & Fulton on behalf of 374 Labs, G3 Labs, M&A Associates, ERP, NV Cann Labs, RSR Analytical Laboratories, DPL Nevada LLC
   2580 Sorrel St, Las Vegas, NV 89146 702-979-3565

Adoption Hearing June 18, 2026

Cannabis Compliance Board Executive Director Michael Miles
Cannabis Compliance Board Deputy Director Steve Gilbert
Lyn Kogler, Lab Compliance Supervisor, Cannabis Compliance Board
Senior Deputy Attorneys General Emily Bordelove and Matthew Feeley represented the Cannabis Compliance Board.

1. **Will Adler**, representing Silver State Government Relations
   204 N. Minnesota St., St. J, Carson City, NV 89703 775-636-3350
2. **Adora Williams** of Caliente Extracts
3. **Amber Jansen** representing Talkin and Tokin
4. **Gerardo Gonzalez** representing Talkin and Tokin
5. **Layke Martin** on behalf of the Nevada Cannabis Association
   702-483-7255
6. **Amanda Connor** of Connor & Connor PLLC
   2580 Anthem Village Dr, Henderson NV 702-750-9139
7. **Adam Fulton** of Jennings & Fulton on behalf of Digipath Labs, MA Associates, NV Cann Labs, RSR Analytical, Ace Analytical Laboratories, 374 Labs and G3 Labs
   2580 Sorrel St, Las Vegas, NV 89146 702-979-3565

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STATE OF NEVADA

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JOE LOMBARDO
Governor

JAMES HUMM
Executive Director

MICHAEL MILES
Deputy Director

ADRIANA GUZMÁN FRALICK
Chair

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233.B.0608

Nevada Cannabis Compliance Regulations

1. Background

The Nevada Cannabis Compliance Board (CCB) held a public meeting for solicitation of input at 700 E. Warm Springs Road, Suite 150, Las Vegas, Nevada beginning at 1:00 p.m. on January 31, 2024. Teleconference participation for the meeting was also available via Zoom for members of the public and CCB Board members.

Solicitation of Input for Possible Amendments to Nevada Cannabis Compliance Regulations ("NCCR") 1 through 15 was garnered and included written comments and public comments by industry members who provided input on regulation 12 during the meeting. The proposed revisions reflect the input received during the public meeting and submitted via written comment.

The Cannabis Compliance Board drafted proposed regulation changes to Nevada Cannabis Compliance Regulations ("NCCR") 4, 5, 6, 7, 12, and 13 to clarify, reduce, and improve packaging and advertising, possession and purchase limits, annual agent card costs, and wholesale cannabis distribution regulations pursuant to 678A-D.

Consideration and review of public comment received during workshops held on April 30 and May 14, 2024, resulted in additional proposed amendments to NCCR 12.

2. A 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 January 31, 2024, the Cannabis Compliance Board ("Agency") held a meeting to gather Solicitation of Input from the public for possible amendments to Nevada Cannabis Compliance Regulations ("NCCR") 1 through 15, and all public comment was considered.

On February 29, 2024, the Cannabis Compliance Board ("Agency") prepared and disseminated draft language for changes to NCCRs 4, 5, 6, 7, 13 and specifically:

- Regulation 12. Packaging and Labeling of Cannabis

The Agency distributed a fifteen-question small business survey to seek input and information from small businesses to gauge what impact proposed language would have on their businesses. The notice of workshop, proposed language, and survey were posted on the CCB website. The survey and a link to the proposed language was distributed as follows:

- Distributed via Agency Listserv to 8,596 members of the public and members of the cannabis industry
- Emailed by the Nevada Cannabis Association and Chamber of Cannabis to its list of interested parties
- Posted on Agency and local chamber social media

The first questionnaire was open for ten (10) days. In that time frame, 20 people completed the survey.
Many of the respondents did not provide additional comments beyond indicating whether the regulations would have adverse or beneficial effects. Nongermane comments were omitted from the results.

On May 16, 2024, the Cannabis Compliance Board ("Agency") prepared and disseminated draft language for the new proposed changes to NCCR 12 and distributed a second fifteen-question small business survey to garner input from small businesses regarding the revised language. The second notice of workshop, proposed language, and survey were posted on the CCB website. The survey and a link to the proposed language was also distributed as follows:

- Distributed via Agency Listserv to 9,953 members of the public and 533 members of the cannabis industry.

Responses provided the following major themes:
- **Concerns on the burden imposed by additional packaging changes**
- **Desire for a transition period and additional guidance regarding updates**
- **Concerns on the burden imposed by requiring an irradiation disclosure.**

69% of respondents identified themselves as owners/officers.

91% of respondents identified as having less than 150 employees. Three respondents identified as having more than 150 employees and did not participate in the remainder of the survey.

36% of survey respondents indicated the proposed change to the regulations would result in direct or indirect **adverse** economic impact to their business.

25% of survey respondents indicated the proposed change to the regulations would result in direct **beneficial** impact to their business.

14% of survey respondents indicated the proposed change to the regulations would result in indirect **beneficial** impact to their business.

Adverse Impact

56% responded no or unsure/not affected 43% responded yes.

Explanations included:

- A desire for a transition period to incorporate new packaging requirements.
- Expressed concerns with having to include a disclosure regarding irradiation treatment(s).
- Expressed concerns about burdens imposed by implementing packaging changes.
- Additional comments were not related to proposed regulation changes but related to the ability of non-license holders to enter the cannabis market or compete in the market (i.e., smoke shops).

Indirect Adverse Impact

72% answered no or unsure/not affected, 28% responded yes.

Explanations included:

- Concern about the burdens or potential conflicts imposed by implementing packaging changes.
- The potential for consumer confusion due to the addition of irradiation disclosure.

Beneficial Impact

75% responded no or unsure/not affected 25% responded yes.

Explanations included:

- A positive impact for the cannabis establishments who do not use irradiation devices.
- The proposed changes will help streamline compliance labels.
- Increased transparency.

Indirect Beneficial Impact

83% responded no or unsure/not affected, 17% responded yes.

Explanations included:

- Increased consumer knowledge and education.
- Increased transparency from cannabis establishments regarding processes used.

Anyone interested in obtaining a copy of the summary of responses can contact:

Attn: Small Business Impact Summary
Cannabis Compliance Board
700 E. Warm Springs Road #100
Las Vegas, Nevada 89119
Email: regulations@ccb.nv.gov

3. **The manner in which the analysis was conducted, including the methods used to determine the impact of the proposed regulation on small businesses.**

The Agency used informed, reasonable judgment in determining that there would not be an impact on small businesses due to the nature of the regulation changes. The proposed permanent regulations make minor changes to requirements already established and in place by license holders.

The Agency analyzed the written responses from both Small Business Impact Surveys, public comment from the January 31, 2024, solicitation of input meeting, workshops held on February 29, 2024, and May 16, 2024, and additional public comment to determine the likely impact of the proposed permanent regulations on small businesses. This analysis included categorizing responses to identify themes and the frequency with which impacts were named. The Agency also looked at issues named with less frequency but could potentially have impact. The Agency has determined that there will be no adverse impacts to small businesses after making these revisions.

4. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate:**

Direct and indirect adverse effects

The Agency finds that there is no adverse economic effect on small business.

The changes make updates to existing regulations as well as lessening requirements upon small businesses in a manner that would not impose substantial burdens.

It is also important to note that most, if not all, of the existing legal cannabis establishments in Nevada qualify as small businesses, so the impacts are not the result of existing as a small business but rather being in a competitive context with large businesses and corporations.

Direct and indirect beneficial effects

The Agency anticipates that those cannabis businesses that may be impacted will realize the beneficial economic impacts by the streamlined labeling requirements made by the updated regulations.

5. **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 agency considered the feedback from the public and determined that revisions to the proposed language were not necessary to reduce the impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulations.**

The proposed permanent regulations present no significant foreseeable or anticipated cost or decrease in costs for enforcement. The proposed changes merely make minor updates to regulations that are already in effect.

7. **If the proposed regulations provide a new fee or increases to existing fees, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulations do not increase or introduce new fees.

8. **If the proposed regulations include 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 permanent regulations do not overlap or duplicate any regulation of other federal, State or local governmental entities, but does reference regulatory authority granted by NRS 678A through NRS 678D.

9. **The reasons for the conclusion of the agency regarding the impact of these regulations on small businesses.**

The Agency has determined that there will be no adverse impacts to small cannabis businesses after revising the proposed permanent language based on comments received. Conversely, the Agency has determined that there will be beneficial impacts to small cannabis businesses based on the small changes required by the proposed updates to existing frameworks. In addition, expressed comments for and against the changes were nearly equally represented.

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

Dated this 20th day of July 2026.



Michael Miles
Executive Director
Nevada Cannabis Compliance Board

To receive a printed copy of this Small Business Impact Statement, contact:

Attn: Small Business Impact Summary – 5/23/24
Cannabis Compliance Board
700 E. Warm Springs Road #100
Las Vegas, Nevada 89119
Email: regulations@ccb.nv.gov

ADOPTED REGULATION OF THE STATE LIBRARY,

ARCHIVES AND PUBLIC RECORDS ADMINISTRATOR

LCB File No. R199-24

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

AUTHORITY: §§ 1-5, NRS 379.0073 and 379.0087; §§ 6-9, NRS 379.0073.

A REGULATION relating to public libraries; revising procedures relating to the program of certification for certain librarians; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Library, Archives and Public Records Administrator to adopt regulations establishing standards and qualifications for the certification of personnel of public libraries. (NRS 379.0073) Existing regulations establish a program for certifying librarians of public libraries which is applicable if the program is approved by the governing authority of a public library and the librarian does not hold a master's degree in library science from an institution accredited by the American Library Association. (NRS 379.0073; NAC 379.010-379.040)

Existing regulations require an applicant for certification as a librarian to hold: (1) a bachelor's degree and have at least 2 years of library experience; (2) an associate's degree and have at least 4 years of library experience; or (3) a high school diploma or general equivalency diploma and have at least 7 years of library experience. (NAC 379.020) **Section 7** of this regulation additionally authorizes an applicant with a master's degree who does not have any library experience to qualify for certification and decreases from 7 to 6 the years of library experience required by an applicant with a high school diploma or general equivalency diploma.

Existing regulations also require an applicant for certification as a librarian to have completed at least 21 semester hours of credit from an accredited college or university which include instruction in certain subjects relating to library science. (NAC 379.020) **Section 7** additionally authorizes an applicant to complete 315 hours of continuing education in courses relating to certain library subjects, or a combination of semester credit hours and hours of continuing education, to qualify for certification.

Finally, existing regulations require an applicant for certification as a librarian to submit to the Administrator a completed application accompanied by copies of academic transcripts and a letter of recommendation. (NAC 379.020) **Section 7** removes the requirement that the applicant submit a letter of recommendation and additionally requires the applicant to submit certain other documents, including those relating to completed courses of continuing education and years of library experience, if applicable.

Existing regulations require the holder of a certificate as a librarian to renew the certificate every 3 years. (NAC 379.030) **Section 8** of this regulation generally requires the holder to renew the certificate every 5 years. However, if the holder has twice, consecutively

renewed the certificate, **section 8** provides that the certificate is valid without renewal unless otherwise revoked or suspended by the Administrator.

Existing regulations require an applicant for a renewed certificate as a librarian to submit to the Administrator proof that the applicant has completed: (1) three semester credits for courses of continuing education approved by the governing authority of the public library; (2) five units of continuing education as established by a continuing education division of the University of Nevada, Reno, or the University of Nevada, Las Vegas; or (3) any combination of the semester credits and units of continuing education. (NAC 379.030) **Section 8** requires an applicant for a renewed certificate to submit to the Administrator a completed application accompanied by academic transcripts or certificates of completion proving that the applicant has completed: (1) three semester credit hours in courses from an accredited college or university in certain library subjects; (2) forty-five hours of continuing education in courses relating to certain library subjects; or (3) any combination of semester credit hours or hours of continuing education.

Existing law also authorizes the Administrator to adopt regulations governing the issuance of a conditional certificate as a librarian to persons who have not completed all of the requirements governing the course of study or other requirements for certification as a librarian. (NRS 379.0073) Existing regulations require an applicant for a conditional certificate to submit an application which is accompanied by academic transcripts, a letter of recommendation and proof that the applicant has completed a specified amount of the semester hours of credit required for full certification. (NAC 379.020, 379.040) **Section 9** of this regulation removes the requirement that the applicant for conditional certification submit a letter of recommendation. Additionally, **section 9** makes similar changes to those relating to the academic courses and courses of continuing education required for full certification under **section 7** for the purpose of authorizing the conditional certification of a person who has only completed a specified amount of the academic courses or courses of continuing education, or a combination thereof, required for certification as a librarian.

Finally, existing law requires the Administrator to adopt regulations setting forth the standards for approving a course of study or training used to qualify a person for certification as a librarian. (NRS 379.0087) **Section 5** of this regulation requires the academic courses and courses of continuing education used to satisfy the requirements for initial, renewed or conditional certification as a librarian pursuant to **sections 7-9** to contain instruction in library core competencies. **Section 7** also specifically requires a person applying for initial certification to have taken at least one academic course or 15 hours of continuing education in each library core competency. Additionally, **section 5** requires the Administrator to preapprove all academic courses and courses of continuing education used to satisfy the requirements for initial, renewed or conditional certification and establishes the application process for receiving preapproval of the courses.

Section 3 of this regulation defines "accredited college or university" and **section 4** of this regulation defines "library core competency." **Section 6** of this regulation makes a conforming change relating to the applicability of **sections 2-5** of this regulation.

Section 1. Chapter 379 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *As used in NAC 379.020, 379.030 and 379.040, and sections 2 to 5, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *"Accredited college or university" means a college or university that is accredited by a national or regional accrediting agency that is recognized by the Office of Postsecondary Education of the United States Department of Education.*

Sec. 4. *"Library core competency" means:*

1. Library administration;

2. Collection and information management;

3. Technology and digital services;

4. Patron engagement and user services;

5. Professional skills and competencies; or

6. Specialized library services.

Sec. 5. *1. Before a person submits an application for certification pursuant to NAC 379.020, 379.030 or 379.040, the person must submit an application to the State Library, Archives and Public Records Administrator for the approval of any academic course or course of continuing education that will be used by the person to satisfy the academic course or continuing education requirements described in subsection 1 of NAC 379.020, subsection 3 of NAC 379.030 or subsection 1 of NAC 379.040.*

2. The State Library, Archives and Public Records Administrator shall approve a course that includes instruction in a library core competency.

3. If an applicant for a certificate described in NAC 379.020, 379.030 or 379.040 uses a combination of semester credit hours and hours of continuing education to satisfy the

requirements of subparagraph (3) of paragraph (c) of subsection 1 of NAC 379.020, subparagraph (3) of paragraph (a) of subsection 3 of NAC 379.030 or subparagraph (3) of paragraph (c) of subsection 1 of NAC 379.040, as applicable, 1 semester credit hour is equal to 15 hours of continuing education for the purpose of calculating compliance with those provisions.

Sec. 6. NAC 379.010 is hereby amended to read as follows:

379.010 1. ***The program of certification set forth in*** NAC 379.020, 379.030 and 379.040 ~~[do]~~ ***and sections 2 to 5, inclusive, of this regulation does*** not apply to a public library unless approved for use by the governing authority of the public library.

2. Upon approval by the governing authority of a public library, the program of certification set forth in NAC 379.020, 379.030 and 379.040 ***and sections 2 to 5, inclusive, of this regulation*** provides for the certification of a librarian in a public library. This program of certification is not applicable to a person who holds a master's degree in library science from an institution accredited by the American Library Association.

3. If a governing authority of a public library adopts an alternative program of certification, the governing authority may submit the alternative program to the State Library ***,*** ~~[and]~~ Archives ***and Public Records*** Administrator for review and approval. The State Library ***,*** ~~[and]~~ Archives ***and Public Records*** Administrator ~~[will]~~ ***shall*** not approve an alternative program unless that program meets or exceeds the requirements of the program of certification set forth in NAC 379.020, 379.030 and 379.040 ~~[.]~~ ***and sections 2 to 5, inclusive, of this regulation.***

Sec. 7. NAC 379.020 is hereby amended to read as follows:

379.020 ***1.*** To be certified by the State Library ***,*** ~~[and]~~ Archives ***and Public Records*** Administrator as a librarian, a person must:

~~[1.]~~ ***(a)*** Submit to the State Library ***,*** ~~[and]~~ Archives ***and Public Records*** Administrator a completed application ***for certification*** which is accompanied by:

~~[(a)]~~ ***(1)*** Copies of academic transcripts; ~~[and~~

~~(b) A letter of recommendation.~~

~~2.]~~ ***(2) Copies of certificates of completion for courses of continuing education, if applicable;***

(3) Proof of library experience, if applicable; and

(4) Any other documentation required by chapter 379 of NRS.

(b) Hold:

~~[(a)]~~ ***(1) A master's degree;***

(2) A bachelor's degree and have at least 2 years of library experience;

~~[(b)]~~ ***(3)*** An associate's degree and have at least 4 years of library experience; or

~~[(c)]~~ ***(4)*** A high school diploma or general equivalency diploma and have at least ~~[7]~~ ***6*** years of library experience.

~~[3. Have]~~

(c) Subject to subsection 2, have completed at least ~~[21]~~ ***:***

(1) Twenty-one semester ***credit*** hours ~~[of credit]~~ from an accredited college or university ~~[which include instruction in each of the following subjects:~~

~~(a) Organization and administration of a library.~~

~~(b) The cataloging and classifying of materials for a library.~~

~~(c) Reference, bibliography and service.~~

~~(d) The selection of materials for a library.~~

~~(e) Literature for children and young adults.~~

~~(f) The use and selection of educational media and audiovisual equipment.~~

~~(g) The use of computers in a library and in the study of library science.]~~ ***in courses which have been approved by the State Library, Archives and Public Records Administrator in accordance with section 5 of this regulation;***

(2) Three hundred fifteen hours of continuing education in courses which have been approved by the State Library, Archives and Public Records Administrator in accordance with section 5 of this regulation; or

(3) An equivalent combination of the semester credit hours and hours of continuing education described in subparagraphs (1) and (2).

2. A person applying for certification as a librarian must complete at least one academic course or 15 hours of continuing education, as applicable, in each library core competency described in subsections 1 to 6, inclusive, of section 4 of this regulation.

Sec. 8. NAC 379.030 is hereby amended to read as follows:

379.030 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, the holder of a*** certificate as a librarian ~~[is valid for 3]~~ ***shall renew the certificate every 5*** years **.** ~~[after the date on which it is issued.]~~

2. A certificate as a librarian that is twice, consecutively renewed is valid without renewal unless revoked or suspended by the State Library, Archives and Public Records Administrator.

3. To renew ~~[such]~~ a certificate ~~[,]~~ ***as a librarian,*** a person must submit to the State Library **,** ~~[and]~~ Archives ***and Public Records*** Administrator ~~[proof that]~~ ***a completed application for renewal accompanied by:***

(a) Copies of any academic transcripts or certificates of completion for courses of continuing education that prove that the person has completed satisfactorily:

~~[(a)]~~ ***(1)*** Three semester ~~[credits for]~~ ***credit hours in*** courses ~~[of continuing education]~~ ***from an accredited college or university*** which have been approved by the ~~[governing authority of the public library;~~

~~(b) Five units]~~ ***State Library, Archives and Public Records Administrator in accordance with section 5 of this regulation;***

(2) Forty-five hours of continuing education ~~[as established by a continuing education division of the University of Nevada, Reno or the University of Nevada, Las Vegas;]~~ ***in courses which have been approved by the State Library, Archives and Public Records Administrator in accordance with section 5 of this regulation;*** or

~~[(c)]~~ ***(3)*** Any combination of ~~[paragraphs (a)]~~ ***the semester credit hours or hours of continuing education described in subparagraphs (1)*** and ~~[(b).~~

~~2.]~~ ***(2); and***

(b) Any other documentation required by chapter 379 of NRS.

4. The ~~[proof]~~ ***application and documentation*** required by subsection ~~[1]~~ ***3*** must be received by the State Library ***,*** ~~[and]~~ Archives ***and Public Records*** Administrator before the expiration date of the person's certificate.

Sec. 9. NAC 379.040 is hereby amended to read as follows:

379.040 1. The State Library ***,*** ~~[and]~~ Archives ***and Public Records*** Administrator ~~[will]~~ ***shall*** issue a conditional certificate as a librarian to a person who ***:*** ~~[submits:]~~

(a) ~~[A]~~ ***Submits a*** completed application ***for a conditional certification*** which is accompanied by:

(1) Copies of academic transcripts; ~~[and]~~

(2) ~~[A letter of recommendation.~~

~~(b) Proof that the person has completed at least 15 of the 21 semester hours of credit required pursuant to NAC 379.020.~~] ***Copies of certificates of completion for courses of continuing education, if applicable;***

(3) Proof of library experience, if applicable; and

(4) Any other documentation for certification as a librarian required by chapter 379 of NRS;

(b) Holds the academic degree and library experience, as applicable, required by NAC 379.020; and

(c) Has completed at least:

(1) Fifteen of the 21 semester credit hours required by NAC 379.020;

(2) Two hundred twenty five of the 315 hours of continuing education required by NAC 379.020; or

(3) Any combination of the semester credit hours and hours of continuing education described in subparagraphs (1) and (2).

2. ~~[To obtain certification as a librarian, a~~] ***A*** person who holds a conditional certificate pursuant to subsection 1 must complete the remaining requirements for certification prescribed in NAC 379.020 ***and apply for certification as a librarian pursuant to NAC 379.020*** within 5 years after issuance of the conditional certificate.

Joe Lombardo
Governor

Joy Grimmer
Director

Mandy Hagler
Deputy Director

Mike Strom
Division Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Nevada State Library, Archives and Public Records

100 N. Stewart Street | Carson City, NV 89701
Phone: (775) 684-3339 | TDD: (775) 687-8338 | Fax: (775) 684-3311

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066 for LCB File R199-24RP2

The following statement as required by NRS 233B.066 is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 379 as follows:

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

   The previous regulation created significant barriers for library professionals seeking certification, as it was based on outdated library science coursework from the University of Nevada, which is no longer available. Updating the NAC ensures that certification pathways are realistic, accessible, and aligned with modern educational opportunities.

   The adopted regulation updates librarian certification by expanding professional learning options, streamlining documentation, and introducing flexible pathways that maintain alignment with legal and professional standards. In accordance with Governor Lombardo's 3-Year Plan to reduce barriers to professional licensing, the revisions include standardized application processes, experience verification, background checks, and adjusted renewal timelines—supporting a qualified and well-prepared library workforce.

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.**

   Fifteen days prior to the workshop and 30 days prior to the public hearing, copies of the proposed regulation, 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, as well as any individuals or agencies who had specifically requested such notice. This included all library directors at public libraries in Nevada and the members of the Nevada State Council on Libraries and Literacy. These documents were also

posted at the following locations:

- The Nevada State Library, Archives and Public Records Division's website: https://nsla.nv.gov/AdministrativeRegulations
- The State of Nevada website: www.notice.nv.gov
- The Nevada State Legislature website: https://www.leg.state.nv.us/App/Calendar/A/

Additionally, the information was physically posted at the Nevada State Library, Archives and Public Records, located at 100 N. Stewart St, Carson City, NV 89701.

The Division held a Public Workshop to solicit comments on the proposed regulation on August 14, 2025. Before and after the Public Workshop, the Division invited members of the public to submit written public comments. No persons provided testimony at the hearing. The minutes of that meeting, posted at https://nsla.nv.gov/AdministrativeRegulations, contain a summary of the discussion.

The Division held a Public Adoption Hearing, after issuing a Notice of Intent to Act Upon a Regulation, LCB File R199-24RP2 on July 6, 2026. Before and after the Public Workshop, the Division invited members of the public to submit written public comments. No persons provided testimony at the hearing. The minutes of that meeting, posted at https://nsla.nv.gov/AdministrativeRegulations, contain a summary of the public comments.

Copies of the workshop and hearing minutes, which contain summaries of the public comments, and other documents related to the proposed regulation may be obtained from the Nevada State Library, Archives and Public Records, 100 N. Stewart St, Carson City, Nevada 89701, 775-687-3373, or email to nenafresia@admin.nv.gov.

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

   a) Attended the workshop (6) and Hearing (5)
   b) Testified at the workshop (0) and Hearing (0)
   c) Submitted Written Statements for Workshop (0) and Hearing (0).

4. **For each person identified in paragraphs (c), (d), or (e) of number 3 above, the following information name, telephone number, business address, business telephone number, email address, and name of entity or organization represented:**

   No written or public comments were given.

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:**

   This regulation regulates public librarian certification and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory

workshop agenda and notice 15 days prior to the workshop. No written or public comments were given.

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 July 6, 2026 without change, as no public or written comments or suggestions for revision were received during the review process. Additionally, the regulation had been previously reviewed and approved by the division's Deputy Attorney General, confirming its compliance with legal standards and readiness for implementation.

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**

   Effect on Businesses

   The Division considered the purpose and scope of the proposed regulation and determined that it will not have either an adverse or beneficial impact on businesses, as they speak to actions historically between Nevada's public libraries and the Division. There will be no direct or indirect costs to regulated or small businesses.

   Effect on Public

   The Division anticipates the regulation to have an indirect beneficial effect on the public by supporting a qualified library workforce that will enhance library services within their community. The Division has not identified any adverse effects of the regulation. There will be no direct or indirect costs to the public.

   b) **Immediate and long-term effects**

   Effect on Businesses

   The Division does not anticipate any immediate or long-term effect, either adverse or beneficial, on regulated or small businesses as a result of this regulation. There will be no direct or indirect costs to regulated or small businesses.

   Effect on Public

   The Division anticipates the regulation to have an indirect, long-term beneficial effect on the public by supporting a qualified library workforce that will enhance library services within their community. The Division has not identified any adverse effects of the regulation. There will be no direct or indirect costs to 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.**

   This regulation does not include provisions which duplicate or are more stringent than 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 include provisions which duplicate or are more stringent than federal, state or local standards regulating 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 for a new fee or increase an existing fee.

Dated this 17th day of July, 2026.

NEVADA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS

By: _____

Mike Strom,
Administrator, Nevada State Library, Archives and Public Records
100 N. Stewart St
Carson City, NV 89701

Joe Lombardo
Governor

Joy Grimmer
Director

Mandy Hagler
Deputy Director

Mike Strom
Division Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Nevada State Library, Archives and Public Records

100 N. Stewart Street | Carson City, NV 89701
Phone: (775) 684-3339 | TDD: (775) 687-8338 | Fax: (775) 684-3311

SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NEVADA ADMINISTRATIVE CODE (NAC) Chapters 379
RE: The Nevada State Library, Archives and Public Records of Regulations pertaining to NAC 379

I, Mike Strom, Administrator of the Nevada State Library, Archives and Public Records, Division of the Department of Administration, do hereby certify that, to the best of my knowledge or belief, these regulations do not apply to any small business. The proposed modifications to existing regulations pertain to the certification of Nevada public librarians and speak to actions historically between Nevada's public libraries and the Division. In determining the impact of the proposed regulation on small businesses, the Division reviewed the proposed changes and evaluated whether the requirements would impose any direct obligations, costs, or administrative burdens on small businesses. Based on this review, the Division determined that the proposed regulation does not impact small businesses.

I also 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 the statement is accurate.

If any additional information is required, please do not hesitate to contact Assistant Administrator Sulin Jones at sulinjones@admin.nv.gov.

Respectfully submitted,

Mike Strom, Administrator
July 22, 2026

2025

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

September 24, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2025 REGULATIONS		
R029-25	**424**	**DIVISION OF CHILD AND FAMILY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES** A REGULATION revising various provisions relating to foster homes **CONTACT Amber Howell (775) 684-4446** **ahowell@dcfs.nv.gov**
R043-25	**483**	**DEPARTMENT OF MOTOR VEHICLES** A REGULATION revising fees relating to the productions of drivers' licenses **CONTACT Martin Hefner (775) 684-4773** **mhefner@dmv.nv.gov**
R052-25	**522**	**DIVISION OF MINERALS OF THE COMMISSION ON MINERAL RESOURCES** A REGULATION revising various provisions relating to natural resources **CONTACT Rob Ghiglieri (775) 684-7048** **rghiglieri@minerals.nv.gov**
R065-25	**604A/675**	**COMMISSIONER OF FINANCIAL INSTITUTIONS** A REGULATION establishing provisions relating to licensure **CONTACT Mary Young (702) 486-6731** **mmyoung@fid.state.nv.us**
R069-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to endorsements (SB 400, 2025) **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R071-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to professional administrators (AB 81 and SB 49, 2025) **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**

R074-25	**232**	**DIRECTOR OF THE DEPARTMENT OF BUSINESS AND INDUSTRY** A REGULATION establishing provisions relating to the Office of Nevada Boards, Commissions and Councils Standards **CONTACT Amanda Flocchini (702) 486-3755** **AJFlocchini@business.nv.gov**
R085-25	**388D**	**DEPARTMENT OF EDUCATION** A REGULATION establishing provisions relating to assessments administered by private schools **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R096-25	**656**	**CERTIFIED COURT REPORTERS' BOARD OF NEVADA** A REGULATION revising provisions relating to remote proceedings, fees and transcripts **CONTACT Debbie Uehara (702) 489-8787** **nvccrb@gmail.com**
R111-25	**630**	**BOARD OF MEDICAL EXAMINERS** A REGULATION revising various provisions relating to health care **CONTACT Sarah Bradley (775) 324-9365** **bradleys@medboard.nv.gov**
R112-25	**630**	**BOARD OF MEDICAL EXAMINERS** A REGULATION revising provisions relating to limited licenses (SB 124, 2025) **CONTACT Sarah Bradley (775) 324-9365** **bradleys@medboard.nv.gov**
R117-25	**616C/616D**	**ADMINISTRATOR OF THE DIVISION OF INDUSTRIAL RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY** A REGULATION revising various provisions relating to industrial insurance **CONTACT Amber Williams (702) 486-9072** **amwilliams@dir.nv.gov**

R029-25

ADOPTED REGULATION OF THE

DIVISION OF CHILD AND FAMILY SERVICES

OF THE DEPARTMENT OF HUMAN SERVICES

LCB File No. R029-25

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

AUTHORITY: §§ 1-14 and 17-40, NRS 424.020; §§ 15 and 16, NRS 424.020 and 424.045.

A REGULATION relating to foster homes; providing for the licensure of relative foster homes separate from family foster homes; establishing requirements governing the operation of relative foster homes and duties of relative foster parents; removing certain inspections, training and duties applicable to a foster home; authorizing a local fire department to perform certain inspections of a foster home; revising certain terminology; revising requirements for a foster home to establish financial solvency; requiring foster parents and the staff of a family foster home to comply with a certain standard; revising the number and type of references a licensing authority is to receive for an adult who provides foster care; authorizing a foster home to provide an alternative safety plan for an empty water feature or standing body of water instead of a fence under certain circumstances; revising requirements governing certain adults who stay in a foster home; increasing the time that a child may be away from a foster home for a vacation without prior approval; revising requirements relating to the immunization of certain persons in a family foster home; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Child and Family Services of the Department of Human Services to adopt regulations governing the licensure of family foster homes and to establish reasonable minimum standards for such foster homes. (NRS 424.020) Existing law provides that the licensing authority for foster homes is: (1) in a county whose population is 100,000 or more (currently Clark and Washoe Counties), the agency which provides child welfare services; and (2) in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the Division. (NRS 424.016) Existing federal regulations authorize an agency to establish foster family home licensing standards for relative or kinship foster family homes that are different from the licensing standards for nonrelative foster family homes. (45 C.F.R. § 1355.20) **Sections 2-23** of this regulation provide for the separate licensure and regulation of relative foster homes. **Section 5** defines "relative foster home" to mean a family foster home that a relative foster parent is licensed to operate. **Section 6** defines "relative foster parent" to mean a foster parent who is: (1) related to the foster child by blood, marriage, tribal custom or adoption; or (2) a fictive kin to the foster child. **Sections 2-4, 7 and 8**

define other terms used throughout this regulation and **sections 24, 32, 35 and 39** of this regulation make conforming changes to ensure defined terms apply consistently throughout chapter 424 of the Nevada Administrative Code.

Section 10 authorizes a relative foster parent to apply for a license to operate a relative foster home by submitting a completed application to the licensing authority. **Section 11** requires the licensing authority representative to inspect each relative foster home before initial licensing, at least once a year thereafter and at other times as necessary. **Section 12** requires a licensing authority to ensure that a relative foster home meets certain requirements before issuing a license. **Section 13** requires the license for a relative foster home to include certain information and sets forth when the license becomes invalid. **Section 14** prescribes the procedure for a relative foster home to apply for the renewal of its license. **Section 14** also authorizes 90 days for a relative foster home to comply with changes to certain applicable fire and life safety codes. **Section 15**: (1) requires a licensing authority to investigate a relative foster home that the licensing authority has reason to believe is not conforming to applicable requirements; and (2) authorizes the licensing authority to take certain actions against the relative foster home if the licensing authority finds that the relative foster home is not conforming to such requirements. **Section 16** authorizes a relative foster home to request and obtain a hearing regarding a revocation or denial of the renewal of its license.

Section 17 requires a licensing authority to ensure that a relative foster parent meets certain requirements indicating that the relative foster parent is capable of fostering a child and willing to work with others in providing for the child. **Section 18** establishes certain requirements governing the care provided by a relative foster home to a child. **Sections 19-23** set forth the requirements that a relative foster home is required to meet relating to: (1) adequate living space and accommodations; (2) sleeping accommodations; (3) empty water features and standing bodies of water; (4) hazardous materials and other potentially hazardous materials and animals; and (5) emergency preparedness. **Section 25** of this regulation excludes a relative foster home from the definition of a "foster home," thereby making regulations governing foster homes inapplicable to relative foster homes. **Section 9** further clarifies that relative foster homes and relative foster parents are not required to comply with existing regulations governing foster homes.

Existing regulations authorize a licensing authority to require foster homes to: (1) be inspected by a health authority if the home uses well water or a septic tank; and (2) have water samples analyzed if the home is not located on a city water system. (NAC 424.130) **Section 26** of this regulation removes this authority, thereby prohibiting a licensing authority from requiring a foster home to undergo such an inspection or water analysis.

Existing regulations require: (1) the licensing authority representative to inspect a foster home with a total occupancy of less than 10 to ensure compliance with certain requirements relating to safety from fire; and (2) the State Fire Marshal or his or her designee to conduct such an inspection of a foster home with a total occupancy of 10 or more people. (NAC 424.135) **Section 27** of this regulation additionally authorizes the local fire department to conduct such an inspection of a foster home with a total occupancy of 10 or more people. **Section 40** of this regulation repeals a requirement that a foster home conduct a fire drill at least once a month.

Senate Bill No. 397 of the 2021 Legislative Session revised provisions authorizing a court to retain jurisdiction over a child whom the court has placed with a person or entity other than a parent until the child reaches the age of 21 years to create the Extended Young Adult Support Services Program for such children. (Chapter 419, Statutes of Nevada 2021, at page

2713) **Sections 28, 29 and 36** of this regulation make conforming changes to terminology in chapter 424 of the Nevada Administrative Code.

Existing regulations require a licensing authority to ensure that a foster home is financially solvent by requiring the foster home to provide certain information relating to its finances, including: (1) demonstrating the ability to meet all of its financial obligations regardless of whether the foster home receives payments for providing foster care; (2) agreeing to account for money expended for certain purposes for each child placed in the foster home; and (3) providing certain financial records to the licensing authority upon request. (NAC 424.168) **Section 30** of this regulation removes these requirements while leaving in place other requirements for a foster home to establish financial solvency.

Existing federal law establishes the reasonable and prudent parent standard to guide persons in determining whether a child in foster care should participate in certain activities. (42 U.S.C. § 675(10)(A)) **Section 31** of this regulation adds compliance with the reasonable and prudent parent standard to the list of actions that foster parents and staff are required to perform.

Existing regulations require a licensee, within 90 days after initial licensure and annually thereafter, to complete training concerning working with lesbian, gay, bisexual, transgender and questioning children. (NAC 424.270) **Section 32** removes the requirement that a licensee complete such training annually while maintaining the requirement that a licensee complete such training within 90 days of initial licensure.

Existing regulations require a licensing authority to receive at least five references for an adult who provides foster care as evidence of the adult's character and ability to care for children. (NAC 424.275) **Section 33** of this regulation reduces the number of references to three and additionally requires that at least one reference be from a person unrelated to the applicant.

Existing regulations require that each foster child have his or her own bed with certain minimum dimensions, except that siblings of the same sex may share a double bed. (NAC 424.375) **Section 34** of this regulation removes the dimension requirements and authorizes a foster home to provide a child with a raised mattress instead of a bed.

Existing regulations require certain foster homes with an empty water feature or standing body of water on its premises to provide a fence on all sides of the water feature or body of water. (NAC 424.420) **Section 35**: (1) clarifies that a more restrictive local ordinance takes precedence over that requirement; and (2) authorizes a foster home to provide an alternative safety plan instead of a fence.

Existing regulations authorize a foster home to house an adult roomer or boarder if the adult roomer or boarder is considered a part of the family and is willing to submit to the same licensing requirements as the staff. (NAC 424.455) **Section 36**: (1) authorizes a foster home to house an adult roomer or boarder if the adult roomer or boarder is a permanent resident of the home; and (2) provides that such an adult roomer or boarder is not required to submit to the same licensing requirements as staff if the person is only visiting.

Section 37 of this regulation increases the time a child may be away from a foster home from 48 to 72 hours before the foster home needs to secure prior approval from the agency which provides child welfare services. (NAC 424.490)

Existing regulations require each child residing in a foster home to be immunized against diseases according to the recommendations of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. (NAC 424.555) **Section 38** of this regulation removes this requirement and instead authorizes an agency which provides child welfare services to require proof of immunization according to the guidelines of the local health

officer for each child and any member of the household who provides care to a foster child and who is not granted an exemption from immunizations due to a religious belief or medical condition. **Section 38** also revises terminology used to refer to the human immunodeficiency virus in accordance with existing law. (NRS 233B.062)

Section 1. Chapter 424 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this regulation.

Sec. 2. ***"Alternative nicotine product" has the meaning ascribed to it in NRS 202.2485.***

Sec. 3. ***"Empty water feature" includes, without limitation, an empty pool.***

Sec. 4. ***"Fictive kin" means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.***

Sec. 5. ***"Relative foster home" means a family foster home that a relative foster parent is licensed to operate pursuant to sections 9 to 23, inclusive, of this regulation.***

Sec. 6. ***"Relative foster parent" means a foster parent who is:***

1. Related to the foster child by blood, marriage, tribal custom or adoption; or

2. A fictive kin to the foster child.

Sec. 7. ***"Standing body of water" includes, without limitation, any lake, pond, in-ground or above-ground pool, hot tub or large stationary bird bath.***

Sec. 8. ***"Vapor product" has the meaning ascribed to it in NRS 202.2485.***

Sec. 9. ***Except where specifically provided in sections 9 to 23, inclusive, of this regulation, the provisions of NAC 424.100 to 424.615, inclusive, do not apply to a relative foster home unless the relative foster home is also operating as a different type of foster home.***

Sec. 10. ***1. A relative foster parent who wishes to operate a relative foster home may contact the appropriate licensing authority representative for an application and return the completed application to the licensing authority.***

2. Intentional misrepresentation or omission of information on a relative foster home application is cause for the immediate denial of the application or revocation of the license. Such a denial or revocation is not subject to appeal.

3. An applicant may withdraw the application for a relative foster home license at any time. The request to withdraw should be made or confirmed in writing. Reapplication for a license after a withdrawal may be made at any time without penalty.

Sec. 11. *1. A licensing authority representative shall inspect each relative foster home before the initial licensing of the relative foster home and at least once annually thereafter.*

2. A licensing authority representative may, announced or unannounced:

(a) Visit a relative foster home at any time to determine compliance with licensing requirements; and

(b) Contact the relative foster parent to discuss any issues or obtain information about the relative foster home, a relative foster parent or a child.

Sec. 12. *Before the licensing authority grants an initial license to operate a relative foster home, a licensing authority shall ensure that the following requirements are met:*

1. The applicant is 18 years of age or older.

2. Each applicant and any other person living in the home who is 18 years of age or older have completed and passed a background investigation pursuant to NRS 424.033.

3. After at least one visit to the relative foster home, a determination has been made by the licensing authority that:

(a) The relative foster home:

(1) Is safe; and

(2) Meets the requirements for licensure; and

(b) The applicant has passed an assessment of suitability to be a relative foster parent.

4. The applicant and any other person living in the home who is 18 years of age or older have provided the licensing authority with written assurances that he or she will:

(a) Refrain from engaging in corporal or degrading punishment;

(b) Refrain from using illegal substances, engaging in excessive consumption of alcohol or marijuana or consuming medication in an illegal or improper manner; and

(c) Comply with the reasonable and prudent parent standard.

5. The applicant has completed at least 8 hours of training pursuant to NRS 424.0365 which is approved by the licensing authority.

6. If there is a standing body of water on the premises of the relative foster home, the applicant has completed training on the administration of cardiopulmonary resuscitation and has obtained information on water safety, pool safety and the risk of drowning.

7. If required by the licensing authority, the applicant has submitted to the licensing authority proof of the immunizations of each person in the relative foster home pursuant to the guidelines of the local health officer, unless the licensing authority grants an exemption due to a religious belief or medical condition.

Sec. 13. *1. In addition to the requirements of NRS 424.030, a license for a relative foster home must show:*

(a) The type of license; and

(b) The signature of the licensing authority representative.

2. The current license must be on file in the relative foster home.

3. The license is nontransferable and applies only to the address and the relative foster parent stated on the license.

4. The license becomes invalid when:

(a) The license is voluntarily returned;

(b) The relative foster parent moves to another location; or

(c) The license is revoked.

5. A relative foster home may also be issued a license to operate a family foster home at the same location if the relative foster parent otherwise qualifies to operate the family foster home and a total of not more than six children are cared for at that location pursuant to both licenses.

Sec. 14. *1. A relative foster home wishing to renew its license must apply to the licensing authority for renewal at least 60 days before the license expires. The licensing authority shall assess a relative foster home before approving an application for renewal and approve an application for renewal if all licensing requirements are met.*

2. If the codes for fire and life safety as adopted by the State Fire Marshal or local fire authority change, the relative foster home must be allowed 90 days to comply with the new requirements.

Sec. 15. *1. Whenever the licensing authority has reason to believe that a relative foster home is not conforming to the requirements for operating a relative foster home set forth in sections 9 to 23, inclusive, of this regulation, the licensing authority shall investigate to determine the facts. The licensing authority may inspect the premises where the violation is alleged to have occurred and conduct such inquiries as necessary.*

2. If it is found that a relative foster home is not conforming to the requirements for operating a relative foster home set forth in sections 9 to 23, inclusive, of this regulation, the licensing authority may, depending on the circumstances:

(a) Issue a written notice specifying the nature of noncompliance, a plan of corrective action and the time in which each corrective action must be taken;

(b) If the noncompliance does not involve health or safety issues, continue the license conditioned on the relative foster home achieving full conformity by the date set forth in the written notice issued pursuant to paragraph (a);

(c) Suspend the license; or

(d) Revoke the license.

3. Allegations regarding possible child abuse or neglect of children will be investigated pursuant to chapter 432B of NRS.

4. The authority to operate a relative foster home is dependent upon continued compliance with the licensing requirements of the licensing authority. The licensing authority may deny, suspend or revoke a license to operate a relative foster home in the manner set forth in NAC 424.185, 424.190 and 424.205.

Sec. 16. *Except as otherwise provided in NAC 424.205, a relative foster home may, by written request, obtain a hearing regarding the revocation or denial of the renewal of the license as a relative foster home by the licensing authority. The request must be received by the licensing authority within 14 days after the notice of revocation or denial was mailed, including the date of mailing. The hearing must be held before a hearing officer of the Division or the designee of the Administrator. The hearing officer or designee, as appropriate, shall render a written decision on the matter within 90 calendar days after the request for a hearing was filed.*

Sec. 17. *The licensing authority shall ensure that a relative foster parent:*

1. Has the ability to exercise sound judgment and decision making.

2. Is willing to cooperate with the licensing authority in establishing and carrying out any plan created for a child under the care of the relative foster parent by:

(a) Providing pertinent information; and

(b) Assisting in meeting identified needs regarding the safety, permanency and well-being of the child.

3. Possesses the skills necessary to provide a nurturing and caring home and family environment.

4. Is in sufficient physical and mental health to care for all physical, emotional, medical and educational needs of each child under the care of the relative foster parent.

5. Is able to provide for the basic needs of each child under the care of the relative foster parent, including food, clothing and housing.

6. Accepts feedback and participates in additional training to care for each child under the care of the relative foster parent.

7. Possesses realistic expectations relating to the behavior of each child under the care of the relative foster parent with consideration of any trauma experienced by the child.

8. Welcomes each child under the care of the relative foster parent as a member of the family where he or she will be treated equally and respectfully, including, without limitation, relating to:

(a) Benefits, privileges and the celebration of important milestones of the child; and

(b) The beliefs, attitudes, behavior and culture of the child.

Sec. 18. *1. A relative foster home shall:*

(a) Ensure that all persons over 18 years of age who reside in the home and provide care to a child adhere to the reasonable and prudent parent standard.

(b) Cooperate with any effort by the licensing authority to provide services to a child or the relative foster parent.

(c) Assist the agency which provides child welfare services with transporting a child to necessary appointments, meetings or other required travel for the health of the child or ongoing visitation and sibling contacts.

(d) Maintain confidentiality of information concerning a child.

(e) Respect the gender identity or expression of a child by:

(1) Authorizing the child to express his or her gender identity or expression through clothing, hairstyle, makeup, jewelry or other accessories as appropriate for the age and development of the child; and

(2) Addressing the child by the name and pronoun preferred by the child, including, without limitation, if the child states specific times and places when the child wishes to be addressed by his or her preferred name and pronoun and specific times and places when the child wishes to be addressed by a different name and pronoun. Such names and pronouns may include, without limitation, the name and the pronoun corresponding with the gender assigned to the child at birth.

(f) Supervise a child in a manner that is appropriate to the age and maturity of the child.

(g) Ensure that the discipline of a child is fair, reasonable, consistent and related to the offense for which the child is being disciplined.

(h) Ensure that a child is not disciplined through corporal or degrading punishment.

(i) Ensure that three healthy meals and appropriate snacks are provided daily to a child and in the quantity and quality necessary to meet the dietary, nutritional and caloric needs of the child. If a qualified provider of health care or agency which provides child welfare services

has prescribed a special diet for the child, a relative foster home shall provide the special diet to the child as prescribed.

(j) Observe each child for:

(1) Signs of illness;

(2) Changes in emotional, behavioral or mental functioning, including improvement or deterioration in behavior or social interaction; and

(3) Discussion of suicide, running away or other harmful acts.

(k) In cooperation with the licensing authority, arrange for any services needed for the care or treatment of the medical, mental, behavioral or emotional health of a child.

(l) Ensure that each child attends school as required by law and provide or cooperate with the person responsible for the educational planning of the child.

(m) Provide each child the opportunity to complete schooling or training in accordance with his or her aptitude.

(n) Provide each child the opportunity to participate in neighborhood, school and other community groups appropriate to the age and needs of the child.

(o) Ensure that a child adheres to any program of medication, physical therapy, special exercise or other activity prescribed by a qualified provider of health care.

(p) Ensure that prescription and nonprescription medication is administered to a child in the manner set forth in NAC 424.560.

(q) Ensure that each child is kept clean and well-groomed.

(r) Obtain the approval of the caseworker and birth parent, if applicable, of a child before taking any action that will permanently or significantly alter the appearance of the child,

including, without limitation, obtaining a tattoo, piercing a part of the body or changing in a significant manner the length or color of the hair of the child.

2. Upon the occurrence of a serious incident, accident or injury to a child involving a relative foster home or a child in a relative foster home, a relative foster parent shall, after contacting necessary emergency personnel, provide notice of the event to the licensing authority and any caseworker assigned to the child.

3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. *A relative foster home must provide adequate living space and accommodations by:*

1. Having sufficient living space for all occupants of the house to move freely about the house without restriction or hazards;

2. Having clean, well-lit and well-ventilated living spaces and sleeping quarters;

3. Ensuring that each living space and sleeping quarter is heated or has access to heat;

4. Taking precautions adequate to ensure the stoves and other heating appliances, including, without limitation, portable heaters, are safe for children;

5. Having furnishings in rooms that are safe and suitable for children;

6. Providing children access to areas to practice good hygiene and cleanliness;

7. Providing children with hygiene products and toiletries as needed, including, without limitation, provisions necessary for a child with unique or special needs;

8. Having an area to prepare meals with appliances that are safe and operational;

9. Having adequate food storage that is free from health hazards;

10. Ensuring that each refrigerator or freezer that is not in use is inaccessible to a child by:

(a) Removing the refrigerator or freezer from the premises of the home;

(b) Locking or removing the door of the refrigerator or freezer; or

(c) Turning the door of the refrigerator or freezer against a wall so that the door cannot be opened;

11. Being free from infestations of insects and rodents; and

12. Having access to hot water and electricity.

Sec. 20. *1. A relative foster home must provide adequate sleeping accommodations by:*

(a) Providing each child with a designated sleeping space that is in good condition and equipped with a pillow, sheets and coverings;

(b) Providing each child access to a private space to undress and dress;

(c) Considering the preferences, age, sex, gender identity or expression and special needs of each child when determining the sleeping arrangement of the child; and

(d) Providing a crib, if appropriate, that:

(1) Meets the standards provided in 16 C.F.R. Part 1219 or 1220, as applicable; and

(2) Is equipped with a firm mattress that is designed for cribs and properly fits the crib.

2. A relative foster home shall ensure that an infant is placed on his or her back when placed down to sleep.

3. A relative foster home shall ensure that an infant:

(a) Is not placed on a soft or semisoft surface, including, without limitation, a sofa, waterbed, large pillow or bean bag, to sleep;

(b) Is not placed in a crib that has any other item inside of the crib, including, without limitation, a comforter, quilt, blanket, stuffed animal, crib bumper, wedge, pillow or loose bedding; or

(c) Does not sleep with a person who is sleeping:

(1) At the same time as the infant; and

(2) On the same sleeping surface, including, without limitation, a bed, sofa or chair.

Sec. 21. *1. A relative foster home must meet the minimum requirements set forth in NAC 424.420 and any applicable local city or county codes or ordinances for any empty water feature or standing body of water on the premises of the home.*

2. If an empty water feature or a standing body of water is not required to comply with a standard described in subsection 1, a relative foster home must receive approval from the licensing authority of an alternative safety plan. Such an alternative safety plan must include, without limitation, a barrier that prohibits a child from accessing the empty water feature or standing body of water.

3. A relative foster home shall ensure that a child is supervised when in or around a standing body of water in a manner appropriate for the age and maturity of the child.

4. A relative foster home shall ensure that outdoor areas used by a child are safe and free from hazards.

Sec. 22. *1. A relative foster home must limit exposure to hazardous materials by:*

(a) Making chemicals, tools and other equipment inaccessible to a child, as appropriate, depending on the age and any developmental needs of the child; and

(b) Storing items and products intended for use by adults, including, without limitation, alcohol, tobacco products, alternative nicotine products, marijuana, vapor products and lighters, in a reasonable location that is inaccessible to children.

2. Except as otherwise provided in NRS 424.044, a relative foster home shall make all weapons and ammunition inaccessible to children.

3. A relative foster home shall ensure that prescription and nonprescription medications, including, without limitation, vitamins, herbal remedies and pet medications, are stored in a location that is inaccessible to children.

4. A relative foster home shall ensure that each pet or animal present in the relative foster home:

(a) Does not create a sanitation hazard; and

(b) Is not hazardous or frightening to a child living in the home.

5. A relative foster home shall ensure that no person smokes tobacco products, marijuana or any other material or uses vapor products:

(a) Inside the relative foster home or inside a vehicle when a child is present in that location; or

(b) Inside the relative foster home or inside a vehicle when a child is not present if such smoking or use of vapor products would be harmful to a child based on his or her medical needs.

6. A relative foster home shall ensure that any vehicle used to transport a child is in safe operating condition and adheres to applicable state and local laws and ordinances governing the operation of the vehicle.

Sec. 23. ***1. A relative foster home must comply with subsections 1, 4 and 6 of NAC 424.400.***

2. A relative foster parent must be able to articulate the evacuation plan of the relative foster home upon placement of the child in the home.

Sec. 24. NAC 424.005 is hereby amended to read as follows:

424.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 424.010 to 424.083, inclusive, ***and sections 2 to 8, inclusive, of this regulation,*** have the meanings ascribed to them in those sections.

Sec. 25. NAC 424.050 is hereby amended to read as follows:

424.050 "Foster home" has the meaning ascribed to it in NRS 424.014 ~~[.]~~ ***, except that the term does not include a relative foster home.***

Sec. 26. NAC 424.130 is hereby amended to read as follows:

424.130 1. A licensing authority representative shall conduct a fair and impartial inspection of each foster home at initial licensing and at least one visit annually thereafter. The licensing authority representative may request any health, fire, building or other inspection if he or she has any reason for concern regarding the health or safety of the foster home.

2. All foster homes must receive fire safety inspections upon their initial application for a license and annually thereafter pursuant to NAC 424.135.

3. A licensing authority representative shall inspect the entirety of each foster home and any attached property, including, without limitation, areas of the foster home and property that are not accessible to children, for safety. The licensing authority representative may take notes and photographs during the inspection.

4. ~~[The licensing authority may require all foster homes to be inspected annually by a health authority if individual well water or a septic tank is used.~~

~~5. If a foster home is not located on a city water system, the licensing authority may require the analysis of a water sample and the issuance of a report of approval by the appropriate governmental authority. The licensing authority may require foster homes that obtain their water from an individual well to have an annual water inspection to ensure that the water is safe for drinking.~~

~~6.]~~ All group foster homes must be inspected as single-family dwellings, as defined in the current codes for those dwellings adopted by the State Fire Marshal.

Sec. 27. NAC 424.135 is hereby amended to read as follows:

424.135 1. Fire safety inspections must be conducted by a licensing authority representative or the local fire inspector based on the home's total occupancy, including the number of foster children for whom the home is to be licensed. If the home will accept or is currently occupied by a person who is nonambulatory or a person with a severe disability, each such person must be counted twice when determining total occupancy.

2. If the total occupancy is:

(a) Less than 10, the licensing authority representative shall, except as otherwise provided in this paragraph, inspect the home to ensure the requirements of subsection 3 are met. The licensing authority representative is not required to inspect a home pursuant to this paragraph if the state or local fire inspector has inspected the home in conjunction with a current application.

(b) Ten or more, the State Fire Marshal or ~~[his or her designee]~~ ***the local fire department*** shall inspect the home. The State Fire Marshal ***or local fire department*** may, based upon

information ~~[he or she]~~ ***the State Fire Marshal or local fire department, as applicable,*** receives regarding the home, designate the licensing authority representative to conduct the inspection.

3. Requirements for safety from fire must be met as established by the State Fire Marshal considering the number of occupants and their ability to exit in case of a fire.

Sec. 28. NAC 424.165 is hereby amended to read as follows:

424.165 Before the licensing authority grants an initial license to operate a foster home, the following minimum requirements must be met:

1. A satisfactory report about the applicant from a local law enforcement agency and submittal of fingerprints pursuant to NRS 424.033;

2. A satisfactory report from the Statewide Central Registry established pursuant to NRS 432.100 on all applicants and members of the household who are 18 years of age or older, other than a resident who ~~[remains under the jurisdiction of a court]~~ ***is participating in the Extended Young Adult Support Services Program*** pursuant to NRS 432B.594;

3. At least one visit by a licensing authority representative to the foster home to determine that the home is safe;

4. Satisfactory completion of the written home study required by paragraph (b) of subsection 1 of NAC 424.120;

5. Receipt of a signed foster home application form;

6. Documentation of contact, either verbal or written, with five satisfactory references;

7. Satisfactory completion of the training specified in subsections 1, 2 and 5 of NAC 424.270; and

8. Records concerning employees and residents must be maintained pursuant to NRS 424.034.

Sec. 29. NAC 424.167 is hereby amended to read as follows:

424.167 1. A person who applies for an initial license to operate a foster home must provide to the licensing authority written evidence, on a form provided by the licensing authority, that the person and each member of his or her household who is 18 years of age or more, other than a resident who ~~[remains under the jurisdiction of a court]~~ ***is participating in the Extended Young Adult Support Services Program*** pursuant to NRS 432B.594, is free from active tuberculosis. The evidence must be in the form of a report which states that the person, including a person who has received a bacillus Calmette-Guerin (BCG) vaccination, is free from active tuberculosis and has submitted to a:

(a) Mantoux tuberculin skin test;

(b) Chest radiograph and examination by a provider of health care who is authorized to diagnose active tuberculosis; or

(c) An interferon-gamma release assay tuberculosis blood test that has been approved by the United States Food and Drug Administration,

➥ within the 24 months immediately preceding the date of filing of the application for a license to operate a foster home.

2. If a license to operate a foster home is issued to the person applying for the license, the licensee shall ensure that each member of the staff of the foster home provides the written evidence set forth in subsection 1 to the licensing authority, except that such a person may comply with the provisions of subsection 1 before beginning employment or volunteer work at the foster home in lieu of complying within the 24 months immediately preceding the date of filing of the application for a license to operate a foster home.

3. Each person who is required to submit to a tuberculosis skin test, chest radiograph and examination or interferon-gamma release assay tuberculosis blood test pursuant to this section and who remains as a member of the household or staff of the foster home shall submit to:

(a) A Mantoux tuberculin skin test; or

(b) An examination by a provider of health care who is authorized to diagnose active tuberculosis,

➥ at least once every 24 months after the date the skin test, chest radiograph and examination or interferon-gamma release assay tuberculosis blood test was conducted pursuant to subsection 1 or 2.

Sec. 30. NAC 424.168 is hereby amended to read as follows:

424.168 1. The licensing authority shall ensure that a foster home is financially solvent. A foster home must, as a condition of licensure:

(a) Demonstrate that it has adequate financial resources to provide basic necessities for all persons residing in the home before a child is placed in the foster home; ***and***

(b) ~~[Demonstrate the ability to meet all of its financial obligations regardless of whether the foster home receives payments for providing foster care;~~

~~(c) Agree to account for all money expended for clothing and incidental expenses for each child who is placed in the foster home;~~

~~(d) Unless the foster home is operated as a public program, provide financial records to the licensing authority which demonstrate ongoing financial solvency, upon the request of the licensing authority; and~~

~~(e)]~~ Disclose whether the foster home has been the subject of bankruptcy proceedings.

2. The licensing authority shall keep confidential any financial records or information provided by a foster home pursuant to this section.

Sec. 31. NAC 424.255 is hereby amended to read as follows:

424.255 Foster parents and staff must:

1. Be competent adults with a demonstrated ability to exercise sound judgment and decision making. Their character, integrity and conduct must be above reproach, especially with regard to their role as foster caregivers.

2. Be willing to cooperate with the agency in establishing and carrying out agency goals for the child by:

(a) Providing pertinent information about the child and the needs of the child that the foster parents and staff have gained by caring for the child on a daily basis; and

(b) Assisting in meeting any identified needs of the child.

3. Possess skills necessary to provide a nurturing and caring home and family environment.

4. Welcome each foster child into the foster home as a full member of the family and treat each foster child equally to any children of the foster parent who reside in the foster home, including, without limitation, when according benefits and privileges.

5. Be kind and respectful when communicating and interacting with the child and the family of the child and discussing the family of the child.

6. Have knowledge and understanding of the needs of the child for well-being, safety and permanency.

7. Be flexible to best meet the needs of the child.

8. Present a positive image of fostering to the community.

9. Maintain good relationships with each member of the community who is involved with the child and the family.

10. Be professional in each action taken as a foster parent and caregiver and be a positive role model for each foster child when engaging in daily activities, making decisions, setting boundaries and modeling behaviors.

11. Communicate effectively and respectfully with each person involved in the care of a foster child and respect differences and opinions of others.

12. Accept additional feedback and participate in additional training to increase the foster parent's or staff member's knowledge and ability to care for a child with unique needs.

13. When safe and appropriate, work directly with the parents or other family members of a child in support of the best interests of the child and the permanency goal of the child.

14. Possess realistic expectations regarding behaviors of children who have experienced past trauma and be able to remain calm during the emotional and behavioral outbursts of a child.

15. Set appropriate verbal and physical boundaries with foster children and their families.

16. Recognize and celebrate milestones in the life of a foster child, including, without limitation, birthdays, graduations and holidays.

17. Demonstrate sound judgment by making mindful and careful decisions.

18. Be able to communicate with any child placed in the foster home, the agency which provides child welfare services and providers of health care and others who provide services to a child placed in the foster home. At least one foster parent or member of the staff must be capable of understanding and following directions on the label of any medication.

19. Comply with the reasonable and prudent parent standard.

Sec. 32. NAC 424.270 is hereby amended to read as follows:

424.270 1. Except as otherwise provided in this section, applicants for a license to operate a foster home must attend at least 8 hours of training approved by the agency which provides child welfare services in the subjects described in NRS 424.0365, laws and regulations applicable to foster parenting, the structure of agencies which provide child welfare services, childhood trauma, the importance of family relationships and other meaningful relationships and basic first aid, including, without limitation, training in the administration of cardiopulmonary resuscitation. If the home has a ~~[pool, hot tub or other freestanding]~~ ***standing*** body of water, the applicants must obtain information on water safety, pool safety and the risk of drowning.

2. Except as otherwise provided in this section, foster parents shall attend at least 4 hours annually of training in foster parenting which is provided or approved by the agency which provides child welfare services.

3. The annual training or portions of the annual training required by subsection 2 may for good cause, as determined by the agency which provides child welfare services, be obtained from another agency that places foster children, as a substitute for the training provided by the agency which provides child welfare services, if at least one foster parent participates in the training and the training has been preapproved by the agency which provides child welfare services.

4. A family foster home which is licensed to provide foster care for a specific, licensed child-placing agency may receive the training required by subsections 1 and 2 through that agency.

5. In addition to the training required by subsections 1 and 2, applicants for a license to operate a foster home must receive training in how to use and apply the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by

NAC 424.573. The training required by this subsection must be provided or approved by the agency which provides child welfare services.

6. In addition to the training required by subsections 1, 2 and 5, a licensee that operates a foster home must receive, not later than 90 days after initial licensure ~~[and annually thereafter,]~~ training concerning working with lesbian, gay, bisexual, transgender and questioning children.

7. The requirements of this section are not applicable to any person who is subject to the requirements of NAC 424.712 and 424.714 and completes the training or continuing education required by those sections.

Sec. 33. NAC 424.275 is hereby amended to read as follows:

424.275 1. Adults who provide foster care for children must provide evidence of their character and ability to care for children. The licensing authority must have received at least ~~[five]~~ ***three*** satisfactory references for such a person ~~[.]~~ ***, with at least one reference being from a person who is not related to the applicant.***

2. A licensing authority representative is not obligated to share with the applicant concerns raised by references if the licensing authority representative cannot do so without compromising the reference's confidentiality.

3. A licensing authority may deny an application for a license to operate a foster home based upon a negative reference.

Sec. 34. NAC 424.375 is hereby amended to read as follows:

424.375 1. Foster children must sleep in a room, designated as a bedroom, which must ensure privacy. Closets, partitioned rooms and similar areas are unacceptable areas for children to sleep. No child may be allowed to sleep in a detached building, unfinished attic or basement, stair hall or room commonly used for other than bedroom purposes.

2. Rooms used by children for sleeping must have adequate floor space between beds to allow foster children and other persons to easily access beds and exits.

3. Dormitories housing more than six children are not allowed. Single rooms must be provided for those children whose behavior or development makes it desirable for them to have a single room.

4. Except as otherwise provided in subsection 5, children of the opposite sex who are 5 years of age or more must not share a bedroom, and children who are more than 12 months of age must not sleep in the same room with an adult.

5. If a written recommendation by a provider of health care, psychologist, clinical social worker, clinical professional counselor or a child and family team is provided to the licensing authority, the licensing authority may authorize children who are 5 years of age or more to share a room or a child who is more than 12 months of age to sleep in the same room with an adult. A child of the foster parents who is 18, 19 or 20 years of age may share a room with a foster child of the same sex and similar age if this arrangement is appropriate based upon the circumstances and needs of each child. A child in foster care who is the parent of a child in the same placement may share a room with that child. The licensing authority may authorize a child whose gender identity or expression differs from the child's assigned sex at birth to share a room with a child of the opposite sex if the licensing authority determines that this arrangement is safe and in the best interests of each child. In making this determination, the licensing authority must consider:

(a) The expressed preferences of each child; and

(b) The recommendations of the child and family team.

6. The foster parents' bedroom must be located on the same floor as the bedroom of any child who is less than 5 years of age.

7. Except as otherwise provided in this subsection, each child must be provided with his or her own bed ~~[, which must be at least 27 inches wide and of a length which is adequate for the child's height, and the bottom of]~~ ***or a mattress*** which is elevated off the floor. Siblings of the same sex may share a double bed ~~[.]~~ ***or mattress.***

8. Each bed must have a comfortable and supportive mattress in good condition, a pillow, sheets and coverings and, as needed, waterproofing sufficient for the child's comfort.

9. Bunk beds with more than two bunks are prohibited. If bunk beds are used, the upper bunk must have a guardrail. Upper bunks must not be used by children who are less than 6 years of age.

10. A complete change of bed linens must be supplied at least once a week or more often if necessary.

11. Each child must have access to a closet, locker or dresser for clothing and personal belongings in his or her sleeping area.

12. Bedroom furnishings must not be set up in such a manner as to obstruct a clear exit from a door or window.

13. Each crib must meet the standards prescribed in 16 C.F.R. Part 1219 or 1220, as applicable, and be equipped with a firm crib mattress that properly fits the crib. An infant must always be placed on his or her back to sleep and must not be:

(a) Allowed to sleep on a soft or semisoft surface, including, without limitation, a sofa, waterbed, large pillow or bean bag.

(b) Placed in a crib containing any loose item, including, without limitation, a comforter, quilt, blanket, stuffed animal, crib bumper, wedge, pillow or other loose bedding.

(c) Allowed to sleep with another person on the same sleeping surface, which may include, without limitation, a bed, sofa or chair.

14. As used in this section, "provider of health care" means a physician, advanced practice registered nurse, physician assistant or homeopathic physician.

Sec. 35. NAC 424.420 is hereby amended to read as follows:

424.420 1. Any standing body of water on the premises of a foster home must be maintained in a condition that is healthy and safe for children. The water in any pond used for swimming must be maintained in a healthy and sanitary condition.

2. Except as otherwise provided in this subsection ~~[,]~~ ***or a more restrictive local ordinance,*** a foster home that has an empty water feature or standing body of water on the premises and is licensed to care for any child who is less than 5 years of age must ***either*** provide a fence on all sides of the empty water feature or standing body of water, separating it from the general yard area ~~[.]~~ ***or provide an alternative safety plan approved by the licensing authority. Such an alternative safety plan must prohibit the access of children into the area.*** If the empty water feature or standing body of water is adjacent to an area of an outside wall of the foster home that has no windows or doors, the wall may function as part of the fence. A fence is not required for a hot tub on the premises of a foster home described in this subsection if the hot tub has a protective cover that is kept in place and locked when the hot tub is not in use.

3. The fence required by subsection 2 must:

(a) Be at least 4 feet high on all sides.

(b) Have no vertical opening more than 4 inches wide.

(c) Be of such a design that young children cannot climb it or squeeze under it. The use of a chain link fence is prohibited.

(d) Not obstruct the view of the empty water feature, standing body of water or surrounding area from the house.

(e) Have a gate that is self-closing, with a self-latching mechanism which is in proper working order and out of the reach of young children.

4. If a foster home is licensed to care only for children who are 5 years of age or more:

(a) Except as otherwise provided in paragraph (b), the area surrounding an empty water feature or standing body of water must be fenced and locked in a manner which prevents access by children or others who are not entitled to be on the premises; or

(b) If the area surrounding the empty water feature or standing body of water is not fenced, there must be a locked, protective cover which will not allow access by a child. Any pool cover must be free from standing water.

5. A reaching pole with a life hook, and a ring buoy, must be present and accessible at all times as minimum safety devices unless the standing body of water is such that a person supervising a child is able, without entering the water, to reach the child in the water and remove the child by hand.

6. Steps leading to an above-ground pool must be removed when the pool is not in use.

7. Any sauna or tanning booth on the premises of a foster home must be locked in a manner which prevents access by children.

8. If a swimming pool cannot be emptied after each use, the pool must have a working pump and filtration system.

9. If a wading or inflatable pool is used, it must be constructed, maintained and used in a manner which safeguards the lives and health of the children. A wading or inflatable pool must

be emptied when not in use or comply with all regulations applicable to a pool or other standing body of water.

10. If a foster home has access to a community pool, the foster parents and staff shall ensure that a child does not enter the pool area unless:

(a) The child is under the direct supervision of a foster parent or staff member; and

(b) The pool is equipped with a reaching pole with a life hook and a ring buoy.

~~[11. As used in this section:~~

~~(a) "Empty water feature" includes, without limitation, an empty pool.~~

~~(b) "Standing body of water" includes, without limitation, any lake, pond or in-ground or above-ground pool, hot tub or large stationary bird bath.]~~

Sec. 36. NAC 424.455 is hereby amended to read as follows:

424.455 1. If a foster home combines foster care with regular paid care for others, including child care, the licensing authority may place restrictions on the license of the foster home because of the number of children cared for in the foster home on a regular basis and may require the licensee to discontinue providing paid care for others if the licensing authority determines that providing such care may adversely affect the ability of the foster home to provide foster care. A foster home that provides paid care for others shall comply with all requirements relating to staffing in a foster home when it provides both foster care and paid care for others.

2. A foster home may house adult roomers or boarders under the following circumstances:

(a) The roomer or boarder:

(1) Is considered a part of the family ~~[,]~~ ***or is a permanent resident of the home;*** or

(2) Has been a foster child who has reached the age of 18 years; and

(b) The roomer or boarder, regardless of age, must be willing to submit to the same licensing requirements as the staff, unless the roomer or boarder is a person who ~~[remains under the jurisdiction of a court]~~ ***is participating in the Extended Young Adult Support Services Program*** pursuant to NRS 432B.594 ~~[.]~~ ***or is visiting and is not a permanent resident of the home.***

Sec. 37. NAC 424.490 is hereby amended to read as follows:

424.490 1. The foster home shall maintain the home and vehicles in safe operating condition.

2. The foster home shall provide transportation of a foster child to necessary appointments or arrange for such transportation unless an extreme emergency within the foster home prevents making such arrangements.

3. The foster home shall secure prior approval from the agency with responsibility for the foster child before taking the child out of state or on a trip or vacation which will require the child to be away from the family home for longer than ~~[48]~~ ***72*** hours.

4. Any person who provides transportation to a foster child:

(a) Must possess at least the minimum liability insurance coverage required by state law;

(b) Shall observe state law regarding child restraint systems and seat belts at all times when transporting a foster child; and

(c) Shall observe all other laws of this State concerning the operation of a motor vehicle.

5. If the foster home is located in an area without access to public transportation, the foster home must have a working vehicle that can safely transport all of the children living in the home at one time in case of an emergency.

Sec. 38. NAC 424.555 is hereby amended to read as follows:

424.555 1. Group foster homes shall adopt a written policy on the services for health care and treatment, and shall follow the policy.

2. The foster parents or direct care staff shall closely observe children for signs of illness.

3. ~~[Each child]~~ ***An agency which provides child welfare services may require proof of immunizations that are recommended by the local health officer for all children*** residing in the foster home ~~[must be currently immunized against diseases according to the recommendations set forth by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, unless a licensed physician, physician assistant or advanced practice registered nurse determines that such immunizations are not recommended for the child because of a medical condition. The recommendations are available at no cost on the Internet at http://www.cdc.gov/vaccines/schedules/hcp/imz/child-adolescent.html.]~~ ***and for any member of the household who will provide care to a child, except where the agency which provides child welfare services grants an exemption due to a religious belief or medical condition.***

4. The services of specialists for treatment and consultation will be obtained when referred by a licensed practitioner and approved by the agency placing the child.

5. The licensee shall ensure that any program of medication, physical therapy, special exercises or other activity prescribed by a licensed medical practitioner for a child in the care of the foster home is adhered to.

6. A dental health program must be designed to effect good oral hygiene, education and practice.

7. No foster care provider may have a child tested for the ~~[acquired immune deficiency syndrome]~~ ***human immunodeficiency*** virus without the consent of the agency which provides child welfare services or the agency placing the child.

Sec. 39. NAC 424.595 is hereby amended to read as follows:

424.595 1. All hazardous chemicals, tools and other equipment, including, without limitation, matches, plastic bags, paints, gasoline, insecticides, and cleaning and laundry products, must be secured and stored in a manner that makes them inaccessible to children, if making such items inaccessible is appropriate based on the age and stage of development of the children. Products which could cause poisoning or contamination must not be stored with food products.

2. Not more than 10 gallons of flammable liquid may be stored on the premises, and any such liquid must be stored in approved storage containers or within the requirements of the local regulatory agency.

3. Items or products intended only for adult use, including, without limitation, alcohol, tobacco products, alternative nicotine products, vapor products and lighters, must be reasonably stored and inaccessible to children.

~~[4. As used in this section, "alternative nicotine product" and "vapor product" have the meanings ascribed to them in NRS 202.2485.]~~

Sec. 40. NAC 424.605 is hereby repealed.

TEXT OF REPEALED SECTION

424.605 Fire drills. A fire drill must be held at least once a month in each foster home and recorded documentation of the activity must be posted in the foster home and must be made available for inspection by the licensing authority.

DIVISION OF CHILD AND FAMILY SERVICES (DCFS)
LCB File No. R029-25

Informational Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation.
These regulations were put forward based on the guidance issued by the Federal Register on September 28, 2023 (88 FR 66700), Sections 471(a)(10), (11), (20), and 474 of Title IV-E of the Social Security Act; Public Law (P.L.) 115-123; 45 CFR 1355.20 and 1356.21(m) adding separate licensing standards for relatives. The Administration for Children and Families (ACF), U.S. Department of Health and Human Services, has encouraged all Title IV-E agencies to adopt licensing standards for relative and/or kinship foster family homes that place as few burdens on such families as possible, consistent with ensuring the safety and well-being of children in foster care.

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.
Below is a summary of how public comment was solicited and a summary of the public's response.

On November 20, 2025, the Division of Child and Family Services, Washoe County Human Services Agency, and Clark County Family Services disseminated the Small Business Impact Questionnaire via email to all foster care providers licensed in the State of Nevada, requesting responses by December 5, 2025. One (1) response was received indicating the proposed regulations would have no adverse effect on their facility.

There is no anticipated fiscal impact on the licensing of these homes. It reduces the amount of requirements that are mandatory for non-relative family foster homes, streamlines the process and Nevada's child welfare agencies have determined it would be beneficial to implement separate licensing standards for relatives, recognizing that children are best cared for when placed with a relative, when appropriate. It does not add any new burdens that would require a significant impact on these homes.

The proposed regulations were sent for feedback, review and commentary to the child welfare agencies, legal stakeholders, community members and non-profit organizations. In accordance with NRS Chapter 241, the notice of workshop and the public hearing was sent to all the organizations listed above, as well as, posting on the following websites and state locations, including contact information to request a copy of any materials related to these proposed regulations:

DCFS, 500 E. Warm Springs Rd., Ste 100, Las Vegas, NV 89119
DCFS, 4126 Technology Way., Ste. 300, Carson City, NV 89706
Northern Nevada Child and Adolescent Services, 2655 Enterprise Rd., Reno, NV 89512
Nevada Youth Parole Bureau, 6171 W. Charleston Blvd., Bldg. 15, Las Vegas, NV 89146 DCFS, 1010 Ruby Vista Dr. Suite 101, Elko, NV 89801
DCFS, 1485 West Warm Springs #109 Henderson, NV 89014
Division of Child and Family Services
website: http://dcfs.nv.gov/Meetings/2025/2025MeetingsandAgendas/

Nevada Legislature website: https://www.leg.state.nv.us

Nevada Public Notices website: https://notice.nv.gov/

Summary of Public Response

Considerable discussion and collaboration were held through several informal stakeholder engagement workgroups to ensure consistency throughout the state and create a final draft that was agreed upon by the three child welfare agencies.

Small Business Impact (described in #2)

Public Workshop
On February 26, 2026, a public workshop was held to allow the child welfare agencies and the public to provide input regarding the proposed regulations to NAC 424 (Foster Homes) based on the guidance issued by the Federal Register on September 28, 2023 (88 FR 66700), Sections 471(a)(10), (11), (20), and 474 of Title IV-E of the Social Security Act; Public Law (P.L.) 115-123; 45 CFR 1355.20 and 1356.21(m) adding separate licensing standards for relatives.

- Requested changes to Sec 23(1) to add "or is a permanent resident of the home and Sec 23(b) add language "or is visiting and is not a permanent resident of the home".

- Requested changes to Sec 32(6): Delete language "training concerning working with lesbian, gay, bisexual, transgender and questioning children pursuant to NRS 424.0365" and add the language "with the exception that training concerning working with lesbian, gay, bisexual, transgender, and questioning children must be taken within 90 days of initial licensure".

It was determined to only require the initial training for relatives.

Adoption Hearing
On June 29, 2026, DCFS held a public hearing on R029-25RP1 – Related to Foster Homes for Children, Relative Licensing Standards in 424 of the Nevada Administrative Code. There were 22 participants who attended. There were no written or verbal comments received.

How Other Interested Persons May Obtain a Copy of the Summary

Any person interested in obtaining a copy of the responses at the public workshop or adoption hearing meetings may email, call, or mail a request to Suzanne Groberg at:

Division of Child and Family Services
4126 Technology Way, 3rd Floor
Carson City, NV 89706
suzanne.groberg@dcfs.nv.gov

4. A description of how comments were solicited (i.e. notices), from affected businesses, a copy of their response, and an explanation of how other interested persons may obtain a copy of the summary.
On November 20, 2025, the Division of Child and Family Services, Washoe County Human Services Agency, and Clark County Family Services disseminated the Small Business Impact Questionnaire via email to all foster care providers licensed in the State of Nevada, requesting responses by December 5, 2025. One (1) response was received indicating the proposed regulations would have no adverse effect on their facility. There is no fiscal impact on homes. It reduces some licensing requirements and streamlines the process, recognizing that children are best cared for when placed with a relative. It does not impose any new burdens that would significantly impact these homes.

Public notices were posted at the following locations, in accordance with NRS Chapter 241:

DCFS, 500 E. Warm Springs Rd., Ste 100, Las Vegas, NV 89119
DCFS, 4126 Technology Way., Ste. 300, Carson City, NV 89706
Northern Nevada Child and Adolescent Services, 2655 Enterprise Rd., Reno, NV 89512
Nevada Youth Parole Bureau, 6171 W. Charleston Blvd., Bldg. 15, Las Vegas, NV 89146 DCFS, 1010 Ruby Vista Dr. Suite 101, Elko, NV 89801
DCFS, 1485 West Warm Springs #109 Henderson, NV 89014
Division of Child and Family Services website: Regulations
Nevada Legislature website: https://www.leg.state.nv.us
Nevada Public Notices website: https://notice.nv.gov/

Any other person interested in obtaining a copy of the public workshop or adoption hearing meeting materials may email, call, or mail in a request to Suzanne Groberg at:

Division of Child and Family Services
4126 Technology Way, 3rd Floor
Carson City, NV 89706
suzanne.groberg@dcfs.nv.gov

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.

There were no suggestions, feedback or revisions requested at the Intent to Adopt Regulations public meeting on June 29, 2026.

6. 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:(a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects.

- *Adverse immediate effects*: There are no anticipated immediate adverse economic effects.
- *Adverse long-term effects:* There are no anticipated long-term adverse economic effects.
- *Beneficial immediate effects:* There are no immediate beneficial economic effects.
- *Beneficial long-term effects:* These regulations align Nevada child welfare practices in compliance with federal requirements.

7. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to implement or enforce the 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, name the regulating federal agency.
The proposed regulations do not overlap or duplicate any federal or Nevada state regulations.

9. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.
There are no federal regulations addressing the same activity.

10. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.
These regulations do not address any fees.

Joe Lombardo
Governor

Rique Robb
Interim Director



DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES

Helping people. It's who we are and what we do.



Marla McDade Williams, MPA
Administrator

SMALL BUSINESS IMPACT STATEMENT

Proposed Regulations

NAC 424 Foster Homes for Children

(Prepared pursuant to Nevada Revised Statutes 233B.0608)

These regulations are put forward in response to Governor Lombardo's Executive Order 2023-003 and based on the guidance issued by the Federal Register on September 28, 2023 (88 FR 66700), Sections 471(a)(10), (11), (20), and 474 of Title IV-E of the Social Security Act; Public Law (P.L.) 115-123; 45 CFR 1355.20 and 1356.21(m) adding separate licensing standards for relatives. The Administration for Children and Families (ACF), U.S. Department of Health and Human Services, has encouraged all Title IV-E agencies to adopt licensing or approval standards for relative or kinship foster family homes that place as few burdens on such families as possible, consistent with ensuring the safety and well-being of children in foster care.

This Small Business Impact Statement summary is in its entirety.

1. A description of the manner in which comment was 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 November 20, 2025, the Division of Child and Family Services, Washoe County Human Services Agency and Clark County Family Services had disseminated the Small Business Impact Questionnaire via electronic email to all foster care providers licensed within the State of Nevada requesting responses by December 5, 2025.

One (1) response was received indicating the proposed regulations would have no adverse effect on their facility.

To obtain a copy of the responses, please contact Amber Howell at ahowell@dcfs.nv.gov.

2. The manner in which the analysis was conducted.

The analysis was conducted by reading the response. Since the response indicated no fiscal impact to its operations, the agency concluded its review and took no further action to analyze the impact of the regulation.

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

Adverse and Beneficial Effects: No adverse or benefits effects were identified.

Direct and Indirect Effects: No direct or indirect effects were identified.

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

Based on the responses, DCFS did not consider any other methods to reduce the impact because there was no assertion these regulations impacted small businesses.

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

There is no additional cost to the child welfare agencies to implement these proposed provisions.

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

No fees are being proposed within these provisions.

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 any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

There are not any duplicative or more stringent provisions for licensing of foster, relative and/or kinship homes.

8. The reasons for the conclusions of the agency regarding the impact of the proposed regulation on small business.

There is no fiscal impact to foster homes. It decreases some licensing requirements and streamlines the process in recognition that children are best cared for when they are in placement with a relative. It doesn't add any new burdens that would require a significant impact to these homes.

If any additional items are needed to submit these rules to the Legislative Committee, please do not hesitate to contact Amber Howell at ahowell@dcfs.nv.gov.

Respectfully Submitted,

Marla McDade Williams, DCFS Administrator

Date: 12/17/2025

R043-25

ADOPTED REGULATION OF THE

DEPARTMENT OF MOTOR VEHICLES

LCB File No. R043-25

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

AUTHORITY: § 1, NRS 483.347.

A REGULATION relating to the Department of Motor Vehicles; increasing the fee to cover the actual cost of production of photographs for drivers' licenses and identification cards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles, by regulation, to increase the fee as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. (NRS 483.347) Under existing regulations, this fee is $3.25. (NAC 483.900) **Section 1** of this regulation increases the fee to $3.50.

Section 1. NAC 483.900 is hereby amended to read as follows:

483.900 1. To cover the actual cost of production of photographs for drivers' licenses and identification cards, the Department will charge and collect, in addition to the fees charged pursuant to NRS 483.410, 483.820 and 483.910, **[~~$3.25~~]** ***$3.50*** for the issuance of an original, renewed, duplicate or changed driver's license or identification card.

2. The money collected pursuant to subsection 1 must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing drivers' licenses and identification cards pursuant to NRS 483.347.

3. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R043-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 483.

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

In early 2025, conversations with our card driver's license/ID card production vendor Idemia (now Neumo) indicated that card production costs were increasing and that accordingly the Department would be charged an increased amount per the contract for their manufacture and issuance. Consequently, DMV administrative staff determined that the amount of the statutorily allowed card production fee as outlined in NRS 483.347 and specified in NAC 483.900, would need to be increased from the existing $3.25 to $3.50 per card. By authorizing this increase, it will allow the Department to continue to work with our vendor to cover the production costs and issue them to customers seamlessly.

2. 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.

Comments were solicited using electronic mail and postings for both the Workshop and the Hearing, and during the public meetings themselves. During the process of posting during the workshop and hearing phases, especially during the hearing phase, the Department did interact and receive feedback from industry participants on the draft language that was developed; comments were received and responded to by staff and during the hearing meeting itself. Language was also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm. Persons who would like a copy of the proceedings and comments for this process may contact the Research and Project Management Division of the Department of Motor Vehicles, 555 Wright Way, Carson City, NV 89711; email mhefner@dmv.nv.gov.

3. The number of persons who:
(a) Attended each hearing (remote meetings held via Webex and GoToMeeting, no physical location was held for these):

1. **Workshop - ___1___**
2. **Hearing ___0___**

(b) Testified at the hearing- 0

(c) Submitted to the agency written statements- 0

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity of organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

See attached Exhibit 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.

Comment from interested participants was obtained through the workshops and hearings held on the topic, and during notification periods when the public meetings were posted. Other persons wishing to obtain a summary of the regulations adoption proceedings may contact:

Department of Motor Vehicles
Attn: Research and Project Management Division
555 Wright Way
Carson City, NV 89711
Southern NV- (702) 486-4368
Northern NV- (775) 684-4368
Email: mhefner@dmv.nv.gov

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 solicited public comment on the proposed regulation language at both the workshop and hearing and ultimately adopted the language without any requested changes.

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) Business:

i. Both adverse and beneficial effects; and

ii. Both immediate and long-term effects.

Business adverse and beneficial effects

These regulations are anticipated to have an overall neutral impact to the business community. All customers of the state of Nevada that need to have a driver's license or identification card will be equally impacted by the change to the NAC increasing the fee by $0.25 per card; the increase is not intended to be punitive or provide additional operating revenues to the Department in general, but to cover production costs of cards provided to both business and general customers.

(1) Immediate and long-term effects.

Immediate: will allow DMV to continue to work with our card production vendor to provide necessary driver's license and identification card to the Nevada public.

Long-term: Generally the same as the immediate term and enable continued operation of card production and issuance.

Public adverse and beneficial effects

No adverse impact to the general public is estimated; Nevada overall will benefit from seamlessly providing driver's licenses and identification cards to the public on demand and transmitting them to customers in a timely manner.

(1) Both immediate and long-term effects.

Immediate and long-term effect to the general public will be to ensure that all Nevadans have equal access to necessary identification documentation and credentials for operating vehicles on Nevada's highways. The long-term effects are continued smooth working operations with our card production vendor and ensuring valid and secure cards are issued to customers when they need them without undue delay.

8. The estimated cost to the agency for enforcement of the adopted regulation. The Department incurs a standard amount of costs ($342.00) for the general development of regulations. There is no anticipated additional cost to the Department for the enforcement of the adopted regulations.

9. A description of any regulations of other state or government agencies that 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 federal government agency regulations that are duplicated or overlapped by the adopted regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation that 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.

Total amount cannot be specifically determined; projected increase in the fee to produce the card is intended to cover the cost increase indicated by the vendor for materials, labor, etc. to produce the card at the off-site facility and increased mailing costs for shipping the finished cards to the customer.

EXHIBIT A

Attendees at Public Workshops/Hearings for R043-25

Name	Organization	Address	Phone Number	Email	Testified? (Y/N)
Denise Davis	N/A	Did not give	Did not give	Did not give; attended online as observer	N

Joe Lombardo
Governor

Tonya Laney
Director

Department of Motor Vehicles
555 Wright Way
Carson City, Nevada 89711-0001
Telephone (775) 684-4368

March 3, 2026

Regulation Small Business Impact Statement

LCB File No. R043-25 (Revisions to Card Production Fee provisions)

As required by Nevada Revised Statute (NRS) 233B.0609, a small business impact analysis was completed to determine what, if any, impact the proposed regulation would have on businesses.

1. 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.

Comments were solicited using electronic mail and postings for both the Workshop and the Hearing. No suggestions for change were offered at either workshop or hearing, and no requested changes were submitted to the Department during the process. Notifications were also sent out by electronic mail to industry contacts that the Department keeps on record. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm. Persons who would like a copy of the proceedings and comments for this process may contact the Research and Project Management Division of the Department of Motor Vehicles, 555 Wright Way, Carson City, NV 89711; email mhefner@dmv.nv.gov.

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

In early 2025, conversations with our card driver's license/ID card production vendor Idemia (now Neumo) indicated that card production costs were increasing and that accordingly the Department would be charged an increased amount per the contract for their manufacture and issuance. Consequently, DMV administrative staff determined that the amount of the statutorily allowed card production fee as outlined in NRS 483.347 and specified in NAC 483.900, would need to be increased from the existing $3.25 to $3.50 per card. By authorizing this increase, it will allow the Department to continue to work with our vendor to cover the production costs and issue them to customers seamlessly.

3. The estimated direct and indirect effects on the small business which this language is to regulate

a. Business adverse and beneficial effects

These regulations are anticipated to have an overall neutral impact to the business community. All customers of the state of Nevada that need to have a driver's license or identification card will be equally impacted by the change to the NAC increasing the fee by $0.25 per card; the increase is not intended to be punitive or provide additional operating revenues to the Department in general, but to cover production costs of cards provided to both business and general customers.

(1) Immediate and long-term effects.

Immediate: will allow DMV to continue to work with our card production vendor to provide necessary driver's license and identification card to the Nevada public.

Long-term: Generally the same as the immediate term and enable continued operation of card production and issuance.

b. Public adverse and beneficial effects

No adverse impact to the general public is estimated; Nevada overall will benefit from seamlessly providing driver's licenses and identification cards to the public on demand and transmitting them to customers in a timely manner.

(1) Both immediate and long-term effects.

Immediate and long-term effect to the general public will be to ensure that all Nevadans have equal access to necessary identification documentation and credentials for operating vehicles on Nevada's highways. The long-term effects are continued smooth working operations with our card production vendor and ensuring valid and secure cards are issued to customers when they need them without undue delay.

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

The Department incurs a standard amount of costs ($342.00) for the general development of regulations. There is no anticipated additional cost to the Department for the enforcement of the adopted regulations.

5. A description of any regulations of other state or government agencies that 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 federal government agency regulations that are duplicated or overlapped by the adopted regulations.

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

Not applicable.

7. 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.

No additional fees or revenue are expected to be received due to adoption of these regulations.

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

As a result of not receiving any negative feedback or suggested changes from business listing the impacts they could experience, the Department has determined the provisions in these regulations will not impose an adverse economic burden on small businesses, nor will they restrict the formation, operation or expansion of a small business.

I certify that to the best of my knowledge or belief, 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.

Tonya Laney, Director

5-29-26
Date

R052-25

ADOPTED REGULATION OF THE

DIVISION OF MINERALS OF THE

COMMISSION ON MINERAL RESOURCES

LCB File No. R052-25

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

AUTHORITY: §§ 1-10, NRS 522.040.

A REGULATION relating to natural resources; adopting by reference certain specifications and standards relating to the drilling, casing and cementing of wells; eliminating the requirement that certain applications be accompanied by a location plat which satisfies certain criteria; specifying the period of time by which certain sample cuttings and splits of cores must be submitted to the Bureau of Mines and Geology of the State of Nevada for the approval of a drilling permit; revising certain duties of an operator of an oil or gas well; eliminating certain limitations on the use of gas from an oil well; revising requirements for the filing of certain surveys and reports; eliminating unnecessary definitions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires the Division of Minerals of the Commission on Mineral Resources to adopt regulations to effectuate the purposes of existing law, governing oil and gas; and (2) authorizes the Division to require certain persons to make and file reports, well logs and directional surveys relating to oil and gas wells. Existing law also authorizes the Division to require the drilling, casing and plugging of wells in such a manner as to prevent: (1) certain escapes of oil or gas; (2) certain water intrusions; (3) pollution of fresh water supplies; and (4) blowouts, cavings, seepages and fires. (NRS 522.040)

Section 1 of this regulation adopts by reference certain American Petroleum Institute specifications and standards relating to the drilling, casing and cementing of wells.

Existing regulations require a person to apply to and obtain a permit from the Division before any well is spudded in or drilled for oil or gas. Existing regulations require the application to be made on certain forms and accompanied by the required fee and a location plat prepared by a land surveyor licensed in Nevada. (NAC 522.210, 522.495) **Sections 2 and 7** of this regulation eliminate the requirement that an application be accompanied by a location plat that satisfies certain criteria.

Existing regulations require, as a condition for the approval of a drilling permit, certain sample cuttings and a split of any core taken to be submitted to the Bureau of Mines and Geology of the State of Nevada as soon as the drilling of a well is complete. (NAC 522.215) **Section 3** of this regulation requires the cuttings and any sample taken to be submitted to the Bureau not later than 90 days after the date on which the drilling of the well is complete.

Existing regulations impose certain duties on an operator of an oil or gas well. (NAC 522.232) **Section 4** of this regulation: (1) updates the editions of certain specifications prescribed by the American Petroleum Institute which must be met by casings; (2) eliminates a requirement that an operator of an oil or gas well must notify the Division if any casing or casing material has been previously used in a hydraulic fracturing operation or in any other oil or gas well; and (3) revises the address of an Internet website at which an operator may obtain information on the types of spills which must be reported to the Division of Minerals and the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Section 5 of this regulation changes the edition of the specifications prescribed by the American Petroleum Institute which must be met by well control and wellhead assemblies used in an oil or gas well.

Existing regulations limit the use of gas from an oil well to certain enumerated purposes. (NAC 522.345.) **Section 6** of this regulation eliminates such limitations.

Existing regulations require a Form 5, well completion report, to be filed for all wells drilled in this State within 30 days after drilling operations are complete. Existing regulations also provide that, if production will not begin within 30 days after drilling operations are completed: (1) Form 5 is not required to include information regarding the production of the well; and (2) an additional Form 5 must be filed with the Division within 30 days after production begins at the well that includes information regarding the production of the well. Finally, existing regulations require two copies of all logging surveys run in a wellbore by an operator to be filed with the Division. (NAC 522.510) **Section 8** of this regulation: (1) provides that, if production will not begin within 30 days after drilling operations are completed, information regarding the location of the well included on Form 5 must be reviewed and certified by a professional land surveyor who is licensed in this State; and (2) authorizes a single electronic copy, in lieu of two paper copies, of the logging surveys to be filed with the Division.

Existing regulations require: (1) a report of the production and sales of all oil, gas and water to be filed in quadruplicate with the Division on or before the last day of the month following the month for which the report is made; and (2) two copies of the report to be filed with the State Treasurer with the remittance of the production tax. (NAC 522.515) **Section 9** of this regulation: (1) requires the filing with the Division of an electronic or paper copy; and (2) eliminates the requirement that two copies of the report be filed with the State Treasurer.

Section 10 of this regulation eliminates definitions that are repetitive of statutes applicable to the provisions of certain existing regulations relating to natural resources. (Chapter 522 of NAC)

Section 1. Chapter 522 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Division hereby adopts by reference API Specification 5CT, "Casing and Tubing," Eleventh Edition, which is available from the American Petroleum Institute at the Internet address https://www.apiwebstore.org, for the price of $380.

2. The Division hereby adopts by reference API Specification 10A, "Cements and Materials for Well Cementing," Twenty-Fifth Edition, which is available from the American Petroleum Institute at the Internet address https://www.apiwebstore.org, for the price of $217.

3. The Division hereby adopts by reference API Standard 53, "Well Control Equipment Systems for Drilling Wells," Fifth Edition, which is available from the American Petroleum Institute at the Internet address https://www.apiwebstore.org, for the price of $215.

Sec. 2. NAC 522.210 is hereby amended to read as follows:

522.210 1. Before any well is spudded in or drilled for oil or gas, application must be made to and a permit obtained from the Division.

2. The application must be made on Form 2, properly completed and accompanied by Form 1 ~~[,]~~ ***and*** the required fee ***.*** ~~[and a location plat prepared by a land surveyor licensed in Nevada.]~~ Evidence of a federal bond for drilling on a federal lease must be included in the space provided on Form 2. The source and estimated volume of water required for drilling each well must be included with the application.

3. If the well is to be drilled on state or private land, Form 3 or 3a, properly completed, must accompany the application.

4. The Division will, upon the approval of an application for a permit to drill or a sundry notice (Form 4) for a permit to conduct a hydraulic fracturing operation, make a copy of the permit available on the Internet website maintained by the Division.

Sec. 3. NAC 522.215 is hereby amended to read as follows:

522.215 The taking of cuttings and the filing thereof is a condition for approval of the drilling permit, and this condition will be stated on the permit. A minimum of two 15-milliliter sets of cuttings per sampling interval must be cleaned, dried and placed in sample envelopes, and

the cuttings and a split of any core submitted to the Bureau of Mines and Geology ~~[as soon as]~~ ***not later than 90 days after the date on which*** the drilling of the well is complete. The Bureau shall remove a 15-milliliter set and place the set in permanent storage. The rest of the cuttings must be made available for public inspection and testing at that time or, if the records concerning the well are to be kept confidential pursuant to NAC 522.540, upon the expiration of the period of confidentiality. Destructive tests may be performed on the cuttings made available for public inspection and testing. The Administrator of the Division must be notified by the Bureau of any sample envelopes containing less than 5 milliliters of cuttings.

Sec. 4. NAC 522.232 is hereby amended to read as follows:

522.232 An operator of an oil or gas well shall:

1. Maintain a copy of the approved drilling permit at the site of the well during the operation of the well, including, without limitation, during the stages of drilling, hydraulic fracturing, reconditioning and completion.

2. Not less than 24 hours before a well is spudded for oil or gas, notify the Division by telephone or electronic mail.

3. Not less than 24 hours before installing or cementing casing, installing any equipment for the prevention of a blowout or conducting a formation integrity test, notify the Division by telephone or electronic mail.

4. Ensure that the casing installed in the well meets the minimum specifications for casing prescribed by the American Petroleum Institute in ***API*** Specification 5CT, ~~[“Specification for Casing]~~ ***“Casing*** and ~~[Tubing, Ninth Edition,”]~~ ***Tubing,” Eleventh Edition,*** or by its successor organization, or as may be otherwise prescribed by the Administrator.

5. ~~[Notify the Division if any casing or casing material has been previously used in a hydraulic fracturing operation or in any other oil or gas well.~~

~~6.]~~ Ensure that the cementing of each casing string meets the minimum specifications prescribed by the American Petroleum Institute in ***API*** Specification 10A, ~~[“Specification for Cements]~~ ***“Cements*** and Materials for Well ~~[Cementing, Twenty-Fourth Edition,”]~~ ***Cementing,” Twenty-Fifth Edition,*** or by its successor organization, or as may be otherwise prescribed by the Administrator.

~~[7.]~~ ***6.*** Store and contain all materials at the site of the well in a safe and orderly manner.

~~[8.]~~ ***7.*** Manage spills or releases in the manner prescribed by the Division of Environmental Protection pursuant to chapter 445A of NRS and chapter 445A of NAC.

~~[9.]~~ ***8.*** Except as otherwise provided in subsection 3 of NAC 522.728, contain all liquids that are returned to the surface and discharged from the wellbore in the manner prescribed by the Division of Environmental Protection pursuant to chapter 445A of NRS and chapter 445A of NAC. A reserve pit for drilling liquids must not subsequently be used for the discharge of wellbore liquids during the testing of the well without the prior approval of the Administrator.

~~[10.]~~ ***9.*** If an unintentional mechanical failure of the well or an uncontrolled flow or spill from the well site occurs, immediately notify:

(a) The Division at the telephone number of the Division.

(b) The Division of Environmental Protection at the spill reporting hotline maintained on its Internet website.

➥ An operator may obtain information on the types of spills which must be reported pursuant to this subsection at the Internet website ~~[http://ndep.nv.gov/BCA/spil_rpt.htm.]~~ ***https://ndep.nv.gov***.

Sec. 5. NAC 522.234 is hereby amended to read as follows:

522.234 1. An operator shall take all precautions which are necessary to keep wells under control and operating safely at all times. Well control and wellhead assemblies used in an oil or gas well must meet the minimum specifications for assemblies prescribed by the American Petroleum Institute in ***API*** Standard 53, ~~[“Blowout Prevention]~~ ***“Well Control*** Equipment Systems for Drilling ~~[Wells, Fourth Edition,”]~~ ***Wells,” Fifth Edition,*** or by its successor organization, or as may be otherwise prescribed by the Administrator.

2. Equipment for the prevention of a blowout which is capable of shutting in the well during operation must be installed on the surface casing and maintained in good operating condition at all times. The equipment must have a rating for pressure greater than the maximum anticipated pressure at the wellhead. The equipment must include casing outlet valves with adequate provisions for mud kill and bleed-off lines of appropriate size and working pressure.

3. An operator shall test the equipment for the prevention of a blowout under pressure immediately after installing the casing and the equipment at the wellhead. A representative of the Division must observe the test in person or otherwise approve the results of the test before the operator drills the shoe out of the casing. An operator shall notify the Division not less than 24 hours before conducting a test pursuant to this subsection.

4. The operator shall submit to the Division the pressure data and supporting information for the equipment for the prevention of a blowout as soon as practicable after the conclusion of the test. The operator shall record the results of each test in the daily drilling log of the operator.

Sec. 6. NAC 522.345 is hereby amended to read as follows:

522.345 1. ~~[Gas from an oil well may be used for:~~

~~(a) Light or fuel;~~

~~(b) Efficient manufacture of chemicals;~~

~~(c) Reinjection to increase the ultimate recovery of hydrocarbons or for storage;~~

~~(d) The extraction of liquid hydrocarbons from the gas if the gas is not wasted; or~~

~~(e) The artificial lifting of oil from a pool if all gas returned to the surface is then used without waste.~~

~~2.]~~ No gas from a gas well may be permitted to escape into the air without the approval of the Division except:

(a) When required for safety;

(b) When required for initial testing of a well; or

(c) To lift oil artificially from a pool in cases of operational necessity if the escape is permitted for no more than 5 days within any 30-day period.

~~[3.]~~ ***2.*** The disposition of gas produced by each gas well must be reported each month on Form 7.

Sec. 7. NAC 522.495 is hereby amended to read as follows:

522.495 ~~[1.]~~ A person who desires to drill any oil or gas well must file Form 2, properly completed, with the Division.

~~[2. The location plat required by this section must be of convenient size, and must have the location of the proposed well within a 40-acre legal subdivision by an accurate course and distance tie to an established corner of a section or quarter section. The plat must contain a full description of the corner to which the tie is made, together with all markings thereon. Ties to offset section or quarter corners on township lines must also show the nearest corner of the adjoining township together with the offset distance. Lots within a lotted section must be shown and designated. The plat must indicate the method used in obtaining all bearings and must show~~

~~the declination used for compass bearings and the source of the bearing if an angle is turned from a line of known bearing. The person who prepares the plat must note on the plat whether solar or polaris observations have been used.]~~

Sec. 8. NAC 522.510 is hereby amended to read as follows:

522.510 1. Form 5, the well completion report, must be filed for all wells drilled in Nevada within 30 days after drilling operations are completed. In the case of a dry hole, this report may accompany Form 4. If production will not begin within 30 days after drilling operations are completed:

(a) ***Information regarding the location of the well included on Form 5 must be reviewed and certified by a professional land surveyor who is licensed pursuant to chapter 625 of NRS;***

(b) Form 5 is not required to include information regarding the production of the well; and

~~[(b)]~~ ***(c)*** An additional Form 5 must be filed with the Division within 30 days after production begins at the well that includes information regarding the production of the well.

2. ~~[Two]~~ ***Except as otherwise provided in this subsection, two paper*** copies of all logging surveys run in the wellbore by the operator must be filed with the Division. ***In lieu of filing two paper copies, a single electronic copy of the logging surveys may be filed with the Division.***

3. The Division will file ~~[one]~~ ***a copy*** of the ~~[sets]~~ ***logging surveys*** with the Bureau of Mines and Geology. The copy at the Bureau will be available for public inspection when the records are no longer confidential.

Sec. 9. NAC 522.515 is hereby amended to read as follows:

522.515 1. ~~[A]~~ ***An electronic or paper copy of a*** report of the production and sales of all oil, gas and water must be filed ~~[in quadruplicate]~~ with the Division on or before the last day of the month following the month for which the report is made. ~~[Two copies of the report must be~~

~~filed with the State Treasurer with the remittance of the production tax. One copy must be retained by the producer.]~~

2. All wells on a production status or shut-in for any part of the month must be included in the monthly report.

Sec. 10. NAC 522.078 and 522.708 are hereby repealed.

TEXT OF REPEALED SECTIONS

522.078 "Division" defined. (NRS 522.040) "Division" means the Division of Minerals of the Commission on Mineral Resources.

522.708 "Hydraulic fracturing" defined. (NRS 522.040, 522.119) "Hydraulic fracturing" has the meaning ascribed to it in NRS 522.0275.

THE NEVADA DIVISION OF MINERALS OF THE

COMMISSION ON MINERAL RESOURCES

INFORMATIONAL STATEMENT

SUBMITTED IN COMPLIANCE WITH NRS 233B.066

UPON ADOPTION OF REGULATION FOR THE COMMISSION ON MINERAL RESOURCES; DIVISION OF MINERALS IN CHAPTER 522 OF THE NEVADA ADMINISTRATIVE CODE

LCB File No. R052-25

June 29th, 2026

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 522.

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

   The proposed amendment is to update technical references that pertain to oil and gas well drilling and completion and streamline, clarify, reduce or otherwise improve oil and gas regulations.

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.**

   A public workshop was held on August 26th, 2025, at the Nevada Legislative Building, 401 South Carson Street, Carson City, NV 89701 and the minutes of that meeting, attached hereto as Exhibit B. Thereafter, on or about January 9th, 2026, the Administrator of the Nevada Division of Minerals issued a Notice of Intent to Act Upon a Regulation.

   A public hearing was held on February 19th, 2026, in conjunction with a quarterly Commission on Mineral Resources meeting in Las Vegas. One written comment was submitted and one member of the public made oral comment. The Commission on Mineral Resources decided to not hold a vote on the regulation change at the time to provide time to review the public comment. The minutes of this meeting are attached hereto as Exhibit C.

A public hearing was again held on June 17th, 2026, at the office of the Nevada Division of Minerals, 400 W. King St. #106, Carson City, NV 89703. There was no public comment; the minutes of this meeting are attached hereto as Exhibit D.

A copy of this summary of the public response to the proposed regulation may be obtained from the Nevada Division of Minerals, 400 W. King St. #106, Carson City, NV 89703, 775-674-7040, ndom@minerals.nv.gov

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

    a. **Attended each hearing:** Public Workshop, Aug. 26, 2025: 14 persons; Public Hearing, Feb 19., 2026: 18 persons; Public Hearing, June 17, 2026: 8 persons

    b. **Testified at each hearing:** Public Workshop, Aug. 26, 2025: 0 persons; Public Hearing, Feb 19., 2026: 1 person; Public Hearing, June 17, 2026: 0 persons

    c. **Submitted to the agency written comments:** The agency received three written comments.

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, is attached as Exhibit 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:**

    Comments were solicited from affected businesses via an electronic survey and in the same manner as they were solicited by the public. The summary may be obtained as instructed in the response to question #2.

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 June 17th, 2026. The adopted regulation included changes which were incorporated based on comment from the public at the February 19th, 2026 public 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.**

        There are no reasonably foreseen adverse nor beneficial economic impacts resulting from the change in regulations.

    b. **Both immediate and long-term effects.**

        The effects of the change of regulation are the same in the immediate and long term.

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

    There are no additional costs to the agency for enforcement of the adopted 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 state or government agency regulations that the proposed regulation overlaps or duplicates.

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 regulation is not more stringent than any known federal regulation.

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 provide a new fee or increase an existing fee.

Respectfully submitted,

Robert Ghiglieri,
Administrator
Nevada Division of Minerals

NAC 519A Workshop Participants (August 26th, 2025)

Name	Telephone Number	Business Address	Business Telephone Number	Email Address	Organization Represented
Leo Giangiacomo					
Bill Ehne				ehnient@aol.com	Consulting Geologist
Wesley Adams		90 South 400 West, Suite 410, Salt Lake City, UT 84101		ADMIN@ZANSKAR.COM	Zanskar Geothermal, Inc.
Ann Garth		114 State Street, 6th Floor, Boston, MA 02109	617.624.0234	agarth@catf.us	Clean Air Task Force
Terra Rogers		114 State Street, 6th Floor, Boston, MA 02109	617.624.0234	trogers@catf.us	Clean Air Task Force
Vanessa Robertson				Vanessa@geothermal.org	Geothermal Rising
Brandon Law				brandon.law@fervoenergy.com	Fervo Energy
Caity Smith		2479 East Bayshore Road, Suite 210, Palo Alto, CA 94303	707.477.5567	csmith@xgsenergy.com	XGS Energy
Sheldon Bide					Fervo Energy
Erica Freese					Ormat
Josh Nordquist				jnordquist@ormat.com	Commission on Mineral Resources / Ormat
Robert Ghiglieri, Garrett Wake, Dustin Holcomb					NDOM

NAC 519A Public Hearing Participants (November 13th, 2025)					
Fred Dilger					NV Agency for Nuclear Projects
Simon Jowitt					Nevada Bureau of Mines and Geology
Beatruz Maquez Garcia					
Ernesto Cuenca					
Kevin Vindel					
Josh Nordquist					CMR
Arthur Henderson					CMR
Nigel Bain					CMR
Stephanie Hallinan					CMR
Randy Griffin					CMR
Bob Potts					CMR
Robert Ghiglieri					NDOM
Rebecca Tims					NDOM
Garrett Wake					NDOM
Lucia Patterson					NDOM
Lorraine Belt-Dolan					NDOM
Nicole Ting					NV DAG
Daniel Marlow					LCB

COMMISSION ON MINERAL RESOURCES
NAC 513 & NAC 522 Hearings and Commission Meeting
SIGN-IN SHEET
February 19, 2026, 10:00 AM

First and Last Name	Email Address	Phone #	Organization	Mark each mtg you will be attending: CMR Meeting	NAC 513	NAC 522
ROBERT CARRINGTON	ROBERT@DB-LS.COM	702 340 6049	NEVADA ASSOC OF LAND SURVEYORS			X
Carol Shelton	CShelton@minerals.nv.gov	702.769.2618	NDOM	+		
Josh Nordquist	jnordquist@ormt.com	775-702-8869	CMR	+		
Tobias Konzmann	tobias.konzmann@lhoist.com	702 506 7359	Lhoist	+		
Sage Maddux	sage.maddux@lhoist.com	702-830-2124	Lhoist	+		
Allison Anderson	aanderson@aga.gold	720-731-5580	AGA	+		
Joel Donalson	Jdonalson@aga.gold	775 385 2937	AGA	+		
RANDY GRIFFITH	RANDYRAYGRIFFITH@GMAIL.COM	702-739-4825	CMR	+		
Garrett Wake			NDOM			
Peter Engh			NDOM	+		
Sean Derby			NDOM	x		

COMMISSION ON MINERAL RESOURCES
NAC 513 & NAC 522 Hearings and Commission Meeting
SIGN-IN SHEET
February 19, 2026, 10:00 AM

				Mark each mtg you will be attending		
First and Last Name	**Email Address**	**Phone #**	**Organization**	**CMR Meeting**	**NAC 513**	**NAC 522**
Bob Potts			CMR			
Bill Felder			CMR			
Rob Ghigliotti			NDOM			
Nigel			CMR			
Art			CMR			
Stephanie			CMR			
Lorraine Bell Dolan			NDOM	x	x	x

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ROBERT GHIGLIERI
Administrator

Tuesday, August 26, 2025 1:00 P.M.

MINUTES

Commission	Staff	Public
Josh Nordquist	Robert Ghiglieri	Leo Giangiacomo, Consultant (phone)
	Rebecca Tims	Wesley Adams, Zanskar Geothermal & Minerals, Inc (phone)
	Dustin Holcomb	Bill Ehne, Consulting Geologist
	Nicole Ting	Ann Garth, Clean Air Task Force
		Terra Rogers, Clean Air Task Force
		Vanessa Robertson, Geothermal Rising
		Brandon Law, Fervo Energy
		Caity Smith, XGS Energy
		Sheldon Bide, Fervo Energy
		Erica Freese, Ormat
		Nikki Bailey-Lundahl, NvMA

COMMENTS BY THE GENERAL PUBLIC
There were no comments.

I. Intent
The Division of Minerals held a public workshop to update regulations on NACs 513, 519A, 522, and 534A. Administrator Ghiglieri provided an overview of the workshop process and intent. He then presented on the proposed changes to each regulation and concluded by explaining the next steps in the regulatory change process.

II. NAC 513
There were no public comments on NAC 513.

III. NAC 519A
There were no public comments on NAC 519A.

IV. NAC 522
A **Leo Giangiacomo** of the public made a comment regarding the release of natural gas. He stated if he releases one molecule of natural gas in the process of drilling a completion that he is in violation of regulations and feels that this is impractical. He stated there should be a minimal volume in which this kicks in at rather than any volume. **Wesley Adams**

questioned the submittal of core and asked how much of the rock core needs to be slabbed and sent to the Division of Minerals. **Administrator Ghiglieri** stated the core change is under NAC 522.15 which says a minimum of two 15 millimeter sets of cuttings per sample, interval must be cleaned, dried and placed in the sample envelopes, and the cuttings and core split to the Bureau of Mines and Geology, not to the Division of Minerals. Instead of as soon as possible or as soon as drilling of the well is complete, we now have within 90 days after the drilling of the well is complete. The change of the requirements of the drilling has not changed, the time frame for those requirements to the Bureau of Mines and Geology is what is being changed. **Bill Ehne** had a comment on the hydraulic fracking section that isn't addressed in these modifications. He thinks the process needs to be modified. It needs to be simpler for an operator to perforate a zone and stimulate the zone without going through the full hydraulic fracturing process that is outlined in the NRS. Maybe the volumes need to be changed. Leo gave him some language that he thought was good which was, the definition of hydraulic fracturing is the process of fracturing fluids into a specific rock strata at pressures exceeding the mechanical strength of the rock and at a rate high enough to spread the fracture and prop it open sufficient distance from the wellbore to enhance the permeability of the rock sufficient to the well and the well will produce economic quantities. The existing language says the process of pumping fluid in to or under the surface of the ground to create fracture in the rock to facilitate the production or recovery of oil and gas. That's onerous that you can't pump fluid into the formation to anticipate, the simple process is if you perforate a zone and you don't have any in-flow from the zone, you're perforating you have to clean those perforations out. To do that, you must pump something back into the formation, possibly something like dilute hydrochloric acid to clean up the cement. Sometimes it takes effort. I suggest there be some language in this that allows simple stimulation to a zone that is being tested for oil and gas. If you don't it is detrimental to the state. If an operator drills a well and they want to stimulate a specific zone that they hadn't anticipated before, it turns out that's no good but look we've got this really good-looking zone above, but we have not gone through the whole process of review and the review area. We just want to see if we can get something out of it. **Leo Gingiacomo** wants to back up some comments from Bill Ene. He does feel that the definition the legislation is such that you cannot build good regulations based on that definition. It is critical to work with the legislators to get that definition changed into something that is more workable and from that point we can build better regulations regarding the hydraulic fracturing process.

V. NAC 534A

Ann Garth is curious about the definition on recovery of fluids and wants to make sure the definition doesn't exclude projects that are happening in dry rock conditions where they are doing stimulation in order to recover more heat, but the fluids are not preexisting in the sub surface but are rather being introduced. **Tara Rogers** wants us to consider unique technologies that extract heat that do not require simulation. The suggestion or consideration she would bring to this body is consideration for the definition of next generation where it can embody various techniques including hybrids of stimulated and non-stimulated heat extraction techniques not requiring hydrothermal bodies. **Vanessa Robertson** wants to lean on what Tara said in recommending a whole other definition regarding next generation geothermal that addresses existing new generation technologies as closed loop, AGS, but a variety of technologies that are yet to be discovered or not in one bucket or another, and being able to open up the opportunities for operators and developers to take advantage of geothermal in Nevada. **Tara Rogers** from Clean Air Task Force, which is a global nonprofit focused on decarbonizing the energy sector. She states that they have focused on geothermal as a technology solution is because the believe it to be truly transformative at a scale that is hard to imagine today. Nevada is uniquely positioned to lead this industry both in technology and its people and labor. She is not going to comment specifically on the fees suggested, but rather to elevate how important it is that our online resources are adequate for those entering the sector to understand how to access it. The recommendation is to ensure that the fees are adequate to make this regulatory structure accessible and easy to manage. She expects this sector to grow quickly and Nevada to lead. **Dustin Holcomb** wanted to clarify that none of the fees that are being proposed will apply to applications that have been submitted now or until these regulations come into effect. **Administrator Ghiglieri** confirmed that these fee changes will not go into effect until after being codified by the legislature. We are looking at 6 months, at that point we will ensure that every operator and every application is aware when that change will take place on any fee changes as well as regulatory changes. **Josh Nordquist** wants to propose that on NAC 534.216(1) he is suggesting us to consider a longer timeline than thirty days before we assess the 5% percent fee to allow business processes today that seem to take sixty to ninety days to process before we bring in penalties. **Brandon Law** with Fervo said he understands the State's need to cover expenses for plugging abandoned orphaned wells. He wants to point out that the bond for operating across the state for Oil and Gas is $50,000, this is six times that. The bond for a project area in Utah is $50,000; this is six times that. The bond for a project area in California is $100,000; this is three times that. **Josh Nordquist** commented on 534A.250(3) saying he assumes the thought process for increasing the bond to

regulations being adequate for production scale things but maybe there should be a modification or some exceptions for tests wells or exploratory wells because you really don't know what you're going to do until you've got that first well in the system.

COMMENTS BY THE GENERAL PUBLIC
There were no comments.

ADJOURNMENT
The meeting adjourned at 2:38 PM.

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ROBERT GHIGLIERI
Administrator

Thursday, February 19, 2026 10:00 A.M.

MINUTES

Commission	Staff	Public
Josh Nordquist	Robert Ghiglieri	Robert Carrington
Bob Potts	Garrett Wake	Tobias Konzmann
Arthur Henderson	Lorraine Belt-Dolan	Sage Maddox
Bob Felder	Carol Shelton	Allison Anderson
Nigel Bain	Peter Engh	Joel Donalson
Randy Griffin	Sean Derby	
Stephanie Hallinan	Dustin Holcomb	

CALL TO ORDER
10:00 AM by Chairman Josh Nordquist

Roll Call
All commissioners were present.

COMMENTS BY THE GENERAL PUBLIC
- No Public Comment

I. Agenda
A. Approval of the Agenda
Motion to approve the agenda made by: Bob Potts
Seconded by: Randy Griffin
Unanimously approved

II. Minutes
A. Approval of August 26, 2025, public workshop minutes (NACs 513, 519A, 522, and 534A)
- Administrator Ghiglieri noted that we need to add Nikki Baily Lindel to the attendance of the workshop minutes.

Motion to approve the minutes made by: Bob Felder with the correction
Seconded by: Stephanie Hallinan
Unanimously approved

B. Approval of the meeting minutes from the November 13, 2025, meeting
Motion to approve the minutes made by: Bob Felder
Seconded by: Stephanie Hallinan
Unanimously Approved

III. Intent to Act Upon Regulations

A. NAC 513

- Administrator Ghiglieri provided an overview of the regulation changes.
- **Commissioner Potts** asked if there were any substantive changes to the regulation. **Administrator Ghiglieri** said that the change is to advance the deadline for submission next calendar year. **Chairman Nordquist** asked Administrator Ghiglieri if this was workshopped and **Administrator Ghiglieri** affirmed and noted that the regulations would still need to be codified by the legislation in the Spring or later. **Chairman Nordquist** asked if these regulations are temporary. **Administrator Ghiglieri** said they would be implemented in 2027.
- Public Comment: None.

Motion to approve: Bob Felder
Seconded by: Randy Griffin
Unanimously approved

B. NAC 522

- Administrator Ghiglieri provided an overview of the regulation changes.
- Public Comment: **Robert Carrington** gave Public Comment on behalf of the Nevada Association of Land Surveyors about the NAC 522 proposed amendments.
- **Administrator Ghiglieri** proposed that the Division meet with Mr. Carrington regarding his public comment prior to approving the regulation changes. **Commissioner Potts** agreed with this. **Commissioner Bain** commented that a certified land surveyor is required with location issues; however, the data is usually collected by someone else and signed off by a certified surveyor in another state or location and that surveying technology has changed significantly.
- **Chairman Nordquist** stated that the Division will work with Mr. Carrington on his response to the proposed regulation changes and that the Commission will hold off on making changes to see if there are adjustments needed.

No action taken

IV. Agency Business

A. Lhoist Company Update

- Tobias Konzmann and Sage Maddox gave an update on Lhoist which can be found on the Division of Minerals website, commission meeting materials, E-packet: IV Agency Business – Exhibit A.
- **Commissioner Griffin** asked if the rollback of federal regulations on the use of coal will impact Lhoist's product sales. **Tobias Konzmann** said that it's too early to tell. **Commissioner Potts** asked how the development of the Apex Industrial Park is impacting Lhoist as a long-term tenant. **Tobias Konzmann**

- **Administrator Ghiglieri** gave an agency administrator report that we have a new website and stated that if anyone sees things that needs to be changed or updated, please let the agency know.
- **Peter Engh** gave an update on the Good Samaritan Act and communication with the EPA regarding the Division's efforts to fund closure of an abandoned mine through the act's funding. Administrator Ghiglieri believes the law may be interpreted in a way which may provide funding for this closure project.
- **Administrator Ghiglieri** stated he was appointed to the Governor's Fuel Resiliency Committee with a focus on the impact on the minerals industry. He is also on the executive director's search committee for Interstate Mining Compact Commission.
- **Administrator Ghiglieri** and **Dustin Holcomb** recently attended the Groundwater Protection Council's Underground Injection Control training and Division staff presented. He also presented at a workshop hosted by a company trying to repurpose mine waste.
- Division staff attended the American Mineral Exploration Roundup conference and will be attending the Society of Mining and Metallurgy and Engineering conference, the Prospectors and Developers Association of Canada conference, and will be meeting with lawmakers in Washington, DC.
- The Division is hosting the National Association of Abandoned Mine Lands Program (NAAMLP) winter business meeting at Lake Tahoe and has close to 20 different states and tribes attending.

V. Commission Business

A. Correspondence from the Commission
There was no correspondence for the commission.

B. Review of Staff Monthly Reports
There were no comments.

C. Future Meeting Agenda Items, Location, and Date
- Scheduled for May 14th, 2026 in the Reno/Carson area.

COMMENTS BY THE GENERAL PUBLIC

- No Public Comment

ADJOURNMENT

- The meeting adjourned at 2:55 PM.

NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Division of Minerals, 400 W. King Street, Suite 106, Carson City, NV 89703 or contact Rebecca Tims at (775) 684-7043 or by email at rtims@minerals.nv.gov.

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ROBERT GHIGLIERI
Administrator

Wednesday, June 17, 2026 1:00 P.M.

MINUTES

Commission	Staff	Public
Josh Nordquist	Robert Ghiglieri	
Bob Potts	Rebecca Tims	
Nigel Bain	Dustin Holcomb	
Stephanie Hallinan	Alexa Ravencroft	
	Daniel Marlow	

CALL TO ORDER
1:00 PM by Chairman Josh Nordquist

Roll Call
All commissioners were present with the exception of Arthur Henderson, Randy Griffin, and Robert Felder.

COMMENTS BY THE GENERAL PUBLIC
- No Public Comment

I. Agenda
A. Approval of the Agenda

Motion to approve the agenda made by: Bob Potts
Seconded by: Nigel Bain
Unanimously approved

II. Intent to Adopt Regulations
A. NAC 522

Administrator Ghiglieri outlined the proposed changes to NAC 522 that updates technical references that pertain to oil and gas well drilling and completion and streamline, clarify, reduce or otherwise improve oil and gas regulations.

DRAFT

He stated there are no estimated immediate or long-term economic effects on regulated small businesses. The agency solicited comments on potential effects of the regulation by emailed survey to oil and gas producers within the state through public comment during a public workshop held on 8/26/2025 in Carson City, through public comment during a hearing held on 2/19/2026 in Las Vegas, and through public comment during a hearing held on 6/17/2026. The main changes were to update references to API specifications; the removal of a plat map prepared by a land surveyor licensed in Nevada; defining a ninety-day timeline for submission of any core or cuttings; the removal of notification of casing or casing material has been previously used in a hydraulic fracturing operation or in any other oil or gas well; and the removal of stipulations for gas and oil use under NAC 522.345.

Commissioner Potts asked if we have previously held meetings and taken public comment on this NAC. **Administrator Ghiglieri** says that we have.

Motion to approve the Adopted Regulation made by: Bob Potts
Seconded by: Stephanie Hallinan
Unanimously Approved

COMMENTS BY THE GENERAL PUBLIC

- No Public Comment

ADJOURNMENT

- The meeting adjourned at 1:18 PM.

NOTICE TO PERSONS WITH DISABILITIES

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ROBERT GHIGLIERI
Administrator

NEVADA DIVISION OF MINERALS SMALL BUSINESS IMPACT STATEMENT

August 6th, 2025

RE: Proposed Permanent Changes to Nevada Administrative Code Chapter 522

I, Robert Ghiglieri, Administrator, Nevada Division of Minerals, do 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 the statement is accurate:

> Pursuant to NRS 233B.0608, the proposed administrative regulation changes are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

Background and purpose:

The Division of Minerals (Division) regulates the exploration for and production of oil and natural gas in accordance with NRS Chapter 522 and NAC Chapter 522.010-730, inclusive. The Division is proposing modifications to NAC 522 in accordance with Executive Order EO 2023-003. As part of the Division's due diligence, a small business impact questionnaire was developed to seek input from the State of Nevada's oil and gas operators on the proposed changes.

Statement of methods used in determining the impact of the proposed regulation on a small business:

The Division developed a digital questionnaire which presented the proposed modifications to NAC 522 and asked whether each change would impact a small business in accordance with NRS 233B.0608. The questionnaire was transmitted by email to the four operating oil and gas operators within the state. The Division received one response to the questionnaire, which stated that the business did not qualify as a small business as defined by NRS 233B.0382. Division program and administrative staff internally reviewed the proposed modifications and concluded they will not impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business.

Evaluation of impact:

The proposed modifications to NAC 522 are meant to streamline or remove burdensome regulations on oil and gas operators within the state. NAC 522.210 removed language requiring a location plat prepared by a licensed surveyor; NAC 522.215 pushed back the date operators are required to submit drill cuttings to the Nevada Bureau of Mines and Geology from immediately to 90 days after well completion; NAC 522.232

Commission on Mineral Resources
Nigel Bain; *Large-Scale Mining*
Robert Felder; *Exploration and Development*
Randy Griffin; *Small-Scale Mining and Prospecting*
Josh Nordquist, Chairman; *Geothermal Resources*
Stephanie Hallinan; Large-Scale Mining
Arthur Henderson; *Oil and Gas*
Robert Potts, *Public at Large*

removed the requirement to notify the Division if drill casing was reused in hydraulic fracturing operations; NAC 522.345 removed language specifying what gas could be used for; NAC 522.495 removed the language specifying the requirements of a surveyed location plat; NAC 522.510 added language allowing operators to submit digital copies of well surveys; and NAC 522.515 removed language requiring multiple paper copies of reports to be submitted, allowing one digital report.

Division staff reviewed the proposed modifications and concluded they will not impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business.

Respectfully,



Robert Ghiglieri
Administrator
Nevada Division of Minerals

ADOPTED REGULATION OF THE

COMMISSIONER OF FINANCIAL INSTITUTIONS

LCB File No. R065-25

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

AUTHORITY: §§ 1, 4, 5 and 7-13, NRS 604A.300; § 2, NRS 604A.300 and 604A.655; §§ 3 and 14, NRS 604A.300 and 604A.303; § 6, NRS 604A.300 and 604A.405; § 15, NRS 675.170 and 675.230; § 16, NRS 675.170.

A REGULATION relating to financial services; authorizing a person who is licensed by the Commissioner of Financial Institutions to make certain types of loans to also conduct the business of making certain other types of loans for which the person is licensed under certain circumstances; imposing certain restrictions on the use by a licensee of a database established for compliance with provisions of existing law governing certain types of loans; revising provisions governing advertising by persons who are licensed to conduct the business of making certain types of loans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is licensed to operate a deferred deposit loan service, high-interest loan service or title loan service from conducting the business of making loans in association or conjunction with any other business, unless authority to do so is given by the Commissioner of Financial Institutions. (NRS 604A.655) Existing law imposes a similar restriction upon a person who is licensed as an installment lender. (NRS 675.230)

Sections 2 and 15 of this regulation authorize a person to conduct the business of making deferred deposit loans, high-interest loans or title loans in association or conjunction with the business of making installment loans under certain circumstances. Under **sections 2 and 15**, a person may conduct those businesses in association or conjointly if the licensee: (1) maintains separate licenses to conduct the business of making deferred deposit loans, high-interest loans or title loans and the business of making installment loans; (2) does not issue a loan under one type of license, the proceeds of which are intended to be used to pay, in full or in part, a loan made by the licensee under the other type of license; (3) does not issue a loan to a person who, in the 3 months immediately preceding the date on which the person applies for the loan, defaulted on a loan made by the licensee under the other type of license; (4) does not issue a loan to a person who had a loan or obligation established by the licensee under the other type of license assigned, placed, outsourced, sold, transferred or otherwise conveyed to a collection agency in the 6 months immediately preceding the date on which the person applies for the current loan; (5) does not conduct the business of making loans under one type of license in an office, suite, room or place of business in which the business of making loans under the other type of license is solicited or otherwise engaged or at any other location which is less than 3 miles from a location

at which the licensee conducts the business of making loans under the other type of license; (6) maintains separate books, records and data for loans made under each type of license; (7) posts in a conspicuous place in each office or other place of business at which the licensee conducts the business of making loans certain information concerning loans offered by the licensee; and (8) maintains specific and verifiable documentation of the proceeds of a loan at the time of the disbursement of the loan.

Existing law requires the Commissioner to, by contract with a vendor or service provider or otherwise, develop, implement and maintain a database by which the Commissioner and licensees may obtain information related to deferred deposit loans, title loans and high-interest loans made by licensees to customers in this State to ensure compliance with the provisions of law governing those types of loans. (NRS 604A.303) **Section 3** of this regulation: (1) prohibits a licensee from accessing the database for marketing purposes; and (2) authorizes a licensee to perform a query of the database only to determine whether a customer who is applying for a loan is eligible for the loan.

Existing law provides that words and terms defined in the Nevada Revised Statutes have the same meaning in corresponding provisions of the Nevada Administrative Code. (NRS 0.024) **Sections 4 and 14** of this regulation remove duplicative provisions that define terms in the provisions of the Nevada Administrative Code governing deferred deposit loans, high-interest loans, title loans and check-cashing services for which a definition is already provided in the corresponding provisions of the Nevada Revised Statutes.

Assembly Bill No. 478 of the 2007 Legislative Session revised various provisions that imposed various requirements and restrictions on "short-term loans" and "short-term loan services" to, in general, impose those requirements and restrictions on "high-interest loans" and "high-interest loan services." (Assembly Bill No. 478, chapter 265, Statutes of Nevada 2007, at page 929) **Sections 4-6, 10 and 13** of this regulation accordingly change various references to "short-term loans" and "short-term loan services" to "high-interest loans" and "high-interest loan services."

Sections 7-11 and 13 of this regulation make conforming changes to revise references to various provisions of the Nevada Revised Statutes that have been reorganized and renumbered.

Existing regulations prohibit a person who is licensed to conduct the business of making deferred deposit loans, high-interest loans or title loans from advertising in any manner that: (1) may tend to confuse the identity of the licensee with any other unrelated licensee; or (2) states or implies that a loan of a prospective borrower with another licensee will be paid or increased if the loan is transferred to the advertising licensee. (NAC 604A.210) **Section 12** of this regulation prohibits a licensee from advertising in any manner that: (1) may tend to confuse the identity of the licensee with any other licensee; or (2) states or implies that a loan of a prospective borrower made by the licensee conducting the business of making loans under a different license or by another licensee will be paid in full or in part or increased if the loan is transferred to the advertising licensee. **Section 12** also: (1) prohibits a licensee from engaging in any unethical advertising; and (2) provides that the Commissioner reserves the right to require all licensees to submit proposed advertising for approval before its dissemination through the press, by radio or television. **Section 16** of this regulation makes similar revisions to provisions governing advertising by persons who are licensed as installment lenders.

Section 1. Chapter 604A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. ***A licensee may conduct the business of making loans under this chapter and chapter 604A of NRS in association or conjunction with the business of making loans under chapter 675 of NRS and the regulations adopted pursuant thereto if the licensee:***

1. Maintains separate licenses to conduct the business of making loans under this chapter and chapter 604A of NRS and the business of making loans under chapter 675 of NRS and the regulations adopted pursuant thereto.

2. Does not make a loan under this chapter and chapter 604A of NRS:

(a) From which the proceeds will be used to pay, in full or in part, a loan made by the licensee under chapter 675 of NRS and the regulations adopted pursuant thereto.

(b) To any person who, in the 3 months immediately preceding the date on which the person applies for the loan, defaulted on a loan made by the licensee pursuant to chapter 675 of NRS and the regulations adopted pursuant thereto or any obligation that originated with the licensee under chapter 675 of NRS and the regulations adopted pursuant thereto.

(c) To any person who has received a loan made, or an obligation originated, by the licensee pursuant to chapter 675 of NRS and the regulations adopted pursuant thereto and that loan or obligation, as applicable, has been assigned, placed, outsourced, sold, transferred or otherwise conveyed to a collection agency in the 6 months immediately preceding the date on which the person applies for a loan under this chapter and chapter 604A of NRS.

3. Does not conduct the business of making loans under this chapter and chapter 604A of NRS in an office, suite, room or place of business in which the business of making loans under chapter 675 of NRS and the regulations adopted pursuant thereto is solicited or

otherwise engaged or at any other location which is less than 3 miles from a location at which the licensee conducts the business of making loans under chapter 675 of NRS and the regulations adopted pursuant thereto.

4. Does not make a loan under chapter 675 of NRS and the regulations adopted pursuant thereto from which the proceeds will be used to pay, in full or in part, a loan made by the licensee under this chapter and chapter 604A of NRS.

5. Maintains separately any and all books, records and data for loans made under this chapter and chapter 604A of NRS and any loan made under chapter 675 of NRS and the regulations adopted pursuant thereto. The provisions of this subsection do not require the licensee to purchase or maintain separate software platforms to maintain the books, records and data separately.

6. Posts in a conspicuous place in each office or other place of business at which the licensee conducts the business of making loans under this chapter and chapter 604A of NRS:

(a) The fees and rates the licensee charges for the loan services which the licensee offers under this chapter and chapter 604A of NRS.

(b) A notice that explains the rights of the customer and the remedies of the licensee following a default for a loan or obligation under this chapter and chapter 604A of NRS and how those rights and remedies differ from the rights of the customer and the remedies available to the licensee following a default for a loan or obligation under chapter 675 of NRS and the regulations adopted pursuant thereto, including, without limitation, the prohibition against civil suits or alternative dispute resolution set forth in paragraph (f) of subsection 2 of NRS 604A.5057 for loans made in accordance with that subsection. The notice posted

pursuant to this paragraph must be written, organized and designed in a manner that makes the notice easy to read and understand.

7. Maintains specific and verifiable documentation of the proceeds of a loan at the time of the disbursement of the loan.

Sec. 3. ***1. A licensee shall not access the database for marketing purposes.***

2. A licensee may perform a query of the database only to determine whether a customer who is applying for a loan is eligible for the loan pursuant to this chapter and chapter 604A of NRS and not for any other purpose.

Sec. 4. NAC 604A.010 is hereby amended to read as follows:

604A.010 As used in this chapter, unless the context otherwise requires ~~[~~:

~~1. The words and terms defined in NRS 604A.015 to 604A.125, inclusive, have the meanings ascribed to them in those sections.~~

~~2. "License"]~~ ***, "license"*** means a license to operate a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service pursuant to the provisions of this chapter and chapter 604A of NRS.

Sec. 5. NAC 604A.110 is hereby amended to read as follows:

604A.110 A foreign corporation, association, trust or other business entity shall not operate a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service in this State unless the foreign business entity:

1. Qualifies to do business in this State pursuant to chapter 80 of NRS; and

2. Complies with the provisions of this chapter and chapter 604A of NRS.

Sec. 6. NAC 604A.130 is hereby amended to read as follows:

604A.130 1. The notice required by paragraph (a) of subsection 1 of NRS 604A.405 must:

(a) Comply with the applicable provisions of Regulation Z and the Truth in Lending Act.

(b) Set forth the actual fees charged for each service.

(c) Except as otherwise provided in subsection 2, be in substantially the following form:

NOTICE OF FEES CHARGED FOR SERVICES

Check-cashing fee ..... $___.__

Deferred deposit loan fee ..... $___.__

~~[Short-term]~~ ***High-interest*** loan fee $___.__

Title loan fee..... $___.__

(d) If printed, be in boldface type. Information that must be printed in all upper case letters must be printed in at least 18-point type. All other information must be printed in at least 16-point type.

(e) If handwritten or displayed digitally or by other electronic means, be in characters that are equivalent in intensity, legibility and size to the characters required for printed matter.

2. A licensee shall not include in this notice a fee for any service that he or she is not licensed to provide.

Sec. 7. NAC 604A.150 is hereby amended to read as follows:

604A.150 1. A licensee shall prominently display at each location where he or she does business a notice that sets forth the days of the week and the hours of the day that the location is open for business.

2. A customer who is entitled or required to perform an act within a prescribed period, including a customer entitled to rescind a loan pursuant to NRS ~~[604A.460,]~~ ***604A.5023, 604A.505 or 604A.5079,*** may perform the act at any time before the close of business on the last day within the prescribed period. If the last day is not a business day, or the location is not otherwise open for business on that day, the period during which the customer may perform the act is extended until the next business day at that location.

3. If a licensee closes a business location earlier than the time of day set forth in the licensee's notice, the period during which the customer may perform the act is extended until the close of business on the next business day on which the location remains open for business until the time set forth in the notice.

4. For the purposes of this section, the business day of a location that is open for business after midnight shall be deemed to end at midnight.

Sec. 8. NAC 604A.160 is hereby amended to read as follows:

604A.160 1. A licensee who uses a form or standard loan agreement written in Spanish as required by NRS ~~[604A.410,]~~ ***604A.5012, 604A.504 or 604A.5067,*** notice of opportunity to enter into a repayment plan written in Spanish as required by NRS ~~[604A.475,]~~ ***604A.5027, 604A.5055 or 604A.5083,*** or other form or standard document written in a language other than English shall cause the document to be translated into English and maintain together a copy of the document and its English translation.

2. A document translated pursuant to this section must be:

(a) Translated by an interpreter who is:

(1) Certified by the Court Administrator in accordance with the provisions of NRS 1.510 and regulations adopted pursuant thereto; or

(2) Approved in writing by the Division.

(b) Accompanied by a certificate issued by the interpreter. The certificate must:

(1) Declare that the translated document is a true and complete translation of the document written in the language other than English;

(2) Identify the document written in a language other than English and its English translation;

(3) Include the date of translation; and

(4) Include the name, address, telephone number and electronic mail address, if any, of the interpreter.

3. The Commissioner may require a licensee to provide a translation of any nonstandard document that is written in a language other than English.

4. The Commissioner may assess a licensee for all costs incurred by the Commissioner to verify the licensee's compliance with this section.

Sec. 9. NAC 604A.170 is hereby amended to read as follows:

604A.170 1. A licensee who is required to provide a customer with written notice of the opportunity to enter into a repayment plan pursuant to NRS ~~[604A.475 may]~~ ***604A.5027, 604A.5055 or 604A.5083 must*** deliver the written notice to the customer using any method of delivery that generates a record of the delivery.

2. A person who delivers a notice to a customer in person must execute an affidavit of delivery.

Sec. 10. NAC 604A.180 is hereby amended to read as follows:

604A.180 1. A licensee shall maintain written documentation to establish that, except as otherwise provided in NRS ~~[604A.425]~~ ***604A.5017*** and ~~[604A.430,]~~ ***604A.5045,*** the licensee has not made a:

(a) Deferred deposit loan that ***, in combination with any other outstanding loan of the customer,*** exceeds 25 percent of the expected gross monthly income of the customer when the loan is made; or

(b) ~~[Short-term]~~ ***High-interest*** loan that, under the terms of the loan agreement ~~[,]~~ ***and in combination with any other outstanding loan of the customer,*** requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer.

2. A licensee shall maintain separate written documentation for each deferred deposit loan or ~~[short-term]~~ ***high-interest*** loan the licensee makes to a customer.

3. A licensee who fails to provide the Commissioner with the documentation required by this section is presumed to have violated NRS ~~[604A.425.]~~ ***604A.5017 or 604A.5045, as applicable.***

Sec. 11. NAC 604A.190 is hereby amended to read as follows:

604A.190 For the purposes of this chapter and chapter 604A of NRS, the Commissioner interprets the term "books and accounting records" as used in NRS 604A.700 to include, without limitation:

1. A copy of each receipt given by a licensee to a customer pursuant to NRS ~~[604A.460]~~ ***604A.5023, 604A.5024, 604A.5025, 604A.5027, 604A.5033, 604A.505*** to ~~[604A.475,]~~ ***604A.5055, inclusive, 604A.5063, 604A.5079 to 604A.5083,*** inclusive, and ~~[604A.495.]~~ ***604A.5088.***

2. A record of each event that increases or decreases a customer's indebtedness to the licensee. The record must include sufficient information to enable the Commissioner to reconcile the amount of the customer's beginning balance with his or her ending or outstanding balance.

Sec. 12. NAC 604A.210 is hereby amended to read as follows:

604A.210 ***1.*** A licensee shall not advertise in any manner that:

~~[1.]~~ ***(a)*** May tend to confuse the identity of the licensee with any other ~~[unrelated]~~ licensee ~~[. 2.]~~ ***; or***

(b) States or implies that a loan of a prospective borrower ~~[with]~~ ***made by the licensee conducting the business of making loans under a different license or by*** another licensee will be paid ***in full or in part*** or increased if the loan is transferred to the advertising licensee.

2. A licensee shall not engage in any unethical advertising. The Commissioner reserves the right to require all licensees to submit proposed advertising for approval before its dissemination through the press, by radio or television.

Sec. 13. NAC 604A.220 is hereby amended to read as follows:

604A.220 A licensee who accepts a check as security for a ~~[short-term]~~ ***high-interest*** loan or title loan violates NRS ~~[604A.435]~~ ***604A.5048 or 604A.5071, as applicable,*** even if:

1. The check is not negotiable; or

2. The licensee does not negotiate the check.

Sec. 14. NAC 604A.300 is hereby amended to read as follows:

604A.300 As used in NAC 604A.300 to 604A.370, inclusive, ***and section 3 of this regulation,*** unless the context otherwise requires, the words and terms defined in ~~[NRS 604A.036, 604A.038 and 604A.057, and]~~ NAC 604A.310 to 604A.325, inclusive, have the meanings ascribed to them in those sections.

Sec. 15. Chapter 675 of NAC is hereby amended by adding thereto a new section to read as follows:

A licensee may conduct the business of making loans under this chapter and chapter 675 of NRS in association or conjunction with the business of making loans under chapter 604A of NRS and the regulations adopted pursuant thereto if the licensee:

1. Maintains separate licenses to conduct the business of making loans under this chapter and chapter 675 of NRS and the business of making loans under chapter 604A of NRS and the regulations adopted pursuant thereto.

2. Does not make a loan under this chapter and chapter 675 of NRS:

(a) From which the proceeds will be used to pay, in full or in part, a loan made by the licensee under chapter 604A of NRS and the regulations adopted pursuant thereto.

(b) To any person who, in the 3 months immediately preceding the date on which the person applies for the loan, defaulted on a loan made by the licensee pursuant to chapter 604A of NRS and the regulations adopted pursuant thereto or any obligation that originated with the licensee under chapter 604A of NRS and the regulations adopted pursuant thereto.

(c) To any person who has received a loan made, or an obligation originated, by the licensee pursuant to chapter 604A of NRS and the regulations adopted pursuant thereto and that loan or obligation, as applicable, has been assigned, placed, outsourced, sold, transferred or otherwise conveyed to a collection agency in the 6 months immediately preceding the date on which the person applies for a loan under this chapter and chapter 675 of NRS.

3. Does not conduct the business of making loans under this chapter and chapter 675 of NRS in an office, suite, room or place of business in which the business of making loans under chapter 604A of NRS and the regulations adopted pursuant thereto is solicited or

otherwise engaged or at any other location which is less than 3 miles from a location at which the licensee conducts the business of making loans under chapter 604A of NRS and the regulations adopted pursuant thereto.

4. Does not make a loan under chapter 604A of NRS and the regulations adopted pursuant thereto from which the proceeds will be used to pay, in full or in part, a loan made by the licensee under this chapter and chapter 675 of NRS.

5. Maintains separately any and all books, records and data for loans made under this chapter and chapter 675 of NRS and any loan made under chapter 604A of NRS and the regulations adopted pursuant thereto. The provisions of this subsection do not require the licensee to purchase or maintain separate software platforms to maintain the books, records and data separately.

6. Posts in a conspicuous place in each office or other place of business at which the licensee conducts the business of making loans under this chapter and chapter 675 of NRS:

(a) The fees and rates the licensee charges for the loan services which the licensee offers under this chapter and chapter 675 of NRS.

(b) A notice that explains the rights of the borrower and the remedies of the licensee following a default for a loan or obligation under this chapter and chapter 675 of NRS and how those rights and remedies differ from the rights of the borrower and the remedies available to the licensee following a default for a loan or obligation under chapter 604A of NRS and the regulations adopted pursuant thereto, including, without limitation, the prohibition against civil suits or alternative dispute resolution set forth in paragraph (f) of subsection 2 of NRS 604A.5057 for loans made in accordance with that subsection. The notice

posted pursuant to this paragraph must be written, organized and designed in a manner that makes the notice easy to read and understand.

7. Maintains specific and verifiable documentation of the proceeds of a loan at the time of the disbursement of the loan.

Sec. 16. NAC 675.010 is hereby amended to read as follows:

675.010 1. ~~[No]~~ ***A*** licensee ~~[may]~~ ***shall not*** advertise in any manner that may tend to confuse the identity of the licensee with any other ~~[unrelated]~~ licensee.

2. ~~[No]~~ ***A*** licensee ~~[may]~~ ***shall not*** advertise in any manner that a loan of a prospective borrower ~~[with]~~ ***made by the licensee conducting the business of making loans under a different license or by*** another licensee will be paid ***in full or in part*** or increased if the loan is transferred to the advertising licensee.

3. ~~[No]~~ ***A licensee shall not engage in any*** unethical advertising ***.*** ~~[by licensees will be permitted and the]~~ ***The*** Commissioner of Financial Institutions reserves the right to require all licensees to submit proposed advertising for approval before its dissemination through the press, by radio or television.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
Informational Statement
LCB FILE NO. R065-25
NAC 604A and 675

The following statement is submitted for adoption of regulations pertaining to Nevada Administrative Code ("NAC") Chapter 604A and 675.

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

   These regulations are needed to establish a regulatory framework for dual licensure under Chapters 604A, high-interest loan lenders, and 675, installment loan lenders, following litigation concerning the respective dual licensing requirements under those chapters. The Division remains obligated to fulfill its statutory responsibilities to protect consumers and promote a fair and competitive lending marketplace. The regulations permit dual licensure while ensuring that consumers do not lose the protections provided under the corresponding chapters.

   The regulations are intended to balance consumer protection with responsible lending operations by establishing requirements that promote sound lending practices while preserving consumer choice. In addition, the regulations provide a consistent framework for the Division to evaluate and issue dual licenses under Chapters 604A and 675. This framework will promote consistency in the Division's licensing decisions and provide guidance for future Division leadership while maintaining consumer protections for Nevada consumers and meet the public interest.

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

   Copies of the proposed regulation, notice of workshop, small business impact statement, and notice of intent to act upon the regulation were emailed to the Division licensees, Division's rulemaking contact list, persons who were known to have an interest in the regulation as well as any person who had specifically requested such notice. In addition, the workshop and adoption hearing notices were emailed to known contacts of NRS 604A and 675 entities, including owners and officers of the businesses, and emailed to chambers of commerce and trade associations likely to be affected by the proposed regulations. These documents were also made available on the Financial Institutions Division's website at http://fid.nv.gov/ on the Nevada Public Notice website at https://notice.nv.gov/gov and on the Nevada Legislature website: https://www.leg.state.nv.us/App/Notice/A/; posted at the Division's principal office in Las Vegas; and provided to the Nevada State Library & Archives.

   On March 17, 2025, via email, the Division notified 167 individuals, which included its licensees and persons on the Division's rulemaking contact list, concerning the proposed

regulation. The email provided a copy of the proposed regulation and solicited written comments concerning whether the regulation would (1) impose a direct and significant economic burden upon a small business that is subject to NRS 604A and NRS 675, or (2) directly restrict the formation operation, or (3) expansion of a small business that is subject to NRS 604A and NRS 675.

In response to the March 17, 2025, solicitation, the Division's record reflects receipt of seven (7) small business impact surveys. Two (2) small businesses provided comment, two (2) responded "N/A" or no impact, and three (3) responded with no comment because they were over the small business threshold of 150 employees. Attached summary of comments received from the small business impact survey are attached hereto as "Exhibit A."

On September 25, 2025, the Division issued and posted a notice of the workshop, which was sent via email to 961 individuals, including its licensees, persons on the rulemaking contact list, chambers of commerce, trade associations, and all known interested parties. The workshop was held on October 14, 2025, in-person at the Nevada State Business Center in Las Vegas with videoconference and teleconference via Microsoft Teams. Minutes of the workshop are attached hereto as "Exhibit B." The minutes reflect receipt of any verbal and/or written comments.

On November 21, 2025, the Division issued and posted a notice of a second workshop, which was sent via email to 969 individuals, including its licensees, persons on the rulemaking contact list, chambers of commerce, trade associations, and all known interested parties. The workshop was held on December 16, 2025, in person at the Nevada State Business Center in Las Vegas with videoconference and teleconference via Microsoft Teams. Minutes of the second workshop are attached hereto as "Exhibit C". The minutes reflect receipt of any verbal and/or written comments.

The Legislative Counsel Bureau (LCB) posted its draft of proposed regulation R065-25 on March 18, 2026. On May 18, 2026, the Division issued and posted a notice of intent to act upon the regulation based upon the LCB draft proposed regulation R065-25, along with a notice of public meeting, and solicited further written comments on the proposed regulation. On the same day, the Division sent this information via email to 1,645 individuals, which included its licensees, persons on the rulemaking contact list, chambers of commerce, trade associations, and all known interested parties. The adoption hearing was held on June 18, 2026, in-person at the Nevada State Business Center in Las Vegas with videoconference and teleconference via Microsoft Teams. Minutes of the hearing are attached hereto as "Exhibit D". The minutes reflect receipt of any verbal and/or written comments.

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

   Attendees that signed in at the October 14, 2025, workshop: 12
   Testified at the workshop: 5
   Submitted written comments: 2

   Attendees that signed in at the December 16, 2025, second workshop: 19
   Testified at the hearing: 9
   Submitted written comments: 8

   Attendees that signed in at the June 18, 2026, adoption hearing: 20
   Testified at the hearing: 2
   Submitted written comments: 2

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 in #3, above, as provided to the agency.**

   Attended the October 14, 2025, workshop:

Name	Company or Organization	Email Address
Eric Neugeboren	The Nevada Independent	eric@thenvindy.com
Justin Kohlbeck	QC Holdings, LLC	justin.kohlbeck@qcholdings.com
Mark Pasek	Nevada Department of Business & Industry	mpasek@business.nv.gov
Aaron Kempf	Brownstein Hyatt Farber Schreck, LLP	akempf@bhfs.com
Kurt Lewis	BILL Holdings, Inc.	klewis@hq.bill.com
Jonathan Norman	NV Coalition of Legal Service Providers	jnorman@lacsn.org
Ryley Svendsen	Nevada Coalition to End Domestic and Sexual Violence	ryley@ncedsv.org
Matt Morris Esq.	Holland Hart LLP	mcmorris@hollandhart.com
Robin Collins	Nevadans for the Common Good	cooksafe@me.com
Laura Tooker	Nevadans for the Common Good	lauratooker@gmail.com
Barbara Paulsen	Nevadans for the Common Good	paulsenbnv@gmail.com
Taylor Altman	Legal Aid Center	taltman@lacsn.org

Attended the December 16, 2025, workshop:

Name	Company or Organization	Email
Kyle L Alexandre	Equipment Leasing & Finance Association	
Justin Kohlbeck	QCHI	
Eric Neugeboren	The Nevada Independent	
Ryley Svendsen	Nevada Coalition to End Domestic and Sexual Violence	
Lisa Quaranta	Nevada Credit Union League	
Lea Cartwright	Cartwright NV Government Affairs	
Robert Wilson	Nevada's Credit Unions	
Laura Martin	Progressive Leadership Alliance of Nevada	
Sarah Jones	Thrivos, Inc.	
Glendys Aguilera	MRAL US Corporation	
Mary Brennan	Dollar Loan Center	mbrennan@thebrennanentities.com
Nicole Holland	Dollar Loan Center	compliance@dontbebroke.com
Marta Gonzalez	Nevadans for Common Good	martagonzalez.iaf@gmail.com
Peter Aldous	Legal Aid Center of Southern Nevada	paldous@lascn.org
Franeiso Morales	Brownstein	fmorales@bhfs.com
Barbara Paulsen	Nevadans for Common Good	paulsenbnv@gmail.com
Jonathan Norman	NV Coalition of Legal Service Providers	jnorman@lacsn.org
Matt Morris	Holland Hart	mcmorris@hollandhart.com
Andrew Clarke	New Day Nevada	andrew@newdaynevada.org

Attended the June 18, 2026, hearing:

Name	Company or Organization	E-mail address
Franeiso Morales	Brownstein- Dollar Loan Center	fmorales@bhfs.com
Jonathan Norman	NV Coalition of Legal Service Providers	jnorman@lacsn.org
Mary Brennan	Dollar Loan Center	mbrennan@thebrennanentities.com
Kyle L Alexandre	Equipment Leasing & Finance Association	kalexandre@elfaonline.org
Justin Kohlbeck	QCHI	
Eric Neugeboren	The Nevada Independent	eric@thenvindy.com
Ryley Svendsen	Nevada Coalition to End Domestic and Sexual Violence	ryley@ncedsv.org
Lisa Quaranta	Nevada Credit Union League	lisaq@ccul.org
Lea Cartwright	Cartwright NV Government Affairs	lc@cartwrightnv.com
Robert Wilson	Nevada's Credit Unions	robertw@ccul.org
Laura Martin	Progressive Leadership Alliance of Nevada	
Sarah Jones	Thrivos, Inc.	
Glendys Aguilera	MRAL US Corporation	glendys.iglesias@mramazingloans.com
YVONNE VAZQUEZ	ENVIOS DIRECTOS INC	ENVIOS.DIRECTOS@HOTMAIL.COM
Osvaldo De La Cruz	Verity Legal Services, PLLC	
Lea Cartwright	Cartwright NV Government Affairs	lc@cartwrightnv.com
Justin Kohlbeck	QC Holdings, LLC	justin.kohlbeck@qcholdings.com
Roger Lloyd	United Finance Co.	
Renee Wagner	Reno Capital	rawagner@paycheckadv.com
Marty G. Baker	CASH 1, LLC	

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.**

   Comments were solicited from affected businesses in the same manner as they were solicited from the public (see item 2 above). A summary of responses can be found in the minutes to the workshops and the hearing (Exhibits B, C and D) and small business impact statement (Exhibit A). Copies of these materials can be obtained by contacting Mary Young, Financial Institutions Division at fidmaster@fid.state.nv.us or mmyoung@fid.state.nv.us or 702-486-4120 or by visiting the Division website: www.fid.nv.gov

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.**

   After considering comments from the small business impact survey, the Division's initial draft was submitted to LCB on October 8, 2025 (see "Exhibit E"). The Division submitted revised language to LCB on February 3, 2026. LCB completed its review and provided its draft regulation dated March 18, 2026.

   At the conclusion of the noticed public hearing on June 18, 2026, the permanent regulation was adopted in the form proposed and reflected in the LCB Draft of Proposed Regulation R065-25 dated March 18, 2026.

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. Adverse Effects

   Immediate Effects

   The Division does not anticipate that the proposed regulation will impose any significant or reasonably foreseeable adverse economic effect on licensees or small businesses. The proposed regulations primarily clarify operational requirements for licensees conducting business under both NRS Chapters 604A and 675, including separate licensure, recordkeeping, advertising, disclosures, and restrictions on cross-product lending practices. The amendments are intended to promote regulatory clarity, consumer transparency, and consistent operational standards between licensees operating under the two chapters.

   The Division received two comments through the small business impact survey concerning the requirements for posting fees and rates and customer rights notices. However, the comments did not identify any measurable economic burden, increased operational costs, or specific immediate economic hardship associated with compliance with the proposed requirements.

Although licensees may incur minimal administrative costs associated with updating policies, disclosures, signage, employee training, and internal compliance procedures, the Division expects such costs to be nominal because many of the proposed provisions codify existing business practices or clarify requirements already contemplated under current law.

Long-Term Effects

The Division does not anticipate that the proposed regulation will impose any significant or reasonably foreseeable adverse economic effect on licensees or small businesses over the long term.

The requirements to maintain separate records, licenses, and business operations may require ongoing compliance monitoring; however, the regulation provides flexibility by clarifying that separate software platforms are not required. Accordingly, the Division expects long-term compliance costs to remain limited and does not anticipate any significant adverse economic impact on licensees or small businesses.

The Division received one comment through the small business impact survey stating, "All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially." While the Division acknowledges these concerns, it believes the proposed regulation primarily establishes operational safeguards and consumer protection standards rather than imposing substantial new regulatory obligations or costs on regulated entities.

B. Beneficial Effects

Immediate Effects

The proposed regulation may provide immediate operational benefits to certain licensees by expressly authorizing businesses to conduct lending activities under both Chapter 604A of NRS and Chapter 675 of NRS, provided applicable safeguards and separation requirements are satisfied. This clarification may allow licensees to offer a broader range of loan products to consumers while maintaining compliance with statutory protections.

It also ensures that the public interest is met while providing clarity and guidelines for licensees who wish to have dual licensure. Additionally, the proposed regulation is an optional practice only reserved for those that wish to have dual licensure.

Long-Term Effects

Although the proposed regulation does not create a direct long-term economic benefit for all licensees and small businesses, it may provide indirect benefits through greater flexibility to offer a broader range of lending products through dual licensure. These measures may contribute to improved compliance practices, greater consumer understanding and confidence,

and a more transparent lending environment without imposing substantial additional costs on regulated entities.

II. Estimated Economic Effect on the Public

A. Adverse Effects

Immediate Effects

The Division does not anticipate that the proposed regulation will impose any significant or reasonably foreseeable immediate adverse economic effect on the public. The proposed regulations primarily clarify operational requirements for licensees conducting business under both NRS Chapters 604A and 675, including separate licensure, recordkeeping, advertising, disclosures, and restrictions on cross-product lending practices.

The Division received two comments through the small business impact survey concerning the requirements for posting fees and rates and customer rights notices. However, the comments did not identify any measurable economic burden, increased operational costs, or specific economic hardship associated with compliance with the proposed requirements.

Long-Term Effects

The Division does not anticipate that the proposed regulation will impose any significant or reasonably foreseeable adverse economic effect on the public over the long term.

The proposed regulation is intended to promote regulatory clarity, consumer transparency, and consistent operational standards between licensees operating under the two chapters. The Division does not anticipate that the requirements of the proposed regulation will result in a significant long-term adverse economic impact on the public.

B. Beneficial Effects

Immediate Effects

The proposed regulation may provide immediate benefits to consumers by improving transparency regarding fees, loan terms, borrower rights, and remedies in the event of default, particularly when businesses offer loan products under different statutory frameworks.

It also ensures that the public interest is met while providing clarity and guidelines for licensees who wish to have dual licensure.

Long-Term Effects

Over time, requirements concerning disclosures, advertising practices, and documentation standards may promote greater consistency, reduce consumer confusion, and provide clearer distinctions between loan products governed by Chapters 604A and 675 of NRS.

These measures may contribute to greater consumer understanding and confidence and a more transparent lending environment. The proposed regulation may provide long-term benefits to consumers by improving transparency regarding fees, loan terms, borrower rights, and remedies in the event of default, particularly when businesses offer loan products under different statutory frameworks.

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

   The Division does not foresee any additional costs or fees associated with the proposed 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.**

   To the best of the Division's knowledge, the adopted regulation does not duplicate any existing federal, state, or local standards regulating the same activity.

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

    To the best of the Division's knowledge, the adopted regulation does not include provisions which are known to be more stringent than a federal regulation which regulates the same activity.

11. **If the regulation provides a new fee or increase 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 not provide for a new fee or increase to an existing fee.

    The Division may recognize a slight increase in licensing revenue and examination revenue, depending upon the number of entities that seek dual licensure. At this time, the Division does not know the expected number of applicants or licensees, however, the Division does not anticipate a substantial increase.

Enclosed:
Exhibit A – Small Business Impact Statement
Exhibit B – Minutes from October 14, 2025, Workshop on R065-25
Exhibit C - Minutes from December 16, 2025, Second Workshop on R065-25
Exhibit D –Minutes from June 18, 2026, Adoption Hearing on R065-25
Exhibit E – Initial Draft of Proposed Regulation Submitted to LCB on October 8, 2025

“Exhibit A”

SMALL BUSINESS IMPACT STATEMENT FOR PROPOSED REGULATIONS BY THE FINANCIAL INSTITUTIONS DIVISION (Division)
Chapters 604A and 675 Lenders
September 18, 2025

1. Small Business Impact Statement pursuant to NRS 233B.0609:

(a) A description of the manner in which comment was 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.

(I) Solicitation of affected small businesses.

The Division sought public comments in accordance with NRS 233B.0608 to evaluate whether the proposed regulations may impose a direct and significant economic burden on small businesses (defined as those with fewer than 150 employees), or whether the regulations may directly restrict the formation, operation, or expansion of small businesses seeking to engage in or who desire to engage in lending activities under NRS chapters 604A and 675. This evaluation is intended to ensure the establishment of an adequate, efficient and competitive service that is accessible to the general public within this state.

The Division composed the solicitation list from current licensees under NRS chapter 604A and chapter 675 and all known interested parties, including those individuals on the Division’s list for noticing of administrative regulations. The Division then emailed to all persons on the solicitation list a notice and questionnaire. The Division sent out 167 small business questionnaires to all known interested persons. Additionally, a copy of the full text of the proposed regulations was emailed and posted to the Division’s website. The solicited comments were used to formulate this Small Business Impact Statement.

(II) Summary of responses.

The Division received a total of seven (7) responses to the solicitation. Three (3) responses provided no comment because the responders were over the small business threshold of 150 employees. Of the remaining four (4) responses, two (2) small businesses provided comment and the other two (2) responded with N/A or no impact. See the attached spreadsheet.

(III) Obtain a copy of the summary.

This Small Business Impact Statement was posted on the Division’s website on September 25, 2025, along with a Notice of Workshop for October 14, 2025. Interested persons may also obtain a copy of the Small Business Impact Statement by contacting the:

Office of the Commissioner
Financial Institutions Division
3300 W. Sahara Avenue, Suite 250
Las Vegas, NV 89102
Email: FIDMaster@fid.state.nv.us
Telephone: (702) 486-4120
Website: http://fid.nv.gov

(b) The total number of small businesses likely to be affected by the proposed regulation.

The proposed regulations are not likely to impose a direct and significant economic burden on any small business or directly restrict the formation, operation or expansion of any small business.

(c) A list of the chambers of commerce and trade associations notified of the proposed regulation pursuant to NRS 233B.0608.

As amended during the 83rd Regular Session of the Nevada Legislature by Assembly Bill 444, NRS 233B.0608 requires notification to certain chambers of commerce and trade associations only if the Division determines a proposed regulation is likely to impose a direct and significant economic burden on a small business or directly restrict the formation, operation or expansion of a small business. As stated above, the proposed regulations are not likely to affect small businesses. Additionally, the provisions of A.B. 444 do not become effective until October 1, 2025.

The Division has provided the following chambers of commerce and trade associations with notice of the time and place set for the workshop:

Chambers of Commerce:

- African Chamber of Commerce and Tourism
- America Asia Economic Alliance
- Armed Forces Chamber of Commerce
- Asian American & Pacific Islander Chamber of Commerce
- Austin Nevada Chamber of Commerce
- Battle Mountain Chamber of Commerce
- Beatty Chamber of Commerce
- Boulder City Chamber of Commerce
- Caliente Chamber of Commerce
- Carson City Chamber of Commerce
- Carson Valley Chamber of Commerce
- Clark County Chamber of Commerce
- Colombian Chamber of Commerce
- Dayton Area Chamber of Commerce
- Elko Area Chamber of Commerce
- Ely Chamber of Commerce
- Eureka Chamber of Commerce
- Fallon Chamber of Commerce
- Fernley Chamber of Commerce
- Filipino American Chamber of Commerce of Greater Nevada
- Gay & Lesbian Chamber of Commerce Nevada
- Goldfield Chamber of Commerce
- Greater Las Vegas Black Chamber of Commerce
- Henderson Black Chamber of Commerce
- Henderson Chamber of Commerce
- Humboldt County Chamber of Commerce
- Incline Village Chamber of Commerce (North Lake Tahoe Chamber of Commerce)
- Indian Chamber of Commerce
- International Chamber of Commerce of Nevada
- Japanese Chamber of Commerce of Nevada
- Korean American Chamber of Commerce Las Vegas
- Lake Tahoe South Shore Chamber of Commerce
- Lambda: The LGBTQ Chamber of Commerce of Southern Nevada

- Las Vegas Asian Chamber of Commerce
- Las Vegas Global Economic Alliance (LVGEA)
- Las Vegas India Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Metro Chamber of Commerce
- Las Vegas Urban Chamber of Commerce
- Las Vegas Ward 5 Chamber of Commerce
- Latin Chamber of Commerce Nevada
- Laughlin Chamber of Commerce
- Lovelock/Pershing County Chamber of Commerce
- Mason Valley Chamber of Commerce
- Mesquite Area Chamber of Commerce
- Mineral County Chamber of Commerce
- Moapa Valley Chamber of Commerce
- Native American Chamber of Commerce of Nevada
- Nevada Association of Employers
- Nevada Black Chamber of Commerce
- Nevada Business Opportunity Fund
- Nevada Cannabis Chamber of Commerce
- Nevada Economic Development Association (NEDA)
- Nevada Filipino American Chamber of Commerce
- Nevada Hispanic Business Group
- Nevada Indian Territory (Tourism & Tribal Business Org)
- Nevada LGBTQ+ Chamber of Commerce
- Nevada Main Street (Governor's Office of Economic Development)
- Nevada Small Business Council
- Nevada State Development Corporation
- Nevada Veterans Chamber of Commerce
- Nevada Women's Business Center
- North Las Vegas Chamber of Commerce
- Pahrump Valley Chamber of Commerce
- Peruvian Chamber of Commerce
- Philippine-American Chamber of Commerce of Southern Nevada
- Pioche Chamber of Commerce
- Reno + Sparks Chamber of Commerce
- Russian American Chamber of Commerce
- Silver Springs Area Chamber of Commerce
- Sin City Chamber of Commerce
- South Vegas Chamber of Commerce
- Southern Nevada Veterans Chamber of Commerce
- Sparks Chamber of Commerce
- Tahoe Chamber
- Tonopah Chamber of Commerce
- Tonopah Main Street
- Truckee Donner Chamber of Commerce
- Urban Chamber of Commerce
- Virginia City Chamber of Commerce
- Water Street District Business Association
- Wells Chamber of Commerce
- Western Nevada Development District (WNDD)
- White Pine Chamber of Commerce
- Winnemucca Chamber of Commerce

- Women's Chamber of Commerce of Nevada
- Yerington Chamber of Commerce

Trade Associations:

- American Financial Services Association (AFSA)
- Community Financial Services Association of America (CFSA)
- Online Lenders Alliance (OLA)

(d) The manner in which the analysis was conducted.

Pursuant to NRS 233B.0608(1), the Division made a concerted effort to determine whether the proposed regulations are 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. For this effort, the Division sent a copy of the draft regulations and a Small Business Impact Questionnaire to all known interested persons for review and invited written comment regarding the impact of the proposed regulations, after which the Division took all comments submitted into consideration.

Following review and analysis of written comments from the industry, the Division has determined that the proposed regulation is unlikely to impose a direct and significant economic burden upon any small business; result in any direct or indirect adverse effects on small business; or directly restrict the formation, operation, or expansion of a small business.

(e) 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:

(I) ADVERSE EFFECTS:

The Division received two comments concerning the requirement to post the fees and rates. One commenter asserted that the requirement is impractical and therefore burdensome. However, this requirement already exists under current NRS and NAC Chapter 604A, and the Division is merely extending it to Chapter 675. Licensees may post a range of fees and rates, provided they disclose the Annual Percentage Rate (APR) will not exceed 40% for loans under chapter 675.

Another commenter believes the posting of fees and rates will confuse in-office borrowers from their purchased retail installment contract borrowers since the auto dealers determine the APR. This should not impact indirect lending business, as the borrower is not originating the loan in-person at the licensed location; therefore, no confusion would exist. For direct/in-office lending, a range of the rates will suffice, disclosing the max APR of 40% for NRS 675 loans.

The Division does not consider this provision to impose an adverse economic effect on small businesses.

(II) BENEFICIAL EFFECTS:

The Division received one general comment. The commenter stated "All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially."

The response was directed at all regulations and not to one specific section of the proposed regulations. Therefore, the Division cannot provide a clear response.

(2) Both Direct and Indirect effects:

(I) DIRECT EFFECTS:

The Division received two comments concerning the requirement to post the fees and rates. One commenter asserted that the requirement is impractical and therefore burdensome. However, this requirement already exists under current NRS and NAC chapter 604A, and the Division is merely extending it to NAC chapter 675. Licensees may post a range of fees and rates, provided they disclose the Annual Percentage Rate (APR) will not exceed 40% for loans under chapter 675.

The Division does not consider this provision to impose an adverse economic effect on small businesses, direct or indirect.

The Division received one general comment. The commenter stated "All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially."

The response was directed at all regulations and not to one specific section of the proposed regulation. Therefore, the Division cannot provide a clear response.

(II) INDIRECT EFFECTS:

Another commenter believes the posting of fees and rates will confuse in-office borrowers from their purchased retail installment contract borrowers since the auto dealers determine the APR. This should not impact indirect lending business, as the borrower is not originating the loan in-person at the licensed location, therefore no confusion would exist. For direct/in-office lending, a range of the rates will suffice, disclosing the max APR of 40% for NRS 675 loans.

The Division does not consider this provision to impose an adverse economic effect on small businesses, direct or indirect.

The Division received one general comment. The commenter stated "All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially."

The response was directed at all regulations and not to one specific section of the proposed regulation. Therefore, NFID cannot provide a direct answer.

(f) 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 Division sent out 167 small business questionnaires to all known interested persons. It received a total of seven (7) responses to the solicitation. Two (2) small businesses provided comment, two (2) responded with N/A or no impact, and three (3) responded with no comment because they were over

the small business threshold of 150 employees. The Division has considered and analyzed all submitted comments and addressed those comments in the attached spreadsheet.

(g) The estimated cost to the agency for enforcement of the proposed regulation.

The Division does not foresee any additional costs or fees associated with the proposed regulations.

(h) 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 not provide for a new fee or increase to an existing fee.

(i) 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.

To the Division's knowledge, the proposed regulations do not duplicate and are not more stringent than any existing federal, state, or local standards regulating the same activity.

(j) The reasons for the conclusions of the agency regarding the impact of the regulation on small businesses.

The proposed regulation introduces minimal additional requirements and does not impose any additional costs. As such, it does not create an economic burden to small business.

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 Small Business Impact Statement was prepared properly and accurate.



Sandy O'Laughlin
Commissioner
Financial Institutions Division
State of Nevada, Department of Business and Industry

NRS 675/604A- Dual Licensure	Number/ and %	Direct or Indirect	Adverse or Beneficial	NFID Answer/Mitigation
Section 2, subsection 5-fees and rates posting. Rates are determined by credit and ability to pay. Unless a licensee may post a range of rates (e.g.__% to __%APR), this requirement is impractical and therefore burdensome.	1 (22.2%)	Direct	Adverse	A range of the rates will suffice, disclosing the max APR of 40% for NRS 675 loans.
Section 2, subsection 5-fees and rates posting. The posting of rates for Chapter 675 loans will confuse in-office borrowers from our purchased retail installment contracts since it is the dealers who determine the APR of the retail installment contract.	1 (11.1%)	Indirect	Adverse	This should not impact indirect lending business, as the borrower is not originating the loan in-person at the licensed location, therefore no confusion would exist. For direct/in-office lending, a range of the rates will suffice, disclosing the max APR of 40% for NRS 675 loans.
All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. Comment provided: The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially.	1 (22.2%)	Direct	Beneficial	The response was directed to all regulations and not to one specific section of the proposed regulation. Therefore, NFID cannot provide an answer.
All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. Comment provided: The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially.	1 (11.1%)	Direct	Adverse	The response was directed to all regulations and not to one specific section of the proposed regulation. Therefore, NFID cannot provide an answer.
All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. Comment provided: The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially.	1 (33.3%)	Indirect	Beneficial	The response was directed to all regulations and not to one specific section of the proposed regulation. Therefore, NFID cannot provide an answer.

All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. Comment provided: The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially.	1 (11.1%)	Indirect	Adverse	The response was directed to all regulations and not to one specific section of the proposed regulation. Therefore, NFID cannot provide an answer.
<u>SBI Response Summary:</u> Total Known Interested Parties Solicited: 167 Total Responded with Comments: 2 Total Responded with N/A: 2 Total Responded with over 150 Employees (outside the small business threshold): 3 Total Comments Impacting the SBI % (Total Known Interested Parties Solicited - N/A - over 150 Employees=): 162 % Responded/Total Solicited (7/167): 4.2% % Responded with Comments/Total Comments Impacting SBI (2/162): 1.2**%**				

"Exhibit B"

JOE LOMBARDO
Governor

STATE OF NEVADA

DR. KRISTOPHER SANCHEZ
Director

SANDY O'LAUGHLIN
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

Minutes of Workshop to Solicit Comments on Proposed Regulations NAC 675 and NAC 604A

Date: October 14, 2025

Time: 9:30 a.m.

Locations:
Physical in-person location:
Nevada State Business Center, Nevada Room, 4th Floor
3300 W. Sahara Avenue, Las Vegas, Nevada 89102

Virtual location:
Microsoft Teams meeting- videoconference and teleconference

Agenda Item 1. Call to Order:
The workshop to consider regulations to revise NAC Chapters 675 and 604A was called to order Tuesday, October 14, 2025, at 9:31 a.m. The purpose of the workshop was to receive input with respect to the proposed regulations pertaining to NAC Chapters 675 and 604A, as described by the Notice of Workshop dated and posted on September 25, 2025.

Financial Institutions Division Staff Present In-Person at the Hearing:
Commissioner Sandy O'Laughlin
Deputy Commissioner Mary Young
Certified Public Accountant Angela Shanks
Examiner Jennnifer Ramsay

Also present, FID's counsel Deputy Attorney General Paige Magaster

Agenda Item 2. Comments by General Public:

There were two comments during this general public comment period.

- **Laura Tooker, Nevadans for the Common Good**.
  In 2019 Nevadans for the common good worked hard for the passage of SB 201, which created a statewide database to track high interest short-term payday loans and provide upfront protection for individuals. During that time, we heard story after story from people of diverse economic, educational, and ethnic backgrounds about how they or someone they love had been trapped in a cycle of debt because of predatory lending. That legislation was a major step forward in providing long overdue consumer protections and giving thousands of Nevadans a fairer financial playing field. But the regulations being considered today, as they are written, would be a step backward. They could allow lenders through their marketing and conversations with clients to mislead borrowers about what's possible, even to engage in bait-and-switch tactics. That hurts consumers and it hurts the most vulnerable members of our community the most. We support these regulations be sent back to the legislature for further review. If that cannot happen, we ask that they be rewritten to provide stronger protections for people at risk. With so many Nevadans facing greater financial insecurity today, we need more consumer protection not less. (Written comment was also received.)

- **Taylor Altman, Consumer Rights Project at Legal Aid Center of Southern Nevada**.
  I offer comments today in opposition to the proposed regulations as well as some alternatives that could minimize their negative impact on Nevadans. First permitting a lender to offer high interest loans under NRS 604A and lower interest loans with fewer consumer protections under NRS 675 at the same location puts Nevadans at significant risk. It's not clear whether this is legal at all. Both NRS 675.230(1) and NRS 604A.655(1) prohibit licensees from making loans in a location where other businesses solicited or engaged in with very limited exceptions. Had the Legislature intended to allow NRS 604A lenders to offer NRS 675 loans in the same location or vice versa it would have done so. Instead, the Legislature kept the 2 types of loans separate as part of a comprehensive set of consumer protections intended to limit the harm of high interest lending. Second, allowing both lower interest and high interest loans to be offered at the same location encourages lenders to push struggling borrowers who initially agreed to lower interest loans toward more harmful higher interest alternatives. This is deceptive and destructive. It incentivizes lenders to offer higher interest loans to borrowers who will likely default, providing more customers for an industry whose volume has dropped significantly according to responses to the small business impact study. Third, although the proposed regulations prohibit a lender from directly rolling over a loan made under one chapter to a loan made under the other chapter, the protections are still insufficient. Borrowers at risk of default can be encouraged to use money that they would have spent on rent and food to pay off their loan then return to the lender the same day to take out a loan under the other chapter. They become trapped on the debt treadmill.

I believe the Legislature is in the best position to evaluate whether a lender could offer loans under each chapter at the same location. However, if the regulations must be adopted before the laws are amended, the following consumer protections would minimize harm.

1. Prohibit dual licensees from offering loans under one chapter to customers who have taken out loans under the other chapter for 6 months allowing them time to repay.
2. Require loans made under NRS 675 at a location that also offers loans under NRS 604A to be considered as part of a borrower's ability to repay in accordance with existing law NRS 604A.5017 and related statutes.
3. Prohibit lenders from commencing any civil action or process of alternative dispute resolution on a defaulted loan if the customer has ever taken out a loan from the lender made under NRS 604A.5057.
4. Require lenders offering loans under 604A.5057 to post a notice in a conspicuous place informing borrowers that the lender cannot sue to collect on these loans.
   (Written comment was also received)

Agenda Item 3. Presentation and Discussion of Proposed Regulation:
The proposed regulations, sections 1 through 4, were read in full.

After reading the proposed regulations aloud, FID requested comments on any of the sections. There were no comments received on sections 1 through 4.

Agenda Item 4. Public Comments:
There were three comments during this general public comment period.

- **Jonathan Norman, Nevada Coalition of Legal Service Providers**.
  My colleague Taylor Altman gave our substitute comments on this. I just wanted to add that this this belongs in the purview of the Legislature because we are asking to allow this dual licensure, and it can't be that corporations can subvert our legislature by going through regulations. I think that's what fundamentally is happening here. With the litigation that led to this started before session, we could have gone through this in the 2025 legislative session, had the deliberative body decide if they want to license in both chapters and we'll have an opportunity to do the same in 2027. I believe these regulations should be rejected and that this should be sent to the Legislature.

- **Barbara Paulsen, Nevadans for the Common Good**.
  I just want to reiterate how important it is to look at these regulations very carefully by allowing what it currently states in terms of people to be licensed in both of these areas. It actually opens the door and makes it extremely easy to force any unscrupulous actors to take advantage of being able to sway people who do not have sound financial background to analyze these and determine whether this would be better for me or the other one would be better for me and so we see this really sets back consumer protections very badly if it goes through as written so we support it being back to the Legislature or specific steps put in case in place that are going to prevent the possibility of bait-and-switch to consumers.

- **Riley Svendsen, Nevada Coalition to End Domestic and Sexual Violence**.
  We're here today speaking in opposition to the proposed regulations, and we have some serious concerns regarding economic abuse, which occurs in approximately 99% of domestic violence cases and is one of the most powerful tactics used to trap victim survivors in violent relationships. Common tactics of economic abuse includes controlling access to money, destroying credit and taking out debt in the victim's name, which makes it nearly impossible for victim survivors to establish the financial independence necessary to leave unsafe situations when victim survivors do attempt to leave, they often have poor credit, limited savings and urgent financial needs for housing deposits, transportation and basic necessities. In these vulnerable moments, access to fair lending options can mean the difference between safety and returning to an abuser. From a violence prevention standpoint, we must understand that financial stability is the foundation for safety. Our work to prevent violence and support victim survivors cannot succeed if we allow predatory lending practices that trap people in cycles of debt and dependency. The economic pressure on Nevadans is tremendous. We should be expanding pathways to economic stability, not creating additional opportunities for exploitation. When we allow practices that push vulnerable people into high interest debt, we undermine violence prevention efforts. We make it harder for people to leave violent situations harder to maintain independence after leaving, and harder to build the economic foundation necessary for long term safety. The Nevada Coalition to End Domestic and Sexual Violence urges the Financial Institutions Divisions to reject these proposed regulations.
  The separation between high interest lending and installment lending exists to protect consumers at their most vulnerable. These regulations erode that protection, economic justice and violence prevention are deeply intertwined. Today you have the opportunity to uphold consumer protections and keep Nevadans safer. We urge you to do so.

Following the conclusion of this general public comment period, FID requested that anyone who commented during the workshop please also submit the comment in writing.

Agenda Item 5. Close Workshop (Adjournment):

The workshop pertaining to Nevada Administrative Code Chapters 675 and 604A was closed and adjourned on October 14, 2025, at 9:50 a.m.

To review and/or listen to comments in their entirety, please refer to the attached written comments and/or the audio recording of the workshop. The audio recording can be found online at www.fid.nv.gov/opinion/proposed_regulations.

DRAFT PROPOSED REGULATION OF THE COMMISSIONER OF THE FINANCIAL INSTITUTIONS DIVISION

LCB File No. XXX-XX

March 12, 2025

Purpose: To adopt regulations under the Nevada Administrative Code to support dual licensure under chapters 675 and 604A.

Authority: NRS 675.170, NRS 675.230, NRS 604A.300 and NRS 604A.655

Explanation: Material in ***bold italics*** is new.

Section 1. Chapter 675 of NAC is hereby amended by adding thereto the provisions set forth as section 2 of this regulation.

Sec. 2. ***A person or entity licensed under this chapter may only conduct the business of making loans under NRS Chapter 604A in the same location as it conducts the business of making loans under this chapter, subject to all of the following conditions:***

1. ***The licensee shall maintain a separate license to conduct business at that location under NRS Chapter 604A and NRS Chapter 675;***
2. ***The licensee shall not issue a loan under this chapter where any of the proceeds of the loan will be used to pay in full or in part a loan made by the licensee under NRS Chapter 604A;***
3. ***The licensee shall not issue a loan under NRS Chapter 604A where any of the proceeds of the loan will be used to pay in full or in part a loan made by the licensee under this chapter;***

DRAFT

4. ***The licensee shall separately maintain any and all books, records, and data for NRS Chapter 604A loans and NRS Chapter 675 loans for purposes of examination by the Commissioner but will not be required to purchase or maintain separate software platforms to maintain data separately.***
5. ***The licensee shall post in a conspicuous place in every location at which the licensee conducts business under his or her license the fees and rates it charges for its loan services offered under this chapter; and***
6. ***The licensee shall maintain specific and verifiable documentation of the loan proceeds at the time of loan disbursement.***

Sec. 3. Chapter 604A of NAC is hereby amended by adding thereto the provisions set forth as section 4 of this regulation.

Sec. 4. ***A person or entity licensed under this chapter may only conduct the business of making loans under NRS Chapter 675 in the same location as it conducts the business of making loans under this chapter, subject to all of the following conditions:***

1. ***The licensee shall maintain a separate license to conduct business at that location under NRS Chapter 604A and NRS Chapter 675;***
2. ***The licensee shall not issue a loan under this chapter where any of the proceeds of the loan will be used to pay in full or in part a loan made by the licensee under NRS Chapter 675;***
3. ***The licensee shall not issue a loan under NRS Chapter 675 where any of the proceeds of the loan will be used to pay in full or in part a loan made by the licensee under this chapter;***

DRAFT

4. ***The licensee shall separately maintain any and all books and records, and data for NRS Chapter 604A loans and NRS Chapter 675 for purposes of examination by the Commissioner, but will not be required to purchase or maintain separate software platforms to maintain data separately.***
5. ***The licensee shall post in a conspicuous place in every location at which the licensee conducts business under his or her license the fees and rates it charges for its loan services offered under this chapter; and***
6. ***The licensee shall maintain specific and verifiable documentation of the loan proceeds at the time of loan disbursement.***

DRAFT

Good morning, members of the Committee. My name is Taylor Altman and I am a staff attorney in the Consumer Rights Project at Legal Aid Center of Southern Nevada. I offer comments today in opposition to the proposed regulations as well as some alternatives that would minimize their negative impact on Nevadans.

First, permitting a lender to offer high-interest loans under NRS 604A and lower-interest loans with fewer consumer protections under NRS 675 at the same location puts Nevadans at significant risk. In fact, it's not clear whether it's legal at all. Both NRS 675.230(1) and NRS 604A.655(1) prohibit licensees from making loans in a location where other business is solicited or engaged in with very limited exceptions. Had the legislature intended to allow NRS 604A lenders to offer NRS 675 loans in the same location, or vice versa, they would have done so. Instead, the legislature kept the two types of loans separate as part of a comprehensive set of consumer protections intended to limit the harm of high-interest lending.

Second, allowing both lower-interest and high-interest loans to be offered at the same location encourages lenders to push struggling borrowers who initially agreed to lower-interest loans toward more harmful higher-interest alternatives. This is deceptive and destructive. It incentivizes lenders to offer higher-interest loans to borrowers who will likely default, providing more customers for an industry whose volume has dropped significantly, according to the Small Business Impact Study.

Third, although the proposed regulations prohibit a lender from directly rolling over a loan made under one chapter to a loan made under the other chapter, these protections are still insufficient. Borrowers at risk of default can be encouraged to use money for rent and food to pay off their loan, then return to the lender the same day to take out a loan under the other chapter. They become trapped on the debt treadmill.

The legislature is in the best position to evaluate whether a lender could offer loans under each chapter at the same location. However, if regulations must be adopted before the laws are amended, the following consumer protections would minimize harm:

1. Prohibit dual licensees from offering loans under one chapter to customers who have taken out loans under the other chapter for six months.
2. Require loans made under NRS 675 at a location that also offers loans under NRS 604A to be considered as part of a borrower's ability to repay in accordance with NRS 604A.5017 and related statutes.
3. Prohibit lenders from commencing any civil action or process of alternative dispute resolution on a defaulted loan if the customer has ever taken out a loan from the lender made under NRS 604A.5057.
4. Require lenders offering loans under NRS 604A.5057 to post a notice in a conspicuous place informing borrowers that the lender cannot sue to collect these loans.

Thank you for allowing me to share my comments today. I am happy to take any questions.

Comment on Proposed Regulations Regarding NAC Chapters 604A and 675

Good morning.

My name is Laura Tooker, and I'm representing Nevadans for the Common Good — a broad-based organization of congregations and community organizations across Southern Nevada.

In 2019, Nevadans for the Common Good worked hard for the passage of SB201, which created a statewide database to track high-interest, short-term payday loans and provide up-front protection for individuals seeking these loans.

During that time, we heard story after story — from people of diverse economic, educational, and ethnic backgrounds — about how they or someone they love had been trapped in a cycle of debt because of predatory lending.

That legislation was a major step forward in providing long-overdue consumer protections and giving thousands of Nevadans a fairer financial playing field.

But the regulations being considered today, as they are written, would be a step backward.

They could allow lenders, through their marketing and conversations with clients, to mislead borrowers about what's possible — even to engage in bait-and-switch tactics.

That hurts consumers.

And it hurts the most vulnerable members of our community the most.

We strongly support the position of the Nevada Coalition of Legal Service Providers in urging that these regulations be sent back to the legislature for further review.

And if that cannot happen, we ask that they be rewritten to provide stronger protections for people at risk.

With so many Nevadans facing greater financial insecurity today, we need more consumer protection — not less.

Thank you.

NEVADANS FOR THE COMMON GOOD

PLEASE SEND CORRESPONDENCE VIA MAIL TO:
c/o Holy Spirit Lutheran Church, 6670 West Cheyenne, Las Vegas, NV 89108

EMAIL: **NCG.LasVegas@Gmail.com**

NEVADANSFORTHECOMMONGOOD

"Exhibit C"

JOE LOMBARDO
Governor

STATE OF NEVADA

DR. KRISTOPHER SANCHEZ
Director

SANDY O'LAUGHLIN
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

Minutes of Second Workshop to Solicit Comments on Proposed Regulations NAC 675 and NAC 604A

Date: December 16, 2025

Time: 10:00 a.m.

Locations:
Physical in-person location:
Nevada State Business Center, Nevada Room, 4th Floor
3300 W. Sahara Avenue, Las Vegas, Nevada 89102

Virtual location:
Microsoft Teams meeting- videoconference and teleconference

Agenda Item 1. Call to Order:
The workshop to consider regulations to revise NAC Chapters 675 and 604A was called to order Tuesday, December 16, 2025, at 10:01 a.m. The purpose of the workshop was to receive input with respect to the proposed regulations pertaining to NAC Chapters 675 and 604A, as described by the Notice of Workshop dated and posted on November 21, 2025.

Financial Institutions Division Staff Present In-Person at the Hearing:
Commissioner Sandy O'Laughlin
Deputy Commissioner Mary Young
Certified Public Accountant Angela Shanks
Examiner Jennnifer Ramsay

Also present, FID's counsel Deputy Attorney General Jessica Guerra

Agenda Item 2. Comments by General Public:
There were no comments during this general public comment period.

Agenda Item 3. Presentation and Discussion of Proposed Regulation:
The Division noted that several concerns raised during the first workshop have been addressed through the amended language proposed in the regulations under discussion today. Additionally, the Division discussed the written comments submitted prior to the second workshop.

The material changes to the proposed regulations, sections 2, 3, 5, 6, and sections 7 through 16, were read into the record.

After reading the changes to the proposed regulations, FID requested comments on any of the sections. There were five (5) comments received:

- **Peter Aldous, Legal Aid of Southern Nevada**.
  Legal Aid is still concerned about the risk to consumers that are involved in one licensee holding both licenses, but we very much appreciate these specific changes that have been made since the first workshop, including, separating the branches to be within 3 miles and ensuring that there is no transfer from one licensee to another as a result of default.

- **Lisa Quaranta, Nevada Credit Union League.**
  Our general comments consist of all the sections specifically section 2. We understand credit unions are not directly regulated under these chapters, but we are committed to supporting a fair and transparent financial marketplace for all Nevadans. We want to acknowledge the Divisions work to strengthen the consumer protection in this round of the workshop. However, we remain strongly concerned with the dual licensure framework as proposed and to respect your time, we are not going to restate everything in our written comments. First, we want to say that this approach creates a real risk of consumer confusion. Disclosures alone are not enough for when can offer two different products, one that is lower cost and one that's high cost even with the safeguards that are included. Combining installment loans, installment lending authority with high interest short term lending creates inherent risk for consumers, particularly those that are. Second, the dual licensure weakens long standing consumer safeguards. These products have historically been separated for a reason and combining them increases the risk that vulnerable consumers may be steered a high-cost debt cycle. Finally, this proposal risks the distinctions in the marketplace and the eroding public trust. Credit unions provide transparent, affordable alternatives and delivered over $117 million directly to Nevada households this year alone. Expanding authority to high-cost lenders risks confusing consumers and diverting them away from responsible financial institutions. We respectfully urge the division to reconsider the proposal and maintain Nevada's commitment for strong consumer protections.

- **Peter Guzman, Latin Chamber of Commerce, Nevada.**
  The Latin Chamber firmly believes in giving people in small businesses options. As such, we fully support the regulations presented during the first workshop on October 14th, but we strongly oppose the newly drafted regulations proposed today. The regulations presented today introduce unnecessary barriers that make that make offering lower interest rate loans economically impossible for lenders by preventing lenders from efficiently offering chapter 675 loans. The Division is inadvertently stripping small businesses of the

ability to innovate and provide the affordable capital that their communities desperately need. These restrictions do not just hurt the lending industry, they stifle the small business owners who rely on diverse financial products to survive in a challenging economic climate. I have heard firsthand from my members who had to use these specific financial products to meet payroll during their initial years in business. We need to create more options for them rather than placing roadblocks in front of cheaper financial products. By allowing these products to co-exist, the October framework created a pathway for borrowers to graduate from emergency high interest credit to sustainable lower interest products. That structure Empowered consumers to choose the tool that best fit their immediate needs rather than being pigeonholed into a single, more expensive category. We urge the Division to return to the October framework. Let us work together to provide borrowers with the cheaper options they deserve and give small businesses the tools they need to succeed.

- **Kyle Alexandre, Equipment Lease and Finance Association (ELFA).**
  ELFA requests specifically that the regulation be revised to clearly state that Section 2 applies only to entities holding dual licenses under NRS 604A and NRS 675. Without that clarification, the provision risks being read more broadly then intended creating a confusion and unattended compliance obligations for the business outside of the scope of the statute. Narrowing section 2 to dual licensing entities aligned with the regulation and legislative intent provides regulatory clarity and avoids inadvertently capturing legitimate commercial finance and equipment leasing activity. ELFA is the equipment leasing and finance division, we are a trade association, and we represent member companies that consist of John Deere, Caterpillar, Bobcat, captives, banks and independents and service providers and we feel that providing clarity to this section would be beneficial for our members.

- **Ryley Svendsen, Nevada Coalition to End Domestic and Sexual Violence.**
  We are here in opposition to the proposed regulations allowing dual licensure. Economic abuse occurs in approximately 99% of domestic violence cases and is one of the most powerful tactics used to trap victim survivors in violent relationships. When victim survivors attempt to leave, they often have poor credit and limited savings, and urgent financial needs for housing, transportation and basic necessities. Access to fair lending options can mean the difference between safety and returning to an abuser. We consistently rank high for rates of sexual and domestic violence, and our state budget provides no dedicated line item for domestic or sexual violence protection. When we allow practices that push vulnerable people into high-interest debt, we undermine violence prevention efforts and makes it harder for people to leave violent situations and maintain independence. We appreciate the consumer protections that were adopted from previous workshops, the separation between high interest lending and installment lending exists to protect consumers at their most vulnerable economic justice and violence prevention are deeply interconnected, and we urge the financial institutions divisions to reject these proposed regulations.

Agenda Item 4. Public Comments:

There were four (4) comments during this general public comment period.

- **Barbara Paulsen, Nevadans for the Common Good**.
  Nevadans for the Common Good's interest in short term high-cost loans if from a consumer protection perspective. Loans in this category are widely marketed but most aggressively marketed in the poorest neighborhoods targeting our most financially vulnerable residents. As stated at the October workshop on the regulation before us today, Nevadans of the Common Good worked hard for the passage of SB 201, which created a statewide database to track high interest short term loans and provide upfront protection for individuals seeking these loans. We continued our advocacy through the regulation development process to ensure its implementation at the goal of the legislation. We are pleased to see that the proposed regulation presented today more clearly states the separations that must be maintained between 675 and 604A loans that is originally directed, however, if approved strong enforcement of this regulation will be key to how well consumers are protected from misleading marketing and other infractions. Close monitoring and tracking of data supplied by lenders through the database system is essential and stiff penalties must be applied when infractions are identified. However, the overall regulation before us today remains highly problematic allowing lenders to hold dual licensing under chapter 604A and 675 as described weakens existing consumer protections. By its very nature it enables lenders to steer if not direct consumers toward the loan type most beneficial to the lender not the consumer. Consumers who lack the knowledge to evaluate the options at a time when many Nevada residents are facing intense financial insecurity from on a variety of fronts and seeking financial help. Nevadans for the Common Good does not support this regulation moving forward.

- **Andrew Clark, New Day Nevada.**
  Nevada is an organization that is committed to economic policies that benefit all Nevadans. Unfortunately, the proposed regulatory change on payday lending benefits private industry at the expense of the public good. We ask you to reject this proposal while we remain steadfast in our opposition if this were to pass, we do thank you for the added consumer protections.

- **Jonathan Norman, Nevada Coalition of Legal Service Providers**.
  I just want to echo I think the proper forum for this type of change is the 2027 Legislative session not in regulations. I do want to echo Mr. Aldous 's comments that we appreciate the additional consumer protections, but we still believe that there is a risk to consumers licensing one company in both of these chapters.

- **Mary Brennan, Dollar Loan Center.**
  As the Division is aware, Dollar Loan Center and the FID recently entered into a settlement agreement regarding case number A24886045C. The core of that settlement was an agreement that a single licensee could underwrite both chapter 604A and chapter 675 loans from the same location subject to this regulatory process. The regulations presented on October 14th, 2025, honored that settlement. They represented a fair compromise that offer consumers low interest options while ensuring robust protections. However, the new draft

regulations before you today abandoned that compromise. They introduced unnecessary barriers that make offering low interest loans economically impossible. By adopting these changes division is inadvertently protecting the status quo, enforcing consumers to remain in high interest chapter 604A loans. For years our industry has been criticized for high interest rates. Yet now that DLC is attempting to offer a product with a significantly lower rate below 40% under chapter 675 we are meeting resistance rather than support. We have asked repeatedly why the Division is so hesitant to let a borrower choose a cheaper loan.
We do not need to rely on speculation, under the terms of the settlement DLC has been operating with a provisional license to test lower interest model. The data speaks for itself. 37 loans have been funded totaling approximately $230,000.00. There have been zero consumer complaints, zero consumer confusion between products. The pilot program proves this model works safely. The current draft regulations ignore that success. We urge the FID to revert to language proposed during the first workshop. We ask that you do not continue to place additional roadblocks on a lower interest rate product that works.

Following the conclusion of this general public comment period, FID requested that anyone who commented during the workshop please also submit the comment in writing.

Agenda Item 5. Close Workshop (Adjournment):

The workshop pertaining to Nevada Administrative Code Chapters 675 and 604A was closed and adjourned on December 16, 2025, at 10:32 a.m.

To review and/or listen to comments in their entirety, please refer to the attached written comments and/or the audio recording of the workshop. The audio recording can be found online at www.fid.nv.gov/opinion/proposed_regulations.

DOLLAR LOAN CENTER

dontbebroke.com

Testimony Regarding Proposed Regulation LCB File No. R065-25

Speaker: Mary Brennan on behalf of Dollar Loan Center

As the Division is aware, DLC and the FID recently entered into a settlement agreement regarding Case No. A-24-886045-C. The core of that settlement was an agreement that a single licensee could underwrite both Chapter 604A and Chapter 675 loans from the same location, subject to this Regulatory Process.

The regulations presented on October 14, 2025, honored that settlement. They represented a fair compromise that offered consumers lower-interest options while ensuring robust protections.

However, the new draft regulations before you today abandon that compromise. They introduce unnecessary barriers that make offering lower-interest loans economically impossible. By adopting these changes, the Division is inadvertently protecting the status quo and forcing consumers to remain in higher-interest Chapter 604A loans.

For years, our industry has been criticized for high interest rates. Yet now that DLC is attempting to offer a product with a significantly lower rate (sub-40% APR) under Chapter 675, we are meeting resistance rather than support. We have asked repeatedly: Why is the Division so hesitant to let a borrower choose a cheaper loan?

We do not need to rely on speculation. Under the terms of the settlement, DLC has been operating with a provisional license to test this lower interest model. The data speaks for itself:

- **37 loans** funded totaling approximately **$230,000.**
- **Zero** consumer complaints.
- **Zero** consumer confusion between products.

The pilot program proves this model works safely. The current draft regulations ignore that success. We urge the FID to revert to the language proposed during the first workshop. We ask that you do not continue to place additional roadblocks on a lower-interest rate product that works.

Brownstein

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Las Vegas, Nevada 89106

Patrick J. Reilly
Attorney at Law
702.464.7033 direct
preilly@bhfs.com

December 16, 2025

VIA E-MAIL (fidmaster@fid.state**)**

Mary Young, Deputy Commissioner
State of Nevada Department of Business and Industry
Financial Institutions Division
3300 W. Sahara Ave., Suite 250
Las Vegas, Nevada 89102

RE: Proposed regulation of the Commissioner of the State of Nevada Department of Business and Industry Financial Institutions Division ("FID") LCB File No. R065-25 (the "Proposed Regulation")

Ms. Young:

This office represents Dollar Loan Center LLC ("DLC") in connection with the Proposed Regulation. Please accept DLC's comments in connection therewith.

As a threshold matter, DLC reiterates its position that NRS Chapter 604 a does not prohibit a licensee from obtaining a chapter 675 license, or vice versa. Nor is a licensee prohibited from underwriting Chapter 604 loans and Chapter 675 loans from the same location under the existing statutes.
For years now, Nevada consumer lending law has been split between two business models. NRS Chapter 675 allows its licensees to lend with little or no regulation; however, such loans are limited to having an APR of less than 40%. In contrast, NRS Chapter 604A licensees may charge unlimited interest; however, they carry a significant regulatory burden.

And as long as they have been in business, Chapter 604A licensees have been criticized for the interest rates they charge. In many cases, that criticism is well placed, as the *average* APR of Chapter 604A loans in Nevada is 600%.[1] Yet, when DLC sought to introduce a product with a significantly lower interest rate by seeking a Chapter 675 license, it received nothing but pushback from the FID. And, though we have

[1] The APR of DLC's Chapter 604A loan product is less than one-third of the average APR of other licensees.

asked many times, no one has ever articulated why allowing a Chapter 604A licensee to offer a Chapter 675 loan product is so dangerous. If the criticism before was the high interest rate, why has the FID been so leery of licensing under Chapter 675?

Regardless, as a result of a disagreement between DLC and the FID interpreting various provisions of NRS Chapter 604A and Chapter 675, DLC commenced a civil action in State of Nevada Eighth Judicial District Court Case No. A-24-886045-C (the "Action"). On February 19, 2025, DLC and the FID entered into a stipulation in the Action announcing that a settlement had been reached. As part of the settlement, the FID agreed to propose certain regulations that had been agreed to by the parties, subject to the regulatory approval process. The Action is currently stayed pending promulgation of the Proposed Regulation. Significantly, in the event the Proposed Regulation is adopted but changed substantially from the language agreed to, the stay in the Action will be lifted and the litigation will resume.

Significantly, since the settlement of the Action, the FID has issued provisional Chapter 675 licenses to DLC at certain locations where it also makes Chapter 604A loans. DLC has been operating under Chapter 675 pursuant to the Proposed Regulation as originally drafted. To date, DLC has made 37 loans under NRS Chapter 675 totaling approximately $230,000. There have been no consumer complaints. There has been no confusion between the two different loan products. In DLC's test run of the Chapter 675 loan product, all has gone smoothly and without incident. The question, therefore, is why these additional regulations are now being considered.

The Proposed Regulation, as originally drafted, comported with the agreement of the parties to the Action. The new draft amendments being considered by the FID in this workshop change substantially the language agreed to, and go far beyond anything that was even proposed during the first workshop. If these additional restrictions are adopted, DLC will be forced to resume the Action. If it is successful, DLC will be entitled to offer Chapter 675 loans *without* the limitation of these regulations, which would be rendered void *ab initio* given the lack of statutory restriction to lend under both Chapters. I hope the FID has considered that these proposed changes many ultimately result in *fewer* protections for consumers than the ones originally agreed upon.

Specifically, DLC notes its objection to the following proposed changes:

1. **Section 2(1)**—In the updated draft proposal, a Chapter 675 license cannot underwrite loans in the same location as a Chapter 604A licensee, even if they are the same company. ***This was the fundamental dispute in the Action*** that was resolved by the settlement, in which the FID agreed a single company ***could*** underwrite Chapter 604A and Chapter 675 loans from the same location, subject to certain conditions. By adding this provision and Section 2(2), the FID has completely reneged on the principal settlement terms in the Action. If the FID moves forward with these

provisions, it will be in breach of the Settlement Agreement and DLC will be forced to seek to lift the stay in the Action. Similarly, *see* Section 5(1).

2. **Section 2(2)—**The FID has placed a three-mile barrier between any location that offers Chapter 675 loans from any location that offers Chapter 604A loans. This provision seems to have been drafted to confuse consumers, who will not know what loan they can get at which location, and to make it more difficult for them to take out such loans. It also seems designed to make it as expensive as possible for licensees to offer both Chapter 604A and 675 products. No other business has such restrictions. McDonald's is not limited to selling burgers at one location and French Fries at other locations. One can easily imagine how difficult it would be for any business to operate in such a manner. Similarly, *see* Section 5(2).

3. **Section 2(6-7)**—The FID does not explain why these provisions are necessary or helpful, given the restrictions in Section 2(4) in which the proceeds of a Chapter 675 loan may not be used to repay an existing Chapter 604A loan made by the licensee. Section 2(4) would prevent the feared "bait and switch" of switching an existing Chapter 604A loan into a Chapter 675 loan. The fact that a borrower may have had a default with a prior Chapter 604A loan suggests that a Chapter 675 loan might be a better fit for that borrower, or vice versa. Here, the FID should consider the need for borrowers to have access to capital where banks and similar lenders are unavailable. Part of offering a borrower the choice of Chapter 675 loan versus a Chapter 604A loan is what is important here. By erecting artificial barriers, you take away customer choice and flexibility.

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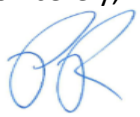
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4. **Section 15(3)**—I strongly caution the FID against requiring Commissioner approval of advertising. Setting aside the vagueness of the provision as drafted (is approval required in all instances or not?) and the unlimited discretion conferred upon the Commissioner (reserving the right to require her own approval at her whim), it will likely draw a First Amendment challenge from the first person denied approval. Please note that a similar restriction scheme was placed upon attorney advertising by the State Bar to approve attorney advertising. We do not believe they even bother enforcing those rules anymore for obvious reasons. Also, the provision promises to be an enforcement quagmire for the FID. DLC would rather the FID use its resources for legitimate enforcement rather than listening to 30-second radio ads and monitoring social media accounts.

Thank you in advance for your attention to this matter.

Sincerely,



Patrick J. Reilly

36645881

Proposed Amendments to NAC 604A.8XX (Database) and Integration of Chapter 675 Loans into NRS 604A.303 Database

December 11, 2025

Submitted by Lea Cartwright
LC@CartwrightNV.com

Intent: To update NAC 604A with modern cybersecurity requirements, notices of disclosures to impacted consumers, aligns fees with inflation, closes loopholes in the data reporting requirement, requires an annual report from FID to track industry scope and consumer trends, and includes a new section of borrower debt protections. Update NAC 675 to require lender participation in the same database established pursuant to NRS604A.303.

Note: The updates below are proposed amendments to R037-20, which have not yet been codified in the online/public version of NAC. A draft mark-up of R037-20 is included at the end of this document.

Update Section 10: Data Breach Requirements – Privacy & Security

Section 10 of this regulation sets forth certain duties of a service provider regarding: (1) the maintenance of data in the database for purposes of compliance, investigation, and enforcement; and (2) notification of the Office of the Commissioner if the database becomes unavailable for any reason.

New Language in Green

4. Breach notification: Similar to Nevada Revised Statutes (NRS) 603A.220 and NRS 675.283, any entity—including payday lenders and, for purposes of this regulation, the database provider—must provide immediate notice to the Commissioner if a breach is reasonably likely to result in harm, Nevada consumer data is exposed, or the system is compromised.

Consumer Protection Need for the Update

Mandating immediate breach notification ensures that regulators and affected consumers can swiftly detect, contain, and investigate security incidents. When entities know they must alert the Commissioner without delay, they are held accountable for safeguarding data, investing in robust cybersecurity measures, and developing incident response plans. This proactive obligation reduces the window for misuse of exposed information and fosters transparency that deters predatory or lax security practices.

Early notification empowers consumers to take protective steps—freezing credit, changing passwords, and monitoring accounts—thereby reducing the risk of identity theft and financial loss. Real-time insights also give regulators a clear view of emerging vulnerabilities, guiding targeted audits, enforcement actions, and policy updates. By establishing a transparent breach-reporting standard, the regulation strengthens market confidence and creates an environment where continual security improvements become the norm.

Update Section 15: Disincentivize the Debt Trap

Section 15 of this regulation (1) requires the service provider to charge and collect a fee from a licensee for each loan the licensee approves and enters into the database; and (2) sets certain restrictions on that fee.

New Language in Green

3. The fee ~~***may***~~ *shall* be charged ~~only~~ at the time of loan origination and **must** ~~not~~ be charged to extend, roll over, renew, refinance, or consolidate a loan, or for any other action that extends the due date.

Consumer Protection Need for the Update

Currently, the database fee applies only to new loans, which incentivizes lenders to roll over or extend loans rather than treating those transactions as new loans. This loophole allows lenders to continue collecting fees and interest on extended obligations without triggering regulatory scrutiny or incurring additional costs. Treating each loan entry—whether a fresh advance or a significant modification—as a new loan ensures that all transactions are tracked and prevents loan stacking, excessive borrowing, and predatory lending practices.

Update Section 15: Ensuring Consumer Protections Remain Self-Funded

Section 15 of this regulation (1) requires the service provider to charge and collect a fee from a licensee for each loan the licensee approves and enters into the database; and (2) sets certain restrictions on that fee.

New Language in Green

1. Except as otherwise provided in this section, the service provider shall charge and collect a fee from each licensee for each loan the licensee approves and enters into the database. The fee:

(b) Must not exceed ~~$3~~ $6 per approved loan.

Consumer Protection Need for the Update

The fee was set at $3 per approved loan under Regulation R037-20 and has remained unchanged since its 2020 implementation. This fee funds the operation and maintenance of the statewide database that tracks deferred-deposit, title, and high-interest loans, ensuring transparency, consumer protection, and regulatory compliance. To keep the program self-funding and avoid state appropriations, a fee adjustment is both timely and necessary.

Many of the new consumer protection updates—such as data breach notification, treating rollover loans as new loans, and publishing annual reports—will require additional resources from the database provider. Without adequate funding, the system risks data gaps, technical outages, and weakened enforcement, all of which undermine consumer protection. In the five years since adoption, inflation, technological demands, and expanded regulatory responsibilities have increased the cost of maintaining a secure and effective system.

Alignment with Other States

Nevada's current $3 fee is lower than fees in comparable systems:

- Virginia: $6.98 per loan
- Florida: Up to $5 per transaction
- Oklahoma: $2.02 monthly fee (up to $24.24 annually)

These states operate similar databases for payday and installment loan products, and their higher fees reflect the true cost of secure data management, compliance monitoring, and consumer reporting.

Update Section 24: Oversight & Accountability

Section 24 of this regulation provides the Office of the Commissioner with access to the database for purposes of ensuring compliance and generating and publishing certain reports.

Updated Language in Green

2. The Office of the Commissioner may periodically run reports for purposes other than examinations, investigations, or internal reporting, including, without limitation, publishing online a report regarding the scope of the industry. Beginning July 1, 2027, the Commissioner must publish an annual online report regarding the scope of the industry. The data in such a report must not disclose identifying customer information or information that identifies a licensee, including, without limitation, the licensee's name, address, or license number. The report may contain:

a. The number of loans made for each loan product;

b. The number of defaulted loans;

c. The number of loans paid, including loans paid by their due dates and loans paid after their due dates;

d. The total amount borrowed and collected; and

e. Any other permissible data the Commissioner or their designee deems necessary.

Consumer Protection Need for the Update

Publishing annual reports promotes transparency and accountability. Consumers, advocates, and policymakers gain a clear view of lending trends and outcomes, and lenders are incentivized to act responsibly when their aggregate performance data may be publicly reported. Advocacy groups can use the data to monitor fairness, accessibility, and performance across the industry. The Commissioner's discretion to include relevant metrics ensures the reports remain responsive to evolving industry dynamics.

Update Section 25: Borrower Rights & Remedies

Section 25 provides that a customer has the right to request from a licensee, without charge, certain information relating to their loan and its repayment.

New Language in Green

2. Extended Payment Plans (EPPs) for payday loans are free of charge. Under this provision:

- Consumers may use an EPP once every 12 months with the same lender.
- EPPs incur no additional fees or interest; consumers repay only the original loan amount and any fees already incurred.
- Repayments are divided into at least four equal installments.
- Consumers must request the plan before the loan's original due date.

Consumer Protection Need for the Update

Requiring payday lenders to offer a free EPP once per year per lender provides borrowers with breathing room without penalizing them for hardship. Splitting repayment into equal installments and prohibiting additional fees or interest beyond the original loan and incurred charges helps consumers avoid surprise costs and rollover traps. The requirement to request the plan before the due date ensures proactive debt management and prevents penalties.

This transparent, no-cost EPP framework reduces default risk and supports effective budgeting, enabling consumers to repay on time and protect their credit. It also holds lenders accountable, discouraging predatory fee structures and promoting fair underwriting practices. Embedding a free EPP into payday lending regulations balances access to small-dollar credit with consumer financial stability and dignity.

Mark up of proposed amendments to NAC 604A to include duel licensees under NRS 675 and 604A as required to submit information to the FID loan database for consumer protection and ensuring consumers do not overextend their ability to pay by prohibiting loans from multiple, and different, lenders.

LCB File No. R037-20

Section 1. Chapter 604A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 25, inclusive, of this regulation.

Sec. 2. ***As used in sections 3 to 25, inclusive, of this regulation, unless the context otherwise requires, the words and terms in NRS 604A.036, 604A.038 and 604A.057, and sections 3 to 7, inclusive, of this regulation, have the meanings ascribed to them in those sections.*** **For the limited purpose of compliance with NRS 604A.303 and sections 3 to 25 , inclusive, of this regulation, the term "loan" includes any loan made by an entity dually licensed under NRS 604A and pursuant to chapter 675 of NRS.**

Sec. 3. ***"Database" means the database required by NRS 604A.303 to be developed, implemented and maintained.***

Sec. 4. ***"Delete" means to erase data by overwriting the data.***

Sec. 5. ***"Due date" means the date, based on a payment schedule and subject to all statutory requirements, on which a customer is scheduled to:***

1. ***Make a payment, either to pay the full amount of a loan, including principal, finance charge and fees, and extinguish the debts; or***
2. ***If applicable, make an installment payment.***

Sec. 6. ***"Identifying customer information" means:***

1. ***The name of a customer;***

2. The social security number or alien registration number of a customer;

3. The driver's license number of a customer; or

4. The number of an identification card which was issued to a customer by the Federal Government, this State or any other state,

➥ *that is entered into the database.*

Sec. 7. *"Service provider" means the vendor or service provider with which the Commissioner has contracted to develop, implement and maintain the database.*

Sec. 8. *For the purposes of sections 2 to 25, inclusive, of this regulation, a loan is closed if the final status of the loan is no longer active because the loan has been paid in full under the loan agreement, because the loan is a title loan and the vehicle securing the loan has been repossessed, because the licensee has charged off the loan or for any other reason.*

Sec. 9. *The service provider shall:*

1. Develop, implement and maintain the database.

2. Take all actions the service provider deems necessary to protect the confidentiality and security of the information contained in the database and be responsible for the confidentiality and security of such information.

Sec. 10. *The service provider shall:*

1. Retain the data in the database only as required to ensure that a licensee complies with the requirements of this chapter and chapter 604A of NRS.

2. Unless notified by the Commissioner that the data and identifying customer information relating to a transaction of a customer is needed for the purposes of a pending investigation or enforcement action:

(a) Archive the data in the database not later than 2 years after the loan is closed. As used in this paragraph, "archive" means to copy data to a long-term storage mechanism separate from the database.

(b) Delete the data and any identifying customer information from the database on the date that is 3 years after the date on which the loan is closed.

3. If the database becomes unavailable for any reason, notify the Office of the Commissioner not later than the next business day after the database becomes unavailable.

5. The service provider, including the database vendor and/or the loan provider, shall provide immediate notice to the Commissioner upon determining or reasonably believing that a breach of the database or lender, unauthorized acquisition of data, or other security incident has occurred that is reasonably likely to result in harm to a Nevada consumer, compromise identifying customer information, or impair the integrity or availability of the database system or lender. Such notice must be given in a manner consistent with NRS 603A.220 and NRS 675.283..

Sec. 11. *1. Access to the database must be limited to members of the staff of:*

(a) A licensee who underwrite and process loans;

(b) A licensee who collect and post payments made on loans;

(c) A licensee who are senior staff members;

(d) The service provider; and

(e) The Office of the Commissioner.

2. Each user of the database must be required to:

(a) Create a password to access the database that meets the criteria of the service provider for passwords; and

(b) Safeguard the password by not sharing the password with any person or by committing the password to writing.

Sec. 12. *1. Before making a deferred deposit loan, title loan or high-interest loan, a licensee shall query the database.*

2. To verify the identity of a customer, a query made pursuant to subsection 1 must include, at a minimum:

(a) The full name of the customer, including, without limitation, first and last name and middle initial;

(b) The social security number or alien registration number of the customer;

(c) The number of a valid identification card issued by a governmental entity which contains a photograph of the customer ; and

(d) The date of birth of the customer.

3. The service provider shall retain each query of the database for review by the Office of the Commissioner.

Sec. 13. *1. In response to a query by a licensee, the database must:*

(a) Provide the licensee with the information which a licensee may obtain pursuant to paragraphs (a) to (d), inclusive, of subsection 1 of NRS 604A.303;

(b) Inform the licensee whether a customer is eligible for a loan pursuant to this chapter and chapter 604A of NRS; and

(c) If the customer is ineligible for a loan, provide the licensee with the reason for such ineligibility.

2. In determining the ability of a customer to repay a loan for the purposes of chapter 604A of NRS, a licensee shall consider the information provided pursuant to subsection 1 and any other available information.

3. A licensee may approve a loan only if the making of the loan is permissible pursuant to the provisions of this chapter and chapter 604A of NRS.

4. If the database informs a licensee that a customer is ineligible for a loan, the licensee must provide the customer with a written notice which contains:

(a) The reason for the ineligibility;

(b) The contact information of the service provider; and

(c) A statement advising the customer to submit an inquiry to the service provider if the customer has questions regarding the specific reason for the ineligibility.

5. A written notice provided by a licensee pursuant to subsection 4 does not preclude or replace any disclosure required by federal law.

Sec. 14. *1. During any period in which the database is unavailable due to technical issues on the service provider's side of the system, a licensee may rely upon the written representation of a customer applying for a loan and assess the ability of the customer to repay the loan by obtaining the documentation required by this chapter and chapter 604A of NRS to verify that making the loan for which the customer applied is permissible pursuant to this chapter and chapter 604A of NRS.*

2. The written representation of a customer applying for a loan, which a licensee may rely on pursuant to subsection 1, must include, without limitation:

(a) An affirmation that the customer does not have any loan outstanding at the time the customer applies for the loan;

(b) If, at the time the customer applies for a deferred deposit loan or high-interest loan, the customer has another outstanding loan, an affirmation that:

(1) The amount of the additional deferred deposit loan or high-interest loan, as applicable, for which the customer is applying would not, when combined with the amount of the outstanding loan of the customer, exceed 25 percent of the expected gross monthly income of the customer; and

(2) The customer has the ability to repay the loan and the additional deferred deposit loan or high-interest loan for which the customer is applying; or

(c) If, at the time the customer applies for a title loan, the customer has outstanding another title loan, an affirmation that:

(1) The customer has the ability to repay the outstanding title loan and the additional title loan for which the customer is applying; and

(2) The title to the vehicle is not perfected with another lender or licensee.

3. If a licensee makes a loan to a customer during a period when the database is unavailable, whether due to a scheduled outage or other technical issues, a licensee must:

(a) Enter the loan into the database not later than 24 hours after the database becomes operational;

(b) Notate on the loan file that the loan was originated during a period the database was unavailable; and

(c) Retain all records of the loan transaction as required for any loan which is made by a licensee pursuant to the provisions of this chapter and chapter 604A of NRS.

Sec. 15. *1. Except as otherwise provided in this section, the service provider shall charge and collect a fee from each licensee for each loan which the licensee approves and enters into the database. The fee:*

(a) Must have been established by the competitive procurement process through which the service provider was selected by the Commissioner; and (b) Must not exceed $[~~3~~]6 per approved loan.

2. The service provider shall not charge or collect a fee from a licensee for a loan which is:

(a) Not approved;

(b) Voided; or

(c) Rescinded.

3. The fee ~~may~~ shall be charged ~~only~~ at the time of the origination of a loan and ~~cannot~~ must be charged to extend, roll over, renew, refinance or consolidate a loan, or for any other action which would extend the due date.

Sec. 16. *1. A licensee shall not charge or collect from a customer a fee:*

(a) If a loan is not approved.

(b) If a loan is voided.

(c) If a loan is rescinded.

(d) In an amount which exceeds the actual cost of the fee charged to the licensee by the service provider.

2. The fee must be itemized on the loan agreement, regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act, as amended, 15 U.S.C. §§ 1601 et. seq., and Regulation Z, 12 C.F.R. Part 226.

Sec. 17. *Except as otherwise provided in section 13 of this regulation, a licensee shall enter into the database, in real time:*

1. Each loan originated by the licensee;

2. Each renewal, extension, rollover and refinance of a loan;

3. Information concerning a loan that has entered a grace period;

4. Each payment on a loan;

5. The date on which an offer of a repayment plan is sent;

6. The date on which a repayment plan is entered into by the customer and the licensee;

7. Each declined loan; and

8. Any other transaction relating to a loan, as applicable, and in compliance with the provisions of this chapter and chapter 604A of NRS.

Sec. 18. *1. A licensee who makes:*

(a) A deferred deposit loan; or

(b) A high interest loan,

➥ *shall comply with the requirements of subsection 2.*

2. Except as otherwise provided in section 13 of this regulation, a licensee who makes a loan described in subsection 1 shall, in real time, enter into the database the following information:

(a) Whether the customer is a covered service member.

(b) Whether the customer is a dependent of a covered service member.

(c) The origination date of the loan.

(d) The term of the loan.

(e) The principal amount of the loan.

(f) The total finance charge associated with the loan.

(g) The fee charged for the loan.

(h) The due date of the loan.

(i) The annual percentage rate of the loan.

(j) The scheduled payment amount.

(k) The payment details as required by section 20 of this regulation.

(l) The type of loan product.

(m) The gross monthly income of the customer.

(n) The total obligations of the customer.

Sec. 19. *Except as otherwise provided in section 13 of this regulation, a licensee who makes a title loan shall, in real time, enter into the database the following information:*

1. Verification that the customer is the legal owner of the vehicle which secures the loan.

2. Whether the customer is a covered service member.

3. Whether the customer is a dependent of a covered service member.

4. The origination date of the loan.

5. The term of the loan.

6. The principal amount of the loan.

7. The total finance charge associated with the loan.

8. The fee charged for the loan.

9. The due date of the loan.

10. The annual percentage rate of the loan.

11. The scheduled payment amount.

12. The payment details as required by section 20 of this regulation.

13. The year, make, model and vehicle identification number of the vehicle which secures the loan.

14. The fair market value of the vehicle as valued by a third-party vendor.

15. If applicable:

(a) The name of the legal co-owner of the vehicle; and

(b) The consent of the legal co-owner of the vehicle for the vehicle to serve as security for the loan.

Sec. 20. *1. Except as otherwise provided in section 13 of this regulation, for each payment made on a loan, the licensee shall, in real time, enter into the database the following information, without limitation:*

(a) The scheduled payment amount.

(b) The due date of the payment.

(c) The actual payment amount.

(d) The date on which the payment was made.

(e) The allocation of the total payment, including, without limitation, the dollar amount applied to the principal and the dollar amount applied to interest and fees.

(f) The amount and date of the payment received from a customer when the loan is paid in full.

2. If a customer fails to make a payment as scheduled, the licensee shall enter into the database the following information:

(a) The new interest rate, if applicable.

(b) Whether a repayment plan was offered.

(c) Whether the customer entered into a repayment plan.

(d) The duration of the grace period, if any.

3. If a customer enters into a loan agreement which requires installment payments, the licensee must enter into the database the information required pursuant to subsection 1 for each installment payment.

Sec. 21. *Each licensee shall enter into the database and maintain the status of each loan originated by that licensee, including, without limitation:*

1. If the loan is in collection, whether being collected by the licensee or by a third party:

(a) The date on which the loan entered into collection.

(b) The payment history of the loan.

2. If the loan is in default:

(a) The date on which the loan entered into default.

(b) The payment history of the loan.

(c) And if the interest rate changed, the new rate and the date on which the rate changed.

3. If the loan is in a grace period:

(a) The date on which the loan entered into the grace period.

(b) The payment history of the loan.

4. If the loan is in a repayment plan:

(a) The date on which the loan entered the repayment plan.

(b) The payment history of the loan.

5. If the loan is closed:

(a) The date on which the loan closed.

(b) The reason the loan was closed.

6. If a vehicle which secured a loan was ordered to be repossessed:

(a) The date on which the vehicle was ordered to be repossessed.

(b) The date on which the repossession of the vehicle occurred.

Sec. 22. *A licensee shall retain for not less than 3 years all data and documentation collected and reviewed for any loan, loan transaction or query made in the database. For the purposes of this section, "documentation" includes, without limitation:*

1. All copies of the documents considered in determining the ability of a customer to repay a loan, including the gross monthly income of the customer, identity and credit history; and

2. For title loans, any third-party vendor documentation which shows the fair market value of the vehicle which secured the title loan and a copy of the title to the vehicle.

Sec. 23. *1. Except as otherwise provided in section 10 of this regulation, a licensee shall not delete any information relating to a customer that is entered into the database.*

2. If a loan or loan transaction is voided or rescinded, a licensee must notate on the loan file and in the database that the loan or loan transaction is voided or rescinded, as applicable, and the reason that the loan or loan transaction is voided or rescinded. Except as otherwise provided in section 10 of this regulation, the licensee shall not delete the voided or rescinded loan or loan transaction from the database.

Sec. 24. *1. The Office of the Commissioner must have access to the database and will use the database as a tool of enforcement to ensure the compliance of each licensee with the provisions of this chapter and chapter 604A of NRS.*

2. The Office of the Commissioner may periodically run reports for purposes other than examinations, investigations or internal reporting, including, without limitation, to publish online a report regarding the scope of the industry. **Beginning July 1, 2027, the Commissioner must publish an annual online report regarding the scope of the industry.** *The data in such a report must not disclose identifying customer information or information which identifies a licensee, including, without limitation, the name, address or number of the license of a licensee. The report may contain:*

(a) The number of loans made for each loan product;

(b) The number of defaulted loans;

(c) The number of loans paid, including the number of loans paid by their respective due dates and loans paid after their respective due dates;

(d) The total amount borrowed and collected; and

(e) Any other permissible data that the Commissioner or his or her designee deems necessary.

Sec. 25. *A customer may request from a licensee, without charge, fee or cost, a copy of his or her loan history, file, record and any other documentation relating to any loan for which the customer applied or the repayment of any loan made to the customer. A licensee shall offer a customer a no-cost Extended Payment Plan for a deferred deposit loan once every 12 months. An Extended Payment Plan offered pursuant to this subsection:*

(a) Must not include any additional fees or interest beyond the amounts already incurred under the original loan agreement;

(b) Must divide repayment into at least four substantially equal installments;

(c) Must be requested by the customer before the original due date of the loan; and

(d) Must be documented in the loan record maintained in the database.

December 9, 2025

Ms. Sandy O'Laughlin, Commissioner
State of Nevada, Department of Business and Industry
Financial Institutions Division
3300 W. Sahara Ave., Suite 250
Las Vegas, NV 89102
fidmaster@fid.state.nv.us

Re: Comments on proposed regulations pertaining to NRS Chapters 604A and 675 (LCB File No. R065-25) in response to the Financial Institutions Division's Notice of Second Workshop dated November 18, 2025.

Dear Commissioner O'Laughlin,

Check City Partnership, LLC ("Check City") operates 30 retail locations across the great State of Nevada and conducts online business in the State. Check City employs approximately 250 full-time employees and has provided Nevada customers with fair, transparently priced, and regulated access to financial services for the past 26 years.

Check City appreciates the opportunity to submit comments on the Financial Institutions Division's ("Division") proposed regulations pertaining to Nevada Revised Statutes Chapters 604A and 675. We have long supported sensible interpretations of the law and the adoption of rules that strengthen consumer protection while preserving access to safe, responsibly offered, and compliant credit products. Over the years, we have enjoyed a constructive relationship with the Division on regulatory matters, and we are grateful for the Division's continued openness to industry input.

Our comments below focus on two specific provisions of the proposed regulations - Sec. 6 and Sec. 15 - where we believe minor refinements could enhance clarity, practicality, and legal alignment without undermining the Division's objectives.

Sec. 6: Database Access Restrictions

We support the intent behind Sec. 6 to prevent misuse of the database and ensure that access aligns with loan inquiries. However, the current language

> ***"At no time shall a licensee access the database for marketing purposes. The eligibility check must be initiated by a customer seeking to obtain a loan and for no other purpose"***

is overly broad and risks inadvertently restricting routine, non-marketing administrative, daily operations, and customer service functions that are essential to compliant business operations.

For instance:

1) Licensees routinely access the database for legitimate administrative tasks, such as verifying compliance with loan limits, resolving customer disputes, or conducting internal audits—none of which constitute "marketing purposes." Without a clear definition of this term, well-intentioned access could be misinterpreted, leading to unnecessary compliance burdens.
2) Customers frequently contact licensees (e.g., via phone, email, and various online channels) to inquire about their credit availability or eligibility for future loans based on prior interactions. Responding to these inquiries requires database access to provide accurate, customer-service-oriented information, which supports transparency and builds trust rather than serving any marketing function.

To address these concerns, we respectfully suggest revising Sec. 6 to maintain strong protections against misuse while providing the necessary clarity and flexibility for the types of day-to-day operations listed above. The Division's goal is achievable, but it should be implemented without imposing undue burdens on licensees.

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Sec. 15: Advertising Pre-Approval

We fully endorse the prohibitions in Sec. 15(1) and (2) against confusing or misleading advertising, as they promote fair competition and consumer clarity, and address potential gaps in current federal oversight. However, Sec. 15(3)'s current language:

> ***"No unethical advertising by licensees will be permitted and the Commissioner of Financial Institutions reserves the right to require all licensees to submit proposed advertising for approval before its dissemination through the press, by radio or television"***

raises significant concerns regarding breadth, enforceability, and potential legal conflicts.

Specifically:

The term "unethical advertising" lacks objective standards or examples, creating ambiguity that could lead to inconsistent application and chill licensees' ability to innovate in compliant marketing.

There is no guidance on the circumstances under which the Commissioner might exercise this broad pre-approval authority, nor any commitment to reasonable timelines for review (e.g., what if approval takes 60–90 days? Such delays could severely hamper a licensee's ability to respond to market conditions, launch timely promotions, or even maintain basic operational advertising, effectively stifling business viability), and no limits on denials.

Requiring all proposed advertising to be pre-approved appears unprecedented in this context and may exceed the scope of the Division's rulemaking authority. Moreover, it risks conflicting with federal protections under the First Amendment to the U.S. Constitution, which safeguards commercial speech unless it is verifiably false or deceptive. Blanket pre-approval requirements have been scrutinized and limited in similar contexts by the United States Supreme Court, and prior restraints on speech require narrow tailoring and procedural safeguards. Without such limits, this provision could invite legal challenges.

Furthermore, NRS Chapter 604A licensee advertising is already subject to rigorous federal oversight by the Consumer Financial Protection Bureau (CFPB) under Regulation Z of the Truth in Lending Act, which mandates specific disclosures in credit advertising, and through enforcement of prohibitions on unfair, deceptive, or abusive acts and practices (UDAAP). This existing federal framework ensures consumer protection in marketing without the need for an additional layer of state-mandated pre-approval, which could create duplicative requirements, increase compliance costs, and potentially conflict with federal standards.

Given these issues, we respectfully request that Sec. 15(3) be stricken entirely from the proposed regulations.

Conclusion -

In closing, these suggestions are offered in the spirit of constructive partnership to help craft regulations that are robust, fair, and enduring.

Thank you again for the chance to share our perspective as you work to finalize these regulations. We are committed to working collaboratively with the Division and welcome the chance to discuss our suggestions in greater detail.

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December 9, 2025

Ms. Sandy O'Laughlin, Commissioner
State of Nevada, Department of Business and Industry
Financial Institutions Division
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Las Vegas, NV 89102
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Sent via U.S. Mail with Copy via Electronic Mail

Re: COMMENTS ON PROPOSED REGULATIONS PERTAINING TO CHAPTERS 604A AND 675
(LCB File No. R065-25)

Dear Commissioner O'Laughlin,

Moneytree, Inc. ("**Moneytree**") is a family-owned, privately held financial services company founded in 1983 in Renton, Washington. Today, Moneytree operates in five western states, including Nevada, where it offers both in-branch and online loans. Moneytree maintains 17 Nevada locations in the Las Vegas and Reno areas and employs more than 115 team members statewide.

For more than four decades, Moneytree has prided itself on constructive and transparent relationships with regulators and lawmakers. We support reasonable, clearly defined laws and regulations that promote both consumer protection and the continued availability of safe, regulated credit.

We appreciate the opportunity to review the amended proposed regulation in LCB File No. R065-25 ("**Proposed Regulation**") and submit the following comments in response to the Financial Institutions Division's ("**Division**") Notice of Second Workshop. Moneytree supports the Proposed Regulation in most respects but requests clarification or revision to the provisions outlined below.

A. <u>Sec.5(10) – Notice Regarding Differing Rights and Remedies</u>

Section 5(10) of the Proposed Regulation proposes to amend Chapter 604A of NAC to state:

> The licensee shall post in a conspicuous place in every location at which the licensee conducts business under this chapter a notice that explains the borrower's rights and lender's remedies following a default for a loan or obligation under this chapter, **and how those rights and remedies differ from the borrower's rights and lender's remedies following a default for a loan or obligation under NRS Chapter 675, including that the lender cannot sue the borrower for loans made under NRS 604A.5057**. The notice must be written, organized, and designed so that it is easy to read and understand;

Moneytree does not oppose posting a notice that explains the rights and remedies applicable to the products the licensee actually offers under Chapter 604A. However, requiring a 604A-only lender to

explain how its remedies differ from those under Chapter 675—when the lender does not offer any Chapter 675-governed products—would be confusing and misleading to consumers.

Similarly, requiring a lender that does not offer loans under NRS 604A.5057 to explain that those loans cannot be the subject of a lawsuit risks implying that such loans are available or relevant to the consumer when they are not. To genuinely assist consumers, notices should focus on the rights and remedies relevant to the products a licensee actually provides. Multiple references to inapplicable Nevada Revised Statutes would likely confuse borrowers and dilute the usefulness of the notice.

To avoid consumer confusion and ensure the notice is accurate and meaningful, we respectfully urge the Division to clarify that the notice must address only the rights and remedies applicable to the products the licensee actually originates. For example, the regulation could state:

> The licensee shall post in a conspicuous place in every location at which the licensee conducts business under this chapter a notice that explains the borrower's rights and lender's remedies following a default for a loan or obligation under this chapter.~~;~~ If the licensee also provides loans under NRS Chapter 675, the notice shall also include ~~and~~ how those rights and remedies differ from the borrower's rights and lender's remedies following a default for a loan or obligation under NRS Chapter 675, including that the lender cannot sue the borrower for loans made under NRS 604A.5057, if the borrower offers loans made under NRS 604A.5057. For clarity, licensees need not provide information regarding rights or remedies, or provide comparisons, for products not offered by the licensee. The notice must be written, organized, and designed so that it is easy to read and understand;

B. Sec.6 – Accessing the Database

Section 6 of the Proposed Regulation proposes to amend Chapter 604A of NAC to state:

> At no time shall a licensee access the database for marketing purposes. **The eligibility check must be initiated by a customer seeking to obtain a loan and for no other purpose.**

Moneytree fully supports the prohibition on accessing the database for marketing purposes. However, the second sentence is overly broad and would conflict with the practical and legislative requirements governing database use.

Licensees must access the database for various non-marketing, non-solicitation purposes, other than when a customer seeks to obtain a loan. These may include:

- Updating customer information;
- Correcting clerical errors;
- Resolving discrepancies between database entries and loan records; and
- Performing other administrative updates required by law or by Veritec's system design.

Restricting access only to instances where the customer "initiates" a loan application would effectively impose strict liability on licensees for routine administrative tasks or inevitable mistakes—even though these actions serve no marketing purpose and pose no consumer-protection risk.

We respectfully recommend retaining the first sentence and striking the second sentence, which would meet the Division's stated objective while avoiding unintended consequences for both consumers and licensees.

C. **Sec.15(3) – Submitting Proposed Advertising for Approval**

Section 15(3) of the Proposed Regulation proposes to amend NAC 604A.210 to include the following:

> No unethical advertising by licensees will be permitted and the Commissioner of Financial Institutions reserves the right to require all licensees to submit proposed advertising for approval before its dissemination through the press, by radio or television.

Moneytree is concerned that this provision is overbroad, lacks clear standards, and exceeds the authority granted under NRS 604A and NRS 675. The regulation does not define what constitutes "unethical" advertising, nor does it explain when or why licensees might be required to submit advertisements for prior approval. It also provides no criteria, timelines, or procedural standards to guide the Division's review. Moreover, the provision could be interpreted as requiring prior governmental approval of all advertising, which would effectively function as a prior restraint.

Commercial speech, including truthful and non-misleading advertising, is protected under the First Amendment of the U.S. Constitution, and advertising that complies with existing law—including truth-in-advertising requirements—should not be subject to prior governmental approval absent clear statutory authority and narrowly tailored, well-defined criteria.

For these reasons, we respectfully request that Section 15(3) be withdrawn.

D. **Conclusion**

Moneytree appreciates the Division's ongoing efforts to ensure clarity, fairness, and consumer protection within Nevada's regulated lending framework. We support the majority of the Proposed Regulation and request the targeted revisions described above to avoid consumer confusion, prevent unintended compliance burdens, and ensure that new requirements remain consistent with statutory and constitutional principles.

We welcome continued collaboration and are available to discuss these comments in greater detail.

Good morning. My name is Peter Guzman, and I am the President and CEO of the Latin Chamber of Commerce.
The Latin Chamber firmly believes in giving people and small businesses options. As such, we fully support the regulations presented during the first workshop on October 14th, but we strongly oppose the newly drafted regulations proposed today.

The regulations presented today introduce unnecessary barriers that make offering lower-interest loans economically impossible for lenders. By preventing lenders from efficiently offering Chapter 675 loans, the Division is inadvertently stripping small businesses of the ability to innovate and provide the affordable capital that their communities desperately need.

These restrictions do not just hurt the lending industry; they stifle the small business owners who rely on diverse financial products to survive in a challenging economic climate. I have heard firsthand from members who had to use these specific financial products to meet payroll during their initial years in business. We need to create more options for them, rather than placing roadblocks in front of cheaper financial products.

By allowing these products to coexist, the October framework created a pathway for borrowers to graduate from emergency, high-interest credit to sustainable, lower-interest products. That structure empowered consumers to choose the tool that best fit their immediate needs, rather than being pigeonholed into a single, more expensive category.
We urge the Division to return to the October framework. Let us work together to provide borrowers with the cheaper options they deserve and give small businesses the tools they need to succeed. Thank you.

Northern Nevada
Reno, NV

NCEDSV
Nevada Coalition to **END** Domestic and Sexual Violence

Southern Nevada
Henderson, NV

250 S. Rock Blvd., Suite 116
Reno, NV 89502

Dear Deputy Commissioner Young,

My name is Ryley Svendsen, and I am the policy coordinator with the Nevada Coalition to End Domestic and Sexual Violence. We are writing in opposition to the proposed regulations that would allow dual licensure for high-interest lenders and installment lenders.

Economic abuse occurs in approximately 99% of domestic violence cases and is one of the most powerful tactics used to trap victim-survivors in violent relationships. Common tactics of economic abuse includes controlling access to money, destroying credit, and taking out debt in the victim's name, which make it nearly impossible for victim-survivors to establish the financial independence necessary to leave unsafe situations.

When victim-survivors do attempt to leave, they often have poor credit, limited savings, and urgent financial needs for housing deposits, transportation, or basic necessities. In these vulnerable moments, access to fair lending options can mean the difference between safety and returning to an abuser.

From a violence prevention standpoint, we must understand that financial stability is foundational to safety. Our work to prevent violence and support victim-survivors cannot succeed if we allow predatory lending practices that trap people in cycles of debt and dependency.

Nevada already faces significant challenges: we consistently rank high for rates of sexual and domestic violence, and our state budget provides no dedicated line item for domestic or sexual violence prevention. The economic pressure on Nevadans is tremendous. We should be expanding pathways to economic stability, not creating additional opportunities for exploitation.

When we allow practices that push vulnerable people into high-interest debt, we undermine violence prevention efforts. We make it harder for people to leave violent situations, harder to maintain independence after leaving, and harder to build the economic foundation necessary for long-term safety.

The Nevada Coalition to End Domestic and Sexual Violence urges the Financial Institutions Division to reject these proposed regulations. The separation between high-interest lending and installment lending exists to protect consumers at their most vulnerable. These regulations erode that protection. Economic justice and violence prevention are deeply interconnected, and we urge you to reject the proposed changes.

Thank you for your time and consideration.

Ryley Svendsen

From: Kyle Alexandre <kalexandre@elfaonline.org>
Sent: Tuesday, December 16, 2025 10:24 AM
To: FID Master <FIDMaster@fid.state.nv.us>
Subject: ELFA Public Comments

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

ELFA respectfully requests that the regulation be revised to clearly state that Section 2 applies only to entities holding dual licenses under NRS 604A and NRS 675. Without that clarification, the provision risks being read more broadly than intended, creating confusion and unintended compliance obligations for businesses outside the scope of the statute. Narrowing Section 2 to dual-licensed entities aligns the regulation with legislative intent, provides regulatory clarity, and avoids inadvertently capturing legitimate commercial finance and equipment leasing activity.

ELFA
EQUIPMENT LEASING & FINANCE ASSOCIATION

Kyle L. Alexandre
Vice President, State Government Relations
202-238-3433
kalexandre@elfaonline.org elfaonline.org
1625 Eye Street NW, Suite 850, Washington, DC 20006

From: Andrew Clarke <andrew@newdaynevada.org>
Sent: Tuesday, December 16, 2025 10:31 AM
To: FID Master <FIDMaster@fid.state.nv.us>
Subject: Public Comment on Loan changes

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My name is Andrew Clarke, C-L-A-R-K-E, on behalf of New Day Nevada. New Day Nevada is an organization that champions economic policies that benefit all Nevadans. Unfortunately, the proposed regulatory change regarding payday lenders strengthens private industry at the expense of the public good. At a time of economic pain and uncertainty, we ask you all to reject this proposal. While these regulations should not be passed, if they are, we appreciate the added consumer protections.

Andrew Clarke
Revenue Coalition Manager
702-635-4732

Nevada's CREDIT UNIONS

December 8, 2025

Via U.S. Mail and Email:
fidmaster@fid.state.nv.us

Commissioner Sandy O'Laughlin
Nevada Financial Institutions Division
Department of Business and Industry
3300 W. Sahara Avenue, Suite 250
Las Vegas, NV 89102

Re: Opposition to Proposed Amendments to Nevada Administrative Code Chapters 675 and 604A (NAC 675 and 604A) – *Dual Licensure*

Dear Commissioner O'Laughlin:

On behalf of the Nevada Credit Union League (League), also known as Nevada's Credit Unions, representing the state's not-for-profit, member-owned credit unions, we appreciate the opportunity to comment on the Financial Institutions Division's (FID's) proposed amendments to Chapters 675 and 604A of the Nevada Administrative Code (NAC 675 and 604A) regarding dual licensure. Although NAC 675 and 604A do not regulate credit unions directly, the League and its member credit unions remain deeply committed to preserving the integrity and fairness of Nevada's financial marketplace, prompting us to comment on the potential implications of this proposal. As proposed, the amended regulations would permit lenders to simultaneously operate under both a license to conduct installment lending under Nevada Revised Statutes Chapter 675 (NRS 675) and a license to conduct high-interest payday lending under NRS 604A, subject to specified requirements. We share the state's interest in promoting safe and accessible financial services for all Nevadans. However, we must express our strong opposition to this approach, as we are concerned that the proposed framework fails to provide adequate consumer protections or maintain the requisite clarity and safeguards essential to a fair and transparent financial marketplace.

Adequacy of Required Disclosures

Installment loans under NRS 675 tend to be lower interest, while payday loans under NRS 604A tend to be a more convenient but higher interest short-term alternative with fewer consumer protections in general. However, despite the added protections proposed in NAC 675 and 604A, consumers remain vulnerable to confusion and conflicting information.

While the proposal requires lenders under both NAC 675 and 604A to post their applicable fees and rates, disclosures alone may not ensure that consumers fully understand the true costs, risks, or long-term obligations of these loans. Many borrowers already struggle to interpret complex fee structures or recognize how repeated refinancing, rollovers, or extended repayment schedules can lead to escalating debt. In the same way, the proposed requirement to post a notice explaining the

borrower's rights and the lender's remedies following a default may not ensure that a less sophisticated borrower will have sufficient information to identify and compare the risks and benefits of alternative loan and lender options available to them. While not a complete solution, a model notice could be beneficial for this purpose.

History of Predatory Practices

Installment and payday lending have generally been kept separate and distinct under the law, subject to different rules, regulations, and licensing requirements. Despite the protections that currently exist or those being proposed, maintaining that clear distinction between these two categories of loan products is essential to helping reduce consumer confusion and ensure that unscrupulous lenders aren't in a position to drive vulnerable consumers into more profitable higher-risk loans that aren't in the consumer's best interest.

Without an understanding of and access to affordable alternatives, consumers facing financial emergencies will often turn to predatory payday lenders who offer a seemingly quick and easy solution while charging annual percentage rates approaching 400%.[1] According to the federal Consumer Financial Protection Bureau (CFPB), 80% of payday loans are not repaid within the initial two-week loan period, trapping borrowers in a cycle of repeat borrowing,[2] Research by the Pew Charitable Trusts further shows that the average borrower remains in debt for five (5) months of the year, ultimately paying $520 in fees to borrow just $375.[3]

Historically, there has been a pattern of payday lenders operating in Nevada that have targeted financially vulnerable consumers, relying on complex fee structures, rollover practices, and refinancing models that can confuse the borrower and quickly escalate the overall cost of borrowing. Past experiences in the State show that, without strict limitations and controls, high-cost lenders may engage in business practices that prioritize revenue over consumer financial stability, placing borrowers at risk of repeated debt cycles and financial hardship[4].

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[1] *See* Consumer Financial Protection Bureau: *What is an annual percentage rate (APR) and why is it higher than the interest rate for my payday loan?* https://www.consumerfinance.gov/ask-cfpb/what-is-an-annual-percentage-rate-apr-and-why-is-it-higher-than-the-interest-rate-for-my-payday-loan-en-1625/

[2] *See* NPR *Payday Loans Are Still a Cash-Fix for Many Americans, Even as CFPB Rolls Back Some Rules*, June 28, 2024. https://www.npr.org/2024/06/28/g-s1-246/payday-loans-cash-cfpb

[3] *See* The Pew Charitable Trusts: Payday Loan Facts and the CFPB's Impact, January 14, 2016. https://www.pew.org/en/research-and-analysis/fact-sheets/2016/01/payday-loan-facts-and-the-cfpbs-impact

[4] Nevada Financial Institutions Division, *Enforcement Actions*, https://fid.nv.gov/Opinion/Enforcement_Actions/ (documenting license revocations, fines, and corrective actions against high-cost lenders in Nevada); Nevada Department of Business & Industry v. Dollar Loan Center, LLC, 134 Nev. 679 (2018), https://law.justia.com/cases/nevada/supreme-court/2018/70002.html (Supreme Court ruling prohibiting abusive rollover/refinancing practices that perpetuate debt cycles); The Nevada Independent, "Audit finds nearly a third of Nevada payday lenders violated rules over last five years," June 2021, https://thenevadaindependent.com/article/audit-finds-nearly-a-third-of-nevada-payday-lenders-violated-rules-over-last-five-years; Nevada Appeal, "Payday loan companies targeted in legislative hearings over predatory practices," March 28, 2007, https://www.nevadaappeal.com/news/2007/mar/28/payday-loan-companies-targeted/

For families already struggling financially, these loans create a cycle in which the cost of borrowing exceeds the original emergency expense many times over. Without meaningful safeguards, consumers—particularly those under financial stress—could unintentionally choose products that worsen their financial situation. Despite the requirement for a lender to operate under these two licenses at separate locations or proposed restrictions on the circumstances under which a lender can issue a loan under NAC 675 or 604A, this dual licensing approach would still increase access to high-cost credit without significantly improving consumer understanding or protections, leaving financially vulnerable Nevadans at greater risk of default and long-term financial instability. There remain no real safeguards to prevent a lender with dual licenses from marketing to or otherwise encouraging consumers to engage in more risky credit behavior.

Impact on Lender Competition and Trust

Beyond these concerns, expanding installment lending authority for high-cost lenders risks creating confusion between responsible, member-owned credit unions and lenders whose business models are fundamentally different. Credit unions offer transparent, affordable products through a cooperative system designed to promote long-term financial stability, supported by counseling, financial education, and individualized repayment support. The proposed amendments open the door for credit unions to be unfairly perceived as similar to predatory lenders, which can ultimately damage member trust and discourage participation in safe, community-based financial services. The credit union system is built on member trust and the desire to ensure that consumers have access to the safest and most affordable options available.

In evaluating the proposed expansion of NAC 675 and 604A, it is important to keep in mind the measurable consumer benefits credit unions currently deliver to Nevada households—benefits that serve as a direct counterweight to the high-cost lending practices this proposal would bolster. Nevada credit unions provided more than $117 million in direct financial benefits to their members in 2025 alone, and more than $311.6 million in total economic benefits statewide[5]. A portion of these savings represents dollars that financially vulnerable consumers would otherwise spend on high-interest payday or installment products.

Given the well-documented history of payday lenders taking advantage of Nevada consumers—and the broader national record of triple-digit APRs, rollover cycles, and cumulative fee structures—the proposed regulatory changes are moving the needle in the wrong direction, and risk diverting consumers from documented savings opportunities and back into high-cost credit channels.

The proposed regulatory expansion could also create an uneven competitive environment that disadvantages institutions operating under rigorous safety, soundness, and consumer-protection obligations. Credit unions adhere to strict supervisory standards, maintain prudent underwriting

[5] America's Credit Unions Economics, Nevada Member Benefits Report – 2025 State-Level Analysis (2025).

practices, and hold themselves accountable to their members—standards that do not uniformly apply to high-cost lenders. When entities with fundamentally different regulatory accountabilities offer superficially similar products, consumers may not recognize the differences that could materially affect their long-term financial well-being.

Conclusion

For these reasons, the League firmly opposes the proposed dual licensing structure. The proposal would expose consumers to increased risk, undermine marketplace clarity and fairness, and erode public trust in Nevada's regulated financial framework. We respectfully urge the FID to reconsider this approach and reaffirm Nevada's long-standing commitment to fair, transparent, and consumer-focused lending.

The League values the continued partnership between the FID and Nevada's credit unions and appreciates the Division's ongoing commitment to consumer protection and regulatory fairness. We thank you for the opportunity to comment on this proposal and stand ready to assist in any further evaluation of its potential impacts. Please do not hesitate to contact me with any questions.

Sincerely,

Lucy Ito
Interim President and CEO
Nevada Credit Union League

"Exhibit D"

JOE LOMBARDO
Governor

STATE OF NEVADA

DR. KRISTOPHER SANCHEZ
Director

SANDY O'LAUGHLIN
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION

Minutes of Adoption Hearing on Proposed Regulations NAC 675 and NAC 604A

Date: June 18, 2026

Time: 10:00 a.m.

Locations:
Physical in-person location:
Nevada State Business Center, Nevada Room, 4th Floor
3300 W. Sahara Avenue, Las Vegas, Nevada 89102

Virtual location:
Microsoft Teams meeting- videoconference and teleconference

Agenda Item 1. Call to Order:
The hearing to consider regulations to revise NAC Chapters 675 and 604A was called to order Thursday, June 18, 2026, at 10:01 a.m. The purpose of the hearing was to receive input with respect to the proposed regulations pertaining to NAC Chapters 675 and 604A, as described by the Notice of Intent to Act Upon a Regulation-Notice of Hearing dated and posted on May 18, 2026.

Financial Institutions Division Staff Present In-Person at the Hearing:
Commissioner Sandy O'Laughlin
Deputy Commissioner Mary Young
Examiner Jennnifer Ramsay
Examiner Devan Owens

Also present, FID's counsel Deputy Attorney General Jessica Guerra

Agenda Item 2. Comments by General Public:
There were no comments during this general public comment period.

Agenda Item 3. Presentation and Discussion of Proposed Regulation:
The Division acknowledged receipt of two written public comments, both in opposition to the proposed regulation. The Division considered the concerns stated in the written comments, along with the concerns presented by others in pass workshops in developing the regulations. As mentioned in prior public comments, these regulations were promulgated by litigation. However, the Division remains obligated to carry out its statutory responsibilities to protect consumers and foster a fair and competitive lending marketplace. The regulations subject to this hearing were drafted to permit dual licensure, while assuring that it did not deprive public of the consumer protections built in the corresponding chapters. The Division does not believe the regulations deprive Nevada consumers of access to lower interest loans. Currently, licensees operating under Chapter 675 can offer loans up to no more than 40% APR, licensees operating under Chapter 604A have the ability to charge a lower APR ranging from 41 to 199%.

The Division's objective is to balance consumer protection with responsible lending operations through a regulatory framework that promotes sound lending practices while preserving consumer choice. As such, this regulation allows dual licensure under Chapter 604A and 675, while establishing additional consumer protections intended to benefit Nevadans. It will also serve as a guideline for future FID leadership to determine when to issue dual licensure under each respective chapter.

Each section of the proposed regulation LCB file R065-25 were read into the record. Following the reading of the sections, the hearing was opened for public comment on those specific sections.

Sections 1 through 8. There were no comments received.

Sections 9 through 16. There were no comments received.

Agenda Item 4. Adoption of Proposed Regulation:

The Division adopted regulation R065-25.

Agenda Item 5. Public Comments:

- **Jonathan Norman, Nevada Coalition of Legal Service Providers**.
  Generally, we don't believe the legislature intended for licensure in both these chapters, and I think that's been consistent since the beginning of these regulations, from our view. However, looking at the regulations, we can appreciate the thoughtful development to make sure that consumers are safeguarded, that has gone into to these regulations. Still opposed to the general idea, I think it should be left to the legislature but also appreciate the thought and the protection for the consumers. Thank you so much.

- **Mary Brennan, Dollar Loan Center.**
  Dollar Loan Center and the FID entered into a settlement agreement regarding case number A-24-886O45-C. The whole point of the litigation and the settlement that followed was to give a single licensee the ability to underwrite both Chapter 604A and chapter 675 loans

from the same location. Let me be clear, the proposed regulatory language in the settlement did not include the three-mile physical separation requirement. That would essentially render this low-interested product economically unfeasible and depriving events of much needed lower interest loan options. This represents a clear departure from the terms of our negotiated settlement, to ignore the foundational premise of a court recognized agreement is to engage in bad faith bargaining. It forces us to conclude that the prior negotiations were not entered into with the intent to be honored, but rather as a means to circumvent the very litigation we sought to resolve. If adopted in its current form, these regulations would protect the status quo, effectively forcing consumers to remain in higher interest. Chapter 604A products.

For years this industry has faced criticism regarding high interest rates. Yet now the DLC is actively attempting to provide a significantly lower product lower, rate product sub 40% APR under Chapter 675 we are met with administrative barriers rather than support.
Under the terms of our settlement, DLC has been operating with conditional approval to test this model. The data is clear. Performance: 52 loans funded totaling approximately $308,000. Consumer impact, zero consumer complaints. Clarity: 0 instances of consumer confusion between products. The data shows that this lower interest loan product works safely and effectively. The regulations now before the Division ignore that success. We urge the FID not to adopt the regulations in its present form and instead return to the language proposed during the October 14th, 2025, workshop. Thank you.

Agenda Item 6. Close Workshop (Adjournment):

The adoption hearing for R065-25 pertaining to Nevada Administrative Code Chapters 675 and 604A was closed and adjourned on June 18, 2026, at 10:30 a.m.

To review and/or listen to comments in their entirety, please refer to the attached written comments and/or the audio recording of the workshop. The audio recording can be found online at www.fid.nv.gov/opinion/proposed_regulations.

June 15, 2026

Comment on the Adoption of NAC 604A and 675-LCB R065-25

Nevadans for the Common Good's (NCG) primary interest in the proposed regulation is its impact on consumers. Allowing lenders to have dual licensing under chapters 604A and 675 inherently weakens hard fought consumer protections. By its very nature it enables lenders to steer, if not directly guide, consumers toward the loan type most beneficial to the lender, not the consumer; consumers who lack the knowledge or resources to evaluate the options before them. Nevada residents currently face intense financial insecurity from a variety of fronts. Consumer protections should be tightened; not reduced. Nevadans for the Common Good strongly oppose approval of this regulation.

NEVADANS FOR THE COMMON GOOD

PLEASE SEND CORRESPONDENCE VIA MAIL TO:
c/o Holy Spirit Lutheran Church, 6670 West Cheyenne, Las Vegas, NV 89108

EMAIL: NCG.LasVegas@Gmail.com

NEVADANSFORTHECOMMONGOOD NVFORCOMMONGOOD

DOLLAR LOAN CENTER

dontbebroke.com

June 18, 2026
Commissioner Sandy O'Laughlin
Financial Institutions Division
3300 West Sahara Ave, Suite 250
Las Vegas, NV 89102

Testimony of Mary Brennan on behalf of Dollar Loan Center Re: LCB File No. R065-25

Dollar Loan Center and the FID entered into a settlement agreement regarding Case No. A-24-886045-C. The whole point of the litigation and the settlement that followed, was to give a single licensee the ability to underwrite both Chapter 604A and Chapter 675 loans from the same location. Let me be clear, the Proposed Regulatory Language in the settlement did not include the 3-mile physical separation requirement that would essentially render this lower-interest product economically unfeasible and deprive Nevadans of much needed lower-interest loan options.

This represents a clear departure from the terms of our negotiated settlement. To ignore the foundational premise of a court-recognized agreement is to engage in bad-faith bargaining. It forces us to conclude that the prior negotiations were not entered into with the intent to be honored, but rather as a means to circumvent the very litigation we sought to resolve.

If adopted in its current form, these regulations would protect the status quo, effectively forcing consumers to remain in higher-interest Chapter 604A products. For years, this industry has faced criticism regarding high interest rates. Yet, now that DLC is actively attempting to provide a significantly lower-rate product (sub-40% APR) under Chapter 675, we are met with administrative barriers rather than support.

Under the terms of our settlement, DLC has been operating with conditional approval to test this model. The data is clear:

- **Performance:** 52 loans funded, totaling approximately $308,000.
- **Consumer Impact:** Zero consumer complaints.
- **Clarity:** Zero instances of consumer confusion between products.

The data shows that this lower-interest loan product works safely and effectively. The regulations now before the Division ignores this success.

We urge the FID not to adopt the regulations in its present form and instead return to the language proposed during the October 14, 2025, workshop.

"Exhibit E"

DRAFT PROPOSED REGULATION OF THE COMMISSIONER OF THE FINANCIAL INSTITUTIONS DIVISION

LCB File No. XXX-XX

March 12, 2025

Purpose: To adopt regulations under the Nevada Administrative Code to support dual licensure under chapters 675 and 604A.

Authority: NRS 675.170, NRS 675.230, NRS 604A.300 and NRS 604A.655

Explanation: Material in ***bold italics*** is new.

Section 1. Chapter 675 of NAC is hereby amended by adding thereto the provisions set forth as section 2 of this regulation.

Sec. 2. ***A person or entity licensed under this chapter may only conduct the business of making loans under NRS Chapter 604A in the same location as it conducts the business of making loans under this chapter, subject to all of the following conditions:***

1. ***The licensee shall maintain a separate license to conduct business at that location under NRS Chapter 604A and NRS Chapter 675;***
2. ***The licensee shall not issue a loan under this chapter where any of the proceeds of the loan will be used to pay in full or in part a loan made by the licensee under NRS Chapter 604A;***
3. ***The licensee shall not issue a loan under NRS Chapter 604A where any of the proceeds of the loan will be used to pay in full or in part a loan made by the licensee under this chapter;***

DRAFT

4. ***The licensee shall separately maintain any and all books, records, and data for NRS Chapter 604A loans and NRS Chapter 675 loans for purposes of examination by the Commissioner but will not be required to purchase or maintain separate software platforms to maintain data separately.***
5. ***The licensee shall post in a conspicuous place in every location at which the licensee conducts business under his or her license the fees and rates it charges for its loan services offered under this chapter; and***
6. ***The licensee shall maintain specific and verifiable documentation of the loan proceeds at the time of loan disbursement.***

Sec. 3. Chapter 604A of NAC is hereby amended by adding thereto the provisions set forth as section 4 of this regulation.

Sec. 4. ***A person or entity licensed under this chapter may only conduct the business of making loans under NRS Chapter 675 in the same location as it conducts the business of making loans under this chapter, subject to all of the following conditions:***

1. ***The licensee shall maintain a separate license to conduct business at that location under NRS Chapter 604A and NRS Chapter 675;***
2. ***The licensee shall not issue a loan under this chapter where any of the proceeds of the loan will be used to pay in full or in part a loan made by the licensee under NRS Chapter 675;***
3. ***The licensee shall not issue a loan under NRS Chapter 675 where any of the proceeds of the loan will be used to pay in full or in part a loan made by the licensee under this chapter;***

DRAFT

4. ***The licensee shall separately maintain any and all books and records, and data for NRS Chapter 604A loans and NRS Chapter 675 for purposes of examination by the Commissioner, but will not be required to purchase or maintain separate software platforms to maintain data separately.***
5. ***The licensee shall post in a conspicuous place in every location at which the licensee conducts business under his or her license the fees and rates it charges for its loan services offered under this chapter; and***
6. ***The licensee shall maintain specific and verifiable documentation of the loan proceeds at the time of loan disbursement.***

DRAFT

“Exhibit A”

SMALL BUSINESS IMPACT STATEMENT FOR PROPOSED REGULATIONS BY THE FINANCIAL INSTITUTIONS DIVISION (Division)
Chapters 604A and 675 Lenders
September 18, 2025

1. Small Business Impact Statement pursuant to NRS 233B.0609:

(a) A description of the manner in which comment was 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.

(I) Solicitation of affected small businesses.

The Division sought public comments in accordance with NRS 233B.0608 to evaluate whether the proposed regulations may impose a direct and significant economic burden on small businesses (defined as those with fewer than 150 employees), or whether the regulations may directly restrict the formation, operation, or expansion of small businesses seeking to engage in or who desire to engage in lending activities under NRS chapters 604A and 675. This evaluation is intended to ensure the establishment of an adequate, efficient and competitive service that is accessible to the general public within this state.

The Division composed the solicitation list from current licensees under NRS chapter 604A and chapter 675 and all known interested parties, including those individuals on the Division’s list for noticing of administrative regulations. The Division then emailed to all persons on the solicitation list a notice and questionnaire. The Division sent out 167 small business questionnaires to all known interested persons. Additionally, a copy of the full text of the proposed regulations was emailed and posted to the Division’s website. The solicited comments were used to formulate this Small Business Impact Statement.

(II) Summary of responses.

The Division received a total of seven (7) responses to the solicitation. Three (3) responses provided no comment because the responders were over the small business threshold of 150 employees. Of the remaining four (4) responses, two (2) small businesses provided comment and the other two (2) responded with N/A or no impact. See the attached spreadsheet.

(III) Obtain a copy of the summary.

This Small Business Impact Statement was posted on the Division’s website on September 25, 2025, along with a Notice of Workshop for October 14, 2025. Interested persons may also obtain a copy of the Small Business Impact Statement by contacting the:

Office of the Commissioner
Financial Institutions Division
3300 W. Sahara Avenue, Suite 250
Las Vegas, NV 89102
Email: FIDMaster@fid.state.nv.us
Telephone: (702) 486-4120
Website: http://fid.nv.gov

(b) The total number of small businesses likely to be affected by the proposed regulation.

The proposed regulations are not likely to impose a direct and significant economic burden on any small business or directly restrict the formation, operation or expansion of any small business.

(c) A list of the chambers of commerce and trade associations notified of the proposed regulation pursuant to NRS 233B.0608.

As amended during the 83rd Regular Session of the Nevada Legislature by Assembly Bill 444, NRS 233B.0608 requires notification to certain chambers of commerce and trade associations only if the Division determines a proposed regulation is likely to impose a direct and significant economic burden on a small business or directly restrict the formation, operation or expansion of a small business. As stated above, the proposed regulations are not likely to affect small businesses. Additionally, the provisions of A.B. 444 do not become effective until October 1, 2025.

The Division has provided the following chambers of commerce and trade associations with notice of the time and place set for the workshop:

Chambers of Commerce:

- African Chamber of Commerce and Tourism
- America Asia Economic Alliance
- Armed Forces Chamber of Commerce
- Asian American & Pacific Islander Chamber of Commerce
- Austin Nevada Chamber of Commerce
- Battle Mountain Chamber of Commerce
- Beatty Chamber of Commerce
- Boulder City Chamber of Commerce
- Caliente Chamber of Commerce
- Carson City Chamber of Commerce
- Carson Valley Chamber of Commerce
- Clark County Chamber of Commerce
- Colombian Chamber of Commerce
- Dayton Area Chamber of Commerce
- Elko Area Chamber of Commerce
- Ely Chamber of Commerce
- Eureka Chamber of Commerce
- Fallon Chamber of Commerce
- Fernley Chamber of Commerce
- Filipino American Chamber of Commerce of Greater Nevada
- Gay & Lesbian Chamber of Commerce Nevada
- Goldfield Chamber of Commerce
- Greater Las Vegas Black Chamber of Commerce
- Henderson Black Chamber of Commerce
- Henderson Chamber of Commerce
- Humboldt County Chamber of Commerce
- Incline Village Chamber of Commerce (North Lake Tahoe Chamber of Commerce)
- Indian Chamber of Commerce
- International Chamber of Commerce of Nevada
- Japanese Chamber of Commerce of Nevada
- Korean American Chamber of Commerce Las Vegas
- Lake Tahoe South Shore Chamber of Commerce
- Lambda: The LGBTQ Chamber of Commerce of Southern Nevada

- Las Vegas Asian Chamber of Commerce
- Las Vegas Global Economic Alliance (LVGEA)
- Las Vegas India Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Metro Chamber of Commerce
- Las Vegas Urban Chamber of Commerce
- Las Vegas Ward 5 Chamber of Commerce
- Latin Chamber of Commerce Nevada
- Laughlin Chamber of Commerce
- Lovelock/Pershing County Chamber of Commerce
- Mason Valley Chamber of Commerce
- Mesquite Area Chamber of Commerce
- Mineral County Chamber of Commerce
- Moapa Valley Chamber of Commerce
- Native American Chamber of Commerce of Nevada
- Nevada Association of Employers
- Nevada Black Chamber of Commerce
- Nevada Business Opportunity Fund
- Nevada Cannabis Chamber of Commerce
- Nevada Economic Development Association (NEDA)
- Nevada Filipino American Chamber of Commerce
- Nevada Hispanic Business Group
- Nevada Indian Territory (Tourism & Tribal Business Org)
- Nevada LGBTQ+ Chamber of Commerce
- Nevada Main Street (Governor's Office of Economic Development)
- Nevada Small Business Council
- Nevada State Development Corporation
- Nevada Veterans Chamber of Commerce
- Nevada Women's Business Center
- North Las Vegas Chamber of Commerce
- Pahrump Valley Chamber of Commerce
- Peruvian Chamber of Commerce
- Philippine-American Chamber of Commerce of Southern Nevada
- Pioche Chamber of Commerce
- Reno + Sparks Chamber of Commerce
- Russian American Chamber of Commerce
- Silver Springs Area Chamber of Commerce
- Sin City Chamber of Commerce
- South Vegas Chamber of Commerce
- Southern Nevada Veterans Chamber of Commerce
- Sparks Chamber of Commerce
- Tahoe Chamber
- Tonopah Chamber of Commerce
- Tonopah Main Street
- Truckee Donner Chamber of Commerce
- Urban Chamber of Commerce
- Virginia City Chamber of Commerce
- Water Street District Business Association
- Wells Chamber of Commerce
- Western Nevada Development District (WNDD)
- White Pine Chamber of Commerce
- Winnemucca Chamber of Commerce

- Women's Chamber of Commerce of Nevada
- Yerington Chamber of Commerce

Trade Associations:

- American Financial Services Association (AFSA)
- Community Financial Services Association of America (CFSA)
- Online Lenders Alliance (OLA)

(d) The manner in which the analysis was conducted.

Pursuant to NRS 233B.0608(1), the Division made a concerted effort to determine whether the proposed regulations are 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. For this effort, the Division sent a copy of the draft regulations and a Small Business Impact Questionnaire to all known interested persons for review and invited written comment regarding the impact of the proposed regulations, after which the Division took all comments submitted into consideration.

Following review and analysis of written comments from the industry, the Division has determined that the proposed regulation is unlikely to impose a direct and significant economic burden upon any small business; result in any direct or indirect adverse effects on small business; or directly restrict the formation, operation, or expansion of a small business.

(e) 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:

(I) ADVERSE EFFECTS:

The Division received two comments concerning the requirement to post the fees and rates. One commenter asserted that the requirement is impractical and therefore burdensome. However, this requirement already exists under current NRS and NAC Chapter 604A, and the Division is merely extending it to Chapter 675. Licensees may post a range of fees and rates, provided they disclose the Annual Percentage Rate (APR) will not exceed 40% for loans under chapter 675.

Another commenter believes the posting of fees and rates will confuse in-office borrowers from their purchased retail installment contract borrowers since the auto dealers determine the APR. This should not impact indirect lending business, as the borrower is not originating the loan in-person at the licensed location; therefore, no confusion would exist. For direct/in-office lending, a range of the rates will suffice, disclosing the max APR of 40% for NRS 675 loans.

The Division does not consider this provision to impose an adverse economic effect on small businesses.

(II) BENEFICIAL EFFECTS:

The Division received one general comment. The commenter stated "All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially."

The response was directed at all regulations and not to one specific section of the proposed regulations. Therefore, the Division cannot provide a clear response.

(2) Both Direct and Indirect effects:

(I) DIRECT EFFECTS:

The Division received two comments concerning the requirement to post the fees and rates. One commenter asserted that the requirement is impractical and therefore burdensome. However, this requirement already exists under current NRS and NAC chapter 604A, and the Division is merely extending it to NAC chapter 675. Licensees may post a range of fees and rates, provided they disclose the Annual Percentage Rate (APR) will not exceed 40% for loans under chapter 675.

The Division does not consider this provision to impose an adverse economic effect on small businesses, direct or indirect.

The Division received one general comment. The commenter stated "All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially."

The response was directed at all regulations and not to one specific section of the proposed regulation. Therefore, the Division cannot provide a clear response.

(II) INDIRECT EFFECTS:

Another commenter believes the posting of fees and rates will confuse in-office borrowers from their purchased retail installment contract borrowers since the auto dealers determine the APR. This should not impact indirect lending business, as the borrower is not originating the loan in-person at the licensed location, therefore no confusion would exist. For direct/in-office lending, a range of the rates will suffice, disclosing the max APR of 40% for NRS 675 loans.

The Division does not consider this provision to impose an adverse economic effect on small businesses, direct or indirect.

The Division received one general comment. The commenter stated "All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially."

The response was directed at all regulations and not to one specific section of the proposed regulation. Therefore, NFID cannot provide a direct answer.

(f) 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 Division sent out 167 small business questionnaires to all known interested persons. It received a total of seven (7) responses to the solicitation. Two (2) small businesses provided comment, two (2) responded with N/A or no impact, and three (3) responded with no comment because they were over

the small business threshold of 150 employees. The Division has considered and analyzed all submitted comments and addressed those comments in the attached spreadsheet.

(g) The estimated cost to the agency for enforcement of the proposed regulation.

The Division does not foresee any additional costs or fees associated with the proposed regulations.

(h) 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 not provide for a new fee or increase to an existing fee.

(i) 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.

To the Division's knowledge, the proposed regulations do not duplicate and are not more stringent than any existing federal, state, or local standards regulating the same activity.

(j) The reasons for the conclusions of the agency regarding the impact of the regulation on small businesses.

The proposed regulation introduces minimal additional requirements and does not impose any additional costs. As such, it does not create an economic burden to small business.

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 Small Business Impact Statement was prepared properly and accurate.



Sandy O'Laughlin
Commissioner
Financial Institutions Division
State of Nevada, Department of Business and Industry

NRS 675/604A- Dual Licensure	Number/ and %	Direct or Indirect	Adverse or Beneficial	NFID Answer/Mitigation
Section 2, subsection 5-fees and rates posting. Rates are determined by credit and ability to pay. Unless a licensee may post a range of rates (e.g.__% to __%APR), this requirement is impractical and therefore burdensome.	1 (22.2%)	Direct	Adverse	A range of the rates will suffice, disclosing the max APR of 40% for NRS 675 loans.
Section 2, subsection 5-fees and rates posting. The posting of rates for Chapter 675 loans will confuse in-office borrowers from our purchased retail installment contracts since it is the dealers who determine the APR of the retail installment contract.	1 (11.1%)	Indirect	Adverse	This should not impact indirect lending business, as the borrower is not originating the loan in-person at the licensed location, therefore no confusion would exist. For direct/in-office lending, a range of the rates will suffice, disclosing the max APR of 40% for NRS 675 loans.
All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. Comment provided: The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially.	1 (22.2%)	Direct	Beneficial	The response was directed to all regulations and not to one specific section of the proposed regulation. Therefore, NFID cannot provide an answer.
All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. Comment provided: The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially.	1 (11.1%)	Direct	Adverse	The response was directed to all regulations and not to one specific section of the proposed regulation. Therefore, NFID cannot provide an answer.
All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. Comment provided: The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially.	1 (33.3%)	Indirect	Beneficial	The response was directed to all regulations and not to one specific section of the proposed regulation. Therefore, NFID cannot provide an answer.

All the proposed regulations may have a direct or indirect impact both adverse and beneficial effects. Comment provided: The less regulations the better. We're still recovering from the database regulation and business has dropped significantly. Small businesses really feel regulations either timewise or customer-wise/financially.	1 (11.1%)	Indirect	Adverse	The response was directed to all regulations and not to one specific section of the proposed regulation. Therefore, NFID cannot provide an answer.
<u>SBI Response Summary:</u> Total Known Interested Parties Solicited: 167 Total Responded with Comments: 2 Total Responded with N/A: 2 Total Responded with over 150 Employees (outside the small business threshold): 3 Total Comments Impacting the SBI % (Total Known Interested Parties Solicited - N/A - over 150 Employees=): 162 % Responded/Total Solicited (7/167): 4.2% % Responded with Comments/Total Comments Impacting SBI (2/162): 1.2**%**				

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R069-25

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

AUTHORITY: §§ 1-9, NRS 391.019.

A REGULATION relating to education; revising provisions governing the qualifications of teachers employed at certain schools to teach art, music, physical education or physical education and health; revising requirements for obtaining certain endorsements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations that require a teacher to obtain an endorsement from the Department of Education to teach music or art to be eligible to teach music or art, as applicable, at an elementary school, middle school, junior high school or secondary school, except for a teacher at an elementary school: (1) located in a school district in which fewer than 200,000 pupils are enrolled (currently all school districts other than the Clark County School District); or (2) in which fewer than 500 pupils are enrolled. (NRS 391.019) The requirement to obtain such an endorsement is subject to certain generally applicable exceptions in existing law relating to a shortage of teachers in a subject area. (NRS 391.125)

Existing regulations provide that a person who is licensed to teach elementary education is authorized to teach all subjects in elementary grades. (NAC 391.090) Existing regulations also establish certain requirements for a person to receive an endorsement to teach: (1) art; (2) music; (3) physical education; or (4) physical education and health. (NAC 391.215, 391.270, 391.280, 391.281) Existing regulations authorize the Superintendent of Public Instruction to: (1) issue an endorsement in certain recognized fields of specialization or areas of concentration for middle school or junior high school education or secondary education; and (2) grant certain waivers which permit the holder of a secondary license or license to teach middle school or junior high school education to teach outside his or her area of endorsement. (NAC 391.125, 391.146-391.158)

Section 1 of this regulation requires, with certain exceptions in accordance with existing law and regulations, each teacher who is employed on or after July 1, 2029, at: (1) an elementary school to teach art, music, physical education or physical education and health to hold the relevant endorsement to teach that subject to pupils as described in **sections 4-7** of this regulation; and (2) a middle school, junior high school or secondary school to teach art, music, physical education or physical education and health to hold the relevant endorsement to teach that subject to pupils as described in **sections 4-7** or existing regulations. **Section 1** also exempts from these requirements a teacher at an elementary school: (1) located in a school district in

which fewer than 200,000 pupils are enrolled (currently all school districts other than the Clark County School District); or (2) in which fewer than 500 pupils are enrolled. **Section 2** of this regulation makes a conforming change which requires a person who is licensed to teach elementary education to meet the requirements of **section 1** in order to teach art, music, physical education or physical education and health in elementary grades.

Under existing law, a junior high or middle school may be considered an elementary or secondary school for the purpose of licensing teachers. (NRS 388.020) Existing regulations establish the requirements and recognized subjects for an endorsement of a license to teach middle school or junior high school education. (NAC 391.111) **Section 3** of this regulation eliminates art and music from the list of recognized subjects for an endorsement of a license to teach middle school or junior high school education, thus requiring teachers at a junior high or middle school who wish to hold such endorsements to instead obtain those endorsements as described in **sections 1, 4 and 5**. **Section 8** of this regulation provides that, on the effective date of this regulation, any person who holds an existing endorsement to teach art or music at a middle school or junior high school shall be deemed to hold the relevant endorsement to teach that subject to pupils as described in **sections 4 and 5**.

Existing regulations establish the qualifications for a person to receive a license designated as an elementary and middle school physical education license. (NAC 391.096) **Section 9** of this regulation repeals those regulations, thus eliminating that type of license. **Section 8** provides that, on the effective date of this regulation, any person who holds such a license shall be deemed to hold an endorsement to teach physical education to pupils as described in **section 6**.

Section 8 also provides that, on the effective date of this regulation, any person who holds an existing endorsement to teach art, music, physical education or physical education and health at an elementary school shall be deemed to hold the relevant endorsement to teach that subject to pupils as described in **sections 4-7**.

Section 8 finally provides that any person who, on the effective date of this regulation, holds an existing license to teach elementary education may receive an endorsement to teach art, music, physical education or physical education and health to pupils as described in **sections 4-7** by submitting to the Department official documentation that he or she has passed, on or before July 1, 2029, certain examinations.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2 and NRS 391.125 and NAC 391.146 to 391.158, inclusive, each teacher who is employed on or after July 1, 2029:

(a) At an elementary school to teach:

(1) Art is required to hold an endorsement to teach art to pupils pursuant to NAC 391.215.

(2) Music is required to hold an endorsement to teach music to pupils pursuant to NAC 391.270.

(3) Physical education is required to hold an endorsement to teach physical education to pupils pursuant to NAC 391.280.

(4) Physical education and health is required to hold an endorsement to teach physical education and health to pupils pursuant to NAC 391.281.

(b) At a middle school, junior high school or secondary school to teach:

(1) Art is required to hold an endorsement to teach art to pupils pursuant to NAC 391.125 or 391.215.

(2) Music is required to hold an endorsement to teach music to pupils pursuant to NAC 391.125 or 391.270.

(3) Physical education is required to hold an endorsement to teach physical education to pupils pursuant to NAC 391.125 or 391.280.

(4) Physical education and health is required to hold an endorsement to teach physical education and health to pupils pursuant to NAC 391.125 or 391.281.

2. The provisions of subsection 1 do not apply to a teacher who is employed at an elementary school:

(a) Located in a school district in which fewer than 200,000 pupils are enrolled; or

(b) In which fewer than 500 pupils are enrolled.

Sec. 2. NAC 391.090 is hereby amended to read as follows:

391.090 ~~[An]~~ ***Except as otherwise provided in section 1 of this regulation, an*** elementary license authorizes the holder to teach all subjects in elementary grades in any:

1. Public school; or

2. Private school licensed in this State.

Sec. 3. NAC 391.111 is hereby amended to read as follows:

391.111 1. To receive a license to teach middle school or junior high school education, a person must hold a bachelor's degree or a higher degree from an accredited college or university and have completed:

(a) A program of preparation for teaching middle school or junior high school education which is approved by the Board; or

(b) Twenty-four semester credits of course work in professional education which must include:

(1) Eight semester credits of supervised student teaching in a designated level of middle school or junior high school;

(2) A course in the methods and materials for teaching the major or minor field of specialization at the middle school, junior high school or secondary grade level, or a course in integrated methods at the middle school or junior high school level;

(3) Three semester credits of course work in a course of study regarding education or strategies for working with students with disabilities, including curricular adaptation;

(4) Six semester credits of course work in at least two of the following areas:

(I) The foundations, history, theory or philosophy of middle school;

(II) The curriculum, pedagogy or assessment for middle school;

(III) Adolescent growth and development;

(IV) The nature and needs of the adolescent, including social, emotional and cultural concerns;

(V) Classroom management strategies;

(VI) School, family and community collaboration; or

(VII) Supervision and evaluation of programs and pupils in a middle school; and

(5) Six semester credits of course work in any of the following subjects:

(I) English as a second language, bilingualism or biculturalism;

(II) Computer science and educational technology;

(III) Tests and measurement;

(IV) Educational psychology;

(V) Multicultural education; or

(VI) Educational research.

2. In addition to the requirements set forth in subsection 1, an applicant for a license to teach middle school or junior high school education must have:

(a) Passed, at the level of competence specified by the Commission, a competency examination approved by the Commission on the subject matter of a field of specialization or area of concentration; and

(b) Completed 24 semester credits in a major field of endorsement or area of concentration. Subsequent minor fields of endorsement may be added to the license upon verification of 14 semester hours of credit.

3. The following subjects are recognized for an endorsement of a license to teach middle school or junior high school education:

(a) ~~[Art;~~

~~(b)]~~ Computer science;

~~[(c)]~~ ***(b)*** English language arts;

~~[(d) Instrumental and vocal music;~~

~~(e) Instrumental music;~~

~~(f)~~ *(c)* Mathematics;

~~[(g)]~~ *(d)* Science;

~~[(h)]~~ *(e)* Social science; ~~[~~

~~(i) Vocal music;]~~ and

~~[(j)]~~ *(f)* World languages, in accordance with subsection 26 of NAC 391.131.

4. A major or minor field of endorsement or area of concentration identified in subsection 3 shall be deemed to be satisfied if the applicant holds a bachelor's degree or a higher degree with a major, minor or area of concentration identified on the official transcript of record conferred by a regionally accredited college or university.

Sec. 4. NAC 391.215 is hereby amended to read as follows:

391.215 To receive an endorsement to teach art ~~[,]~~ ***to pupils in kindergarten through grade 12,*** a person must hold a bachelor's degree and:

1. Have completed an approved program of preparation for teaching art; or

2. Have completed:

(a) Thirty-six semester hours in the principles of fine and applied arts which included:

(1) The history of art;

(2) Design;

(3) Drawing;

(4) Painting;

(5) Digital or graphic arts;

(6) Ceramics or sculpture; and

(7) Photography or printmaking; and

(b) Twenty-two semester hours of professional education which included:

(1) Foundations of education;

(2) Methods of teaching art in elementary or secondary schools;

(3) Eight semester hours of supervised teaching; and

(4) Three semester hours in strategies for working with students with disabilities, including curricular adaptation.

Sec. 5. NAC 391.270 is hereby amended to read as follows:

391.270 To receive an endorsement to teach music ~~[,]~~ ***to pupils in kindergarten through grade 12,*** a person must have a bachelor's degree and:

1. Have completed an approved program of preparation for teaching music; or

2. Have completed:

(a) Twenty-two semester hours of professional education which included:

(1) Foundations of education;

(2) Methods of teaching music in elementary or secondary grades;

(3) Eight semester hours of supervised teaching; and

(4) Three semester hours in strategies for working with students with disabilities, including curricular adaptation; and

(b) Thirty-six semester hours in the foundations of music which included:

(1) Music theory;

(2) The history or literature of music;

(3) Applied music, including an area of specialization in vocal or instrumental music;

(4) Conducting;

(5) Techniques for brass, woodwind, percussion, piano and string instruments;

(6) Diction or vocal techniques and pedagogy; and

(7) Music ensemble.

Sec. 6. NAC 391.280 is hereby amended to read as follows:

391.280 To receive an endorsement to teach physical education ~~[,]~~ ***to pupils in kindergarten through grade 12,*** a person must hold a bachelor's degree and have completed:

1. An approved program of preparation for teaching physical education in kindergarten through grade 12; or

2. A course of study consisting of:

(a) Forty-two semester hours of credit which includes course work in each of the following areas of study:

(1) Anatomical kinesiology or mechanical kinesiology, or both;

(2) The physiology of exercise;

(3) Testing and measuring the skill and ability of a pupil in physical education;

(4) The psychological or social aspects of physical education, or both;

(5) Motor learning or motor development;

(6) Adapted physical education;

(7) Movement activities for pupils in preschool and primary grades;

(8) Movement activities for pupils in intermediate grades;

(9) Advanced first aid or an equivalent course of study; and

(10) Methods and techniques of teaching:

(I) Physical fitness;

(II) Team sports;

(III) Rhythms and dance or rhythmic activities for pupils in elementary school; and

(IV) Individual sports; and

(b) Twenty-two semester hours of credit in professional education which included:

(1) Foundations of education;

(2) Methods of teaching physical education in elementary and secondary grades; and

(3) Eight semester hours of credit as a student teacher in a composite program in elementary school, middle school or junior high school, and high school grades which includes 4 semester hours of credit in elementary grades and 4 semester hours of credit in secondary grades.

Sec. 7. NAC 391.281 is hereby amended to read as follows:

391.281 To receive an endorsement to teach physical education and health ~~[,]~~ ***to pupils in kindergarten through grade 12,*** a person must hold a bachelor's degree and have completed:

1. An approved program of preparation for teaching physical education and health to pupils in kindergarten through grade 12; or

2. A course of study consisting of:

(a) Fifty-one semester hours of credit which includes course work in each of the following areas of study:

(1) Anatomical kinesiology or mechanical kinesiology, or both;

(2) The physiology of exercise;

(3) Testing and measuring the skill and ability of a pupil in physical education;

(4) The psychological or social aspects of physical education, or both;

(5) Motor learning or motor development, or both;

(6) Adapted physical education;

(7) Movement activities for pupils in preschool and primary grades;

(8) Movement activities for pupils in intermediate grades;

(9) Advanced first aid or an equivalent course of study;

(10) Sex education;

(11) Nutrition;

(12) Substance abuse;

(13) Personal health or personal hygiene, or both; and

(14) Methods and techniques of teaching:

(I) Physical fitness;

(II) Team sports;

(III) Rhythms and dance or rhythmic activities for pupils in elementary school; and

(IV) Individual sports; and

(b) Twenty-two semester hours of credit in professional education which includes:

(1) Foundations of education;

(2) Methods of teaching physical education to pupils in elementary and secondary grades; and

(3) Eight semester hours of credit as a student teacher in a composite program in elementary and secondary grades which includes 4 semester hours of credit in elementary grades and 4 semester hours of credit in secondary grades.

Sec. 8. A person who, on the effective date of this regulation, holds:

1. An endorsement to teach art in an elementary school, middle school or junior high school shall be deemed to hold an endorsement to teach art to pupils as described in NAC 391.215, as amended by section 4 of this regulation, on and after the effective date of this regulation.

2. An endorsement to teach music in an elementary school, middle school or junior high school shall be deemed to hold an endorsement to teach music to pupils as described in NAC

391.270, as amended by section 5 of this regulation, on and after the effective date of this regulation.

3. An endorsement to teach physical education in an elementary school or an elementary and middle school physical education license as described in NAC 391.096, as that section existed before the effective date of this regulation, shall be deemed to hold an endorsement to teach physical education to pupils as described in NAC 391.280, as amended by section 6 of this regulation, on and after the effective date of this regulation.

4. An endorsement to teach physical education and health in an elementary school shall be deemed to hold an endorsement to teach physical education and health to pupils as described in NAC 391.281, as amended by section 7 of this regulation, on and after the effective date of this regulation.

5. A license to teach elementary education:

(a) Notwithstanding the amendatory provisions of NAC 391.215, as amended by section 4 of this regulation, may receive an endorsement to teach art to pupils as described in NAC 391.215, as amended by section 4 of this regulation, by submitting to the Department of Education official documentation which indicates that he or she has passed, on or before July 1, 2029, and at the level of competency specified by the Commission on Professional Standards in Education, the "Praxis Art: Content and Analysis (5135)" prepared and administered by the Educational Testing Service, or a successor examination approved by the Commission.

(b) Notwithstanding the amendatory provisions of NAC 391.270, as amended by section 5 of this regulation, may receive an endorsement to teach music to pupils as described in NAC 391.270, as amended by section 5 of this regulation, by submitting to the Department of Education official documentation which indicates that he or she has passed, on or before July 1,

2029, and at the level of competency specified by the Commission on Professional Standards in Education, the "Praxis Music: Content and Instruction (5114)" prepared and administered by the Educational Testing Service, or a successor examination approved by the Commission.

(c) Notwithstanding the amendatory provisions of NAC 391.280, as amended by section 6 of this regulation, may receive an endorsement to teach physical education to pupils as described in NAC 391.280, as amended by section 6 of this regulation, by submitting to the Department of Education official documentation which indicates that he or she has passed, on or before July 1, 2029, and at the level of competency specified by the Commission on Professional Standards in Education, the "Praxis Physical Education: Content and Design (5095)" prepared and administered by the Educational Testing Service, or a successor examination approved by the Commission.

(d) Notwithstanding the amendatory provisions of NAC 391.281, as amended by section 7 of this regulation, may receive an endorsement to teach physical education and health to pupils as described in NAC 391.281, as amended by section 7 of this regulation, by submitting to the Department of Education official documentation which indicates that he or she has passed, on or before July 1, 2029, and at the level of competency specified by the Commission on Professional Standards in Education, the "Praxis Health and Physical Education: Content Knowledge (5857)" prepared and administered by the Educational Testing Service, or a successor examination approved by the Commission.

Sec. 9. NAC 391.096 is hereby repealed.

TEXT OF REPEALED SECTION

391.096 Qualifications for elementary and middle school physical education license; authorized employment.

1. To receive a license designated as an elementary and middle school physical education license, a person must hold a bachelor's degree from an accredited college or university and must have completed 58 semester hours of credit in courses in professional studies in physical education for pupils in elementary or middle school or junior high school grades, consisting of:

(a) Eighteen semester hours of credit which includes course work in each of the following areas of study:

(1) Anatomical kinesiology or mechanical kinesiology, or both;

(2) The physiology of exercise;

(3) The psychological aspects or social aspects of physical education, or both;

(4) Motor development;

(5) Testing and measuring skills and abilities in physical education; and

(6) Advanced first aid or an equivalent course of study;

(b) Eighteen semester hours of credit in teaching elementary physical education, including, without limitation, teaching:

(1) Adapted physical education;

(2) Rhythmic activities for pupils in elementary grades;

(3) Movement experiences for pupils in preschool and primary grades; and

(4) Movement experiences for pupils in intermediate grades; and

(c) Twenty-two semester hours of credit in professional education including:

(1) Foundations of education;

(2) Methods of teaching in elementary physical education; and

(3) Eight semester hours of credit in supervised student teaching of physical education for pupils in elementary or middle school or junior high school grades.

2. An elementary and middle school physical education license issued in accordance with this section authorizes the holder of the license to teach only physical education to pupils in elementary or middle school or junior high school grades.

3. A person is not required to hold an elementary and middle school physical education license to teach physical education to pupils in elementary or middle school or junior high school grades. The provisions of this subsection do not prohibit a school district from requiring an elementary and middle school physical education license as a requirement for employment to teach physical education in that school district.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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NEVADA DEPARTMENT OF EDUCATION

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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R069-25, Adopted by the Commission on Professional Standards in Education. The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. This regulation updates provisions regarding requirements to teach art or music, to include holding an endorsement to teach such a subject pursuant to Senate Bill 400 (2025) and makes similar updates to physical education / health instruction in alignment with best practices. Outdated language regarding a license to teach physical education / health was repealed in lieu of an endorsement to teach physical education / health.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop; the attached public hearing agenda and notice was posted 30 days prior to the public hearing. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no testimony was provided. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**1**) and Hearing (**4**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and Hearing (**0**)

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided responsive to R069-25.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on May 20, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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.**
   No other state or governmental agency regulations will be overlapped or duplicated by this regulation. There is no duplication or overlap of federal regulations.

10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, and a summary of such provisions.**
    There are none specific to this provision.

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 for a new fee or increase an existing fee.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and

posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, May 20, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Commission president for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Commission. The Commission president reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 114, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education in Carson City and Las Vegas; online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Commission Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - April 15, 2026

9:00 A.M.

6. **Public Hearing R069-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Employment requirements for Art, Music, Physical Education, and Physical Education & Health, NAC 391.090 – Authority conferred by elementary license, NAC 391.111 – License to teach middle school or junior high school education: Qualifications; requirements and recognized subjects for endorsement; exception, NAC 391.215 – Endorsement to teach art, NAC 391.270 – Endorsement to teach music, NAC 391.280 – Endorsement to teach physical education, NAC 391.281 - Endorsement to teach physical education and Health, and NAC 391.096 – Qualifications for elementary and middle school physical education license; authorized employment *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the qualifications of teachers employed at certain schools to teach art, music, physical education or physical education and health; revising requirements for obtaining certain endorsements; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 400 (2025) requiring persons to hold an art, music, physical education, and physical education & health endorsement to be employed in such assignments in a district with 200,000 or more pupils enrolled or in a school with 500 or more pupils enrolled. The Commission may adopt or not adopt this regulation.

9:01 A.M.

7. **Public Hearing R071-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsements, NAC 391.170 – License or endorsement as professional administrator of school; endorsement as professional administrator of program, and NAC 391.171 – Conditional endorsement as professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; authorizing the Superintendent of Public Instruction to issue an interim endorsement as a professional administrator of a program to certain persons; revising provisions governing the issuance of a license or endorsement as a professional administrator of a school, an endorsement as a professional administrator of a program and an interim endorsement as a professional administrator of a school; and providing other matters properly relating thereto. This endorsement will create an Interim Route to Certification for school and program administrators. The Commission may adopt or not adopt this regulation.

9:02 A.M

8. **Public Hearing R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Course of Instruction, NAC 391.065 – Renewal of license: Educational and professional requirements; exceptions, NAC 391.070 – Renewal of license: General requirements; fee; delay of expiration date by Superintendent of Public Instruction, and NAC 391.095 – Qualifications for elementary license *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an applicant for a license to teach elementary education and certain applicants for the renewal of such a license to complete a course of instruction in foundational literacy skills; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 460 Sections 39 and 41.5 requiring educators who apply for an initial elementary license or renewal of an

elementary license, to have completed a course in the Science of Reading. The Commission may adopt or not adopt this regulation.

9:03 A.M.

9. **Public Hearing R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in trauma-informed instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; establishing and prescribing the qualifications for an endorsement in trauma-informed instruction; and providing other matters properly relating thereto. This regulation will create an endorsement in trauma-informed instruction. The Commission may adopt or not adopt this regulation.

9:04 A.M.

10. **Public Hearing R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for obtaining a license to teach pupils in a program of early childhood education; and providing other matters properly relating thereto. This regulation will update the pathway for elementary license holders to obtain an early childhood endorsement by changing the practicum requirement to a 1 semester course. The Commission may adopt or not adopt this regulation

9:05 A.M.

11. **Public Hearing R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Autism Endorsement, and NAC 391.378 – Qualifications for teaching pupils who have autism; endorsement to teach such pupils** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; providing for the issuance of an endorsement to teach certain pupils with autism spectrum disorder in a program of early childhood education; and providing other matters properly relating thereto. This regulation will create an early childhood autism endorsement and create a pathway for early childhood special education license holders to obtain the endorsement. The Commission may adopt or not adopt this regulation.

12. **Science, Technology, Engineering, and Mathematics (STEM) endorsement program** ***(Information/Discussion/For possible action).*** The Commission will consider a proposed STEM endorsement program from the University of Nevada, Reno. The Commission may approve or not approve this program.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

13. **Alternative Route to Licensure (ARL) programs** ***(Information/Discussion/For possible action).*** The Commission will consider new ARL programs from Nevada State University in the areas of Early Childhood, Elementary, Special Education, and Secondary. The Commission may approve or not approve these programs.
    - Dr. Jackie Nygaard, EPP, EDLiFE

14. Future Agenda Items

- Workshops and Public Hearings

15. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov.

16. Adjournment

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 East Flamingo Rd, Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

April 20, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R069-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:00 A.M.** on **Wednesday, May 20, 2026** via livestream and at the following locations: **Nevada Department of Education Offices at 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.XXX, 391.111, 391.215, 391.270, 391.280, 391.281, and 391.096 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019 and Senate Bill No. 400, chapter 450, Statutes of Nevada 2025, at page 2886.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; NAC Chapter 391.XXX – Employment requirements for Art, Music, Physical Education, and Physical Education & Health, NAC 391.090 – Authority conferred by elementary license, NAC 391.111 – License to teach middle school or junior high school education: Qualifications; requirements and recognized subjects for endorsement; exception, NAC 391.215 – Endorsement to teach art, NAC 391.270 – Endorsement to teach music, NAC 391.280 – Endorsement to teach physical education, NAC 391.281 - Endorsement to teach physical education and Health, and NAC 391.096 – Qualifications for elementary and middle school physical education license; authorized employment. The Commission will consider a regulation relating to education; revising provisions governing the qualifications of teachers employed at certain schools to teach art, music, physical education or physical education and health; revising requirements for obtaining certain endorsements; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 400 (2025) requiring persons to hold an art, music, physical education, and physical education & health endorsement to be employed in such assignments in a district with 200,000 or more pupils enrolled or in a school with 500 or more pupils enrolled. The Commission may adopt or not adopt this regulation.

3. **The revised text of the proposed regulation is attached to this notice.**

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation**: No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada 89119. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Department on or before **Friday, May 15, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, November 19, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Commission. The Commission president reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education in Carson City and Las Vegas; online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - October 22, 2025

6. **Commission Meeting Schedule for 2026.** ***(Information/Discussion/For possible action).*** The Commission will consider setting the 2026 meeting schedule. The Commission may approve or not approve the 2026 meeting schedule.
    - Amy Rozar, President

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036. This regulation will comply with Assembly Bill 286 by allowing a candidate for licensure to take a course of study before or after not passing the Praxis Core basic exams in lieu of these exams. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX, 391.170 – License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program, and NAC 391.171 – Conditional endorsement as a professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to comply with Senate Bill 81 creating a pathway for already licensed educators to obtain a school or program administrator endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.215 – Endorsement to teach art, 391.270 – Endorsement to teach music, 391.280 – Endorsement to teach physical education, and 391.281 – Endorsement to teach physical education and health, and 391.096 – Qualifications for elementary and middle school physical education license; authorized employment.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.270, 391.280, 391.281, and repeal 391.096. This regulation will comply with Senate Bill 400 requiring that educators who teach music or art have an endorsement in music or art to be employed in certain districts and schools. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.063. This regulation will remove the requirement of a notarized statement of surrender of an endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an audiologist in a public school holds an audiologist endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.277 – Endorsement to provide services as an Occupational Therapist, 391.279 – Endorsement to provide services as a Physical Therapist, 391.XXX Endorsements to provide services as an Occupational or Physical Therapist Assistant.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an occupational or physical therapist or a person who provides services as an occupational or physical therapist assistant in a public school holds a corresponding endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of Licenses and Endorsements.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update the length of a license keeping the 3-year provisional, 5-year standard, 6-year professional, and eliminating the specialist and doctorate extended licenses. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **Presentation from Great Basin College (*Information/Discussion)*.** The Commission will hear a presentation from Great Basin College regarding how competency-based learning is incorporated into their educator preparation programs.
    - Denise Padilla, Elementary Education Program Supervisor
    - Brian Zeiszler, Secondary Education Program Supervisor

15. **Proposed Amendments to NAC Chapter 391.XXX – Apprentice License.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.XXX. This regulation will ensure that the holder of an Apprentice license cannot convert the license to an initial license until at least one year of teaching in a public school.
    - Jeff Briske, Director, EDLiFE

16. **Proposed Amendments to NAC Chapter 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction: fee, term of validity; delay of expiration date by Superintendent; endorsement; renewal.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.073. This regulation will allow all educators licensed in chapter 391 to apply for a retiree license. This regulation updates the length of this license with conforming language to ensure all licenses are aligned to 3, 5, or 6 years.
    - Jeff Briske, Director, EDLiFE

17. **Proposed Amendments to NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement.**
(Information/Discussion). The Commission will consider a regulation to update NAC 391.057. This regulation will create another pathway allowing educators who hold an Alternative Route License to change endorsement areas. This also delineates that two years of full-time employment is required to convert to an initial license.
    - Jeff Briske, Director, EDLiFE

18. **Future Agenda Items**
    - Workshops and Public Hearings

19. **Public Comment #2**
Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E Flamingo Road, Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

Notice of Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, November 19, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:02 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.215 – Endorsement to teach art, 391.270 – Endorsement to teach music, 391.280 – Endorsement to teach physical education, and 391.281 – Endorsement to teach physical education and health, and 391.096 – Qualifications for elementary and middle school physical education license; authorized employment. The Commission will consider a regulation to update NAC 391.270, 391.280, 391.281, and repeal 391.096. This regulation will comply with Senate Bill 400 requiring that educators who teach music or art have an endorsement in music or art to be employed in certain districts and schools. The Commission may approve or not approve moving this item to a Public Hearing.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at COPS@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Friday, November 14, 2025.**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://www.leg.state.nv.us/App/Notice/A/, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E Flamingo Rd, Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: November 4, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.215 – Endorsement to teach art, 391.270 – Endorsement to teach music, 391.280 – Endorsement to teach physical education, and 391.281 – Endorsement to teach physical education and health, and 391.096 – Qualifications for elementary and middle school physical education license; authorized employment.

I, Victor Wakefield, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

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

Respectfully submitted,

Dr. Victor Wakefield
Superintendent of Public Instruction

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R071-25

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

AUTHORITY: §§ 1-3, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; authorizing the Superintendent of Public Instruction to issue an interim endorsement as a professional administrator of a program to certain persons; revising provisions governing the issuance of a license or endorsement as a professional administrator of a school, an endorsement as a professional administrator of a program and an interim endorsement as a professional administrator of a school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to prescribe by regulation the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Existing regulations establish requirements for a person to receive: (1) a license or endorsement as a professional administrator of a school; or (2) an endorsement as a professional administrator of a program. (NAC 391.160, 391.170) Existing regulations also provide for the issuance of a conditional endorsement as a professional administrator of a school, which authorizes a person who holds a license to teach and who satisfies certain other criteria to be employed as an administrator of a school while the person completes an alternative route to licensure as an administrator of a school. (NAC 391.171)

Senate Bill No. 81, which was enacted during the 2025 Legislative Session: (1) eliminated the requirement for the Commission to adopt regulations for the licensing of administrators pursuant to an alternative route to licensure; and (2) instead, requires the Commission to prescribe the qualifications and procedures for licensed teachers and other educational personnel to become licensed as administrators without restricting the ability of those persons to obtain employment as administrators. (NRS 391.019, as amended by section 18 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3222) **Section 3** of this regulation: (1) replaces the conditional endorsement of certain licensed teachers enrolled in a program for an alternative route to licensure as a professional administrator of a school with an interim endorsement for such licensed teachers enrolled in an interim route to certification as a professional administrator of a school; (2) adds a requirement that a licensed teacher who applies to obtain an interim endorsement as a professional administrator of a school submit proof satisfactory to the Superintendent of Public Instruction that the teacher holds a bachelor's degree or a higher degree from a regionally accredited college or university; (3) removes the authorization to reinstate an interim endorsement as a professional administrator of a school at any time before its expiration and, instead, authorizes such a reinstatement only within 1 year

after the initial issuance of the interim endorsement; (4) clarifies that a person applying for an interim endorsement as a professional administrator of a school pay certain fees for an endorsement; and (5) revises the criteria for a person enrolled in an interim route to certification to obtain a renewable endorsement as a professional administrator of a school. (NAC 391.171) **Section 1** of this regulation establishes a corresponding interim endorsement as a professional administrator of a program for educational personnel who hold a special license in certain program areas and are enrolled in an interim route to certification approved by the Commission.

Section 2 of this regulation revises the requirements of existing regulations for a person to receive a renewable license or endorsement as a professional administrator of a school or a professional administrator of a program to: (1) clarify that certain course work is required to relate to the administration of education in prekindergarten, kindergarten or grades 1 through 12; and (2) require that experience as a licensed teacher or other educational personnel be in a full-time capacity.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Superintendent of Public Instruction may issue an interim endorsement as a professional administrator of a program to a person who:

(a) Submits an application which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant:

(1) Has been accepted for enrollment in a program for an interim route to certification that has been approved by the Commission;

(2) Holds a valid renewable special license in the program for which an endorsement is requested;

(3) Has completed at least 5 years of full-time experience as a licensed employee in a program described in subsection 3 of NAC 391.160 for which the applicant holds a valid renewable special license;

(4) Holds a bachelor's degree or a higher degree from a regionally accredited college or university; and

(5) Complies with the instructional and training policies and procedures of the provider of the program for an interim route to certification relating to professional education administration; and

(b) Pays the fee required by NAC 391.045.

2. An interim endorsement as a professional administrator of a program issued pursuant to this section:

(a) Authorizes the holder of the interim endorsement to be employed as an administrator in a school district, charter school or private school;

(b) Becomes valid on the date on which the holder of the interim endorsement satisfies each of the requirements set forth in subsection 1;

(c) Except as otherwise provided in subsection 3, is valid for not more than 3 years; and

(d) Is not renewable.

3. If the holder of an interim endorsement issued pursuant to this section withdraws from or is no longer enrolled in a program for an interim route to certification, the qualified provider of the program in which the holder was enrolled must, not later than 15 days after the holder withdraws or otherwise ceases to be enrolled, notify the Office of Educator Licensure of the Department of the name and license number of the holder, the date on which the holder withdrew or otherwise ceased to be enrolled and the reason that the holder withdrew or ceased to be enrolled. The interim endorsement automatically becomes invalid immediately upon the receipt of such notification by the Office of Educator Licensure.

4. The holder of an interim endorsement as a professional administrator of a program that has become invalid pursuant to subsection 3 may apply to the Department for the

reinstatement of the endorsement within 1 year after the issuance of the initial endorsement if the holder:

(a) Is accepted by another program for an interim route to certification offered by a provider that has been approved by the Commission; and

(b) Pays the fee required by NAC 391.045.

➥ An interim endorsement may not be reinstated pursuant to this subsection more than once.

5. A person who is issued an interim endorsement as a professional administrator of a program pursuant to this section may apply for a renewable endorsement as a professional administrator of a program pursuant to subsection 2 of NAC 391.170 if, after the completion of at least 2 full school years, the applicant:

(a) Has successfully completed the education and training required by the qualified provider for the interim route to certification, including, without limitation, the supervised, school-based experience provided by the qualified provider;

(b) Has satisfied the requirements of subsection 2 of NAC 391.170 for the issuance of a renewable endorsement as a professional administrator of a program; and

(c) Pays the fee required by NAC 391.045.

Sec. 2. NAC 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in NAC 391.171, to receive a license or endorsement as a professional administrator of a school, an applicant:

(a) Must:

(1) Hold a master's degree or higher in educational administration ***of a program of early childhood education, kindergarten or grades 1 through 12*** from a regionally accredited college or university; and

(2) ~~[Submit to the Department evidence of]~~ ***Have completed at least*** 5 years of ***classroom*** teaching experience ***, in a full-time capacity,*** as a licensed teacher in a program of early childhood education, kindergarten or grades 1 through 12; or

(b) Must:

(1) Hold a master's degree or higher from a regionally accredited college or university;

(2) ~~[Submit to the Department evidence of]~~ ***Have completed at least*** 5 years of ***classroom*** teaching experience ***, in a full-time capacity,*** as a licensed teacher in a program of early childhood education, kindergarten or grades 1 through 12; and

(3) Have completed at least 36 semester hours of graduate courses in the administration of a school ~~[,]~~ ***providing a program of early childhood education, kindergarten or grades 1 through 12,*** which must include course work in:

(I) Administration and organization of a school;

(II) Supervision and evaluation of instruction;

(III) Development of personnel;

(IV) Finances of a school;

(V) The laws that apply to schools;

(VI) Curriculum;

(VII) Research; and

(VIII) Internship or field experience.

2. ~~[To]~~ ***Except as otherwise provided in section 1 of this regulation, to*** receive an endorsement as a professional administrator of a program, an applicant must:

(a) Hold a master's degree or higher from a regionally accredited college or university;

(b) Hold a valid special license in the program ***area described in subsection 3 of NAC 391.160*** for which an endorsement is requested;

(c) Have ~~[and submit to the Department evidence of]~~ ***completed at least*** 5 years of experience ***, in a full-time capacity,*** as a licensed employee in a program ~~[of early childhood education, kindergarten or grades 1 through 12;]~~ ***area for which the applicant holds a valid special license described in paragraph (b);*** and

(d) Have completed at least 27 semester hours in courses of study in administration, which must include course work in:

(1) Administration and organization of a school or the role of an administrator of a program in the applicant's area of endorsement;

(2) General principles of supervision of personnel or supervision of personnel for a program in the applicant's area of endorsement;

(3) Finances of a school or finances of a program in the applicant's area of endorsement;

(4) The laws that apply to schools; and

(5) The evaluation and development of personnel for a school or the evaluation and development of personnel for a program in the applicant's area of endorsement.

Sec. 3. NAC 391.171 is hereby amended to read as follows:

391.171 1. The Superintendent of Public Instruction ~~[shall]~~ ***may*** issue ~~[a conditional]~~ ***an interim*** endorsement as a professional administrator of a school to a person who ~~[submits]~~ ***:***

(a) Submits an application which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant:

~~[(a)]~~ ***(1)*** Has been accepted for enrollment in ~~[an approved]~~ ***a*** program for an ~~[alternative]~~ ***interim*** route to ~~[licensure.~~

~~(1) By a qualified provider that is a regionally accredited institution able to confer a master's degree and is employed by a school district or charter school in a county or city other than Clark County, Washoe County or Carson City; or~~

~~(2) By any qualified provider and holds a master's degree from a postsecondary institution that is regionally accredited;~~] ***certification that has been approved by the Commission;***

~~[(b)~~] ***(2)*** Holds a valid renewable elementary, secondary or special license, a valid license to teach special education, a valid license to teach middle school or junior high school education or a valid renewable license to teach pupils in a program of early childhood education;

~~[(c)~~] ***(3)*** Has completed at least 5 years of ***classroom*** teaching experience ~~[in early childhood education, kindergarten or grades 1 through 12 in schools approved by the State; and~~] ***, in a full-time capacity, at the grade level or for the area or program in which the applicant holds the license described in subparagraph (2);***

~~[(d)~~] ***(4) Holds a bachelor's degree or a higher degree from a regionally accredited college or university; and***

(5) Complies with the instructional and training policies and procedures of the qualified provider relating to professional education administration ~~[.]~~ ***; and***

(b) Pays the fee required by NAC 391.045.

2. ~~[A conditional]~~ ***An interim*** endorsement as a professional administrator of a school issued pursuant to this section:

(a) Authorizes the holder of the ~~[conditional]~~ ***interim*** endorsement to be employed as an administrator in a school district, a charter school or a private school;

(b) Becomes valid on the date on which the holder of the ~~[conditional]~~ ***interim*** endorsement satisfies all the requirements of subsection 1;

(c) Except as otherwise provided in subsection 3, is valid for not more than 3 years; and

(d) Is not renewable.

3. If the holder of ~~[a conditional]~~ ***an interim*** endorsement issued pursuant to this section withdraws from or is no longer enrolled in a program for an ~~[alternative]~~ ***interim*** route to ~~[licensure,]~~ ***certification,*** the qualified provider of the program in which the holder was enrolled must, not later than 15 days after the holder withdraws or otherwise ceases to be enrolled, notify the Office of Educator Licensure of the Department of the name and license number of the holder, the date on which the holder withdrew or otherwise ceased to be enrolled and the reason that the holder withdrew or ceased to be enrolled. The ~~[conditional]~~ ***interim*** endorsement automatically becomes invalid immediately upon the receipt of such notification by the Office of Educator Licensure.

4. The holder of ~~[a conditional]~~ ***an interim*** endorsement as a professional administrator that has become invalid pursuant to subsection 3 may apply to the Department for the reinstatement of ~~[his or her]~~ ***the*** endorsement ~~[before]~~ ***within 1 year after*** the ~~[expiration]~~ ***issuance*** of the ***initial*** endorsement if he or she:

(a) ~~[Has not previously applied for the reinstatement of the endorsement after the date on which the endorsement became invalid;~~

~~(b)]~~ Is accepted by another program for an ~~[alternative]~~ ***interim*** route to ~~[licensure]~~ ***certification*** offered by a qualified provider; and

~~[(c)]~~ ***(b)*** Pays the fee required by NAC 391.045.

➥ ***An interim endorsement may not be reinstated pursuant to this subsection more than once.***

5. A person who is issued ~~[a conditional]~~ ***an interim*** endorsement as a professional administrator pursuant to this section may apply for ~~[an unconditional]~~ ***a renewable*** endorsement as a professional administrator ***pursuant to subsection 1 of NAC 391.170*** if the applicant:

(a) ~~[Successfully completes]~~ ***Has successfully completed*** the education and training required by the qualified provider for the program for an ~~[alternative]~~ ***interim*** route to ~~[licensure,]~~ ***certification,*** including, without limitation, the supervised, school-based experience provided by the qualified provider; ~~[and]~~

(b) ***Has satisfied the requirements of subsection 1 of NAC 391.170 for the issuance of a renewable endorsement as a professional administrator of a school, except for the requirement of sub-subparagraph (VIII) of subparagraph (3) of paragraph (b) of subsection 1 of NAC 391.170 to complete an internship or field experience as part of the required graduate course work;***

(c) Has:

(1) Satisfied the requirements of sub-subparagraph (VIII) of subparagraph (3) of paragraph (b) of subsection 1 of NAC 391.170 to complete an internship or field experience as part of the required graduate course work; or

(2) Received at least one evaluation rating designating the overall performance of the applicant as effective or highly effective for each of at least 2 school years; and

(d) Pays the appropriate fee.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R071-25, Adopted by the Commission on Professional Standards in Education. The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. This regulation revises provisions regarding administrator endorsements, to include authority to issue an interim administrator endorsement in alignment with Senate Bill 81 (2025).

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop; the attached public hearing agenda and notice was posted 30 days prior to the public hearing. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized support testimony alongside recommendations for implementation and administrator supports. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**1**) and Hearing (**4**)
   b. Testified at Workshop (**0**) and Hearing (**1**)
   c. Submitted Written Statements for Workshop (**0**) and Hearing (**0**)

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   JoAnna Grant, Human Resources Officer, Clark County School District, grantj@nv.ccsd.net

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on May 20, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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.**
   No other state or governmental agency regulations will be overlapped or duplicated by this regulation. There is no duplication or overlap of federal regulations.

10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, and a summary of such provisions.**
    There are none specific to this provision.

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 for a new fee or increase an existing fee.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice

site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, May 20, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Commission president for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Commission. The Commission president reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 114, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education in Carson City and Las Vegas; online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Commission Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - April 15, 2026

9:00 A.M.

6. **Public Hearing R069-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Employment requirements for Art, Music, Physical Education, and Physical Education & Health, NAC 391.090 – Authority conferred by elementary license, NAC 391.111 – License to teach middle school or junior high school education: Qualifications; requirements and recognized subjects for endorsement; exception, NAC 391.215 – Endorsement to teach art, NAC 391.270 – Endorsement to teach music, NAC 391.280 – Endorsement to teach physical education, NAC 391.281 - Endorsement to teach physical education and Health, and NAC 391.096 – Qualifications for elementary and middle school physical education license; authorized employment *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the qualifications of teachers employed at certain schools to teach art, music, physical education or physical education and health; revising requirements for obtaining certain endorsements; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 400 (2025) requiring persons to hold an art, music, physical education, and physical education & health endorsement to be employed in such assignments in a district with 200,000 or more pupils enrolled or in a school with 500 or more pupils enrolled. The Commission may adopt or not adopt this regulation.

9:01 A.M.

7. **Public Hearing R071-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsements, NAC 391.170 – License or endorsement as professional administrator of school; endorsement as professional administrator of program, and NAC 391.171 – Conditional endorsement as professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; authorizing the Superintendent of Public Instruction to issue an interim endorsement as a professional administrator of a program to certain persons; revising provisions governing the issuance of a license or endorsement as a professional administrator of a school, an endorsement as a professional administrator of a program and an interim endorsement as a professional administrator of a school; and providing other matters properly relating thereto. This endorsement will create an Interim Route to Certification for school and program administrators. The Commission may adopt or not adopt this regulation.

9:02 A.M

8. **Public Hearing R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Course of Instruction, NAC 391.065 – Renewal of license: Educational and professional requirements; exceptions, NAC 391.070 – Renewal of license: General requirements; fee; delay of expiration date by Superintendent of Public Instruction, and NAC 391.095 – Qualifications for elementary license *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an applicant for a license to teach elementary education and certain applicants for the renewal of such a license to complete a course of instruction in foundational literacy skills; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 460 Sections 39 and 41.5 requiring educators who apply for an initial elementary license or renewal of an

elementary license, to have completed a course in the Science of Reading. The Commission may adopt or not adopt this regulation.

9:03 A.M.

9. **Public Hearing R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in trauma-informed instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; establishing and prescribing the qualifications for an endorsement in trauma-informed instruction; and providing other matters properly relating thereto. This regulation will create an endorsement in trauma-informed instruction. The Commission may adopt or not adopt this regulation.

9:04 A.M.

10. **Public Hearing R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for obtaining a license to teach pupils in a program of early childhood education; and providing other matters properly relating thereto. This regulation will update the pathway for elementary license holders to obtain an early childhood endorsement by changing the practicum requirement to a 1 semester course. The Commission may adopt or not adopt this regulation

9:05 A.M.

11. **Public Hearing R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Autism Endorsement, and NAC 391.378 – Qualifications for teaching pupils who have autism; endorsement to teach such pupils** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; providing for the issuance of an endorsement to teach certain pupils with autism spectrum disorder in a program of early childhood education; and providing other matters properly relating thereto. This regulation will create an early childhood autism endorsement and create a pathway for early childhood special education license holders to obtain the endorsement. The Commission may adopt or not adopt this regulation.

12. **Science, Technology, Engineering, and Mathematics (STEM) endorsement program** ***(Information/Discussion/For possible action).*** The Commission will consider a proposed STEM endorsement program from the University of Nevada, Reno. The Commission may approve or not approve this program.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

13. **Alternative Route to Licensure (ARL) programs** ***(Information/Discussion/For possible action).*** The Commission will consider new ARL programs from Nevada State University in the areas of Early Childhood, Elementary, Special Education, and Secondary. The Commission may approve or not approve these programs.
    - Dr. Jackie Nygaard, EPP, EDLiFE

14. Future Agenda Items

- Workshops and Public Hearings

15. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov.

16. Adjournment

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction



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April 20, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R071-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:01 A.M.** on **Wednesday, May 20, 2026** via livestream and at the following locations: **Nevada Department of Education Offices at 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.XXX, 391.170, and 391.171 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019 as amended by section 18 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3222, and NRS 391.032

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

    NRS 391.032, the Commission on Professional Standards in Education shall adopt regulations:
    - *Providing for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; NAC Chapter 391.XXX – Endorsements, NAC 391.170 – License or endorsement as professional administrator of school; endorsement as professional administrator of program, and NAC 391.171 – Conditional endorsement as professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement. The Commission will consider a regulation relating to educational personnel; authorizing the Superintendent of Public Instruction to issue an interim endorsement as a professional administrator of a program to certain persons; revising provisions governing the issuance of a license or endorsement as a professional administrator of a school, an endorsement as a professional administrator of a program and an interim endorsement as a professional administrator of a school; and providing other matters properly relating thereto. This endorsement will create an Interim Route to Certification for school and program administrators. The Commission may adopt or not adopt this regulation.

3. **The revised text of the proposed regulation is attached to this notice.**

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation**: No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada 89119. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Department on or before **Friday, May 15, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, November 19, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Commission. The Commission president reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education in Carson City and Las Vegas; online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - October 22, 2025

6. **Commission Meeting Schedule for 2026.** ***(Information/Discussion/For possible action).*** The Commission will consider setting the 2026 meeting schedule. The Commission may approve or not approve the 2026 meeting schedule.
    - Amy Rozar, President

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036. This regulation will comply with Assembly Bill 286 by allowing a candidate for licensure to take a course of study before or after not passing the Praxis Core basic exams in lieu of these exams. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX, 391.170 – License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program, and NAC 391.171 – Conditional endorsement as a professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to comply with Senate Bill 81 creating a pathway for already licensed educators to obtain a school or program administrator endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.215 – Endorsement to teach art, 391.270 – Endorsement to teach music, 391.280 – Endorsement to teach physical education, and 391.281 – Endorsement to teach physical education and health, and 391.096 – Qualifications for elementary and middle school physical education license; authorized employment.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.270, 391.280, 391.281, and repeal 391.096. This regulation will comply with Senate Bill 400 requiring that educators who teach music or art have an endorsement in music or art to be employed in certain districts and schools. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.063. This regulation will remove the requirement of a notarized statement of surrender of an endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an audiologist in a public school holds an audiologist endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.277 – Endorsement to provide services as an Occupational Therapist, 391.279 – Endorsement to provide services as a Physical Therapist, 391.XXX Endorsements to provide services as an Occupational or Physical Therapist Assistant.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an occupational or physical therapist or a person who provides services as an occupational or physical therapist assistant in a public school holds a corresponding endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of Licenses and Endorsements.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update the length of a license keeping the 3-year provisional, 5-year standard, 6-year professional, and eliminating the specialist and doctorate extended licenses. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **Presentation from Great Basin College (*Information/Discussion)*.** The Commission will hear a presentation from Great Basin College regarding how competency-based learning is incorporated into their educator preparation programs.
    - Denise Padilla, Elementary Education Program Supervisor
    - Brian Zeiszler, Secondary Education Program Supervisor

15. **Proposed Amendments to NAC Chapter 391.XXX – Apprentice License.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.XXX. This regulation will ensure that the holder of an Apprentice license cannot convert the license to an initial license until at least one year of teaching in a public school.
    - Jeff Briske, Director, EDLiFE

16. **Proposed Amendments to NAC Chapter 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction: fee, term of validity; delay of expiration date by Superintendent; endorsement; renewal.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.073. This regulation will allow all educators licensed in chapter 391 to apply for a retiree license. This regulation updates the length of this license with conforming language to ensure all licenses are aligned to 3, 5, or 6 years.
    - Jeff Briske, Director, EDLiFE

17. **Proposed Amendments to NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement.**
(Information/Discussion). The Commission will consider a regulation to update NAC 391.057. This regulation will create another pathway allowing educators who hold an Alternative Route License to change endorsement areas. This also delineates that two years of full-time employment is required to convert to an initial license.
    - Jeff Briske, Director, EDLiFE

18. **Future Agenda Items**
    - Workshops and Public Hearings

19. **Public Comment #2**
Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E Flamingo Road, Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

Notice of Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, November 19, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:01 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX, 391.170 – License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program, and NAC 391.171 – Conditional endorsement as a professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement. The Commission will consider a regulation to comply with Senate Bill 81 creating a pathway for already licensed educators to obtain a school or program administrator endorsement. The Commission may approve or not approve moving this item to a Public Hearing.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at COPS@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Friday, November 14, 2025.**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://www.leg.state.nv.us/App/Notice/A/, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E Flamingo Rd, Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: November 4, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX, 391.170 – a regulation relating to License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program, and NAC 391.171 – Conditional endorsement as a professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement.

I, Victor Wakefield, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

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

Respectfully submitted,

Dr. Victor Wakefield
Superintendent of Public Instruction

R074-25

ADOPTED REGULATION OF THE DIRECTOR OF THE

DEPARTMENT OF BUSINESS AND INDUSTRY

LCB File No. R074-25

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

AUTHORITY: §§ 1-21, NRS 232.8413.

A REGULATION relating to professional and occupational licensing boards; defining certain terms relating to the regulation of professional and occupational licensing boards; setting forth certain standards for each board relating to recordkeeping, officers of the board and attendance at board meetings; establishing certain requirements relating to the training of board members; establishing certain standards for the internal controls of a board; establishing certain requirements for the Internet website of a board; establishing certain requirements for a board relating to certain bills during a legislative session; authorizing a board to publish certain information for the public; setting forth certain standards relating to complaints to and investigations by or on behalf of a board; requiring a board to provide certain information to the Office of Nevada Boards, Commissions and Councils Standards within the Department of Business and Industry; providing for the Office to conduct performance evaluations of a board; providing for the Office to issue certain recommendations relating to a board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Nevada Boards, Commissions and Councils Standards within the Department of Business and Industry and charges the Office with certain duties relating to the regulation of professional and occupational licensing boards, including: (1) centralized administration; (2) establishing a uniform set of standards for investigations, licensing and discipline, internal controls and legal representation; (3) establishing a consistent set of structural standards for boards and commissions; (4) transparency and consumer protection; and (5) efficacy and efficiency. Existing law requires the Director of the Department to adopt regulations and procedures to administer the responsibilities of the Office. (NRS 232.8413, 232.8415) **Sections 3-10** of this regulation define certain terms relating to the regulation of professional and occupational licensing boards. **Section 2** of this regulation applies these definitions to the provisions of this regulation.

Section 11 of this regulation establishes certain structural standards for each board to: (1) maintain certain centralized records relating to each seat on the board, the board members filling those seats, and the terms of the board members serving on the board; and (2) elect or appoint officers of the board. **Section 11** also sets forth certain attendance requirements for board members at meetings.

Section 12 of this regulation requires: (1) the executive director of each board to notify board members of certain training requirements and when such training is offered; and (2) the board to notify the Office that a board member has successfully completed such training.

Section 13 of this regulation requires each board to establish certain standards for internal controls, including: (1) developing and implementing a budget; (2) maintaining and protecting information in the records of the board in a certain manner; (3) complying and cooperating with all statutory and regulatory reporting and auditing requirements; and (4) taking certain actions to respond to audits that recommend corrective action.

Section 14 of this regulation requires each board to maintain a publicly accessible Internet website of the board, which includes certain information and meets certain requirements.

Section 15 of this regulation requires each board to: (1) track bills during a regular or special legislative session which may impact the operations of or licensees regulated by the board; (2) report certain information to the Office relating to such bills; and (3) take certain steps to implement bills which became law.

Section 16 of this regulation authorizes a board to publish certain materials to inform the public of information relating to the board and licensees of the board.

Section 17 of this regulation sets forth certain requirements relating to complaints to and investigations conducted by or on behalf of a board. **Section 18** of this regulation requires a board to provide certain quarterly information to the Office relating to complaints, investigations, disciplinary actions, licensees and other board operations.

Section 19 of this regulation requires a board to submit certain financial information to the Office on a quarterly and annual basis.

Section 20 of this regulation requires the Office to evaluate the performance of each board using the reports and other information required to be submitted to the Office.

Section 21 of this regulation provides that if the Office identifies: (1) certain concerns with a board, the Office may provide the board with written recommendations to address such concerns; or (2) certain conduct of a board member that may constitute malfeasance or nonfeasance, the Office may refer the board member to the Governor for possible removal.

Section 1. Chapter 232 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

Sec. 2. ***As used in sections 2 to 21, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Board" means any professional or occupational licensing body, including, without limitation, a board, commission or council, that has been created by the Legislature and which is under the purview of the Office.***

Sec. 4. *"Board member" means a person appointed to serve on a board.*

Sec. 5. *"Disciplinary action" means any final action taken by a board against a licensee, including, without limitation, a public reprimand, probation, a fine, the suspension or revocation of a license or the voluntary surrender of a license in lieu of discipline.*

Sec. 6. *"Executive director" means a person appointed or employed by a board to oversee the daily operations of the board.*

Sec. 7. *"License" means any professional or occupational authorization, including, without limitation, a license, permit, registration or certificate, that is issued by a board.*

Sec. 8. *"Licensee" means any person who holds a license issued by a board.*

Sec. 9. *"Office" means the Office of Nevada Boards, Commissions and Councils Standards within the Department.*

Sec. 10. *"Purview" means administrative oversight.*

Sec. 11. *1. For the purposes of establishing a consistent set of structural standards pursuant to NRS 232.8415:*

(a) Each board shall:

(1) Maintain a centralized record of:

(I) Each seat on the board, including, without limitation, whether the seat is required by statute to represent certain interests or to serve a certain role;

(II) Each board member who is filling a seat on the board; and

(III) The terms of each board member, including, without limitation, the date on which each term begins and expires.

(2) Elect or appoint the officers of the board in accordance with the applicable statutes and regulations governing the board. Except as otherwise provided by specific statute or

regulation adopted by the board, the board shall elect the officers of the board on an annual basis.

(b) Board members are required to attend and participate in meetings of the board. If, within a 12-month period, a board member has three or more consecutive unexcused absences or has unexcused absences from 50 percent or more of the meetings of the board, the board member has failed to meet this attendance requirement and the board or the Office may submit a recommendation to the Governor for the removal of the board member pursuant to NRS 232A.030.

2. As used in this section, "unexcused absence" means an absence that is not:

(a) Caused by illness, family emergency or other extenuating circumstance;

(b) Approved by the chair of the board; or

(c) Otherwise authorized by statute.

Sec. 12. *1. The executive director of each board shall notify the board members of any training that the board members are required to complete pursuant to NRS 622.200 and when such training will be offered.*

2. Not more than 30 days after a board member successfully completes any training required pursuant to NRS 622.200, the board shall provide written notice to the Office, in a format prescribed by the Office, confirming that the board member has successfully completed the required training.

Sec. 13. *For the purpose of establishing a uniform set of standards for internal controls pursuant to NRS 232.8415, each board shall:*

1. Develop a budget for the board and monitor the implementation of the budget.

2. Maintain any information in the records of the board relating to licensees, finances and complaints in a manner that ensures the information is accurate, complete and verifiable.

3. Protect the confidential and personally identifiable information in the records of the board.

4. Comply and cooperate with all reporting and auditing requirements:

(a) Set forth by any applicable statute or regulation, including, without limitation, the governing statutes of the board and the requirements of title 54 of NRS or NRS 218G.400, 331.110, 333.705 or 622.100; or

(b) Established by any state entity authorized to conduct audits or require reports pursuant to any applicable statute or regulation, including, without limitation, the Legislative Auditor or the Budget Division of the Office of Finance,

➥ in a timely and accurate manner and in accordance with any deadline set forth in statute or regulation or established by the applicable state entity.

5. Respond to all audits of the board that are required or authorized by statute or conducted by a state entity that is authorized to conduct audits of the board pursuant to statute. Except as otherwise provided by specific statute, each board shall, not more than 90 days after receiving a final written report of an audit that recommends corrective action:

(a) Prepare a written plan for corrective action that addresses all recommendations for the corrective action; and

(b) Submit evidence to the auditing entity that the corrective action set forth in the written plan prepared pursuant to paragraph (a) has been taken.

Sec. 14. *1. Each board shall maintain a publicly accessible Internet website of the board which is accessible to persons with disabilities, including, without limitation, persons*

who are blind or visually impaired, and, in addition to any other information required by statute or regulation of the board, post on the Internet website of the board:

(a) A citation and link to the enabling statutes of the board and any regulations adopted by the board, including, without limitation, emergency regulations, temporary regulations and permanent regulations of the board which have been adopted and filed with the Secretary of State pursuant to chapter 233B of NRS but not yet codified in the Nevada Administrative Code.

(b) The mission statement of the board.

(c) For all current board members:

(1) The name of each board member;

(2) If the board member was appointed to represent certain interests or serve a certain role that is required by statute, the interests or role which the board member represents or serves; and

(3) The dates on which the term of each board member begins and expires.

(d) The name and title of the executive director of the board.

(e) The contact information for the board, including, without limitation, the electronic mailing address, mailing address, physical address and telephone number for the board.

(f) Any upcoming meeting of the board or a subcommittee of the board, which must include, without limitation, the date, time, location, agenda, when available, and any other information required for notice of an upcoming meeting pursuant to NRS 241.020 or 622.340, as applicable.

(g) An archive consisting of all agendas and minutes of meetings of the board prepared pursuant to NRS 241.035 for a period of not less than the immediately preceding 5 years. All

other agendas and minutes of meetings of the board outside of such 5-year period must be made available upon request in accordance with the provisions of chapter 239 of NRS.

(h) Clear instructions for applying for initial licensure, renewing a license and the reinstatement of a license and any applicable deadlines set forth in statute or regulation for applying for, renewing or reinstating a license.

(i) A system for verifying licenses, which must be accessible from the homepage of the Internet website with one click and, for each licensee, must include, without limitation, the full name of the licensee, the type and status of the license, the license number, the date of issuance and the date of expiration of the license and a yes-or-no-indication of whether the licensee has any history of disciplinary actions.

(j) A system for reviewing the history of disciplinary actions of a licensee, which must:

(1) Be accessible from the homepage of the Internet website;

(2) Be searchable;

(3) Be updated not more than 15 days after any new disciplinary action is finalized;

(4) Include, without limitation, the full name of the licensee, the type and status of the license, the license number of the licensee, the type of disciplinary action and the date of the disciplinary action; and

(5) Unless otherwise declared confidential by statute or court order, provide access to the final order or settlement agreement for any disciplinary action issued in the immediately preceding 5 years. All other final orders or settlement agreements for any disciplinary action not otherwise declared confidential outside of the immediately preceding 5-year period must be made available upon request in accordance with the provisions of chapter 239 of NRS.

(k) Clear instructions on how to file a complaint with the board, accompanied by forms that may be downloaded for filing a complaint or an online system on the Internet website that enables a person to file a complaint electronically.

(l) A copy of the most recent quarterly update submitted to the Office pursuant to section 19 of this regulation and a copy of all financial audits or balance sheets filed pursuant to NRS 218G.400 within the immediately preceding 5 years.

(m) A copy of any review, evaluation, report or audit of the board conducted or prepared within the immediately preceding 5 years by or on behalf of:

(1) The Sunset Committee of the Legislature;

(2) The Division of Internal Audits of the Office of Finance;

(3) The Fiscal Analysis Division of the Legislative Counsel Bureau; or

(4) Any other entity authorized by statute to conduct or prepare a review, evaluation report or audit of the board.

(n) A link to the Internet website of the Office which must be accessible from the homepage of the Internet website of the board.

(o) Any other report required to be published by statute or submitted annually by the board.

(p) Any performance data prepared by the board.

2. The Internet website of each board must comply with any applicable regulations, policies, standards and guidelines adopted by the Chief Information Officer of the Governor's Technology Office within the Office of the Governor pursuant to NRS 242.111 and 242.115.

3. As used in this section:

(a) "Emergency regulation" has the meaning ascribed to it in NRS 233B.033.

(b) "Performance data" means information or metrics prepared by a board to measure or report on the operations, workload or compliance with the statutory duties of the board, including, without limitation, data or metrics prepared by the board during the ordinary course of business or that is required by statute or regulation.

(c) "Permanent regulation" has the meaning ascribed to it in NRS 233B.036.

(d) "Temporary regulation" has the meaning ascribed to it in NRS 233B.0385.

Sec. 15. *1. During each regular or special legislative session, each board shall track any bills introduced in the Legislature which may impact the operations of or licensees regulated by the board.*

2. Not later than 60 days after the adjournment of each regular or special legislative session, each board shall submit a report to the Office, in a format prescribed by the Office, identifying, for each bill tracked pursuant to subsection 1:

(a) The bills tracked by the board and whether the bills became law;

(b) The potential impact of each bill on the operations of or licensees regulated by the board;

(c) Any actions required by the board to implement any bills which became law during the legislative session; and

(d) The estimated timeline for the board to implement any bills which became law during the legislative session.

3. For any bill tracked by the board pursuant to subsection 1 for which a board is required to take action to implement, the board shall:

(a) Update the regulations of the board consistent with the bill;

(b) Ensure that the bank accounts and the records of the board are consistent with the requirements of the bill; and

(c) Notify the Office, in a format prescribed by the Office, once the board has implemented the bill.

Sec. 16. *To provide outreach and education to the public, each board may publish newsletters, alerts or bulletins to inform the public of the activities of the board, professional standards of and ethical requirements for the licensees regulated by the board, the rights of the public and the procedures for reporting the misconduct of a licensee to the board.*

Sec. 17. *1. To ensure transparency and access to the public, each board shall make available to any person who wishes to file a complaint with the board a form for filing the complaint or a method to file the complaint electronically.*

2. When responding to a complaint filed with a board, the board shall comply with all requirements for confidentiality.

3. Before initiating an investigation, a board shall determine whether a complaint falls within the jurisdiction of the board.

4. For any matter under an investigation conducted by or on behalf of a board, the file of the complaint documenting the investigation must include, without limitation:

(a) Any statutory or regulatory deadlines applicable to the investigation and resolution of the complaint by the board;

(b) Whether the board met all the deadlines identified pursuant to paragraph (a); and

(c) If the board did not meet a deadline identified pursuant to paragraph (a), the reason the board did not meet the deadline.

5. For the purposes of subsection 4, the steps of an investigation may include, without limitation, the receipt or acknowledgment of a complaint, the issuance of a notice to a licensee, the determination of reasonable doubt, the filing of a formal complaint, the scheduling of a hearing and the issuance of a final decision by the board.

6. Upon the request of the Office and to the extent permitted by law, a board shall provide to the Office any files, documents, data or other information relating to an investigation conducted by the board, including, without limitation, any disciplinary action instituted as a result of an investigation.

Sec. 18. *On or before the 20th day of January, April, July and October, each board shall submit to the Office, in a format prescribed by the Office:*

1. All information required to be submitted to the Director of the Legislative Counsel Bureau pursuant to NRS 622.100. A board may submit a copy of the report submitted to the Director of the Legislative Counsel Bureau pursuant to NRS 622.100 to satisfy this requirement.

2. A summary of all complaints filed with the board during the immediately preceding calendar quarter, which must include, without limitation:

(a) All complaints received, pending and resolved by the board for the calendar quarter; and

(b) The number of complaints resolved by the board at each stage of the process for resolving a complaint, consistent with the statutory procedures of the board.

3. Any other information requested by the Office that is reasonably related to the administrative, fiscal or investigative operations of the board.

Sec. 19. *1. All money in the possession of a board must be deposited and used in accordance with any applicable statutes governing the board.*

2. On or before December 1 of each year, each board shall submit to the Office:

(a) A copy of the balance sheet or the report of an audit, as applicable, required to be filed with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance pursuant to NRS 218G.400; and

(b) A form, in the format prescribed by the Office, summarizing the information provided pursuant to paragraph (a), which must include, without limitation:

(1) The total revenue of the fiscal year;

(2) The total expenditures of the board at the end of the fiscal year;

(3) The cash balances of the board at the end of the fiscal year;

(4) A statement from the board identifying any significant financial or structural concerns identified by the board; and

(5) A review of the adequacy of the existing fees which the board is authorized to charge under statute.

3. Not later than 30 days after the close of each fiscal quarter, each board shall submit to the Office a quarterly update summarizing the finances of the board for that fiscal quarter, in a format prescribed by the Office, which must include, without limitation:

(a) The total revenue of the board at the end of the fiscal quarter;

(b) The total expenditures of the board at the end of the fiscal quarter; and

(c) The cash balances of the board at the end of the fiscal quarter.

Sec. 20. *1. The Office shall evaluate the performance of each board using the reports and information submitted to the Office pursuant to sections 2 to 21, inclusive, of this*

regulation to assess the administrative efficiency, internal controls, transparency, responsiveness to the public and compliance with statutory reporting requirements of a board.

2. If the Office identifies any issues during a performance evaluation conducted pursuant to subsection 1, the Office shall notify the board in writing and the board shall have 60 days to submit a written response addressing the issues identified by the Office. The Office shall evaluate the written response of the board, if any, before completing the performance evaluation of the board. The Office is not required to modify its findings or conclusions based on the written response of the board.

3. After completing a performance evaluation conducted pursuant to subsection 1, the Office may issue written recommendations to a board pursuant to section 21 of this regulation.

4. Nothing in this section shall be construed to authorize the Office to direct the financial or operational activities of a board or to require a board to take corrective action beyond what is required by statute.

Sec. 21. *1. If the Office identifies concerns regarding the compliance of a board with the requirements of statute or with the administrative practices, internal controls or reporting compliance of the board, the Office shall provide the board with written recommendations to promote improved performance, administrative consistency or compliance with statutory and regulatory requirements.*

2. Not more than 60 days after receiving written recommendations provided pursuant to subsection 1, a board shall review such recommendations and provide the Office with a written response describing the actions the board intends to take to address the written recommendations of the Office, if any.

3. If the Office identifies any conduct by a board member in the performance of his or her duties that may constitute malfeasance or nonfeasance, including, without limitation, neglect of duty, incompetence or inefficiency, the Office may refer such conduct to the Governor to consider whether the board member should be removed from the board pursuant to NRS 232A.030.

STATE OF NEVADA

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
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MARCEL F. SCHAERER
Deputy Directors

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF THE DIRECTOR
Office of Nevada Boards, Commissions, and Councils Standards

Informational Statement for LCB file No. R075.24, The Office of Nevada Boards, Commissions, and Councils Standards

NRS 233B.066 1(a) - A clear and concise explanation of the need for the adopted regulation: The adopted regulation is necessary to implement the responsibilities assigned to the Office of Nevada Boards, Commissions and Councils Standards ("Office") by Senate Bill 431 of the 2023 Legislative Session, now codified in NRS 232.8413 and NRS 232.8415. The Legislature created the Office within the Department of Business and Industry and directed the Office to develop regulations and procedures necessary to administer its statutory responsibilities.

NRS 232.8415 requires the Office to establish and promote centralized administration and uniform standards relating to investigations, licensing and discipline, internal controls, legal representation, structural standards, transparency, consumer protection, efficacy, and efficiency for professional and occupational licensing boards under the purview of the Office.

Prior to the adoption of this regulation, no statewide regulatory framework existed to implement these statutory responsibilities in a uniform and consistent manner across the boards, commissions, and councils subject to the Office's administrative oversight. As a result, administrative practices, reporting processes, website transparency, internal controls, complaint tracking practices, and operational standards varied significantly among boards.

The adopted regulation establishes baseline administrative and operational standards intended to promote consistency, transparency, accountability, consumer protection, and administrative efficiency while preserving the independent statutory authority and decision-making responsibilities of each individual board. The regulation is administrative in nature and is intended to implement the Legislature's directive for uniform standards and centralized administrative oversight without altering the substantive licensing, disciplinary, adjudicatory, or policymaking authority otherwise granted to boards by statute.

The regulation further provides standardized processes for reporting, recordkeeping, public accessibility of board information, complaint and investigation tracking, financial reporting, legislative tracking, and performance evaluation consistent with the Office's statutory duties. These standards are intended to improve consistency across boards, support compliance with existing statutory and regulatory obligations, improve access to information for the public, and promote greater operational accountability and efficiency across Nevada's occupational and professional licensing system.

The adopted regulation was also necessary to provide administrative clarity regarding the implementation

of the Office's statutory responsibilities and to establish consistent expectations applicable to all boards under the Office's purview, while recognizing that individual boards remain governed by their respective enabling statutes and applicable provisions of Title 54 of NRS.

NRS 233B.066 1(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: The Office solicited public comment throughout the regulatory development process through multiple methods intended to encourage participation from boards, stakeholders, licensees, and members of the public.

During the initial development of the proposed regulation, the Office directly engaged with executive directors and board staff from boards under the purview of the Office to procure preliminary feedback regarding the implementation of Senate Bill 431 (2023) and the statutory responsibilities established under NRS 232.8413 and NRS 232.8415. The Office also distributed draft regulatory language and requests for feedback by electronic mail to executive directors of boards under the Office's purview and encouraged the executive directors to share the proposed language with board members, staff, licensees, and interested stakeholders for review and comment.

The Office further established and utilized an electronic mailing list and listserv to distribute notices of workshops, notices of intent to act upon the regulation, public hearing notices, draft revisions, and opportunities for written public comment. Notices were also posted in accordance with the requirements of chapter 233B of NRS and chapter 241 of NRS. Written public comments were accepted throughout the regulatory process, including comments submitted by boards, executive directors, board counsel, licensees, professional associations, and members of the public.

In an effort to encourage participation and ensure that interested persons had meaningful opportunities to provide feedback, the Office accommodated requests from boards and stakeholders for additional time to review draft language and submit comments when practicable. The Office also accepted written statements and comments after identified deadlines to ensure that stakeholder feedback was captured and considered as part of the regulatory development process.

In addition to informal stakeholder outreach and written comment opportunities, the Office conducted two publicly noticed workshops, although only one workshop was required, to solicit feedback and discuss proposed language revisions. The Office subsequently conducted a publicly noticed public hearing on the proposed regulation in accordance with NRS 233B.061 and related provisions of chapter 233B of NRS. During the workshops and public hearing, interested persons were provided opportunities to present oral testimony and submit written comments regarding the proposed regulation.

Public comments received throughout the process generally addressed topics including, without limitation:

- the scope and implementation of the Office's statutory authority under NRS 232.8413 and NRS 232.8415;
- redefining definitions
- reporting requirements and administrative workload;
- website transparency and accessibility requirements;
- complaint and investigation reporting provisions;
- duplication of required reports;
- legislative tracking requirements;
- financial reporting requirements;
- performance evaluation provisions;
- timelines for compliance and implementation; and

- preservation of board autonomy and statutory authority.

The Office reviewed and considered all submitted written and oral comments received during the workshops and public hearing process. As a result of stakeholder input received throughout the rulemaking process, revisions and clarifications were made to multiple sections of the proposed regulation during five successive draft revisions, including clarifications relating to definitions, confidentiality protections, reporting processes, website publication requirements, performance evaluation language, written response opportunities for boards, and the preservation of statutory authority and operational independence of boards.

A summary of the public comments received, the Office's responses to those comments, and revisions made during the rulemaking process may be obtained from the Office of Nevada Boards, Commissions and Councils Standards, Department of Business and Industry, or by requesting a copy from the Office through its publicly available contact information and Internet website. In addition, notices, draft regulations, workshop and hearing materials, and other information relating to the rulemaking process are available on the Department of Business and Industry's Internet website under the Boards and Commissions icon.

NRS 233B.066 1(c) - The number of persons who:

1. The number of persons who attended the public hearing was 32 total attendees, consisting of 9 attendees in Las Vegas and 23 attendees in Carson City.

2. The number of persons who testified at the public hearing was 13 total persons, consisting of 4 persons who testified in Las Vegas and 9 persons who testified in Carson City.

3. The number of persons who submitted written statements to the Office regarding the proposed regulation was 6.

NRS 233B.066 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: Please see attachments for sign in sheet from Las Vegas and Carson City.

NRS 233B.066 1(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 Office determined that the adopted regulation establishes administrative and operational standards applicable only to professional and occupational licensing boards under the purview of the Office pursuant to NRS 232.8415 and does not directly regulate private businesses or small businesses.

The boards subject to the regulation are public bodies created by statute. Accordingly, the Office determined that the adopted regulation does not impose a direct economic impact on small businesses. No comments were received identifying a direct impact on small businesses.

Any comments received regarding the proposed regulation and the Office's responses may be obtained from the Office of Nevada Boards, Commissions and Councils Standards and through the Department of Business and Industry's Internet website under the Boards and Commissions icon.

NRS 233B.066 1(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: Please see attached (response to change) summary of the reasons for adopting the regulation without change.

NRS 233B.066 1(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) Estimated Economic Effect on the Businesses Which It Is to Regulate
(A) Adverse and Beneficial Effects

The Office determined that the adopted regulation presents no reasonably foreseeable or anticipated adverse economic effects on any small businesses. The regulation is administrative in nature and applies solely to the internal governance, reporting, transparency, operational, and administrative standards of professional and occupational licensing boards under the purview of the Office pursuant to NRS 232.8415. The boards subject to the regulation are public bodies created by statute and are not private business entities.

The Office further determined that any beneficial effects to businesses and licensees are indirect and may include increased administrative consistency, improved transparency, greater public access to board information, and improved efficiency and accountability within Nevada's occupational and professional licensing system.

(B) Immediate and Long-Term Effects

The Office does not anticipate any immediate or long-term adverse economic effects on businesses or small businesses.

Potential long-term indirect beneficial effects may include increased consistency in administrative practices across boards, improved public access to licensing and disciplinary information, improved responsiveness and transparency, and enhanced operational efficiency within the regulatory system governing licensed professions and occupations.

(2) Estimated Economic Effect on the Public
(A) Adverse and Beneficial Effects

The Office does not anticipate any adverse economic effects on the public resulting from the adopted regulation.

The Office anticipates beneficial effects to the public through increased transparency, improved access to public information relating to professional and occupational licensing boards, greater consistency in administrative standards and reporting practices, improved accountability, and enhanced consumer protection consistent with the statutory responsibilities of the Office under NRS 232.8413 and NRS 232.8415.

(B) Immediate and Long-Term Effects

The Office does not anticipate any immediate or long-term adverse economic effects on the public.

Immediate beneficial effects may include improved public accessibility to board information, licensing verification systems, complaint information, meeting materials, and other publicly

available records required by the regulation.

Long-term beneficial effects may include increased consistency, transparency, administrative efficiency, accountability, and consumer confidence in Nevada's occupational and professional licensing system through the implementation of uniform administrative standards established pursuant to NRS 232.8415.

NRS 233B.066 1(h) - The estimated cost to the agency for enforcement of the proposed regulation: The Office does not anticipate significant additional enforcement costs associated with the adopted regulation.

The adopted regulation implements the statutory responsibilities assigned to the Office pursuant to NRS 232.8413 and NRS 232.8415 through the establishment of uniform administrative, reporting, transparency, and operational standards applicable to boards under the Office's purview.

The adopted regulation does not create a separate enforcement division, establish civil penalties, or require additional investigative or prosecutorial authority beyond the administrative oversight responsibilities assigned to the Office by statute. To the extent implementation of the regulation requires additional administrative review, coordination, reporting, performance evaluation, or oversight activities, such responsibilities are anticipated to be addressed through future staffing and operational resources requested through the normal budgetary and legislative process.

NRS 233B.066 1(j) - 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 adopted regulation overlaps with certain existing statutory and regulatory requirements applicable to professional and occupational licensing boards, including, without limitation, financial reporting and auditing requirements under NRS 218G.400 and NRS 622.100, public records requirements under chapter 239 of NRS, open meeting requirements under chapter 241 of NRS, and other board-specific statutes and regulations governing the operations of individual boards.

The overlapping provisions are necessary to implement the statutory responsibilities assigned to the Office of Nevada Boards, Commissions and Councils Standards pursuant to NRS 232.8413 and NRS 232.8415. Many of the reporting, transparency, financial, auditing, and operational requirements referenced in the adopted regulation were established in statute and implemented prior to the creation of the Office during the 2023 Legislative Session through Senate Bill 431. As a result, the Office requires access to certain existing reports, records, and operational information in order to fulfill its statutory responsibilities relating to centralized administration, uniform standards, transparency, consumer protection, internal controls, efficacy, and efficiency.

The adopted regulation does not create duplicative substantive obligations or new independent statutory reporting systems separate from those already required by law. Rather, where practicable, the regulation permits boards to submit copies of reports already required under existing statutes, including reports submitted pursuant to NRS 218G.400 and NRS 622.100, in order to satisfy the reporting requirements of the Office. In addition, the Office developed standardized electronic fillable forms and reporting templates intended to reduce administrative burden, promote

consistency in reporting, and streamline submission processes for boards. The regulation is intended to standardize administrative processes and facilitate consistent access to information necessary for the Office to perform its statutory duties while minimizing unnecessary duplication and administrative burden on boards.

To the extent overlap exists, the overlap is intended to align with and support existing statutory requirements and statewide administrative practices, not to conflict with or supersede the governing statutes or regulations of individual boards. Throughout the rulemaking process, the Office reviewed and considered public comments regarding duplication, administrative burden, reporting consistency, and board-specific statutory frameworks. In response to stakeholder feedback, revisions and clarifications were made during successive drafts of the regulation to better align reporting provisions with existing statutory reporting requirements and to clarify that boards may provide copies of existing reports where applicable.

The adopted regulation does not overlap with or duplicate any federal regulation, and no federal agency regulates the activities addressed by the adopted regulation.

NRS 233B.066 1(j) - If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of each provision: Not applicable.

NRS 233B.066 1(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.

Department of Business and Industry, Office of Boards, Commissions, and Councils
Standards Public Hearing sign in sheet: May 11, 2026, at 9:00 AM

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Department of Business and Industry, Office of Boards, Commissions, and Councils
Standards Public Hearing sign in sheet: May 11, 2026, at 9:00 AM

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STATE OF NEVADA

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Director

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Deputy Directors

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF THE DIRECTOR

June 9, 2026

Consideration of Public Comment, Response to Changes
LCB File No. R074-25

The Office of Nevada Boards, Commissions, and Councils Standards (the Office) received written and oral public comment regarding the proposed regulation, LCB File No. R074-25RP3 (RP3). All comments received through the public hearing process were reviewed and considered in accordance with NRS 233B. This document constitutes the Office's written consideration of public comment. The comments have been summarized and addressed below by section of the proposed regulation.

The Office is required pursuant to NRS 232.8413 and NRS 232.8415 to establish uniform standards for boards within its purview. Furthermore, the Office is obligated to adopt regulations that fulfill its statutory responsibilities, which are administrative in nature and intended to promote consistency, transparency, and accountability across all boards. NRS 232.8413. The proposed regulation was developed in accordance with this statutory directive and stakeholder input was considered throughout the process.

General Comment – Opposition to Adoption

Requested Change: Do not adopt the regulation as written and delay action until additional amendments and testimony from the public hearing are considered.

Office Response: The Office declines to delay adoption.

Office Reason: The Office provided opportunities for both written and oral public comment in accordance with NRS 233B. All comments received through the close of the public hearing were reviewed and considered prior to finalizing the regulation.

Section 10 – "Purview"

1st Requested Change and 2nd Requested Change: Remove or revise the definition of "purview" due to concerns regarding scope and clarity; Revise the definition of "purview" to further clarify the scope of administrative oversight and specify that oversight includes monitoring, reviewing, guiding, and evaluating board compliance and performance.

Office Response: Not accepted.

Office Reason: The Office conferred with the Legislative Counsel Bureau ("LCB") regarding this definition and through this consult the Office determined that it was consistent with the authority granted under NRS 232.8413 and NRS 232.8415 and is sufficient within the context of the regulation. The Office further determined that expanding the definition to include specific operational functions or examples is unnecessary and could unintentionally narrow or alter the ordinary administrative meaning of the term. Additionally, "Administrative oversight" is terminology utilized in multiple instances throughout the Nevada Revised Statutes (NRS) to define the authority for oversight of a public agency.

Additional Requested Change: Requests to define terms such as "centralized administration," "consumer protection," "efficacy," and "efficiency," and to further define evaluation standards used by the Office.

Office Response: Not accepted.

Office Reason: The Office is aware of the concerns expressed regarding the definition of certain statutory terms and evaluation criteria.

The terms referenced are established in NRS 232.8413 and NRS 232.8415 and are not redefined in the regulation, as they are interpreted within the context of their statutory meaning. The regulation provides specific administrative requirements and reporting standards through Sections 11–21, which collectively establish the framework for evaluating administrative performance.

Evaluation criteria are based on objective measures derived from statutory requirements and the reporting elements set forth in the regulation, including compliance with reporting obligations, internal controls, transparency, and responsiveness to the public.

The Office determined that additional definitions are not necessary at this time, as the regulation provides sufficient structure to implement the statutory framework while maintaining flexibility for administrative oversight.

Substantive Sections

Section 13 – Internal Controls

Requested Change: Revise the language of this section out of concerns that it imposes requirements on the boards that are unduly burdensome and/or are duplicative of existing statutory auditing, and that some boards may not have the necessary staffing, funding, technology, or administrative resources for compliance. Commenters further expressed concerns regarding requirements relating to budgeting, records maintenance, audit responses, reporting obligations, and protection of confidential information.

Office Response: Accepted in part.

Office Reason: The Office took into consideration the concerns that were expressed regarding administrative burden, duplication of existing requirements, and varying staffing and financial resources among boards.

The requirements contained in Section 13 establish uniform administrative standards for internal controls pursuant to NRS 232.8415 and is understood to be consistent with existing statutory, financial, auditing, confidentiality, and operational obligations already applicable to boards under Title 54 of NRS and other applicable provisions of law.

Several provisions within Section 13 reflect basic administrative practices and existing statutory responsibilities already routinely performed by boards, including, without limitation:

- Developing and monitoring a board budget.
- Maintaining records relating to licensees, finances, and complaints.
- Protecting confidential and personally identifiable information maintained by the board.
- Complying with existing statutory audit and reporting requirements already required pursuant to statutes such as NRS 218G.400 and NRS 622.100.
- Responding to audits conducted by entities already authorized by statute to conduct audits of boards.

The Office further determined that Section 13 does not require boards to create new audit programs, establish independent compliance divisions, retain outside consultants, or implement operational systems beyond those already necessary for the ordinary administration and operation of a public occupational or professional licensing board.

The Office recognizes that boards vary in size, staffing, funding, and operational structure. Accordingly, clarifications were incorporated during the progression of the regulation, including during the reprint ("RP") stage, to clarify the administrative intent of the section, align the language with existing statutory obligations, and reduce unnecessary duplication where practicable. These clarifications were retained in RP3.

Section 14 – Internet Website Requirements

1st Requested Change: Remove or revise requirements relating to searchable disciplinary systems, website posting requirements, and the publication of financial reports, audits, and reporting information due to

concerns regarding administrative burden, implementation costs, website functionality, staffing limitations, and varying technological resources among boards. Commenters further requested removal of requirements that disciplinary systems be searchable and accessible from the homepage of a board's website.

Office Response: Not accepted.

Office Reason: The Office took into consideration the concerns regarding the proposed administrative burden, implementation costs, website functionality, and varying technological resources among boards.

The requirements contained in Section 14 are intended to promote transparency, public access to information, consumer protection, and consistency in administrative practices across boards pursuant to NRS 232.8413 and NRS 232.8415. Many of the requirements reflect information already maintained, published, or otherwise required to be publicly available pursuant to existing statutes governing public meetings, disciplinary actions, public records, licensure verification, audits, and reporting obligations.

Commenters noted that certain financial reports, audits, and related documents are already submitted to or maintained by other state entities. The Office recognizes that some of these reports may already be publicly available through other state agencies. However, members of the public seeking information regarding a specific board are most likely to access the board's website directly and may not know which other state agencies maintain a particular audit, balance sheet, or financial report. Requiring this information to be available on the board's website improves public accessibility and allows the public to more efficiently locate information relating to the operations and finances of a board.

With respect to searchable disciplinary systems and website accessibility requirements, boards may utilize existing website platforms, licensing systems, publicly accessible databases, or other existing website tools where practicable to satisfy the requirements of the regulation. The Office further notes that some boards currently maintain disciplinary or licensing information through searchable tables, lists, or spreadsheet-based formats published on their websites, demonstrating that compliance may be achieved through a variety of existing administrative and technological approaches without requiring a uniform software system or platform.

The Office further determined that public access to searchable licensure and disciplinary information is consistent with the principles of transparency and consumer protection set forth in NRS 232.8415. Members of the public should have the ability to reasonably verify the licensure status and disciplinary history of professionals regulated by boards under the Office's purview.

The Office recognizes that boards vary in size, staffing, funding, and technological capabilities and intends to work collaboratively with boards regarding implementation consistency and administrative guidance where appropriate, including utilization of existing state technology resources where available.

Clarifications regarding the administrative intent and implementation of Section 14 were incorporated during the progression of the regulation, including during the RP2 stage, and retained in RP3.

2nd Requested Change:

- Condition ADA accessibility requirements on the State providing necessary technology.
- Revise definition of "disciplinary action" to ensure it reflects adjudicated actions and protects presumption of innocence.
- Remove subsection (k) as redundant to Section 17.

Office Response: Accepted in part.

Office Reason: The Office is cognizant of the purported concerns regarding implementation of accessibility requirements. However, accessibility requirements are administrative standards intended to promote public access to information and are consistent with broader legal obligations applicable to public entities. The regulation does not impose requirements beyond those that are already required by law.

With respect to "disciplinary action," the Office agrees that the term should be clearly defined to ensure consistency and protect due process principles. This has been addressed through the addition of a definition in Section 5 of the regulation, which defines "disciplinary action" as "any final action taken by a board against a licensee, including, without limitation, a public reprimand, probation, a fine, the suspension or revocation of a license or the voluntary surrender of a license in lieu of discipline." This revision clarifies

that only final, adjudicated actions are subject to reporting and public disclosure requirements, ensuring alignment with due process principles while maintaining transparency for the public. This clarification was incorporated during the RP2 stage of the regulation and retained in RP3.

Regarding subsection (k), the Office acknowledges the concern regarding potential overlap with Section 17. The provisions serve related but distinct purposes—Section 14 addresses public transparency through website posting, while Section 17 addresses complaint and investigation processes. The Office determined that both provisions are appropriate to maintain transparency and administrative consistency. This provision was reviewed during the RP2 and RP3 stages of the regulation and retained.

Section 15 – Legislative Tracking and Reporting

1st Requested Change: Remove the requirement to track all legislation or limit reporting to legislation directly relevant to the board or to legislation that becomes law. Commenters also raised concerns regarding potential inconsistency with Attorney General Opinion No. 2026-03.

Office Response: Not accepted.

Office Reason: The Office is aware of concerns regarding the scope of the requirement and the associated administrative burden, including comments referencing Attorney General Opinion No. 2026-03.

The Office determined that the boards must monitor legislative activity, that may impact board operations or their licensees, and further that the Office must be made aware of such legislative activity to ensure that the boards are timely implementing statutory changes as part of its oversight for administrative consistency across the boards.

The provision is administrative in nature and is limited to tracking and reporting legislative activity for the purpose of implementation and operational awareness. It does not require boards to engage in legislative advocacy, take positions on legislation, or conduct analysis beyond what is necessary to implement enacted laws.

The requirement does not alter the statutory authority or duties of boards and is consistent not only with the Office's responsibilities under NRS 232.8413 and NRS 232.8415, but also with the boards' existing responsibility to implement and administer the statutory provisions governing their professions and operations. The Office further determined that the regulation is not designed to create a significant financial burden on boards as boards inherently must be aware of, and administer, its governing statutes whether those statutory mandates are pre-existing or newly created. The regulation does not require boards to retain lobbyists, outside consultants, or dedicated legislative staff to comply with the provision. Furthermore, the Office intends to provide administrative guidance and reporting templates where appropriate to promote consistency and reduce administrative burden. The Office determined that this approach is consistent with applicable legal limitations while ensuring boards are able to implement statutory changes in a timely and consistent manner. This provision was reviewed during the RP2 and RP3 stages of the regulation and retained.

2nd Requested Change: Revise requirement to track legislation impacting "operations of or licensees" and instead focus only on "licensing requirements of licensees."

Office Response: Not accepted.

Office Reason: The Office determined that limiting tracking only to licensing requirements would be overly restrictive. Boards are responsible for implementing statutory changes that may affect not only licensure, but also administrative processes, reporting obligations, and operational functions.

The requirement to track legislation that may impact board operations or licensees ensures that the boards maintain awareness of enacted legislation and are able to implement statutory changes in a timely and consistent manner. This provision is administrative in nature and does not expand the statutory authority or duties of boards.

3rd Requested Change: Remove or revise language in Section 15(3)(b) requiring boards to ensure that "bank accounts and records" are consistent with enacted legislation, citing concerns that the provision is unclear and unrelated to legislative tracking responsibilities.

Office Response: Not accepted.

Office Reason: The Office is aware of concerns that have been expressed regarding the wording of Section 15(3)(b). The provision is intended to ensure that boards implement enacted legislation in a manner consistent with applicable statutory and administrative requirements.

Section 15(3)(b) is intended to apply only when enacted legislation creates or changes statutory requirements relating to a board's financial accounts, records, reporting obligations, or financial administration. The provision does not require boards to take action on pending legislation, anticipate statutory changes before enactment, or modify financial practices unless required by enacted law.

The Office reviewed comments regarding the scope and wording of this subsection during the public workshop and revision process and determined that the provision is administrative and compliance-oriented in nature and does not expand the Office's statutory authority or require boards to take action beyond implementing enacted statutory requirements. The provision was reviewed during the RP2 and RP3 stages of the regulation and retained.

Section 17 – Complaints and Investigations

1st Requested Change: Remove subsection (k) in Section 14 as redundant to Section 17.

Office Response: Not accepted.

Office Reason: As noted above, the Office determined that the provisions in Sections 14 and 17 serve different functions. Section 14 relates to public-facing transparency requirements, while Section 17 governs internal complaint and investigation processes.

Maintaining both provisions ensures clarity in both public access to information and internal administrative procedures and does not create unnecessary duplication.

2nd Requested Change: Revise the phrase "reasonable doubt" in Section 17 to "reasonable cause" or similar terminology consistent with disciplinary and investigative processes utilized by professional licensing boards.

Office Response: Accepted in part.

Office Reason: The Office acknowledges concerns regarding the terminology used in Section 17 relating to investigative determinations. The Office agrees that "reasonable doubt" may not accurately reflect the administrative or disciplinary standards utilized by professional licensing boards in evaluating complaints and determining whether to proceed with disciplinary action.

The Office further notes that concerns regarding investigative terminology in Section 17 were previously raised during the initial public workshop process. Earlier drafts of the regulation utilized terminology referencing "probable cause," which commenters noted reflected a criminal-law standard not typically applied within administrative licensing investigations. In response to those comments, and based on recommendations from the LCB, the Office revised the terminology in subsequent drafts from "probable cause" to "reasonable doubt" to better align with concerns raised during the workshop process and to distinguish the provision from traditional criminal-law terminology.

Following additional comments received during the public hearing process requesting the terminology be revised to "cause" or "reasonable cause," the Office considered the requested change but determined to retain the "reasonable doubt" language as reflected in RP3 to maintain consistency with the revisions and stakeholder feedback incorporated during the earlier stages of the rulemaking process.

This clarification was incorporated during the progression of the regulation, including revisions made during RP2 and retained in RP3.

3rd Requested Change: Commenters expressed concerns regarding confidentiality protections and the disclosure of investigative files, documents, and complaint materials to the Officer pursuant to Section 17(6), including concerns regarding consistency with board-specific confidentiality statutes and protections applicable to investigative records.

Office Response: Not accepted.

Office Reason: The Office is aware of the concerns that have been expressed regarding the confidentiality of investigative files and the disclosure of information to the Office pursuant to Section 17(6).

Section 17(6) expressly limits any disclosure to information provided "to the extent permitted by law." The provision is not intended to override, waive, or alter any statutory confidentiality protections applicable to investigative records, complaint files, privileged information, or disciplinary materials maintained by a board pursuant to Title 54 of NRS or any other applicable statute or regulation.

The provision is administrative in nature and is intended to allow the Office to obtain information necessary to fulfill its statutory oversight responsibilities under NRS 232.8413 and NRS 232.8415 where disclosure is otherwise authorized by law. The Office determined that additional revisions were not necessary because the regulation already limits disclosure to information permitted by existing law and does not expand the Office's authority beyond those statutory limitations.

Section 18 – Quarterly Reporting Requirements

1st Requested Change: Remove or revise the requirement to provide "any other information requested" due to concerns regarding scope and timing.

Office Response: Accepted in part.

Office Reason: The requirement is intended to ensure the Office can obtain information reasonably related to its administrative oversight and to fulfill its statutory responsibilities under NRS 232.8413 and 232.8415.

The Office clarifies that this provision is not intended to create open-ended or duplicative reporting obligations. The Office will rely on information already submitted by boards pursuant to existing statutory requirements wherever practicable.

Any additional requests for information will be:

- Reasonably related to administrative, fiscal, or investigative oversight.
- Limited in scope and proportional to the need identified.
- Not intended to require boards to recreate, substantially reformat, or duplicate existing reports or materials already submitted pursuant to statutory reporting requirements where the information can reasonably be provided in its existing format.

This clarification reflects the intended implementation of the provision and ensures the Office can fulfill its statutory responsibilities while remaining mindful of administrative burden. These revisions were made in the Second Revised Proposed Regulation (R074-25RP2) and retained in the Third Revised Proposed Regulation (R074-25RP3).

2nd Request Change: Clarify terms such as "resolved," "pending," and "stage of the process" relating to complaint reporting requirements to ensure consistent interpretation among boards with differing disciplinary processes.

Office Response: Accepted in part.

Office Reason: The Office is cognizant of concerns that were expressed regarding consistency in reporting terminology across boards with differing statutory and disciplinary structures.

The reporting required by this section is intended to provide administrative visibility into complaint processing and investigative workflow activity as part of the Office's responsibilities under NRS 232.8413 and NRS 232.8415 to establish uniform standards relating to investigations, licensing, and discipline. The Office recognizes, however, that complaint resolution processes, terminology, and procedural stages currently vary among boards based on their governing statutes, regulations, and disciplinary procedures.

The Office determined that establishing highly prescriptive universal definitions for terms such as "resolved," "pending," or "stage of the process" within the regulation may unintentionally conflict with existing statutory and regulatory frameworks applicable to individual boards. These terms are already utilized throughout board-specific statutes, regulations, disciplinary procedures, and administrative processes under Title 54 and related provisions of NRS and NAC, often with meanings that depend upon the governing statutory structure and procedural posture of the matter before the board. A single universal definition may therefore create unintended inconsistencies or conflicts across boards with differing statutory disciplinary frameworks.

Accordingly, the regulation maintains flexibility in reporting terminology while allowing the Office to

provide administrative guidance or policy clarification regarding reporting expectations and implementation consistency where appropriate.

Section 19 – Financial Reporting Requirements

1st Requested Change: Clarify quarterly reporting requirements and address concerns regarding duplication with existing financial reporting obligations.

Office Response: Accepted in part.

Office Reason: The reporting requirements are unambiguous and intended to promote transparency and clear visibility into the financial condition of each board for oversight and public accountability. The provisions support consistency and accountability in financial reporting and align with existing statutory reporting requirements. The requirements are administrative in nature and are consistent with the Office's responsibilities under NRS 232.8413 and NRS 232.8415.

2nd Requested Change: Remove or revise requirements requiring submission in a "format prescribed by the Office," citing duplication and administrative burden.

Office Response: Accepted in part.

Office Reason: The Office agrees that duplicative reporting and reformatting of existing reports may create unnecessary administrative burden.

The intent of Section 19 is not to require boards to recreate or duplicate existing reports submitted pursuant to NRS 218G.400, but rather to ensure consistent visibility and comparability of financial information across boards as part of the Office's statutory responsibilities.

The reporting requirements set forth in statute were established prior to the creation of the Office. In order for the Office to fulfill its duties under NRS 232.8413 and NRS 232.8415, it is necessary for the Office to receive and review this information.

Section 19(2)(a) expressly permits boards to submit a "copy" of the balance sheet or audit report already required pursuant to NRS 218G.400. The provision is intended to rely upon existing statutory financial reporting documents rather than require boards to create new audits, recreate financial statements, or duplicate existing statutory reporting processes.

To address these concerns:

- Submission of existing reports will satisfy the requirement where practicable.
- Any standardized format will be limited to summary-level information necessary for consistency and will not require duplication of full reports.
- Any prescribed format will align with existing statutory reporting to minimize additional workload.
- The Office will provide fillable forms available on its website, with the ability for electronic submission, to streamline the process and reduce administrative burden on boards.

These concerns were raised during the public workshop process and revisions were made in response to stakeholder feedback to clarify the administrative intent of the section and reduce unnecessary duplication and reporting burden. These revisions were incorporated in the Second Revised Proposed Regulation (R074-25RP2) and retained in the Third Revised Proposed Regulation (R074-25RP3).

Section 20 – Performance Evaluations and Section 21 – Recommendations and Referrals

1st Requested Change: Enumerate specific evaluation benchmarks, limit arbitrary determinations of "issues," address concerns regarding resubmission of data, and clarify process, including next steps and outcomes.

Office Response: Accepted in part.

Office Reason: The Office is aware of the concerns that were expressed regarding transparency, predictability, and clarity in the performance evaluation process. Revisions were made in the Second Revised Proposed Regulation (R074-25RP2) to address these concerns and were retained in the Third Revised Proposed Regulation (R074-25RP3).

To further address these concerns, the Office will clarify here that:

- The Office will utilize criteria derived from statutory requirements and the reporting elements set forth in the regulation.
- Performance evaluations will be based on information already submitted pursuant to Sections 18 and 19 wherever practicable.
- The Office will provide written notice identifying the basis for any findings or identified issues.
- The 60-day response period ensures boards have an opportunity to provide context, clarification, or corrections.
- The Office maintains the discretion to modify findings based on responses and responses will be considered as part of the final evaluation record.

Additionally:

- The regulation explicitly states that the Office does not direct operations or require corrective action beyond statute.
- This section provides that the Office's role is limited to recommendations and statutory referral pathways, not enforcement.

These clarifications were incorporated during the RP2 stage of the regulation and retained in RP3.

2nd Requested Change: Clarify outcomes of evaluations, appeals, and next steps.

Office Response: Accepted in part.

Office Reason: The Office agrees that clarity regarding process improves transparency and consistency. As reflected in revisions incorporated during the RP2 stage of the regulation and retained in RP3:

- Performance evaluations result in written findings and, where applicable, recommendations.
- Boards may provide written responses that become part of the record.
- Recommendations are advisory in nature.
- Any further action is limited to existing statutory mechanisms, including referral to the Governor where appropriate.

The Office further determined that a formal appeals process is not necessary, as the regulation does not impose disciplinary action. The Office further determined that the evaluation process is administrative and advisory in nature and does not result in disciplinary action against a board.

3rd Requested Change: Revise Sections 20 and 21 to:

- Limit the Office's role to administrative compliance reporting.
- Clarify that the Office cannot direct board operations or impose corrective action.
- Emphasize board authority over professional competence standards.
- Modify evaluation and recommendation language.

Office Response: Accepted in part.

Office Reason: The Office is aware of concerns that have been expressed regarding the scope of its authority and board autonomy in determining professional standards. Revisions addressing these concerns were made in the Second Revised Proposed Regulation (R074-25RP2) and retained in the Third Revised Proposed Regulation (R074-25RP3).

As part of those revisions, Sections 20 and 21 were modified to replace an enforcement-based framework with a recommendation-based oversight model. The regulation was further revised to require written notice of findings and provide boards with a 60-day response period prior to finalizing any evaluation.

Additionally, the regulation was clarified to explicitly provide that:

- The Office does not direct the financial or operational activities of a board.
- The Office does not impose corrective action beyond what is required by statute.

- The Office's role is limited to administrative oversight and recommendations, with referral authority to the Governor pursuant to statute.

The Office determined that these revisions appropriately address stakeholder concerns while maintaining its statutory responsibilities under NRS 232.8413 and NRS 232.8415.

4th Requested Change: Clarify the standards, benchmarks, and criteria utilized by the Office in conducting performance evaluations and determining "issues" identified during evaluations.

Office Response: Accepted in part.

Office Reason: The Office is aware of concerns that have been expressed regarding transparency and consistency in the evaluation process. Performance evaluations are intended to assess administrative compliance with statutory reporting requirements, internal controls, transparency obligations, and administrative practices established under the regulation.

As reflected in revisions incorporated during the RP2 stage of the regulation and retained in RP3, the Office clarified that evaluations will be based on objective criteria derived from statutory requirements and reporting elements contained within the regulation.

The Office determined that additional prescriptive evaluation criteria within the regulation are not necessary and that maintaining administrative flexibility is appropriate to account for differences in board structure and operations while preserving consistency in oversight practices.

5th Requested Change: Relocate the definition of "performance data" to the general definitions section of the regulation for organizational clarity and consistency.

Office Response: Not accepted.

Office Reason: The Office determined that retaining the definition within the performance evaluation provisions of Sections 20 and 21 provides contextual clarity regarding the use and application of the term within the evaluation framework.

6th Requested Change: Extend the 60-day response period applicable to board responses to performance evaluations and recommendations to account for quarterly meeting schedules and compliance with Nevada Open Meeting Law requirements.

Office Response: Not accepted.

Office Reason: The Office is aware of the expressed concerns regarding board meeting schedules and the practical considerations associated with compliance with Nevada Open Meeting Law requirements.

The Office determined that the 60-day response period provides boards with a reasonable opportunity to review evaluation findings, place matters on a public meeting agenda where necessary, and provide written responses, clarification, or supporting information prior to finalization of the evaluation record.

The Office further recognizes that boards operate under varying meeting schedules and administrative structures. The regulation establishes a uniform 60-day response period to promote administrative consistency and timely completion of the evaluation process while still providing boards with an opportunity to place matters on a public meeting agenda where necessary and provide written responses, clarification, or supporting information within existing operational and Open Meeting Law requirements. The Office determined that maintaining a consistent response timeframe across boards is necessary to support timely administrative oversight and accountability.

New Provision Requested

Waiver or Variance Process

Requested Changes: Add a provision allowing boards to request waivers or variances from specific requirements due to undue hardship or extenuating circumstances.

Office Response: Not accepted.

Office Reason: The Office acknowledges concerns regarding differences in board size, staffing, and administrative capacity, including requests for flexibility in cases of hardship. However, the Office determined that a waiver or variance provision is not appropriate within this regulation.

The regulation establishes uniform administrative standards applicable to all boards pursuant to NRS 232.8413 and NRS 232.8415. The statutes do not provide for a discretionary waiver or exemption process, and the inclusion of such a provision could result in inconsistent application of statewide standards and reduced administrative uniformity.

The Office further determined that concerns related to administrative burden are more appropriately addressed through implementation practices, including the use of existing reports, limiting duplicative requirements, and providing administrative guidance, rather than through regulatory exemptions.

These provisions maintain consistency while allowing practical implementation aligned with the Office's statutory responsibilities.

This concern is addressed in Sections 13, 18, and 19 of LCB File No. R074-25, as revised.

General Comment

Virtual Hearing Request

Requested Change: Provide virtual or online access for the public hearing.

Office Response: Not accepted.

Office Reason: The public hearing was conducted in accordance with NRS 233B and applicable Open Meeting Law requirements, which do not require virtual participation. The Office provided reasonable opportunity for both written and in-person public comment. Written comment was accepted through the deadline, ensuring public participation regardless of physical attendance.

Office Did Not Consider Prior Feedback

Requested Change: Concerns that stakeholder feedback was not adequately considered.

Office Response: Not accepted.

Office Reason: The Office reviewed and considered all written and oral public comment received throughout the regulatory process. Revisions were made across multiple draft iterations (Initial Draft, Proposed Draft, RP1, RP2, and RP3) to address stakeholder feedback, improve clarity, and ensure alignment with statutory authority. Not all requested changes were incorporated where they were determined to be inconsistent with statutory requirements or the Office's mandates as enumerated in NRS 232.8415(1).

Failure to Incorporate Feedback

Requested Change: Commenters expressed concerns that stakeholder feedback was not meaningfully incorporated into subsequent drafts of the regulation and that the regulatory process lacked sufficient collaboration, dialogue, or explanation regarding why certain recommendations were not adopted.
Office Response: Partially accepted.
Office Reason: The Office is aware of concerns that were expressed regarding stakeholder perception of the collaborative process and recognizes that not all requested revisions were incorporated into the final regulation.
The Office conducted two public workshops and a public hearing, accepted written and oral public comment, and revised the regulation through multiple draft iterations, including an Initial Draft, a Proposed Draft, RP1, RP2, and RP3. Substantive revisions were made in response to stakeholder feedback, including revisions relating to administrative burden, reporting requirements, evaluation procedures, disciplinary terminology, transparency provisions, and clarification of the Office's oversight role.
The Office provided opportunities for public participation in accordance with NRS Chapter 233B and reviewed and considered all comments received through the close of the public hearing prior to finalizing the regulation. While workshops and hearings provide opportunities for public input, NRS Chapter 233B does not require the Office to engage in negotiated rulemaking, iterative dialogue, or consensus-based drafting during the workshop process.
Pursuant to NRS 233B.066(1)(f), where the Office determines that portions of the proposed regulation should be adopted without change, the Office is required to provide a summary of the reasons supporting

that determination. Accordingly, the Office evaluated all comments received and determined that certain requested revisions could not be incorporated where they were inconsistent with the Office's statutory responsibilities under NRS 232.8413 and NRS 232.8415, would conflict with existing statutory frameworks applicable to boards, or would undermine the establishment of uniform administrative standards across boards under the Office's purview.

The Office determined that the final regulation appropriately balances stakeholder input with the Office's statutory responsibilities under NRS 232.8413 and NRS 232.8415.

Additional Requested Change: Commenters stated that many boards already operate effectively and questioned whether additional administrative standards or oversight requirements are necessary.

Office Response: Not accepted.

Office Reason: The Office is aware of the comments that certain boards currently maintain effective administrative operations and existing internal practices.

However, NRS 232.8413 and NRS 232.8415 require the Office to establish uniform administrative standards applicable to boards within its purview. The statutory directive is not limited to boards experiencing operational deficiencies and does not provide for individualized standards based upon the current performance or operational structure of a particular board.

The Office determined that establishing consistent statewide administrative standards relating to transparency, reporting, investigations, internal controls, and oversight is necessary to fulfill its statutory responsibilities and promote uniformity, accountability, and consistency across all boards subject to the Office's authority.

Scope of Applicability and Supportive Provisions

Requested Change: Commenter expressed support for limiting the definition of "Board" to professional and occupational licensing bodies and for maintaining language clarifying that the Office does not direct the financial or operational activities of boards. The commenter also requested confirmation that the regulation is not intended to apply to entities outside the Office's statutory purview and should be interpreted consistently with the scope of NRS 232.8413 and NRS 232.8415.

Office Response: Accepted in part.

Office Reason: The Office acknowledges the commenter's support for provisions limiting the scope of the regulation and preserving the distinction between administrative oversight and operational control.

The definition of "Board" in Section 3 is consistent with the statutory scope set forth in NRS 232.8413 and NRS 232.8415 and is intended to apply to professional and occupational licensing boards within the Office's purview. The Office confirms that the regulation is not intended to expand the universe of entities subject to the Office's authority beyond those established by statute.

Additionally, Section 20 expressly clarifies that the Office does not direct the financial or operational activities of boards and does not impose corrective action beyond what is required by statute. This provision was incorporated during the RP2 stage of the regulation and retained in RP3.

The Office determined that these provisions appropriately reflect the statutory framework and ensure the regulation is implemented consistent with the scope and limitations set forth in NRS 232.8413 and NRS 232.8415.

Administrative Burden and Resource Constraints

Requested Change: Revise the regulation to account for differences in board size, staffing, funding, operational capacity, and available resources.

Office Response: Accepted in part.

Office Reason: The Office acknowledges concerns regarding administrative burden and recognizes that boards vary in size, staffing, funding, operational capacity, and available resources, particularly among smaller boards.

The regulation establishes uniform administrative standards, as required under NRS 232.8413 and NRS 232.8415, to promote consistency, transparency, and accountability across all boards within the Office's purview. The Office does not direct or control the financial or operational activities of boards. The statutory framework requires uniform standards and does not provide for individualized regulatory

requirements based on the size, staffing, or operational structure of a particular board. However, in response to stakeholder feedback, the regulation was revised and clarified to reduce unnecessary administrative burden where practicable while maintaining consistency across boards. These revisions included:

- The Office revised and clarified reporting requirements to reduce unnecessary duplication and administrative burden where practicable.
- Clarified that existing statutory reports may be used to satisfy requirements where appropriate.
- Limited discretionary requests for additional information to matters reasonably related to the Office's statutory oversight responsibilities.

The Office determined that these revisions appropriately address concerns regarding administrative burden while preserving the uniform administrative standards required under NRS 232.8413 and NRS 232.8415 and maintaining consistency and accountability across all boards.

Administrative Burden / Fiscal Impact

Requested Change: Concerns raised that increased reporting requirements may require additional staffing and could result in increased fees to licensees.

Office Response: Accepted in part. These revisions were made in the Second Revised Proposed Regulation (R074-25RP2) and retained in the Third Revised Proposed Regulation (R074-25RP3), to reduce administrative burden while maintaining consistency across boards.

Office Reason: The Office is aware of concerns that were expressed regarding administrative burden and potential fiscal impact.

In response to stakeholder feedback, the regulation was revised to:

- Align reporting requirements with existing statutory obligations where practicable.
- Revise and clarify reporting requirements to reduce unnecessary duplication and administrative burden where practicable.
- Clarify that existing statutory reports and materials may be used to satisfy reporting requirements where appropriate.
- Limit additional information requests to matters reasonably related to administrative oversight and the Office's statutory responsibilities.

The Office determined that the final regulation reflects a balance between transparency, accountability, and administrative practicality. The requirements are administrative in nature and consistent with the Office's statutory responsibilities under NRS 232.8413 and NRS 232.8415. These revisions reflect changes made during the RP2 stage of the regulation to reduce duplication, align reporting requirements with existing statutory obligations, and improve administrative practicality, and were retained in RP3.

Additional Requested Change: Concerns that implementation timelines for website requirements, reporting obligations, and historical document posting requirements are unclear and may create compliance difficulties for boards with limited staffing and resources.

Office Response: Accepted in part.

Office Reason: The Office acknowledges concerns regarding implementation timelines and the administrative effort associated with compliance, particularly for smaller boards with limited staffing and technological resources.

The Office recognizes that boards vary in size, staffing, funding, and technological capabilities. The regulation establishes uniform administrative standards under NRS 232.8413 and NRS 232.8415, and the Office intends to work collaboratively with boards during implementation to promote consistency, administrative practicality, and compliance with the requirements of the regulation while maintaining accountability and transparency across boards.

Funding and Implementation Costs

Requested Change: Concerns that the regulation will require additional staffing, technology upgrades,

and ongoing operational costs for boards. Requests that the Office identify and secure funding to support implementation and avoid increased fees to licensees.

Office Response: Accepted in part.

Office Reason: The Office is aware of concerns that were expressed regarding administrative burden, implementation costs, and potential fiscal impact on boards. In response to stakeholder feedback, the regulation was revised to reduce duplication, align reporting requirements with existing statutory obligations, and limit additional administrative workload where practicable. These revisions were made in the Second Revised Proposed Regulation (R074-25RP2) and retained in the Third Revised Proposed Regulation (R074-25RP3).

The Office does not direct or control the financial operations of boards and does not have statutory authority to appropriate or allocate funding. Boards retain responsibility for managing their financial resources in accordance with applicable statutes.

The regulation establishes uniform administrative standards pursuant to NRS 232.8413 and NRS 232.8415 and is administrative in nature. The Office will continue to implement these requirements in a manner that is practical and mindful of board resources while maintaining consistency, transparency, and accountability across all boards.

Small Business Impact Study

Requested Change: Commenters asserted that the Small Business Impact Statement was insufficient and stated that the analysis should have been conducted by a knowledgeable employee or through the use of a consultant or independent contractor, and in consultation with small businesses likely to be affected.

Office Response: Not accepted.

Office Reason: The Office acknowledges concerns regarding the Small Business Impact Statement prepared in connection with the regulation.

As stated in the Notice of Intent to Act Upon a Regulation, the Office determined that the proposed regulation presents no reasonably foreseeable or anticipated adverse economic effects to small businesses because the regulation is administrative in nature and applies to the internal governance, reporting, and operational standards of public occupational and licensing boards under the Office's statutory purview.

The Office further determined, in consultation with legal counsel, that the proposed regulation does not require the retention of a consultant, independent contractor, or outside expert in preparing a Small Business Impact Statement. The Office reviewed the anticipated administrative and operational impacts associated with implementation of the regulation through internal administrative review and consultation with legal counsel, including staffing, reporting, technology, and compliance considerations raised during the public comment process.

The Office additionally determined that the regulation does not directly regulate private small businesses, impose new occupational licensing requirements on small businesses, establish new fees applicable to small businesses, or regulate the day-to-day operations of private businesses or licensees. The regulation applies to the administrative governance, reporting, transparency, and operational standards of public occupational and professional licensing boards under the Office's statutory purview.

To the extent commenters asserted that indirect administrative impacts to boards could ultimately affect licensees or businesses regulated by those boards, the Office determined that any such potential impact would be indirect, speculative, and too attenuated from the actual requirements of the regulation to constitute a reasonably foreseeable adverse economic effect on small businesses under NRS 233B. The Small Business Impact Statement prepared by the Office was therefore determined to satisfy the applicable requirements of NRS 233B and appropriately reflect the nature and scope of the proposed regulation.

Scope of Regulation and Office Authority

Requested Change: Concerns that the regulation does not adequately define the structure, powers, and responsibilities of the Office and instead focuses primarily on the duties of boards. Requests revisions to further delineate the role of the Office and define key statutory terms.

Office Response: Not accepted.

Office Reason: The Office acknowledges concerns regarding the scope of the regulation and the level of detail provided regarding the structure and authority of the Office.

NRS 232.8413 and NRS 232.8415 establish the Office and define its duties relating to the regulation of occupations and professions and professional and occupational licensing boards under the purview of the Office. The statutes do not require the Office to define its own structure, powers, or internal organization by regulation. Rather, the statutes direct the Office to adopt regulations and procedures necessary to administer its responsibilities.

Pursuant to NRS 232.8415, those responsibilities include centralized administration and the establishment of uniform standards for investigations, licensing and discipline, internal controls, legal representation, structural requirements, transparency, consumer protection, and administrative efficiency for boards within the Office's purview.

Accordingly, the regulation is properly focused on implementing those statutory duties by establishing uniform administrative standards applicable to boards. The regulation is not intended to restate or expand upon statutory provisions governing the structure or authority of the Office itself.

The Office determined that the scope and structure of the regulation are consistent with the statutory directive and appropriately implement the responsibilities assigned to the Office under NRS 232.8413 and NRS 232.8415. The Office is required to establish standards for boards pursuant to statute and is not required to define the structure or internal operations of the Office beyond what is set forth in statute.

Closing

The Office is required under NRS 232.8413 and 232.8415 to establish uniform administrative standards applicable to all boards within its purview. While the Office recognizes that boards vary in size, staffing, and resources, the statute does not provide for individualized standards based on those differences.

Throughout the regulatory process, the Office provided multiple opportunities for written and oral public comment and made substantive revisions to address concerns where appropriate. However, it is not feasible to accommodate all requested changes, particularly where doing so would conflict with the Office's statutory responsibilities or undermine the goal of uniformity.

The final regulation reflects a balance between stakeholder input and the Office's obligation to implement consistent, statewide standards. The Office remains committed to working with boards in the implementation of these requirements in a manner that is practical and supportive, while fulfilling its statutory duties.

STATE OF NEVADA

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF THE DIRECTOR

October 23, 2025
SMALL BUSINESS IMPACT STATEMENT
REGARDING PROPOSED REGULATIONS OF THE OFFICE OF NEVADA BOARDS, COMMISSIONS, AND COUNCILS STANDARDS
(NRS 233B.0608)

I, Nikki Haag, being the duly appointed Deputy Director of the Department of Business and Industry and overseeing the Office of Nevada Boards, Commissions, and Councils Standards (Office), do hereby certify that, to the best of my knowledge and belief, the proposed regulations of the Office will not:

(a) impose a direct or significant economic burden upon small businesses; or

(b) directly restrict the formation, operation, or expansion of small businesses.

I further certify that a concerted effort was made by the Office pursuant to NRS 233B.0608 to determine the impact of the proposed regulations on small businesses. The following details those findings:

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a. Description of the manner in which comment was solicited from affected small businesses, a summary of their response, and how other interested parties may obtain a copy of the summary.

No Small Business Impact Questionnaire was distributed because the proposed regulations do not affect small businesses. The regulations are administrative in nature and apply solely to the internal governance, reporting, and operational standards of occupational and licensing boards established under NRS 232.8415(1)(a–g) and (2)(a–kk). These boards are public bodies, not private business entities. Accordingly, the proposed regulations do not impose any direct or indirect requirements, fees, or compliance obligations on small businesses.

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b. The manner in which the analysis was conducted.

The Office conducted an internal review of the proposed regulations to determine whether any provision could have a direct or indirect economic impact on small businesses. Because the regulations pertain exclusively to administrative oversight, standardization of board practices, and reporting requirements within state government, no impact on small businesses was identified.

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c. **The estimated economic effect of the proposed regulation on small businesses which it is to regulate, including both adverse and beneficial effects, and both direct and indirect effects.**

1. **Adverse effects:** None.

2. **Beneficial effects**: None.
3. **Direct or indirect effects:** None.

The proposed regulations do not regulate, burden, or otherwise affect any private business activities.

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d. **Description of the methods considered to reduce the impact on small businesses and whether any were used.**

Because the proposed regulations have no impact on small businesses, no methods to reduce such an impact were considered or used.

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

The Office does not anticipate any additional enforcement costs. The regulations codify existing administrative and oversight practices and do not require new enforcement mechanisms.

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f. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount expected to be collected and how the money will be used.

The proposed regulations do not establish new fees or increase existing fees.

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g. 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 provisions are necessary.

The proposed regulations do not duplicate or exceed any federal, state, or local standards regulating the same activity.

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

The Office concluded that the proposed regulations will not have an adverse economic effect on small businesses because:

- The regulations are strictly administrative and apply only to the internal operations of boards and commissions.
- The entities subject to the regulations are governmental, not commercial.
- No new requirements, fees, or compliance obligations are imposed on private enterprises.

Certification

I hereby certify, to the best of my knowledge and belief, that the information contained in this Small Business Impact Statement was prepared properly and is accurate.



____ _____

Nikki Haag
Deputy Director, Office of Nevada Boards, Commissions, and Councils Standards
Department of Business and Industry

ADOPTED REGULATION OF THE

DEPARTMENT OF EDUCATION

LCB File No. R085-25

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

AUTHORITY: § 1, NRS 388D.296.

A REGULATION relating to education; revising requirements governing certain examinations administered by registered private schools that participate in the Nevada Educational Choice Scholarship Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Educational Choice Scholarship Program, whereby nonprofit organizations accept donations and provide grants to pupils from certain low-income families to allow such pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, which may include private schools. (NRS 388D.270) Existing law requires: (1) each school that receives such a grant to administer certain examinations required by the State or equivalent national examinations that are norm-referenced; and (2) the Department of Education to adopt regulations prescribing requirements for the administration of such an examination by a private school. (NRS 388D.296) **Section 1** of this regulation requires each such registered private school to comply with certain requirements: (1) of existing law relating to the administration and security of examinations and the protection for disclosure of irregularities in the administration and security of examinations; (2) of existing regulations relating to the confidentiality and security of examination materials; (3) adopted by the Department relating to test security; (4) set forth in certain guidance and implementation documents; and (5) set forth in any training provided relating to administering examinations. **Section 1** further authorizes the Department to perform on-site monitoring of the administration of such examinations.

Section 1. NAC 388D.110 is hereby amended to read as follows:

388D.110 1. ~~[At least once each school year,]~~ ***Pursuant to NRS 388D.296,*** each registered private school ~~[shall]~~ ***that is required to*** administer ~~[at least one]~~ ***each of the examinations required pursuant to NRS 390.105 or the*** nationally norm-referenced ~~[test that has been]~~ ***examination*** approved by the Department pursuant to subsection ~~[2]~~ ***3*** to each pupil on behalf of whom a grant is provided pursuant to NRS 388D.270 ~~[. The registered private school]~~

must ~~[include the results of the test in the record of the academic progress of the pupil that the school is required to maintain pursuant to subsection 5 of NRS 388D.270.]~~ ***, when administering such examinations, comply with the requirements set forth in:***

(a) NRS 390.250 to 390.305, inclusive, for the administration and security of examinations;

(b) NRS 390.350 to 390.430, inclusive, concerning the protection for disclosure of irregularities in the administration and security of examinations;

(c) NAC 390.240 for the confidentiality and security of examination materials;

(d) The Test Security Procedures Manual adopted by the Department pursuant to NRS 390.270 and available on the Internet website of the Department;

(e) Any guidance or implementation documents provided by an examination vendor, including, without limitation, manuals for examination administrators or coordinators, supplemental manuals, technical manuals for examination platforms or user guides; and

(f) Any training specifically provided for administering an examination, including, without limitation, providing accommodations, administering specific types of examinations or performing individual examinations.

2. ***For the purposes of complying with the requirements of subsection 1, any reference in the provisions of NRS 390.250 to 390.305, inclusive, NRS 390.350 to 390.430, inclusive, NAC 390.240, the Test Security Procedures Manual or any other document or material described in paragraphs (a) to (f), inclusive, of subsection 1 to:***

(a) The board of trustees of a school district or governing body of a charter school shall be deemed to include the governing body of the registered private school.

(b) The school district or charter school shall be deemed to include the registered private school.

3. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** the Department will approve a nationally norm-referenced ~~[test]~~ ***examination*** for administration to pupils on behalf of whom grants are awarded ***in lieu of the examinations required pursuant to NRS 390.105*** if:

(a) The test has a reliability coefficient of at least 0.8 measuring the internal consistency of the test;

(b) The test has high content validity;

(c) Norming studies have been conducted on the test within the immediately preceding 10 years; and

(d) The test serves as a measure of pupil achievement in English language arts and mathematics for pupils enrolled in kindergarten through grade 12.

~~[3.]~~ ***4.*** The Department may approve a test that does not meet the requirements of subsection ~~[2]~~ ***3*** for administration to pupils on behalf of whom grants are awarded who are enrolled in kindergarten, first grade or second grade.

~~[4.]~~ ***5.*** The Department will maintain a list of each test that is approved pursuant to subsections ~~[2]~~ ***3*** and ~~[3.]~~ ***4.***

~~[5.]~~ ***6. The Department may perform on-site monitoring of the administration of an examination required by NRS 390.105 or the nationally norm-referenced examination.***

7. As used in this section, "content validity" means the extent to which a test accurately measures the subject area that it purports to measure.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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STATE OF NEVADA
NEVADA DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R085-25, Adopted by the Nevada State Board of Education
The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388D:

1. **A clear and concise explanation of the need for the adopted regulation:**
   Pursuant to changes and requirements under Senate Bill 460 (2025), this regulation clarifies assessment and assessment administration requirements for private schools receiving funds from scholarship granting organizations.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop; the attached public hearing agenda and notice was posted 30 days prior to the public hearing. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized no public testimony provided. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

3. **The number of persons who:**
   a. Attended Workshop (**3**) and Hearing (**3**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and Hearing (**0**)

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public testimony occurred responsive to R085-25.

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

This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 State Board of Education adopted the proposed regulation at the public hearing held on June 24, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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.**
   No other state or governmental agency regulations will be overlapped or duplicated by this regulation. There is no duplication or overlap of federal regulations.

10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, and a summary of such provisions.**
    There are none specific to this provision.

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 for a new fee or increase an existing fee.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.
This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

STATE BOARD OF EDUCATION
REGULATION HEARING AGENDA
JUNE 24, 2026
9:00 AM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Livestream

PUBLIC NOTICE

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each Hearing specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement ***for public comment related to a regulation hearing,*** *please submit your statement to NVBoardEd@doe.nv.gov* ***no later than Friday, June 19****. If you are unable to attend but would like to provide a written statement for public comment related to all other items on the agenda, please submit your statement before the conclusion of the meeting to NVBoardEd@doe.nv.gov. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please contact Zach Khan at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may be made. The support materials to this agenda are available at no charge on the Nevada State Board of Education Meeting Materials page under the meeting date referenced above or by contacting Lisa Ford at 2080 E. Flamingo Rd, Ste 220, Las Vegas, NV 89119, by phone at 702-486-6561, or via email at NVBoardEd@doe.nv.gov. This public notice has been sent to all persons on the agencies mailing list for administrative regulations and the State Board and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us and physically at the Nevada Department of Education Offices and Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.*

AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENT #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Board will impose a time limit of three minutes. Please hold comments specific to a given hearing until public comment is called upon for that hearing specifically.

3. **9:00 AM REGULATION HEARING FOR R018-26 ON PROPOSED CHANGES TO NAC 388D REGARDING REPORTING REQUIREMENTS FOR SCHOLARHIP GRANTING ORGANIZATIONS AND PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R018-26. This regulation repeals regulatory language that was removed directly into statute by SB460 and creates a uniform method and data standards for student-level reporting.
   - Anna Reynolds, Director, Office of Career Readiness, Adult Learning, and Education Options
   - Ingrid Cepeda, Education Programs Supervisor

4. **9:01 AM REGULATION HEARING FOR R085-25 ON PROPOSED CHANGES TO NAC 388D REGARDING EXPANDED ACCOUNTABILITY AND STUDENT ASSESSMENT PROVISIONS FOR PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R085-26. This regulation aligns private school assessment requirements with state and federal public school assessment requirements per SB460 (2025) provisions.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

5. **9:02 AM REGULATION HEARING FOR R020-26 ON PROPOSED CHANGES TO NAC 389 REGARDING UPDATES TO THE UNIFORM GRADING SCALE** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26. This regulation adds provisions to the uniform grading scale regarding dual credit coursework.
   - Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

6. **9:03 AM REGULATION HEARING FOR R131-22 ON PROPOSED CHANGES TO NAC 388 REGARDING RESIDENTIAL TREATMENT FACILITIES PROVIDING TREATMENT AND/OR EDUCATIONAL SERVICES TO PUBLIC SCHOOL STUDENTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R131-22. This regulation establishes procedures regarding the placement and care of K-12 students, particularly those in the custody of a public agency, into psychiatric hospital / residential treatment facilities. This regulation also outlines the duties of the hospital / facility and the local education agency as it relates to transition supports for students.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment
   - Julie Bowers, Director, Office of Comprehensive Student Services

7. **PUBLIC COMMENT #2**
   Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the State Board. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Board will impose a time limit of three minutes.

8. **ADJOURNMENT**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R085-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **9:31 AM** on **Wednesday, June 24, 2026,** available to stream online via YouTube or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388D.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and purpose of the proposed regulations and/or amendments:** SB460 (2025) expanded accountability and student assessment provisions for private schools receiving funds under the Nevada Educational Choice Scholarship Program.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation aligns private school assessment requirements with state and federal public school assessment requirements.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No anticipated economic effect.

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public and private education and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

8. **Whether the regulation is required by federal law:** No.

9. **Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall 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.

NEVADA DEPARTMENT OF EDUCATION
REGULATIONS WORKSHOP AGENDA
OCTOBER 20, 2025
9:00 AM

Office			
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Livestream

PUBLIC NOTICE

A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please contact Angie Castellano at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings Meeting Materials page under the meeting date referenced above or by contacting Angie Castellano via email at NVBoardEd@doe.nv.gov. This public notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENT #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. **9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTTER 388 REGARDING MODEL PLANS TO RESPOND TO CRISIS, EMERGENCY, OR SUICIDE.** *(For possible action)*
   The proposed changes seek to provide guidance on the development of model plans for the management of crisis, emergency, or suicide.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **9:01 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING THE DEFINITION OF VULNERABLE AND HISTORICALLY UNDERSERVED POPULATIONS FOR EARLY CHILDHOOD FUNDING** *(For possible action)*
   The proposed changes seek to define vulnerable and historically underserved populations for the purposes of funding under Nevada Ready! PreK and Early Childhood Literacy and Readiness programs.
   - Michael Mitchell, Director, Office of Early Learning and Development

5. **9:02 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING PRIVATE SCHOOLS AND SCHOLARSHIP GRANTING ORGANIZATIONS.** *(For possible action)*
   The proposed changes relate to private schools and scholarship granting organizations participating in the Nevada Educational Choice Scholarship program.
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Assessments

6. **9:03 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING ASSESSMENTS (***For possible action)*
   The proposed changes relate to assessments that must be administered to students in private schools receiving public funding under the Nevada Educational Choice Scholarship.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

7. **9:04 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 390 REGARDING ASSESSMENTS (***For possible action)*
   The proposed changes relate to the time used for administering and preparing for assessments.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

8. **9:05 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING SCHOOL CALENDARS AND INSTRUCTIONAL TIME** *(For possible action)*
   The proposed changes relate to school calendars and instructional time.
   - Amelia Thibault, Director, Office of Division Compliance

9. **9:06 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY-BASED EDUCATION (***For possible action)*
   The proposed changes relate to programs of personalized, competency-based education.
   - Amelia Thibault, Director, Office of Division Compliance

10. **9:07 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF SCHOOL INNOVATION (***For possible action)*
    The proposed changes relate to programs of school innovation.
    - Amelia Thibault, Director, Office of Division Compliance

11. **9:08 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, NAC 389, AND NAC 390 REGARDING CLEANUP, ALIGNMENT, AND CLARITY (***For possible action)*
    The proposed changes relate to ensuring alignment, clarity across regulatory language and processes.
    - Amelia Thibault, Director, Office of Division Compliance

12. **9:09 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING PETITIONS TO ELIMINATE STATUTORY AND REGULATORY REPORTS (***For possible action)*
    The proposed changes relate to petitions to eliminate statutory and regulatory reports.
    - Amelia Thibault, Director, Office of Division Compliance

13. **9:10 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING OPEN ENROLLMENT AND TRANSPORTATION SERVICES UNDER OPEN**

ENROLLMENT *(For possible action)*
The proposed changes relate to systems of open enrollment and transportation services under systems of open enrollment.

- Amelia Thibault, Director, Office of Division Compliance

14. PUBLIC COMMENT #2

Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

15. ADJOURNMENT

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Monday, October 20, 2025,** available to stream online via YouTube or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:03 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388D.XXX regarding assessments that must be administered to students in private schools receiving public funding under the Nevada Educational Choice Scholarship.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email leading up to and for the duration of the workshop.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

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STATE OF NEVADA
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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388D.XXX.

The proposed regulation regarding assessments that must be administered to students in private schools receiving public funding is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I, Steve Canavero, Interim Superintendent of Public Instruction, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement is accurate.

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

ADOPTED REGULATION OF THE

CERTIFIED COURT REPORTERS' BOARD OF NEVADA

LCB File No. R096-25

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

AUTHORITY: §§ 1-7, NRS 656.130 and 656.220.

A REGULATION relating to court reporting; revising provisions relating to fees for the examination for and the issuance, renewal and reinstatement of a certificate or license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Certified Court Reporters' Board of Nevada to adopt regulations necessary to carry out the provisions of existing law regulating the practice of court reporting. (NRS 656.130) Existing law requires the Board to prescribe by regulation certain reasonable initial fees for court reporters and court reporting firms and requires those initial fees to be equal to the fees that were set forth in existing law as of December 31, 2025. (NRS 656.220, as amended by section 11.7 of Senate Bill No. 191 (S.B. 191), chapter 289, Statutes of Nevada 2025, at page 1926) Existing regulations establish the following fees: (1) $200, for the original issuance of a certificate; (2) $200, for the annual renewal of a certificate; (3) $125, for the reinstatement of a certificate; (4) a fee for the annual renewal of a certificate placed on inactive status which is required to be one half of the fee which is required for the annual renewal of a certificate; and (5) $250, for the examination of an applicant to become a designated representative of a court reporting firm. (NAC 656.170, 656.200, 656.261) **Section 2** of this regulation maintains those fees at the amounts at which they existed on December 31, 2025.

Pursuant to S.B. 191, **section 2** establishes a fee of $150 for the examination of an applicant for the original issuance of a certificate. Pursuant to S.B. 191, **section 2** also establishes the following fees for licensure as a court reporting firm at the amounts at which those fees existed on December 31, 2025: (1) $250, for the original issuance of a license; (2) $175, for the annual renewal of a license; and (3) $175, for the reinstatement of a license.

Section 1 of this regulation makes a conforming change as a result of the establishment of a specified amount for the fee for the annual renewal of a certificate placed on inactive status in **section 2**. **Sections 3-5** of this regulation make conforming changes as a result of the requirement in S.B. 191 that certain fees be prescribed by regulation. **Sections 6 and 7** of this regulation make conforming changes as a result of the movement of the fee for the examination to become a designated representative of a court reporting firm to **section 2**.

Section 1. NAC 656.170 is hereby amended to read as follows:

656.170 1. A court reporter who is current in the fees required by the Board and the requirements of continuing education may submit an application in a form prescribed by the Board to place his or her certificate on inactive status. Except as otherwise provided in subsection 2, a court reporter whose certificate is on inactive status must pay ~~[a fee]~~ each year ~~[in an amount that is one-half of]~~ the fee which is required ***pursuant to NAC 656.200*** for ***the annual*** renewal of a certificate ~~[.]~~ ***placed on inactive status.***

2. If a court reporter wants to request to have the fee for obtaining inactive status waived by reason of hardship caused by injury or illness of the court reporter or an immediate relative of the court reporter, the court reporter must appear before the Board to request the waiver. A waiver granted by the Board is valid for 1 year but may be requested again by the court reporter. As used in this subsection, "immediate relative" has the meaning ascribed to it in NRS 622.020.

3. Unless otherwise instructed by the Board, a court reporter shall provide a transcript of a proceeding if:

(a) The court reporter's certificate is placed on inactive status;

(b) The court reporter has not prepared a transcript of a proceeding in which the court reporter provided services as a court reporter before the certificate was placed on inactive status; and

(c) A person has requested a transcript of the proceeding.

4. A court reporter whose certificate has been on inactive status for less than 5 years may reactivate his or her certificate if the court reporter pays the fee for renewal of a certificate and complies with the requirements for continuing education for the year in which the court reporter reactivates his or her certificate.

5. If the certificate of a court reporter has been on inactive status for 5 years or more, the Board may, in addition to requiring the applicant to comply with the provisions of subsection 4, require the applicant to do one or any combination of the following:

(a) Take the examination.

(b) If the applicant engaged in the practice of court reporting in another jurisdiction during the time that his or her certificate was on inactive status, submit proof of such practice.

(c) Submit any other proof that is required by the Board to demonstrate that the applicant possesses the skills that are necessary to practice court reporting.

Sec. 2. NAC 656.200 is hereby amended to read as follows:

656.200 ***1.*** The following fees must be paid:

(a) ***For the examination of an applicant for the original issuance of a certificate $150***

(b) Except as otherwise provided in subsection 2 **,** ~~[and NRS 656.220,]~~ for the original issuance of a certificate $200

~~[(b)]~~ ***(c)*** For the annual renewal of a certificate $200

~~[(c)]~~ ***(d)*** For the reinstatement of a certificate $125

(e) For the annual renewal of a certificate placed on inactive status.....$100

(f) For the examination of an applicant to become a designated representative of a court reporting firm.....$250

(g) For the original issuance of a license.....$250

(h) For the annual renewal of a license.....$175

(i) For the reinstatement of a license.....$175

2. The Board will waive the fee for the original issuance of a certificate if the certificate is issued less than 45 days before May 15 of the year in which it is issued.

3. An additional fee will be charged and collected to expedite any request for service by the Board, in an amount not to exceed the actual cost to the Board for expediting the service.

Sec. 3. NAC 656.203 is hereby amended to read as follows:

656.203 If the payment of any fee due to the Board ~~[pursuant to NRS 656.220]~~ is returned for insufficient funds, the Executive Secretary of the Board must inform the person who submitted the payment. If the person resubmits the payment:

1. Such payment must be in the form of a money order, cashier's check or certified check which is payable to the Board; and

2. The person must resubmit to the Board any application, request or other paperwork that was submitted with the original payment.

Sec. 4. NAC 656.230 is hereby amended to read as follows:

656.230 1. If a court reporter or designated representative of a court reporting firm fails to complete and return the form required pursuant to NAC 656.220, the Board will provide written notice of noncompliance via certified mail to the last known address of the court reporter or designated representative of a court reporting firm.

2. The notice of noncompliance:

(a) Must contain:

(1) A statement explaining the manner in which the court reporter or designated representative of a court reporting firm failed to comply with the requirements for continuing education;

(2) A notice that the court reporter or designated representative of a court reporting firm shall, on or before a date specified in the notice, but not less than 30 days after the date on which

the notice is provided by the Board, file with the Board a compliance form showing that he or she has cured the failure specified; and

(3) A notice which specifies the consequences provided in subsection 3 for failure to file the form by the date which appears in the notice required by subparagraph (2).

(b) Will be deemed to be a notice of intended action pursuant to subsection 3 of NRS 233B.127.

3. In accordance with the requirements of NRS 233B.127, the Board may suspend the certificate of a court reporter or the license of a firm if the court reporter or designated representative of the court reporting firm fails to file a report of compliance by the date provided on the notice required by subsection 2. Reinstatement of a certificate or license that has been suspended pursuant to this section may be conditioned by the Board upon one or more of the following:

(a) Proof of compliance with the requirements for continuing education.

(b) The passage of the examination required pursuant to NRS 656.160 or 656.186, as applicable.

(c) Payment of the reinstatement fee set forth in NAC 656.200 . ~~[or NRS 656.220, as applicable.]~~

Sec. 5. NAC 656.250 is hereby amended to read as follows:

656.250 1. Each firm that conducts business as a court reporting firm in this State must complete an application for a license provided by the Board and file the application with the Executive Secretary of the Board. The form for application for the license must include:

(a) The business address of the firm in this State;

(b) The tax identification number of the firm;

(c) The residential address of each owner of the firm;

(d) If applicable, a copy of each certificate filed pursuant to chapter 602 of NRS to do business under an assumed or fictitious name;

(e) Copies of all business licenses issued to the firm by a local government in this State;

(f) All other documents, reports and other information required by the Board; and

(g) The name of the designated representative of the court reporting firm, as well as a copy of his or her certificate as a certified court reporter or a certificate of completion which demonstrates satisfactory completion of the examination required pursuant to subsection 2 of NRS 656.186 and NAC 656.261.

2. Except as otherwise provided in subsection 4, upon receipt of a completed application for a license and the payment of the fees required pursuant to ~~[NRS 656.220,]~~ ***NAC 656.200,*** the Executive Secretary of the Board shall issue a license to the firm.

3. If a change in the ownership of a firm occurs or other change pursuant to NRS 656.260 occurs, the firm shall file an amended application for a license with the Executive Secretary of the Board not more than 30 days after the change occurs.

4. If a license is initially issued less than 45 days before the renewal date, the Board may reduce the fee required pursuant to ~~[NRS 656.220]~~ ***NAC 656.200*** on a pro rata basis determined by the amount of time the license will be valid before renewal.

5. To renew a license, the holder must pay the fee for annual renewal required pursuant to ~~[NRS 656.220]~~ ***NAC 656.200*** to the Board on or before June 30 of each year.

Sec. 6. NAC 656.261 is hereby amended to read as follows:

656.261 1. Before a person who is not a certified court reporter may serve as a designated representative of a court reporting firm, the person must pass an examination administered by the Board pursuant to NRS 656.186.

2. The Executive Secretary of the Board shall prepare a schedule for the administration of examinations to applicants to become a designated representative of a court reporting firm.

3. ~~[The fee for an examination is $250.~~

~~4.]~~ The Board will consider applications for the immediately succeeding examination administered by the Board pursuant to NRS 656.186. The Executive Secretary of the Board shall establish a deadline for the submission of applications that is at least 30 days before the examination is administered. If an application is postmarked after the deadline, the Executive Secretary of the Board shall return the application to the applicant and the applicant is ineligible to take the examination.

~~[5.]~~ ***4.*** An application must be submitted to the Board in its original form.

~~[6.]~~ ***5.*** All questions on the application must be completed. If an application is incomplete, the Executive Secretary of the Board shall return the application to the applicant. An applicant whose application is returned because it is incomplete may resubmit his or her application if the application that is resubmitted is postmarked on or before the date of the deadline.

~~[7.]~~ ***6.*** An application must include a photocopy of a photo identification of the applicant.

~~[8.]~~ ***7.*** An application must be signed by the applicant under penalty of perjury and include an acknowledgment by the applicant that a misrepresentation or omission in the application may constitute a ground, pursuant to NRS 656.240, for denial, suspension or revocation of the license of the firm for which the applicant is the designated representative. The signature of the applicant attests to the accuracy of all information provided by the applicant, including, without limitation,

the information contained in the application and all other evidence and information accompanying the application.

~~[9.]~~ ***8.*** If the Board rejects an application, the Executive Secretary of the Board shall mail to the applicant a letter that explains the reason for the rejection.

~~[10.]~~ ***9.*** If the Board approves an application, the Executive Secretary of the Board shall mail to the applicant a letter of admission to the examination.

~~[11.]~~ ***10.*** An applicant may cancel his or her submission of an application and request a refund of the examination fee by submitting a written request to the Board on or before the deadline for submission of applications established by the Executive Secretary of the Board pursuant to subsection ~~[4.]~~ ***3.*** If the request is submitted on or before the deadline for submission of applications, the Executive Secretary of the Board shall cancel the applicant's application and refund the examination fee to the applicant. The Executive Secretary of the Board shall not refund an examination fee if the request for a refund is submitted after the deadline for submission of applications.

~~[12.]~~ ***11.*** An applicant may cancel his or her submission of an application and request that the Board apply the applicant's examination fee to the immediately succeeding examination by submitting a written request to the Board after the deadline for submission of applications established by the Executive Secretary of the Board pursuant to subsection ~~[4,]~~ ***3,*** but before the date of the examination. If the request is submitted after the deadline for submission of applications, but before the date of the examination, the Executive Secretary of the Board shall cancel the application of the applicant and apply the applicant's examination fee to the immediately succeeding examination.

~~[13.]~~ ***12.*** An applicant who is unable to take the examination because of an emergency may submit a written request to the Board not later than 15 days after the date of the examination requesting that the Board apply the applicant's examination fee to the immediately succeeding examination. The request must include documented proof of the emergency. If the Board grants the applicant's request, the Executive Secretary of the Board shall apply the examination fee of the applicant to the immediately succeeding examination.

~~[14.]~~ ***13.*** As used in this section, "emergency" means a sudden or unforeseen circumstance that makes it impractical or impossible for the applicant to take the examination and includes, without limitation, an illness or injury to the applicant or an injury to or the illness or death of a family member of the applicant.

Sec. 7. NAC 656.265 is hereby amended to read as follows:

656.265 1. Each examination administered pursuant to NAC 656.261 will consist of 125 multiple-choice questions that test the knowledge of the applicant in:

(a) The applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State;

(b) Technical advances in the practice of court reporting;

(c) Ethics and professionalism in the practice of court reporting;

(d) Management of the business and economics of court reporting; and

(e) Any other subject relating to court reporting that the Board determines appropriate for inclusion in the examination.

2. Each applicant will have 90 minutes to complete the examination. During the examination, the applicant must not refer to or otherwise use any book, paper or other material.

3. Not more than 8 weeks after the administration of an examination, the Board will, at a public meeting held for that purpose, certify the score of each applicant who took the examination. As soon as practicable after conducting the public meeting, the Board will provide official written notice to each applicant of the results of the examination of the applicant. The results of an examination must not be given to an applicant by telephone.

4. If the applicant passed the examination, the Board will include with the results of the examination a certificate of completion. If the applicant failed the examination, the Board will include with the results of the examination a statement that the applicant failed the examination and is not eligible for a certificate of completion.

5. An applicant may not take more than four examinations during any period of 12 consecutive months. To apply for a subsequent examination, an applicant must submit a written request to the Board and pay the ***examination*** fee required pursuant to NAC ~~[656.261.]~~ ***656.200.***

State of Nevada
CERTIFIED COURT REPORTERS BOARD
5135 Camino Al Norte, Suite 270 North Las Vegas, Nevada 89031
Phone: 702-489-8787
Email: NVCCRB@gmail.com Website: crptr.nv.gov

HEIDI KONSTEN – Chair
Court Reporter Member

LINDA SHAW– Vice Chair
Court Reporter Member

KEVIN DIAMOND – Board Member
Attorney Member

SALLI PHILLIPS – Board Member
Public Member

ANGELA CAMPAGNA – Board Member
Court Reporter Member

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233b.066
LCB FILE No. R096-25RP1

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 656.

1. The passage of Senate Bill 191 at the 2025 Legislative Session allows the Board to adopt their fee structure through regulation. This regulation is necessary to provide specific fees relating to license and certificate registrations, renewals and exam fees.

2. Copies of the proposed regulations, notice of workshop and notice of intent to act upon the regulation were sent by email to persons who were known to have an interest in the subject of court reporting as well as any persons who had specifically requested such notice. These documents were posted at the following locations:

State of Nevada Certified Court Reporters Board 5135 Camino Al Norte, Suite 270 North Las Vegas, Nevada 89031	State of Nevada Certified Court Reporters Board Website: crptr.nv.gov
Nevada Legislature www.leg.state.nv.us/App/Notice/A/Submit	Nevada Public Notice Website https://notice.nv.gov

A workshop was held on April 27, 2026 and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments. Thereafter, on July 9, 2026, the Executive Secretary issued a Notice of Intent to Act Upon a Regulation.

3. The number of persons who:
   (a) Attended each hearing: August 12, 2026 - 13
   (b) Testified at each hearing: August 12, 2026 – 0
   (c) Submitted written comments: No written comments were submitted.

4. A list of names and contact information for each person identified above in #3, is attached as Exhibit A.

5. Notices of the workshop and adoption hearing to solicit comments were sent out to each active court reporter and designated firm representative registered with the State of Nevada Certified Court Reporters Board. The notice instructed interested persons to contact the Executive Secretary to submit their comments or request a copy of the materials. No comments were submitted.

6. The regulation was adopted on October 25, 2023 without change because the Board was not made aware of any information or comments that would indicate a need for changing the language of the proposed regulation.

7. The Board does not anticipate any adverse economic effect on the amended regulations. The immediate and long-term effects will keep NAC Chapter 656 consistent with NRS Chapter 656 and will provide a fee structure for Nevada court reporters, court reporting firms and exam applicants.

8. There is no additional cost to the Board to enforce this regulation.

9. There are no other state or governmental agency regulations that the regulation duplicates.

10. There are no federal regulations that apply.

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

STATE OF NEVADA

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors

MICHELLE SATTLER
Executive Secretary

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE CERTIFIED COURT REPORTERS BOARD

WORKSHOP MINUTES

Date:	Monday, April 27, 2026
Start Time:	5:30pm
End Time:	5:36pm
Location:	Virtual Meeting via Zoom

Present Via Zoom:	Heidi Konsten	Kevin Diamond	Linda Shaw
	Salli Phillips	Debbie Uehara	Michelle Sattler
	Alicia M.	Brittany Castrejon	Cameo Kayser
	Cindy Magnussen	Debra Morris	Diya Patel
	Jocelyn Galvan	Julie Filiberti	Kimberly Farkas
	Lori Judd	Mia O'Sullivan	Michelle Ferreyra
	Mickey Chan	Mickey Marez	Paige Barnes
	Peggy Elias	Sarah Winn-Boddie	Shanyelle King
	Trina Sanchez	Vanessa Lopez	Vickie Larsen
	Yolanda Henry	CK	Anita
	Danielle Griffin-Martin		

ITEM #1: **Meeting Called to Order:**
Without motion, Kevin Diamond called the workshop to order at 5:30pm.

ITEM #2: **Public Comments:** No public comments.

ITEM #3: **Solicit Comments for LCB File No. R096-RP1:** Kevin Diamond presented LCB File No. R096-RP1 and opened the floor for questions and comments. No questions or comments received by the public.

ITEM #4: **Public Comments**: No public comments.

Adjournment:
Motion by Kevin Diamond to adjourn the workshop at 5:36 pm.

OPEN MEETING MINUTES

ITEM #1: **Meeting Called to Order and Board Member Roll Call:**

Without motion, Heidi Konsten called the meeting to order at 5:45pm.

Board Members:

Heidi Konsten	Present
Kevin Diamond	Present
Linda Shaw	Present
Salli Phillips	Present

ITEM #2: **Public Comments:** No comments.

ITEM #3: **Approval of the Agenda:**

Motion by Linda Shaw to approve the agenda in its entirety. Motion seconded by Kevin Diamond, all in favor, motion moves forward.

ITEM #4: **Approval of Meeting Minutes:**

Motion by Linda Shaw to approve the following meeting minutes:

- November 17, 2025 Open Meeting
- February 17, 2026 Open Meeting
- April 17, 2026 Closed Meeting

Seconded by Kevin Diamond, all in favor, motion moves forward.

ITEM #5: **Ratify the April 17, 2026 Test Results:**

Motion by Linda Shaw to ratify the test results from the April 17, 2026 certification and firm exams. Motion seconded by Salli Phillips, all in favor, motion moves forward.

ITEM #6: **Nevada State University's Digital Court Reporting Program:** In response to the Board's query regarding the University's program, Chancellor Matt McNair reported the program was paused and ultimately discontinued. No students were ever enrolled, and the program is no longer being offered. Without motion, this matter was closed. No further comments.

ITEM #7: **Update Nevada State Bank Signatories**: With William LaBorde's departure from the Board, Debbie Uehara requested his name be removed as a signatory on all Nevada State Bank financial accounts. The Board will assign Heidi Konsten, Kevin Diamond and Salli Phillips as signatories. No further comments.

Motion by Linda Shaw that the Board will assigned Heidi Konsten, Kevin Diamond and Salli Phillips as the signatories on the Nevada State Bank financial accounts and remove William LaBorde. Motion seconded by Kevin Diamond, all in favor, motion moves forward.

ITEM #8: **Update User for Nevada State Bank's Credit Card:** Upon Debbie Uehara's retirement on April 30, 2026, she requested that the credit card listed under her name be closed and issue a card to the newly hired Executive Secretary Michelle Sattler. No further comments.

Motion by Linda Shaw that the Board close Debbie Uehara's credit card with Nevada State Bank and issue a credit card to the newly hired Executive Secretary Michelle Sattler. Motion seconded by Kevin Diamond, all in favor, motion moves forward.

ITEM #9 **Discussion Regarding NRCP's Read On Statement for Nevada Reporters:** Kevin Diamond presented the proposed language for the read on statement for Nevada court reporters before a deposition. The purpose is to provide consistency and uniformity. There are 3 proposed statements for various settings. A copy is attached and will be kept on file. Representing the Board and the Association, Heidi Konsten and Kim Farkas will formulate a letter that will be sent out to all Nevada reporters sharing the proposed statements to use as a guideline. No further comments.

Motion by Kevin Diamond that the Board will assign Heidi Konsten and Kim Farkas to formulate a letter sharing the proposed statements to use as a guideline and for educational purposes. Motion seconded by Salli Phillips, all in favor, motion moves forward.

ITEM #10: **Noticing Language for a Deposition**: Kevin Diamond presented the proposed language to notice a deposition. Current language used by most attorneys is antiquated and needs to be updated to provide clarity and uniformity. It was discussed to remove the words "who is also" from the proposal. The Board will reach out to former Board member Lisa McGrane for assistance to disseminate the proposed language. No further comments.

Motion by Kevin Diamond that the Board will formulate a letter for Nevada attorneys to share the new proposed noticing language and contact Lisa McGrane for assistance. Motion seconded by Salli Phillips, all in favor, motion moves forward.

ITEM #11: **Providing Nevada Law Credits to Nevada Reporters Who Serve as a Board or Committee Member:** Heidi Konsten suggested the Board provide 2 Nevada law credits to those who serve on the Board or a Board committee. She also suggested to waive the $50 fee to earn 1 Nevada law credit by attending a designated Board meeting to those who serve on the Board or a Board committee. By doing so, this may be an incentive for more participation. No further comments.

Motion by Linda Shaw that the Board will provide 2 Nevada law credits who serve on the Board or a Board committee and the Board will waive the $50 fee to earn 1 Nevada law credit by attending a designated Board meeting to those who serve on the Board or a Board committee. Motion seconded by Kevin Diamond, all in favor, motion moves forward.

ITEM #12: **Change the July 17, 2026 Certification Date:** Debbie Uehara reported the National Court Reporter's Convention is being held on the weekend of July 17th and will be in conflict for applicants to take the certification exam. Ms. Uehara requested to change the July exam date to July 24, 2026. No further comments.

Motion by Linda Shaw that the Board will move the July 17, 2026 exam date to July 24, 2026. Motion seconded by Kevin Diamond, all in favor, motion moves forward.

ITEM #13: **Administer the Certification Exam at the October 2026 NVCRA Convention**: Kim Farkas asked the Board to hold an additional certification exam in October at the 2026 NVCRA Convention held in Lake Tahoe. A Board member will need to be present to conduct the exam. Coordination will be determined at a later date. No further comments.

Motion by Kevin Diamond that the Board will conduct an additional certification exam at the October 2026 NVCRA Convention held in Lake Tahoe. Motion seconded by Linda Shaw, all in favor, motion moves forward.

ITEM #14: **Public Comments**: No public comments.

ITEM #15: **Next Open Meeting and Agenda Items**: The next open meeting and agenda items will be determined at a later date.

Adjournment:

Motion by Linda Shaw to adjourn at 6:24pm. Motion seconded by Salli Phillips.

EXHIBIT A

	NAME	BUSINESS	PHONE	EMAIL
1.	Heidi Konsten	Board Member – Court Reporter	702-232-9616	KonstenCCR@earthlink.net
2.	Linda Shaw	Board Member – Court Reporter	775-560-5430	linda@litigationservices.com
3.	Kevin Diamond	Board Member – Attorney	702-496-6427	krd@thorndal.com
4.	Salli Phillips	Board Member – Public Member	702-366-0622	SAP@thorndall.com
5.	Angela Campagna	Board Member – Court Reporter	702-896-9339	ANCampagna@yahoo.com
6.	Brenda Roberts	Court Reporter	419-901-0117	huntleyreporting@yahoo.com
7.	Chance S.	Unknown	Unknown	Unknown
8.	Jocelyn Galvan	Court Reporting Firm	702-240-4393	jocelyn@aacrlv.com
9.	Kim Ritter	Court Reporter	303-875-0383	Kimberlyritter@gmail.com
10.	Lori Judd	Court Reporter	702-528-8815	Squeekjudd@hotmail.com
11.	Sara Giammanco	Court Reporting Firm Representative	661-644-8782	Sara.Giammanco@planetdepos.com
12.	Tiffany Elkington	Court Reporter	775-388-7035	tiffanyelkington@gmail.com
13.	Vicki Turner	Court Reporter & Firm Representative	702-287-5782	turnerreporting@gmail.com

STATE OF NEVADA

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Deputy Directors

DEBBIE UEHARA
Executive Secretary

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE CERTIFIED COURT REPORTERS BOARD

April 12, 2026

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608/233B.0609

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 passage of Senate Bill 191 (2025) allows the Board to adopt a fee structure for Nevada court reporters, court reporting firms and exam applicants through regulation. The Board discussed and crafted language that ultimately became R096-25RP1 at the following meetings:

- February 13, 2025 Open Meeting
- February 19, 2025 Open Meeting
- March 8, 2025 Open Meeting
- May 6, 2025 Open Meeting
- August 12, 2025 Open Meeting
- September 9, 2025 Legislative Regulations Committee Meeting
- November 17, 2025 Open Meeting
- February 17, 2026 Open Meeting

At each meeting, those in attendance were invited to comment on the proposed regulation language. No attendee in any of the discussions presented any evidence or argument that the proposed language would have a positive or negative impact on small businesses. A copy of the agenda and Senate Bill 191 was sent to each court reporter and court reporting firm to solicit their comments.

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 reviewed and discussed the proposed language at the meetings noted in the above response. The Board did not receive any verbal or written comments from the public that would reflect any positive or negative impact the proposed regulations would have on small businesses; the Board surmised that the proposed regulations would have no negative impact on small businesses.

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 effects; and

(b) Both direct and indirect effects.

The proposed regulations will have neither adverse or beneficial effects, either direct or indirect.

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 did not identify any potential effects of the proposed regulations on small businesses and no verbal or written comments were provided by the certificate and license holders; consideration of methods to reduce such impact was not necessary.

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

The Board determined there will be no additional costs associated with the proposed language.

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 language does not include any changes in 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.

The proposed language does not duplicate and is not more stringent than any federal, state, or local standards regulating court reporting.

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

The Board is confident the proposed language will not have an impact on small businesses and did not identify any potential economic effects during its deliberations.

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.



Debbie Uehara – Executive Secretary
State of Nevada Certified Court Reporters Board

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 Board discussed and crafted the language that ultimately became R096-25 at the following meetings on xxx. At each meeting, those in attendance were invited to comment on the proposed regulation language. No attendee in any of the discussions presented any evidence or arguargument that the proposed language would have a positive or negative impact on small businesses. A copy of the agenda was sent to each court reporter and court reporting firm to solicit their comments.

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 reviewed and discussed the proposed language at the meetings noted in the above response. The Board did not receive any verbal or written comments from the public that would reflect any positive or negative impact the proposed regulations would have on small businesses; the Board surmised that the proposed regulations would have no negative impact on small businesses.

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 effects; and

(b) Both direct and indirect effects.

The proposed regulations will have neither adverse or beneficial effects, either direct or indirect.

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 did not identify any potential effects of the proposed regulations on small businesses and no verbal or written comments were provided by the certificate and license holders; consideration of methods to reduce such impact was not necessary.

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

The Board determined there will be no additional costs associated with the proposed language.

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 language does not include any changes in 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.

The proposed language does not duplicate and is not more stringent than any federal, state, or local standards regulating court reporting.

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

The Board is confident the proposed language will not have an impact on small businesses and did not identify any potential economic effects during its deliberations.

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.

_____

Debbie Uehara – Executive Secretary
State of Nevada Certified Court Reporters Board

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 Board discussed and crafted the language that ultimately became R096-25 at the following meetings on xxx. At each meeting, those in attendance were invited to comment on the proposed regulation language. No attendee in any of the discussions presented any evidence or arguargument that the proposed language would have a positive or negative impact on small businesses. A copy of the agenda was sent to each court reporter and court reporting firm to solicit their comments.

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 reviewed and discussed the proposed language at the meetings noted in the above response. The Board did not receive any verbal or written comments from the public that would reflect any positive or negative impact the proposed regulations would have on small businesses; the Board surmised that the proposed regulations would have no negative impact on small businesses.

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 effects; and

(b) Both direct and indirect effects.

The proposed regulations will have neither adverse or beneficial effects, either direct or indirect.

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 did not identify any potential effects of the proposed regulations on small businesses and no verbal or written comments were provided by the certificate and license holders; consideration of methods to reduce such impact was not necessary.

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

The Board determined there will be no additional costs associated with the proposed language.

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 language does not include any changes in 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.

The proposed language does not duplicate and is not more stringent than any federal, state, or local standards regulating court reporting.

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The Board is confident the proposed language will not have an impact on small businesses and did not identify any potential economic effects during its deliberations.

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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Debbie Uehara – Executive Secretary
State of Nevada Certified Court Reporters Board

ADOPTED REGULATION OF THE

BOARD OF MEDICAL EXAMINERS

LCB File No. R111-25

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

AUTHORITY: §§ 1, 2, 11-13, 15 and 23, NRS 630.130; §§ 3, 8, 9 and 21, NRS 630.130 and 630.373; § 4, NRS 622.540 and 630.130; § 5, NRS 630.130 and 630.251; § 6, NRS 622.540, 630.130 and 630.251; § 7, NRS 630.130 and 630.259; §§ 10 and 29-31, NRS 630.130 and 630.279; § 14, NRS 630.130, 630.160 and 630.318; § 16, NRS 630.130 and 630.265; § 17, NRS 630.130 and 630.264; §§ 18 and 20, NRS 630.130 and 630.253; § 19, NRS 630.130, 630.253 and 630.2535; § 22, NRS 630.130, 630.352 and 630.373; §§ 24 and 27, NRS 630.130 and 630.275; §§ 25 and 26, NRS 630.130, 630.253 and 630.275; § 28, NRS 630.130, 630.26825, 630.269, 630.275 and 630.279; § 32, NRS 630.130 and 630.269; §§ 33 and 34, NRS 630.130, 630.253 and 630.26825; §§ 35 and 36, NRS 630.130 and 630.26825; § 37, NRS 630.130, 630.253, 630.26825 and 630.275.

A REGULATION relating to health care; providing for the expedited review of certain applications for licensure; authorizing certain physicians, physician assistants and anesthesiologist assistants to administer tumescent anesthesia in certain locations; establishing certain requirements relating to the administration of tumescent anesthesia in such locations; making various revisions relating to continuing education; providing for applicants for licensure who received training in certain foreign countries to be treated in the same manner as applicants who received training in the United States; revising the applicability of the interpretation of the term "progressive postgraduate education"; revising certain examination requirements; eliminating certain requirements relating to the immigration status of applicants for certain licenses; revising the circumstances under which the Board of Medical Examiners may waive certain requirements for licensure; revising certain terminology; revising requirements relating to a temporary license to practice respiratory care; eliminating certain obsolete references and provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of physicians, physician assistants, anesthesiologist assistants, genetic counselors, perfusionists and practitioners of respiratory care by the Board of Medical Examiners. (Chapter 630 of NRS) Assembly Bill No. 483 of the 2025 Legislative Session (A.B. 483) and Senate Bill No. 5 of the 36th Special Session (S.B. 5) require the Board to adopt regulations that establish a process for prioritizing the review of an application for certain licenses offered by the Board that is submitted by an applicant who: (1) expects to practice the profession for which he or she is applying to be licensed in certain

geographic areas, serving certain populations or in certain specialties; and (2) meets certain other requirements. (NRS 622.540, 630.251) **Sections 4 and 5** of this regulation establish a process by which an applicant who meets the qualifications set forth in A.B. 483 or S.B. 5, respectively, may request that the Board expedite its review of his or her application. **Section 6** of this regulation establishes the timeframe and process by which the Board will review and make a final decision on such an application.

Assembly Bill No. 319 of the 2025 Legislative Session (A.B. 319) authorizes the Board to exempt an applicant for a license as an administrative physician from certain requirements for licensure. (NRS 630.259) **Section 7** of this regulation establishes the requirements for licensure from which such an applicant is exempt.

A.B. 319 authorizes the Board to adopt regulations to authorize a physician, physician assistant or anesthesiologist assistant to administer or directly supervise the administration of tumescent anesthesia in certain locations or facilities that do not hold certain other credentials authorizing the administration of anesthesia. (NRS 630.373) **Section 3** of this regulation defines "tumescent anesthesia," and **section 2** of this regulation establishes the applicability of that definition. **Sections 2 and 11** of this regulation make conforming changes to clarify the applicability of an existing definition to the provisions of existing regulations governing the professions regulated by the Board. **Section 8** of this regulation establishes: (1) a process by which a physician may petition the Board for authorization to administer or directly supervise the administration of tumescent anesthesia at such locations; and (2) the grounds and procedure for the Board to suspend or revoke such authorization. **Section 9** of this regulation requires a physician who is authorized under **section 8** to administer or directly supervise the administration of tumescent anesthesia to maintain a log of records concerning procedures involving the administration of tumescent anesthesia. **Section 21** of this regulation requires such a physician to include certain information concerning procedures involving the administration of tumescent anesthesia in certain reports required to be submitted annually to the Board, and **section 22** of this regulation subjects a physician who knowingly misstates or misrepresents any such information included in such a report to certain administrative penalties. **Section 35** of this regulation eliminates provisions that prohibit an anesthesiologist assistant from administering general anesthesia, conscious sedation or deep sedation in certain circumstances, as such provisions are duplicative of certain provisions of A.B. 319 that prohibit the same conduct. (NRS 630.373)

Before the enactment of A.B. 319, the Board was required to treat an applicant for a license to practice medicine who completed his or her medical education in Canada in the same manner as an applicant who completed his or her medical education in the United States. A.B. 319 additionally provides for such equal treatment of applicants who completed their medical education in certain other foreign countries deemed equivalent to the United States and Canada with regard to medical education and licensure. (NRS 630.160, 630.170) **Sections 12, 14 and 18** of this regulation make conforming changes in the Nevada Administrative Code to provide for the equal treatment of applicants who completed their medical education in such equivalent foreign countries. **Section 14** also makes additional changes to conform with other provisions of A.B. 319 by: (1) eliminating provisions concerning the scoring of examinations for licensure that the Board no longer conducts; and (2) exempting certain applicants from limitations concerning the number of attempts and years in which an applicant is otherwise required to have passed each component of certain examinations.

Existing regulations provide that the Board will not recognize training received in the "fifth pathway program" established by the American Medical Association for the purpose of certain provisions requiring an applicant for a license to practice medicine to have completed a certain amount of progressive postgraduate education. (NAC 630.055) **Section 13** of this regulation additionally provides that the Board will not recognize such training for any other purpose under existing law applicable to progressive postgraduate education.

A.B. 319 repealed provisions of existing law providing for the expedited licensure by endorsement to practice medicine of certain applicants. (Section 84 of Assembly Bill No. 319, chapter 246, Statutes of Nevada 2025, at page 1644) **Section 15** of this regulation eliminates a reference to that repealed provision of law.

Existing law prohibits a regulatory body from denying an application for a professional license based on immigration or citizenship status. (NRS 622.238) **Section 16** of this regulation accordingly eliminates certain requirements concerning the immigration status of an applicant for or the holder of a limited license to practice medicine as a resident physician who is not a citizen of the United States.

Existing law authorizes the Board to waive certain requirements for the licensure of an applicant for a license to practice medicine who intends to practice in a "medically underserved area," as that term is defined by regulation of the Board, of a county whose board of county commissioners has petitioned the Board to waive such requirements for such applicants. (NRS 630.264) **Section 17** of this regulation revises the definition of "medically underserved area" for this purpose.

Existing law and regulations require the holders of certain licenses issued by the Board to complete a certain number of hours of certain programs of continuing education as a prerequisite for the renewal of the license. (NRS 630.253, 630.2535; NAC 630.153-630.157, 630.353-630.358, 630.530, 630.740) **Section 10** of this regulation authorizes the holder of a license as a practitioner of respiratory care to claim and receive credit towards certain requirements for continuing education for acting as a preceptor in certain respiratory education programs. **Sections 18-20, 25, 26 and 33** of this regulation provide that the Board will recognize continuing education recognized by the American Academy of Family Physicians towards certain requirements applicable to physicians, physician assistants and anesthesiologist assistants. **Section 31** of this regulation imposes certain requirements governing the content of continuing education required to be completed during each biennial licensing period by a practitioner of respiratory care.

Existing law requires each physician, physician assistant and anesthesiologist assistant to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure. (NRS 630.253) **Sections 19, 26 and 34** of this regulation require such training to include instruction relating to the nutrition of persons who have or may be at risk of developing a substance use disorder.

Assembly Bill No. 56 of the 2025 Legislative Session eliminated a requirement that each physician, physician assistant and anesthesiologist assistant complete training relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. (NRS 630.253) **Section 37** of this regulation accordingly repeals regulations that implement that eliminated requirement.

A.B. 319 revised the term used to refer to the document by which the Board initiates a formal disciplinary proceeding from a "complaint" to "formal charging document." (NRS

630.309, 630.339) **Sections 23, 24, 27, 28, 30, 32 and 36** of this regulation make conforming changes to update that term where it appears in the Nevada Administrative Code.

Existing law authorizes an applicant for licensure as a practitioner of respiratory care who has not yet completed certain examinations or received certain certifications to practice as a respiratory care intern under a temporary license issued by the Board. (NRS 630.277) **Section 29** of this regulation revises certain requirements applicable to applicants for such a temporary license to practice respiratory care. **Section 29** also revises the content required to be displayed on a badge that the holder of such a temporary license is required to wear while on the job. (NAC 630.515)

Section 1. Chapter 630 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 630.023 and section 3 of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Tumescent anesthesia" has the meaning ascribed to it in NRS 630.373.***

Sec. 4. ***1. An applicant for an initial license to practice medicine, to practice as a physician assistant, to practice as an anesthesiologist assistant, to practice as a practitioner of respiratory care, to practice as a perfusionist or to practice as a genetic counselor is eligible to have the review of his or her application prioritized by the Board pursuant to section 6 of this regulation if the applicant:***

(a) Has accepted an offer of employment from an employer that is located in a historically underserved community; and

(b) Includes with his or her application:

(1) A request for prioritization on a form supplied by the Board;

(2) A letter from the employer described in paragraph (a) which meets the requirements set forth in paragraph (a) of subsection 1 of NRS 622.540; and

(3) A signed attestation that the employer described in paragraph (a) is located in a historically underserved community.

2. An applicant for a license is subject to discipline or denial of licensure if, after notice and hearing in accordance with this chapter, the Board finds that the applicant has willfully and intentionally submitted to the Board a forged or false attestation pursuant to subparagraph (3) of paragraph (b) of subsection 1.

3. As used in this section, "historically underserved community" has the meaning ascribed to it in NRS 622.540.

Sec. 5. *1. An applicant for an initial license to practice medicine is eligible to have the review of his or her application prioritized by the Board pursuant to section 6 of this regulation if the applicant includes with his or her application:*

(a) A request for prioritization on a form supplied by the Board; and

(b) A signed attestation that he or she reasonably expects to practice medicine after being issued the license:

(1) In a geographic area or serving a population that meets the criteria set forth in paragraph (a) of subsection 1 of NRS 630.251; or

(2) In a specialty that meets the criteria set forth in paragraph (b) of subsection 1 of NRS 630.251.

2. An applicant for a license to practice medicine is subject to discipline or denial of licensure if, after notice and hearing in accordance with this chapter, the Board finds that the applicant has willfully and intentionally submitted to the Board a forged or false attestation pursuant to paragraph (b) of subsection 1.

3. The Board will:

(a) Using data, timestamps and other metrics maintained by the Board:

(1) Monitor the expediency of the Board in reviewing applications accompanied by requests for prioritization pursuant to section 6 of this regulation from applicants who are eligible for such prioritization pursuant to this section; and

(2) Ensure that the Board reviews and makes final decisions on applications described in subparagraph (1) in the timeframes set forth in section 6 of this regulation.

(b) Not less than once each year, collaborate with the Nevada Health Authority to perform the duties required by paragraph (b) of subsection 2 of NRS 630.251.

Sec. 6. *1. Not later than 7 business days after receiving an application which includes a request for prioritization made pursuant to section 4 or 5 of this regulation, the Board will:*

(a) Verify that the application is complete and includes, without limitation:

(1) All required documentation; and

(2) All applicable fees; and

(b) If the Board determines that the application is incomplete, notify the applicant by telephone or in writing that his or her application is incomplete and describe the specific steps necessary for the applicant to complete his or her application.

2. As soon as practicable after verifying pursuant to paragraph (a) of subsection 1 that an application which includes a request for prioritization made pursuant to section 4 or 5 of this regulation is complete, the Board will begin processing the application and obtaining or verifying all transcripts, supporting documentation and background investigations that are necessary for the Board to evaluate the application.

3. The Board will approve, deny or set aside an application which includes a request for prioritization made pursuant to section 4 or 5 of this regulation for further consideration

during the next scheduled meeting of the Board and notify the applicant of that action not later than 14 business days after the business day immediately following the date on which the Board has:

(a) Verified that the application submitted by the applicant is complete;

(b) Received from the Central Repository for Nevada Records of Criminal History the report of the Federal Bureau of Investigation concerning the applicant and the results of any other background investigation conducted with respect to the applicant; and

(c) Received and verified all applicable transcripts and any other supporting documents necessary for the Board to make a final decision on the application.

4. Not later than 7 business days after determining that additional information or documentation is required from an applicant who submitted an application which includes a request for prioritization made pursuant to section 4 or 5 of this regulation to make a final decision on the application, the Board will notify the applicant by telephone or in writing:

(a) That additional information or documentation is required; and

(b) Of the specific information or documentation that is required.

Sec. 7. *1. For the purposes of subsection 1 of NRS 630.259, an applicant for a license as an administrative physician is not required to satisfy the requirements of paragraph (c) of subsection 2 of NRS 630.160.*

2. The Board will not require an applicant for a license as an administrative physician pursuant to NRS 630.259 who has not practiced medicine in a clinical setting for a period of more than 24 consecutive months before the date on which the applicant submits his or her application to take any action described in NRS 630.257.

Sec. 8. *1. In addition to the circumstances specified in subsection 1 of NRS 630.373:*

(a) A physician may administer or directly supervise the administration of tumescent anesthesia as authorized by the Board pursuant to subsection 3.

(b) A physician assistant or anesthesiologist assistant may administer tumescent anesthesia under the direct supervision of a supervising physician or supervising anesthesiologist who is authorized to administer tumescent anesthesia pursuant to paragraph (a) if a petition approved pursuant to subsection 3 or 4 identifies the physician assistant or anesthesiologist assistant as being authorized to administer tumescent anesthesia under the direct supervision of the supervising physician or supervising anesthesiologist.

2. A physician who wishes to administer tumescent anesthesia or directly supervise the administration of tumescent anesthesia by a physician assistant or anesthesiologist assistant at a location not described in subsection 1 of NRS 630.373 must file with the Board a petition requesting authorization to administer or directly supervise the administration of tumescent anesthesia at such a location. A petition filed pursuant to this subsection must:

(a) Identify all such locations at which the physician will administer or directly supervise the administration of tumescent anesthesia;

(b) List the procedures that the physician will perform at such locations that involve the administration of tumescent anesthesia;

(c) If the physician will directly supervise the administration of tumescent anesthesia by a physician assistant or anesthesiologist assistant under his or her supervision, identify each such physician assistant or anesthesiologist assistant;

(d) Be accompanied by a copy of all protocols that the physician or any physician assistant or anesthesiologist assistant under the direct supervision of the physician will use when administering tumescent anesthesia, which must include, without limitation, protocols for:

(1) Ensuring proper sanitation during the administration of tumescent anesthesia; and

(2) Adequately monitoring a patient for whom tumescent anesthesia is being administered; and

(e) Be accompanied by documentation which demonstrates that the physician has completed training in:

(1) The specific types of procedures for administering tumescent anesthesia that the physician will administer or directly supervise the administration of; and

(2) Procedures for the cleaning of facilities within which tumescent anesthesia may be administered and controlling the spread of infectious diseases within such facilities.

3. In deciding whether to approve or deny a petition submitted pursuant to this section, the Board will consider, without limitation:

(a) The disciplinary history of the physician who submitted the petition;

(b) The disciplinary history of each physician assistant and anesthesiologist assistant identified in the petition, if applicable; and

(c) The sufficiency of the training described in paragraph (e) of subsection 2.

4. If a physician for whom the Board has approved a petition pursuant to this section wishes to authorize a physician assistant or anesthesiologist assistant who is not identified in the original petition approved by the Board to administer tumescent anesthesia under the direct supervision of the physician, the physician must submit a supplemental petition. A physician assistant or anesthesiologist assistant identified in a supplemental petition submitted pursuant to this subsection shall not administer tumescent anesthesia unless the supplemental petition submitted by his or her supervising physician or supervising anesthesiologist, as applicable, is approved by the Board.

5. The Board may, in accordance with the procedures for imposing disciplinary action set forth in this chapter and chapter 630 of NRS, suspend or revoke authorization granted pursuant to this section for any act or omission which would constitute grounds for disciplinary action under this chapter or chapter 630 of NRS.

Sec. 9. *1. A physician who administers or directly supervises the administration of tumescent anesthesia pursuant to a petition approved by the Board pursuant to section 8 of this regulation shall keep and maintain, at each location described in the petition at which the physician administers or directly supervises any procedure involving the administration of tumescent anesthesia, a complete, timely, legible and accurate log of records concerning each such procedure. Such a log must contain, without limitation, a description of any preoperative, intraoperative and postoperative care that is provided to a patient in connection with a procedure involving the administration of tumescent anesthesia that is undertaken at the location at which the log is maintained.*

2. A physician shall make available to the Board, upon request of the Board, any log required to be maintained by the physician pursuant to subsection 1.

Sec. 10. *1. A practitioner of respiratory care may, in the manner prescribed in subsection 2, claim not more than 5 hours of credit toward the hours of continuing education required by NAC 630.530, except for the hours required in medical ethics, during a biennial licensing period for acting as a preceptor in a respiratory education program approved by the Commission on Accreditation for Respiratory Care, or its successor organization. Such a practitioner of respiratory care may, subject to the limitations set forth in this subsection, claim 1 hour of continuing education for every 24 hours the practitioner of respiratory care spends acting as a preceptor in such a program.*

2. To receive credit for continuing education pursuant to subsection 1, a practitioner of respiratory care must:

(a) Apply to the Board in the manner prescribed by the Board; and

(b) As part of the application submitted pursuant to paragraph (a), provide the Board with a certificate or other documentation issued by the sponsor of the respiratory education program described in subsection 1 which:

(1) Provides that the practitioner of respiratory care has served as a preceptor in a program described in subsection 1; and

(2) Includes a verified accounting of the number of hours for which the licensee served as a preceptor in a program described in subsection 1 during the biennial licensing period.

Sec. 11. NAC 630.023 is hereby amended to read as follows:

630.023 ~~[As used in this chapter, unless the context otherwise requires, "certified]~~ ***"Certified*** registered nurse anesthetist" has the meaning ascribed to it in NRS 632.014.

Sec. 12. NAC 630.050 is hereby amended to read as follows:

630.050 1. The Board will ~~[not accept any application for]~~ ***, before issuing*** any type of license to practice medicine in this State ***,*** ~~[if the Board cannot]~~ substantiate that the medical school from which the applicant graduated provided the applicant with a resident course of professional instruction equivalent to that provided in the United States or a ~~[Canadian]~~ medical school ***in an equivalent foreign country*** approved by either the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or by ~~[the Committee on Accreditation of Canadian Medical Schools.]~~ ***an organization that accredits medical schools and is nationally recognized in the applicable equivalent foreign country.***

2. ~~[Except as otherwise provided in NAC 630.130, an]~~ ***An*** applicant for any license to practice medicine must file his or her sworn application with the Board. The application must:

(a) Include all documentation required by the application;

(b) Include complete answers to all questions on the form; and

(c) Be accompanied by the applicable fee.

3. If the Board denies an application for any type of license to practice medicine in this State, the Board may prohibit the person whose application was denied from reapplying for a period of 1 year to 3 years after the date of the denial.

Sec. 13. NAC 630.055 is hereby amended to read as follows:

630.055 As used in ~~[paragraph (d) of subsection 2 of NRS 630.160,]~~ ***chapter 630 of NRS, the Board will interpret*** the term "progressive postgraduate education" ~~[does]~~ ***to*** not include training received in the program commonly referred to as the "fifth pathway program," which was established by the American Medical Association in 1971 to allow entry into the first year of graduate medical education in the United States to citizens of the United States who study at foreign medical schools.

Sec. 14. NAC 630.080 is hereby amended to read as follows:

630.080 1. ~~[For the purposes of paragraph (d) of subsection 2 of NRS 630.160, an]~~ ***An*** applicant for a license to practice medicine must, except as otherwise provided in subsection 2, pass an examination, designated by the Board, to test the competency of the applicant to practice medicine, including, without limitation:

(a) The Special Purpose Examination;

(b) An examination testing competence to practice medicine conducted by physicians; or

(c) Any other examination designed to test the competence of the applicant to practice medicine.

2. The Board will deem an applicant to have satisfied the requirements of subsection 1 if:

(a) Within 10 years before the date of an application for a license to practice medicine in this State, the applicant has passed:

(1) Part III of the examination given by the National Board of Medical Examiners;

(2) Component II of the Federation Licensing Examination;

(3) Step 3 of the United States Medical Licensing Examination;

(4) All parts of the ***most commonly administered*** examination ~~[to become a licentiate of the Medical Council of Canada;]~~ ***for medical licensure in an equivalent foreign country, as designated by the Board for each such country;***

(5) The examination for primary certification or recertification by a specialty board of the American Board of Medical Specialties and received primary certification from that board; or

(6) The Special Purpose Examination; or

(b) The applicant is currently certified and was certified prior to recertification or maintenance of certification requirements by a specialty board of the American Board of Medical Specialties, agrees to maintain that certification throughout any period of licensure in this State and has actively practiced clinical medicine for the past 5 years in any state or country in which the applicant is licensed or officially authorized to practice.

3. For the purposes of subparagraph (3) of paragraph (b) of subsection 2 of NRS 630.160 ~~[:]~~ ***, and except as otherwise provided in subsection 4:***

(a) An applicant for a license to practice medicine must pass Step 1, Step 2 and Step 3 of the United States Medical Licensing Examination in not more than a total of nine attempts and must pass Step 3 in not more than a total of three attempts; and

(b) An applicant:

(1) Who holds a degree of doctor of medicine must pass all steps of the examination within 7 years after the date on which the applicant first passes any step of the examination; or

(2) Who holds a degree of doctor of medicine and a degree of doctor of philosophy must pass all steps of the examination within 10 years after the date on which the applicant first passes any step of the examination.

4. ~~[For any examination conducted by the Board for a license to practice medicine, an applicant must answer correctly at least 75 percent of the questions propounded. The Board will use the weighted average score of 75, as determined by the Federation of State Medical Boards of the United States, Inc., to satisfy the required score of 75 percent for passage of the Special Purpose Examination and the United States Medical Licensing Examination.]~~ ***The limitations set forth in subsection 3 do not apply to an applicant for a license to practice medicine who meets the criteria established in subsection 4 of NRS 630.160.***

5. The Board will authorize the Federation of State Medical Boards of the United States, Inc., to administer the Special Purpose Examination or the United States Medical Licensing Examination on behalf of the Board.

6. An applicant for a license to practice medicine and a person who holds a license to practice medicine must pay the reasonable costs of any examination required for licensure and any examination ordered pursuant to NRS 630.318.

Sec. 15. NAC 630.095 is hereby amended to read as follows:

630.095 The Board will not issue a license by endorsement to practice medicine pursuant to NRS 630.1605 ~~[, 630.1606]~~ or 630.1607 if an applicant has:

1. Been disciplined by or has a disciplinary action pending with the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a license to practice medicine or an equivalent license;

2. Had his or her license to practice medicine or an equivalent license suspended or revoked in the District of Columbia or any state or territory of the United States; or

3. Been refused or denied a license to practice medicine or an equivalent license in the District of Columbia or any state or territory of the United States.

Sec. 16. NAC 630.130 is hereby amended to read as follows:

630.130 1. The applicant for a limited license to practice medicine as a resident physician in a graduate program of clinical training must file an application with the Board on the standard form for application for a license to practice medicine and submit with the application such proofs and documents as are required on the form to the extent that the proofs and documents are applicable to the issuance of the limited license.

2. The application must be accompanied by written confirmation from the institution sponsoring the graduate program of clinical training that the applicant has been appointed to a position in the program. ~~[If the applicant is not a citizen of the United States, the applicant must also provide satisfactory evidence from the United States Citizenship and Immigration Services of the Department of Homeland Security that he or she is lawfully entitled to remain and work in the United States.]~~

3. The Board will review the application and, upon approval, issue the limited license. An applicant for a limited license may be required to appear before the Board or one of its members for an oral interview before the issuance of the limited license.

4. A limited license issued under this section will state on its face that it is a limited license to practice medicine as a resident physician in a graduate program of clinical training, and the period during which it is valid. ~~[If the licensee is not a citizen of the United States, a limited license is valid only as long as the licensee is lawfully entitled to remain and work in the United States.]~~

Sec. 17. NAC 630.145 is hereby amended to read as follows:

630.145 ***1.*** For the purposes of subsection 1 of NRS 630.264, "medically underserved area" means ~~[any geographic area designated by the Board with a population to primary care physician ratio of 2,500:1. When designating a geographic area as medically underserved, the]~~ ***:***

(a) A historically underserved community, as that term is defined in NRS 622.540; or

(b) Any area designated by the Board pursuant to subsection 2.

2. The Board may consider ~~[any]~~ additional criteria proposed by the Officer of Rural Health of the University of Nevada School of Medicine or ***included in a petition submitted by*** a board of county commissioners ~~[.]~~ ***pursuant to subsection 1 of NRS 630.264 and, based on such criteria, designate a geographic area not described in paragraph (a) of subsection 1 as a medically underserved area for the purpose of subsection 1 of NRS 630.264.***

Sec. 18. NAC 630.153 is hereby amended to read as follows:

630.153 1. Except as otherwise provided in subsection 2 and NAC 630.157, each holder of a license to practice medicine shall, at the time of the biennial registration, submit to the Board by the final date set by the Board for submitting applications for biennial registration

evidence, in such form as the Board requires, that he or she has completed 40 hours of continuing medical education during the preceding 2 years in one or more educational programs, 2 hours of which must be in medical ethics and 20 hours of which must be in the scope of practice or specialty of the holder of the license. Each educational program must:

(a) Offer ~~[,]~~ ***to the holder of the license,*** upon successful completion of the program, a certificate of Category 1 credit as recognized by the American Medical Association ~~[to the holder of the license;]~~ ***or Prescribed credit as recognized by the American Academy of Family Physicians;***

(b) Be approved by the Board; and

(c) Be sponsored in whole or in part by an organization accredited or deemed to be an equivalent organization to offer such programs by the American Medical Association ***, the American Academy of Family Physicians*** or the Accreditation Council for Continuing Medical Education.

2. Any holder of a license who has completed a full year of residency or fellowship in the United States or ~~[Canada]~~ ***an equivalent foreign country*** any time during the period for biennial registration immediately preceding the submission of the application for biennial registration is exempt from the requirements set forth in subsection 1.

3. If the holder of a license fails to submit evidence of his or her completion of continuing medical education within the time and in the manner prescribed by subsection 1, the license will not be renewed. Such a person may not resume the practice of medicine unless, within 2 years after the end of the biennial period of registration, the person:

(a) Pays a fee to the Board which is twice the fee for biennial registration otherwise prescribed by subsection 1 of NRS 630.268;

(b) Submits to the Board, in such form as it requires, evidence that he or she has completed 40 hours of ***continuing medical education consisting of*** Category 1 continuing medical education as recognized by the American Medical Association ***or continuing medical education recognized for Prescribed credit by the American Academy of Family Physicians*** within the preceding 2 years; and

(c) Is found by the Board to be otherwise qualified for active status pursuant to the provisions of this chapter and chapter 630 of NRS.

4. The Board may issue up to 20 hours of continuing medical education credit during a single biennial period to a holder of a license to practice medicine if the licensee performs a medical review for the Board. The hours issued by the Board:

(a) May be credited against the 40 hours required for any single biennial registration period pursuant to subsection 1; and

(b) Without exceeding the limit of 20 hours, must be equal to the actual time involved in performing the medical review.

Sec. 19. NAC 630.156 is hereby amended to read as follows:

630.156 1. Pursuant to the provisions of NRS 630.2535 and except as otherwise provided in that section, a holder of a license to practice medicine who is registered to dispense controlled substances pursuant to NRS 453.231 shall, during each period for biennial registration, complete at least 2 hours of continuing medical education relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids.

2. Pursuant to NRS 630.253, a holder of a license to practice medicine shall ***, within 2 years after initial licensure,*** complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder ~~[within 2 years after initial~~

~~licensure.]~~ ***, which must include instruction relating to the nutrition of persons who have or may be at risk of developing a substance use disorder.***

3. A program of continuing medical education relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids or a program of training in the screening, brief intervention and referral to treatment approach to substance use disorder must offer ~~[,]~~ ***to the holder of the license,*** upon successful completion of the program, a certificate of Category 1 credit as recognized by the American Medical Association ~~[to the holder of the license.]~~ ***or Prescribed credit as recognized by the American Academy of Family Physicians.***

4. A holder of a license to practice medicine is entitled to receive credit towards the continuing medical education required pursuant to subsection 1 of NAC 630.153 for each hour of continuing medical education completed pursuant to subsection 1 of this section or training completed pursuant to subsection 2 of this section.

Sec. 20. NAC 630.157 is hereby amended to read as follows:

630.157 1. Except as otherwise provided in NAC 630.153, each person licensed after the beginning of a period of biennial registration must, if he or she was licensed during the:

(a) First 6 months of the biennial period of registration, complete 40 hours of ***continuing medical education consisting of*** Category 1 continuing medical education as recognized by the American Medical Association ~~[,]~~ ***or continuing medical education recognized by the American Academy of Family Physicians for Prescribed credit;***

(b) Second 6 months of the biennial period of registration, complete 30 hours of ***continuing medical education consisting of*** Category 1 continuing medical education as recognized by the

American Medical Association ~~[;]~~ ***or continuing medical education recognized by the American Academy of Family Physicians for Prescribed credit;***

(c) Third 6 months of the biennial period of registration, complete 20 hours of ***continuing medical education consisting of*** Category 1 continuing medical education as recognized by the American Medical Association ~~[;]~~ ***or continuing medical education recognized by the American Academy of Family Physicians for Prescribed credit;*** or

(d) Fourth 6 months of the biennial period of registration, complete 10 hours of ***continuing medical education consisting of*** Category 1 continuing medical education as recognized by the American Medical Association ~~[.]~~ ***or continuing medical education recognized by the American Academy of Family Physicians for Prescribed credit.***

2. An applicant who applies to change his or her status to active status must provide proof of completion of ***a total of*** 40 hours of ***continuing medical education consisting of*** Category 1 continuing medical education as recognized by the American Medical Association ***or continuing medical education recognized by the American Academy of Family Physicians for Prescribed credit*** within the 24 months immediately preceding such an application.

Sec. 21. NAC 630.235 is hereby amended to read as follows:

630.235 1. Each holder of a license to practice medicine shall annually submit a report pursuant to NRS 630.30665, on a form to be provided by the Board. The form must include, without limitation:

(a) The name of the licensee;

(b) The office address of the licensee;

(c) The office phone number of the licensee;

(d) The number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the licensee at his or her office or any other facility, excluding any surgical care performed:

(1) At a medical facility, as defined in NRS 449.0151; or

(2) Outside of this State; ~~[and]~~

(e) ***If the holder of a license also has been approved to administer tumescent anesthesia pursuant to section 8 of this regulation, the number and type of procedures requiring tumescent anesthesia performed by the licensee at his or her office or any other facility, excluding any procedures performed:***

(1) At a medical facility, as defined in NRS 449.0151; or

(2) Outside of this State; and

(f) Information regarding the occurrence of any sentinel event arising from the type of ~~[surgeries]~~ ***procedures*** described in paragraph (d) ~~[.]~~ ***or (e).***

2. As used in this section:

(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by

partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.

(d) "Sentinel event" ~~[means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.]~~ ***has the meaning ascribed to it in NRS 439.830.***

Sec. 22. NAC 630.237 is hereby amended to read as follows:

630.237 1. The failure of a holder of a license to practice medicine to submit to the Board a report required pursuant to NRS 630.30665:

(a) In a timely manner; or

(b) In an accurate or complete manner if the holder of the license knowingly misstates or misrepresents:

(1) The number or types of surgeries ***and procedures*** required to be reported pursuant to that section or NAC 630.235; or

(2) The occurrence or outcome of any reportable sentinel events pursuant to those sections,

➥ constitutes grounds for imposing an administrative penalty against the holder of the license.

2. An administrative penalty imposed pursuant to this section may include the imposition of an administrative fine of not less than $100 or more than $1,000 and recovery by the Board of all costs incurred by the Board because of the violation.

3. Repeated violations of this section are subject to an administrative fine in the amount of $1,000 in addition to recovery by the Board of all costs incurred by the Board because of the violations.

4. Before imposing any administrative penalty pursuant to this section, the Board will:

(a) Consider the totality of the circumstances surrounding the matter;

(b) Consider all evidence before it relating to the matter, including, without limitation, any intentional, volitional or purposeful conduct engaged in by the holder of the license; and

(c) Determine by a preponderance of the evidence that the applicable provisions of this section or NRS 630.30665 were violated.

5. The provisions of this section do not prohibit the Board from initiating disciplinary action for a violation of any other provision of this chapter or chapter 630 of NRS.

Sec. 23. NAC 630.240 is hereby amended to read as follows:

630.240 1. If a licensee desires to surrender his or her license to practice medicine, practice as an anesthesiologist assistant, practice perfusion or practice respiratory care while an investigation concerning the license or disciplinary proceedings concerning the licensee are pending, the licensee shall submit to the Board a sworn written statement of surrender of the license accompanied by delivery to the Board of the actual license issued to him or her.

2. The voluntary surrender of a license is not effective until it is accepted by the Board in a public meeting. An order accepting such a surrender must prescribe a period of at least 1 year but not more than 10 years during which time the holder of the surrendered license is prohibited from applying for reinstatement of the license.

3. The Board will:

(a) Make the voluntary surrender of a license public; and

(b) Deem the voluntary surrender of a license to be disciplinary action and report the surrender to the applicable national databases.

4. The voluntary surrender of a license, the failure to renew a license or the placement of a license on retired status pursuant to NAC 630.167 does not preclude the Board from ~~[hearing]~~ ***reviewing and investigating*** a complaint ~~[for]~~ ***, filing a formal charging document or imposing*** disciplinary action ~~[made]~~ against the licensee.

Sec. 24. NAC 630.340 is hereby amended to read as follows:

630.340 1. The license of a physician assistant is valid for 2 years.

2. Before providing medical services, a physician assistant, on a form prescribed by the Board, shall notify the Board of the name and location of the practice of the physician assistant, the name of the supervising physician and the portion of the practice of the physician assistant that the supervising physician supervises. The notice must contain the signatures of the physician assistant and the supervising physician of the physician assistant.

3. The physician assistant and the supervising physician shall, within 72 hours after the termination of the supervision of the physician assistant by the supervising physician, notify the Board of the termination of the supervision of the physician assistant by the supervising physician. For any portion of the practice of the physician assistant that the supervising physician terminating supervision of the physician assistant supervised, the physician assistant shall not provide medical services until the physician assistant and a supervising physician submit notice to the Board pursuant to subsection 2.

4. A physician assistant who has been licensed by the Board but is not currently licensed, has surrendered his or her license or has failed to renew his or her license will be disciplined by the Board, if the Board deems it necessary, upon hearing ***charges contained in*** a ~~[complaint for disciplinary action]~~ ***formal charging document filed*** against the physician assistant.

5. If the Board determines that the conduct of a physician assistant when he or she was on inactive status in another jurisdiction would have resulted in the denial of an application for licensure in this State, the Board will, if appropriate, refuse to license the physician assistant.

Sec. 25. NAC 630.350 is hereby amended to read as follows:

630.350 1. The license of a physician assistant may be renewed biennially. Except as otherwise provided in NAC 630.352, the license will not be renewed unless the physician assistant provides satisfactory proof that the physician assistant has completed the following number of hours of continuing medical education as defined by the American Academy of Physician ~~[Assistants]~~ ***Associates, or its successor organization,*** or has received a certificate documenting the completion of the following number of hours of Category 1 credits as recognized by the American Medical Association ~~[:]~~ ***or Prescribed credit as recognized by American Academy of Family Physicians:***

(a) If licensed during the first 6 months of the biennial period of registration, 40 hours.

(b) If licensed during the second 6 months of the biennial period of registration, 30 hours.

(c) If licensed during the third 6 months of the biennial period of registration, 20 hours.

(d) If licensed during the fourth 6 months of the biennial period of registration, 10 hours.

2. To allow for the renewal of a license to practice as a physician assistant by each person to whom a license was issued or renewed in the preceding renewal period, the Board will make such reasonable attempts as are practicable to:

(a) Send a renewal notice to the licensee at least 60 days before the expiration of a license to practice as a physician assistant; and

(b) Send instructions for the licensee to renew his or her license to the last known electronic mail address of the licensee on record with the Board.

3. If a licensee fails to pay the fee for biennial registration after it becomes due or fails to submit proof that the licensee completed the number of hours of continuing medical education required by subsection 1, his or her license to practice in this State expires. Within 2 years after the date on which the license expires, the holder may be reinstated to practice as a physician assistant if the holder:

(a) Pays twice the amount of the current fee for biennial registration to the Secretary-Treasurer of the Board;

(b) Submits proof that he or she completed the number of hours of continuing medical education required by subsection 1; and

(c) Is found to be in good standing and qualified pursuant to this chapter.

4. Not later than September 30 of each odd-numbered later, the Board will provide a list of licenses to practice as a physician assistant that have expired during the immediately preceding biennium to the Drug Enforcement Administration of the United States Department of Justice or its successor agency and the State Board of Pharmacy.

Sec. 26. NAC 630.358 is hereby amended to read as follows:

630.358 1. Pursuant to the provisions of NRS 630.2535 and except as otherwise provided in that section, a physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 shall, during each period for biennial registration, complete at least 2 hours of continuing medical education relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids.

2. Pursuant to NRS 630.253, a physician assistant shall ***, within 2 years after initial licensure,*** complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder ~~[within 2 years after initial licensure.]~~ ***, which must***

include instruction relating to the nutrition of persons who have or may be at risk of developing a substance use disorder.

3. A program of continuing medical education relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids or a program of training in the screening, brief intervention and referral to treatment approach to substance use disorder must:

(a) Be a program of continuing medical education as defined by the American Academy of Physician ~~[~~Assistants;~~]~~ ***Associates, or its successor organization;*** or

(b) Offer, upon successful completion of the program, a certificate of Category 1 credit as recognized by the American Medical Association to the physician assistant ~~[.]~~ ***or Prescribed credit as recognized by the American Academy of Family Physicians.***

4. A physician assistant is entitled to receive credit towards the continuing medical education required pursuant to subsection 1 of NAC 630.350 for each hour of continuing medical education completed pursuant to subsection 1 of this section or training completed pursuant to subsection 2 of this section.

Sec. 27. NAC 630.380 is hereby amended to read as follows:

630.380 1. A physician assistant is subject to disciplinary action by the Board if, after notice and hearing in accordance with this chapter, the Board finds that the physician assistant:

(a) Has willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for a license;

(b) Has held himself or herself out as or permitted another to represent the physician assistant to be a licensed physician;

(c) Has performed medical services otherwise than:

(1) Pursuant to NAC 630.375; or

(2) At the direction or under the supervision of the supervising physician of the physician assistant;

(d) Has performed medical services which have not been approved by the supervising physician of the physician assistant, unless the medical services were performed pursuant to NAC 630.375;

(e) Is guilty of gross or repeated malpractice in the performance of medical services for acts committed before October 1, 1997;

(f) Is guilty of malpractice in the performance of medical services for acts committed on or after October 1, 1997;

(g) Is guilty of disobedience of any order of the Board or an investigative committee of the Board, any provision in the regulations of the State Board of Health or the State Board of Pharmacy or any provision of this chapter;

(h) Is guilty of administering, dispensing or possessing any controlled substance otherwise than in the course of legitimate medical services or as authorized by law and the supervising physician of the physician assistant;

(i) Has been convicted of a violation of any federal or state law regulating the prescribing, possession, distribution or use of a controlled substance;

(j) Is not competent to provide medical services;

(k) Failed to notify the Board of an involuntary loss of certification by the National Commission on Certification of Physician Assistants within 30 days after the involuntary loss of certification;

(l) Is guilty of violating a provision of NAC 630.230, 630.810, 630.820 or 630.830;

(m) Is guilty of violating a provision of NRS 630.301 to 630.3065, inclusive; or

(n) Is guilty of violating a provision of subsection 2 or 3 of NAC 630.340.

2. To institute disciplinary action against a physician assistant, a ~~[written complaint,]~~ ***formal charging document,*** specifying the charges, must be filed with the Board by the investigative committee of the Board.

3. A physician assistant is not subject to disciplinary action solely for prescribing or administering to a patient under the care of the physician assistant a controlled substance which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146.

Sec. 28. NAC 630.465 is hereby amended to read as follows:

630.465 1. At least 30 days before a hearing but not earlier than 30 days after the date of service upon the physician, physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist of a formal ~~[complaint]~~ ***charging document*** that has been filed with the Board pursuant to NRS 630.311, unless a different time is agreed to by the parties, the presiding member of the Board or panel of members of the Board or the hearing officer shall conduct a prehearing conference with the parties and their attorneys. All documents presented at the prehearing conference are not evidence, are not part of the record and may not be filed with the Board.

2. Each party shall provide to every other party a copy of the list of proposed witnesses and their qualifications and a summary of the testimony of each proposed witness. A witness whose name does not appear on the list of proposed witnesses may not testify at the hearing unless good cause is shown.

3. In addition to the requirements of NRS 622A.330, each party shall provide to every other party any evidence that the party proposes to introduce at a hearing. All evidence, except rebuttal

evidence, which is not provided to each party at the prehearing conference may not be introduced or admitted at the hearing unless good cause is shown.

4. Each party shall submit to the presiding member of the Board or panel or to the hearing officer conducting the conference each issue in the case which has been resolved by negotiation or stipulation and an estimate, to the nearest hour, of the time required for presentation of its arguments at the hearing.

Sec. 29. NAC 630.515 is hereby amended to read as follows:

630.515 1. Upon payment of a fee, the Board may issue a temporary license to practice respiratory care as an intern for a period of 12 months to an applicant for licensure providing the applicant ~~[shows:~~

~~(a) Written]~~ ***submits to the Board*** evidence, ***in writing and*** verified by oath, that the applicant ~~[is]~~ ***:***

(a) Is a graduate of a respiratory education program; and

(b) ~~[That he or she is scheduled to sit for the national exam administered by the National Board for Respiratory Care or its successor organization.]~~ ***Will participate in a program of practical training that is approved by the Board.***

2. During the 12-month period, the applicant shall wear a name badge that prominently displays the phrase ~~[“Graduate Therapist”]~~ ***“Respiratory Care Intern”*** while on the job.

3. An applicant who is issued a temporary license pursuant to this section must sit for the national exam administered by the National Board for Respiratory Care, or its successor organization, during the 12-month period.

Sec. 30. NAC 630.525 is hereby amended to read as follows:

630.525 1. Each holder of a license to practice respiratory care must, on or before June 30 or, if June 30 is a Saturday, Sunday or legal holiday, the next business day after June 30, of each odd-numbered year, pay the applicable fee for biennial registration to the Secretary-Treasurer of the Board.

2. A practitioner of respiratory care who has been licensed by the Board but is not currently licensed, has surrendered his or her license or has failed to renew his or her license may be disciplined by the Board, if the Board deems necessary, upon hearing ~~[a complaint for disciplinary action]~~ ***charges contained in a formal charging document filed*** against him or her.

3. If the Board determines that the conduct of a practitioner of respiratory care when he or she was on inactive status in another jurisdiction would have resulted in the denial of an application for licensure in this State, the Board will, if appropriate, refuse to license the practitioner of respiratory care.

Sec. 31. NAC 630.530 is hereby amended to read as follows:

630.530 1. The license of a practitioner of respiratory care may be renewed biennially upon dates set by the Board. The license will not be renewed unless the practitioner of respiratory care provides satisfactory proof:

(a) Of current certification by the National Board for Respiratory Care or its successor organization; and

(b) That he or she has completed the number of hours of continuing professional education required by ~~[subsections]~~ ***subsection*** 2 ***.*** ~~[and 3.]~~

2. To renew a license for the practice of respiratory care, a licensee must ***:*** ~~[complete the number of hours of continuing education required by subsection 3, of which:~~

~~(a) Sixty percent must be from an approved educational source directly related to the practice of respiratory care. Two hours of this 60 percent must be in medical ethics.~~

~~(b) Forty percent must be in any program approved by the American Association for Respiratory Care for Continuing Respiratory Care Education or any program of another organization approved by the Board.~~

~~3. The following hours for continuing education are required for a licensee to renew a license for the practice of respiratory care:~~

(a) If licensed during the first 6 months of the biennial period of registration, ***complete*** 20 hours ~~.~~ ***of continuing education, not less than:***

(1) Ten hours of which must be from an approved educational source directly related to the practice of respiratory care;

(2) Eight hours of which must be in any program approved by the American Association for Respiratory Care or any program of another organization approved by the Board; and

(3) Two hours of which must be in medical ethics and from an approved educational source directly related to the practice of respiratory care.

(b) If licensed during the second 6 months of the biennial period of registration, 15 hours ~~.~~ ***of continuing education:***

(1) Eight hours of which must be from an approved educational source directly related to the practice of respiratory care;

(2) Five hours of which must be in any program approved by the American Association for Respiratory Care or any program of another organization approved by the Board; and

(3) Two hours of which must be in medical ethics and from an approved educational source directly related to the practice of respiratory care.

(c) If licensed during the third 6 months of the biennial period of registration, 10 hours ~~[.]~~ ***of continuing education:***

(1) Five hours of which must be from an approved educational source directly related to the practice of respiratory care;

(2) Three hours of which must be in any program approved by the American Association for Respiratory Care or any program of another organization approved by the Board; and

(3) Two hours of which must be in medical ethics and from an approved educational source directly related to the practice of respiratory care.

(d) If licensed during the fourth 6 months of the biennial period of registration, 5 hours ~~[.]~~ ***of continuing education:***

(1) Two hours of which must be from an approved educational source directly related to the practice of respiratory care;

(2) One hour of which must be in any program approved by the American Association for Respiratory Care or any program of another organization approved by the Board; and

(3) Two hours of which must be in medical ethics and from an approved educational source directly related to the practice of respiratory care.

~~[4.]~~ ***3.*** A practitioner of respiratory care shall notify the Board within 10 days if his or her certification by the National Board for Respiratory Care or its successor organization is withdrawn.

~~[5.]~~ ***4.*** To allow for the renewal of a license to practice respiratory care by each person to whom a license was issued or renewed in the preceding renewal period, the Board will make such reasonable attempts as are practicable to:

(a) Send a renewal notice to the licensee at least 60 days before the expiration of a license to practice respiratory care; and

(b) Send instructions for the licensee to renew his or her license to the licensee at the last known electronic email address of the licensee on record with the Board.

~~[6.]~~ ***5.*** If a licensee fails to pay the fee for biennial registration on or before the date required by NAC 630.525 or fails to submit proof that the licensee completed the number of hours of continuing education required by ~~[subsections]~~ ***subsection*** 2 ***,*** ~~[and 3,]~~ his or her license to practice respiratory therapy in this State expires. Within 2 years after the date on which the license expires, the holder may be reinstated to practice respiratory care if he or she:

(a) Pays twice the amount of the current fee for biennial registration to the Secretary-Treasurer of the Board;

(b) Submits proof that he or she completed the number of hours of continuing education required by ~~[subsections]~~ ***subsection*** 2 ***;*** and ~~[3; and]~~

(c) Is found to be in good standing and qualified pursuant to the provisions of this chapter and NRS 630.277.

~~[7.]~~ ***6.*** The Board may issue not more than 10 hours of continuing education during a biennial licensing period to a licensee if the licensee performs a medical review for the Board. The hours issued by the Board:

(a) May be credited against the hours required for a biennial licensing period pursuant to ~~[subsections]~~ ***subsection*** 2 ***, except for the hours required in medical ethics;*** and ~~[3; and]~~

(b) Must be equal to the actual time involved in performing the medical review, not to exceed 10 hours.

Sec. 32. NAC 630.770 is hereby amended to read as follows:

630.770 1. A perfusionist is subject to discipline pursuant to chapter 630 of NRS or denial of licensure by the Board if, after notice and hearing, the Board finds that the perfusionist:

(a) Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for or renewing a license.

(b) Performed perfusion services other than as permitted by law.

(c) Committed malpractice in the performance of perfusion services, which may be evidenced by claims settled against the perfusionist.

(d) Disobeyed any order of the Board or an investigative committee of the Board or violated any provision of this chapter or chapter 630 of NRS.

(e) Is not competent to provide perfusion services.

(f) Lost his or her certification by the American Board of Cardiovascular Perfusion or its successor organization.

(g) Failed to notify the Board of loss of certification by the American Board of Cardiovascular Perfusion or its successor organization within 30 days after the loss of certification.

(h) Falsified or altered records of health care, including, without limitation, by indicating his or her presence at a procedure or the performance of a procedure that he or she was not present for or did not perform, as applicable.

(i) Rendered perfusion services to a patient while under the influence of alcohol or any controlled substance or in any impaired mental or physical condition.

(j) Practiced perfusion after his or her license as a perfusionist had expired or been revoked or suspended.

(k) Has been convicted of a felony, any offense involving moral turpitude or any offense relating to the practice of perfusion or the ability to practice perfusion.

(l) Has had a license to practice perfusion revoked, suspended, modified or limited by another state or jurisdiction or has surrendered such a license or discontinued the practice of perfusion while under investigation by any licensing authority, a medical facility, a branch of the Armed Forces of the United States, an insurance company, an agency of the Federal Government or any employer.

(m) Engaged in any sexual activity with a patient who was being treated by the perfusionist.

(n) Engaged in sexual impropriety toward a patient, including, without limitation, engaging in behavior that is seductive, sexually suggestive, disrespectful of a patient's privacy or sexually demeaning.

(o) Engaged in disruptive behavior with physicians, hospital personnel, patients, members of the family of a patient or any other person if the behavior interferes with the care of a patient or has an adverse impact on the quality of care rendered to a patient.

(p) Engaged in conduct which brings the profession of perfusion into disrepute, including, without limitation, conduct that violates the provisions of NAC 630.755.

(q) Engaged in sexual contact with a surrogate of a patient or with any person related to a patient, including, without limitation, a spouse, parent or legal guardian of a patient, that exploits the relationship between the perfusionist and the patient in a sexual manner.

(r) Made or filed a report that the perfusionist knew to be false, failed to file a record or report as required by law or willfully obstructed or induced another person to obstruct any such filing.

(s) Failed to report to the Board any person that the perfusionist knew, or had reason to know, was in violation of any provision of this chapter or chapter 630 of NRS relating to the practice of perfusion.

(t) Has been convicted of a violation of any federal or state law regulating the prescription, possession, distribution or use of a controlled substance.

(u) Held himself or herself out or permitted another person to represent the perfusionist as a licensed physician.

(v) Violated any provision that would subject a person to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230.

(w) Failed to comply with any applicable provision of chapter 629 of NRS or any regulation adopted pursuant thereto.

2. A person who has been licensed as a perfusionist by the Board but is not currently licensed, has surrendered his or her license or has failed to renew his or her license may be disciplined by the Board upon hearing ~~[a complaint for disciplinary action]~~ ***charges contained in a formal charging document filed*** against the person.

3. If a perfusionist loses his or her certification by the American Board of Cardiovascular Perfusion or its successor organization, his or her license to practice perfusion is automatically suspended pending further action by the Board of Medical Examiners.

Sec. 33. NAC 630.918 is hereby amended to read as follows:

630.918 1. The license of an anesthesiologist assistant must be renewed on or before June 30 or, if June 30 is a Saturday, Sunday or legal holiday, the next business day after June 30, of each odd-numbered year. The Board will not renew the license unless the anesthesiologist assistant provides satisfactory proof:

(a) Of current certification issued by the National Commission for Certification of Anesthesiologist Assistants or its successor organization; and

(b) That he or she has completed the amount of continuing education required by subsection 2, which, except for credit issued pursuant to NAC 630.920, must be:

(1) Approved by the Board; or

(2) Recognized as Category 1 credits by the American Medical Association ~~[.]~~ ***or as Prescribed credit by the American Academy of Family Physicians.***

2. The following hours of continuing education are required to renew a license to practice as an anesthesiologist assistant:

(a) If licensed during the first 6 months of the biennial licensing period, 40 hours.

(b) If licensed during the second 6 months of the biennial licensing period, 30 hours.

(c) If licensed during the third 6 months of the biennial licensing period, 20 hours.

(d) If licensed during the fourth 6 months of the biennial licensing period, 10 hours.

3. To allow for the renewal of a license to practice as an anesthesiologist assistant by each person to whom a license was issued or renewed in the preceding biennial licensing period, the Board will make such reasonable attempts as are practicable to send:

(a) A renewal notice to the licensee at least 60 days before the expiration of the license; and

(b) Instructions for renewal to the last known electronic mail address of the licensee on record with the Board.

4. If a licensee fails to pay the fee for renewal after it becomes due or fails to submit proof that the licensee completed the number of hours of continuing education required by subsections 1 and 2, his or her license expires. Within 2 years after the date on which the license expires, the license may be reinstated if the holder:

(a) Pays twice the amount of the current fee for renewal to the Secretary-Treasurer of the Board;

(b) Submits proof that he or she completed the number of hours of continuing education required by subsections 1 and 2; and

(c) Is found to be in good standing and qualified pursuant to this chapter.

Sec. 34. NAC 630.924 is hereby amended to read as follows:

630.924 1. Pursuant to NRS 630.253, an anesthesiologist assistant shall ***, within 2 years after initial licensure,*** complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder ~~[within 2 years after initial licensure.]~~ ***, which must include instruction relating to the nutrition of persons who have or may be at risk of developing a substance use disorder.***

2. An anesthesiologist assistant is entitled to receive credit towards the continuing education required pursuant to subsection 2 of NAC 630.918 for each hour of continuing education completed pursuant to subsection 1.

Sec. 35. NAC 630.938 is hereby amended to read as follows:

630.938 ~~[1.]~~ An anesthesiologist assistant shall not administer ~~[general anesthesia, conscious sedation, deep sedation,]~~ a regional anesthesia block or neuraxial anesthesia to patients unless the ~~[general anesthesia, conscious sedation, deep sedation,]~~ regional anesthesia block or neuraxial anesthesia is administered:

~~[(a)]~~ ***1.*** In an office of a physician or osteopathic physician which holds a permit pursuant to NRS 449.435 to 449.448, inclusive;

~~[(b)]~~ ***2.*** In a facility which holds a permit pursuant to NRS 449.435 to 449.448, inclusive;

~~[(c)]~~ ***3.*** In a medical facility, as that term is defined in NRS 449.0151; or

~~[(d)]~~ ***4.*** Outside of this State, if the anesthesiologist assistant is otherwise legally permitted to do so.

~~[2. As used in this section:~~

~~(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.~~

~~(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.~~

~~(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.]~~

Sec. 36. NAC 630.948 is hereby amended to read as follows:

630.948 1. An anesthesiologist assistant is subject to disciplinary action by the Board if, after notice and hearing in accordance with this chapter, the Board finds that the anesthesiologist assistant:

(a) Has willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for a license;

(b) Has held himself or herself out as or authorized another person to represent the anesthesiologist assistant to be a licensed physician;

(c) Has performed medical services other than:

(1) Pursuant to NRS 630.2686 or subsection 6 of NAC 630.930; or

(2) At the direction and under the immediate supervision of the supervising anesthesiologist of the anesthesiologist assistant;

(d) Is guilty of malpractice in the assisting of the practice of medicine;

(e) Is guilty of disobedience of any order of the Board or an investigative committee of the Board, any provision in the regulations of the State Board of Health or the State Board of Pharmacy or any provision of this chapter or chapter 630 of NRS;

(f) Is guilty of administering, dispensing or possessing any controlled substance otherwise than in the course of legitimate medical services or as authorized by law and the supervising anesthesiologist of the anesthesiologist assistant;

(g) Has been convicted of a violation of any federal or state law regulating the prescribing, possession, distribution or use of a controlled substance;

(h) Is not competent to assist in the practice of medicine;

(i) Has lost his or her certification issued by the National Commission for Certification of Anesthesiologist Assistants or its successor organization;

(j) Has failed to notify the Board of an involuntary loss of certification issued by the National Commission for Certification of Anesthesiologist Assistants, or its successor organization, within 30 days after the involuntary loss of certification;

(k) Has assisted in the practice of medicine after his or her license as an anesthesiologist assistant expired or was revoked or suspended;

(l) Has been convicted of a felony, any offense involving moral turpitude or any offense relating to assisting in the practice of medicine or the ability to assist in the practice of medicine;

(m) Has had a license as an anesthesiologist assistant revoked, suspended, modified or limited by any other jurisdiction or has surrendered such a license or discontinued assisting in the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Forces of the United States, an insurance company, an agency of the Federal Government or any employer; or

(n) Has violated any provision that would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230.

2. To initiate disciplinary action against an anesthesiologist assistant, an investigative committee of the Board must file with the Board a ~~[written complaint,]~~ ***formal charging document*** specifying the charges.

Sec. 37. NAC 630.154, 630.353 and 630.922 are hereby repealed.

TEXT OF REPEALED SECTIONS

630.154 Continuing education: Course of instruction relating to medical consequences of act of terrorism involving use of weapon of mass destruction.

1. Pursuant to the provisions of NRS 630.253, a holder of a license to practice medicine shall complete a course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction:

(a) If the holder of a license to practice medicine was initially licensed by the Board on or after October 1, 2003, within 2 years of initial licensure.

(b) If the holder of a license to practice medicine was initially licensed by the Board before October 1, 2003, on or before September 30, 2005.

2. In addition to the requirements provided pursuant to NRS 630.253, a course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction:

(a) Except as otherwise provided in subsection 3, must offer, upon successful completion of the program, a certificate of Category 1 credit as recognized by the American Medical Association to the holder of the license; and

(b) Is in addition to the continuing education required pursuant to NAC 630.153.

3. A course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction will be deemed to satisfy the requirements of paragraph (a) of subsection 2 if the course was provided to a holder of a license to practice medicine:

(a) After January 1, 2002; and

(b) As a part of the training the holder of the license to practice medicine received:

(1) While serving in the military; or

(2) While serving as a public health officer.

630.353 Continuing education: Course of instruction relating to medical consequences of act of terrorism involving use of weapon of mass destruction.

1. Pursuant to the provisions of NRS 630.253, a physician assistant shall complete a course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction:

(a) If the physician assistant was initially licensed by the Board on or after October 1, 2003, within 2 years of initial licensure.

(b) If the physician assistant was initially licensed by the Board before October 1, 2003, on or before September 30, 2005.

2. In addition to the requirements provided pursuant to NRS 630.253, a course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction:

(a) Except as otherwise provided in subsection 3, must offer, upon successful completion of the program, a certificate of Category 1 credit as recognized by the American Medical Association to the physician assistant; and

(b) Is in addition to the continuing education required pursuant to NAC 630.350.

3. A course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction will be deemed to satisfy the requirements of paragraph (a) of subsection 2 if the course was provided to a physician assistant:

(a) After January 1, 2002; and

(b) As a part of the training the physician assistant received:

(1) While serving in the military; or

(2) While serving as a public health officer.

630.922 Continuing education: Course of instruction relating to medical consequences of act of terrorism involving use of weapon of mass destruction.

1. Pursuant to the provisions of NRS 630.253, an anesthesiologist assistant shall complete, within 2 years after initial licensure, a course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

2. In addition to the requirements set forth in NRS 630.253, a course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction:

(a) Except as otherwise provided in subsection 3, must offer to the anesthesiologist assistant, upon successful completion of the course, a certificate of Category 1 credit as recognized by the American Medical Association; and

(b) Is in addition to the continuing education required by NAC 630.918.

3. A course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction will be deemed to satisfy the requirements of paragraph (a) of subsection 2 if the course was provided to an anesthesiologist assistant:

(a) After January 1, 2002; and

(b) As a part of the training the anesthesiologist assistant received while serving:

(1) In the military; or

(2) As a public health officer.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Nick M. Spirtos, M.D., F.A.C.O.G.
Board President

Edward O. Cousineau, J.D.
Executive Director

Informational Statement LCB File No. R111-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 630.

1. A Clear and Concise Explanation of the Need for the Adopted Regulation.

The proposed regulation is necessary to implement bills passed during the 2025 Legislative Session (AB56, AB319, and AB483) and the 2025 Special Legislative Session (SB5). The proposed regulations are also necessary to allow practitioners of respiratory care to receive continuing education credit when acting as a preceptor for students enrolled in an approved respiratory education program, to update NAC 630.130 to remove outdated language, to update NAC 630.156 to include the American Academy of Family Physicians as an entity authorized to approve continuing education courses that the Board will accept from licensees to meet license renewal requirements, to specify that nutrition must be include in continuing education related to the screening, brief intervention, and referral to treatment approach to substance use disorder, to update provisions relating to respiratory care intern licenses, and to clarify provisions relating to continuing education requirements for practitioners of respiratory care.

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.

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of LCB File No. R111-25, as drafted by the Legislative Counsel Bureau, were sent to the following organizations on April 7, 2026:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill Entrepreneur Development Association
- City of Winnemucca
- Clark County Medical Society
- Ely Rural Nevada Development Corporation
- Great Basin College – Elko
- Great Basin College – Winnemucca
- Las Vegas Asian Chamber of Commerce
- Las Vegas Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Nevada State Medical Association
- Pahrump Small Business Development Center
- Reno/Sparks Chamber of Commerce

- Washoe County Medical Society

Copies of LCB File No. R111-25 as drafted by the Legislative Counsel Bureau, workshop notice, the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners (Board), available at http://medboard.nv.gov/About/Proposed_Regulations/, the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

Copies of the Board's Notice of Intent to Act Upon a Regulation, copies of the proposed regulation draft, and the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the Board's website, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

In the Notice of Intent to Act Upon a Regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board located at 9600 Gateway Drive, Reno, Nevada and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada; 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 https://www.leg.state.nv.us/register/, as well as posted at the following locations:

Nevada State Board of Medical Examiners - *Las Vegas, NV*
Nevada State Board of Medical Examiners - *Reno, NV*
Nevada State Board of Medical Examiners Website - https://medboard.nv.gov/
State Library, Archives and Public Records - *Carson City, NV*

No public comment was received at the regulation workshop, public hearing, or Board meeting on June 5, 2026, wherein the Board adopted the regulations, indicating that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the regulation workshop held on May 7, 2026, and the public hearing held on May 18, 2026, stakeholders, potential license applicants, and members of the public were invited to attend, ask questions about the regulations, and provide public comment regarding the regulations. Stakeholders did attend those meetings, but no public comment was provided at the public hearing or the Board meeting wherein the regulations were adopted. At the regulation workshop on May 7, 2026, Board member Jason Farnsworth attended and asked a couple of questions regarding Section 27 of the regulation and the criteria and process for the Board to use to approve respiratory care practical training programs. Board staff responded and indicated that the Board would work on an internal checklist to allow the pre-approval of these practical training programs prior to an applicant applying for licensure as an intern in order to streamline that process a bit for the applicants. No other public comment or public testimony was provided at the regulation workshop.

The Board received no written public comments on the proposed regulation.

A summary of the public comment received regarding LCB File No. R111-25 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

3. The Number of Persons Who:

(a) Attended Each Hearing:

May 7, 2026 (Regulation Workshop): 10;
May 18, 2026 (Public Hearing): 4.

(b) Testified at Each Hearing:

May 7, 2026 (Regulation Workshop): 1;
May 18, 2026 (Public Hearing): 0.

(c) Submitted to the Agency Written Comments:

The Board received no written comments on LCB File No. R111-25.

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.

Attendees at the May 7, 2026 Public Workshop in Reno:

Jason Farnsworth
Telephone: 775-741-2603
Address: 1155 Mill Street, Reno
Business Telephone: 775-982-4460
Email: Jason.Farnsworth@renown.org
Representing: Renown

Asked questions about Section 27 in the proposed regulation.

John Lynn
Telephone: 209-968-5091
Address: 10101 Double R. Blvd., Reno
Business Telephone: 775-982-7182
Email: John.Lynn@Renown.org
Representing: Renown

No testimony or comments.

Jason Simpson
Telephone: 775-530-7767
Address: 1155 Mill Street
Business Telephone: 775-982-3706

Email: JasonSimpson21@hotmail.com
Representing: Renown

No testimony or comments.

Josh Powell
Telephone: 775-460-8124
Address: 1155 Mill Street
Business Telephone: 775-982-4648
Email: Jason.Powell@Renown.org
Representing: Renown

No testimony or comments.

Attendees at the May 7, 2026 Public Workshop in Las Vegas:

None

Attendees at the May 7, 2026 Public Workshop via Teams:

Michelle H.
Telephone: Not Provided
Address: Not Provided.
Business Telephone: Not Provided.
Email: Not Provided
Representing: Not Provided

No testimony or comments.

Sabrina Petrel
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: sp@cartwrightnv.com
Representing: Not Provided

No testimony or comments.

Sean Owens
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: Not Provided

No testimony or comments.

Gabriel S.
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: UNLV Student

No testimony or comments.

Kathleen Benson
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: kmbensonmd@ahvscardiology.com
Representing: Not Provided

No testimony or comments.

Zoë Houghton
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: zoe@theperkinsco.com
Representing: NSMA

No testimony or comments.

Attendees at the May 18, 2026 Public Hearing in Reno:

None.

Attendees at the May 18, 2026 Public Hearing in Las Vegas:

None.

Attendees at the May 18, 2026 Public Hearing via Teams:

Sabrina Petrel
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: sp@cartwrightnv.com
Representing: Not Provided

No testimony or comments.

Maddison Proctor
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: Not Provided

No testimony or comments.

Zoë Houghton
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: zoe@theperkinsco.com
Representing: NSMA

No testimony or comments.

Julie Harrison
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: jharrison@aafp.org
Representing: Not Provided.

No testimony or comments.

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 Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of LCB File No. R111-25, as drafted by the Legislative Counsel Bureau, were sent to the following organizations on April 7, 2026:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill Entrepreneur Development Association
- City of Winnemucca
- Clark County Medical Society
- Ely Rural Nevada Development Corporation
- Great Basin College – Elko
- Great Basin College – Winnemucca
- Las Vegas Asian Chamber of Commerce
- Las Vegas Chamber of Commerce
- Las Vegas Latin Chamber of Commerce

- Nevada State Medical Association
- Pahrump Small Business Development Center
- Reno/Sparks Chamber of Commerce
- Washoe County Medical Society

Copies of the proposed regulation (LCB File No. R111-25), the public workshop notice, and the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

Copies of the Board's Notice of Intent to Act Upon a Regulation, the proposed regulation draft, and the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

In the Notice of Intent to Act Upon a Regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board located at 9600 Gateway Drive, Reno, Nevada and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada; 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 https://www.leg.state.nv.us/register/, as well as posted at the following locations:

Nevada State Board of Medical Examiners - *Las Vegas, NV*
Nevada State Board of Medical Examiners - *Reno, NV*
Nevada State Board of Medical Examiners Website - https://medboard.nv.gov/
State Library, Archives and Public Records - *Carson City, NV*

No public comment was received at the regulation workshop, public hearing, or Board meeting on June 5, 2026, wherein the Board adopted the regulations, indicating that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the regulation workshop held on May 7, 2026, and the public hearing held on May 18, 2026, stakeholders, potential license applicants, and members of the public were invited to attend, ask questions about the regulations, and provide public comment regarding the regulations. Stakeholders did attend those meetings, but no public comment was provided at the public hearing or the Board meeting wherein the regulations were adopted. At the regulation workshop on May 7, 2026, Board member Jason Farnsworth attended and asked a couple of questions regarding Section 27 of the regulation and the criteria and process for the Board to use to approve respiratory care practical training programs. Board staff responded and indicated that the Board would work on an internal checklist to allow the pre-approval of these practical training programs

prior to an applicant applying for licensure as an intern in order to streamline that process a bit for the applicants. No other public comment or public testimony was provided at the regulation workshop.

The Board received no written public comments on the proposed regulation.

A summary of the public comment received regarding LCB File No. R111-25 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

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 was adopted without change because no comment was received indicating that changes were necessary, and a review of the draft prepared by the Legislative Counsel Bureau did not identify any needed changes in the proposed regulation.

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.

No, the proposed regulation does 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 changes in this proposed regulation add additional options for continuing education for some licensees as well as creating a priority processing procedure for some applications for licensure, which may cause the proposed regulation to be benefit to licensees and small businesses with regard to compliance and licensing timelines.

This regulation is not estimated to have any economic effect on the public.

(b) Both Immediate and Long-Term Effects.

The Board believes that the proposed regulation will have both an immediate and long-term benefit to licensees by adding additional options for continuing education as well as priority processing for some applications. This should remove some administrative compliance burden for licensees and potentially allow licensees to become licensed more quickly both immediately and over the long-term.

8. The Estimated Cost to the Agency for Enforcement of the Adopted Regulation.

The Board does not anticipate any cost in enforcing the proposed regulation that is not already a part of the Board's regular operating 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.

To the Board's knowledge, the proposed regulation does not overlap or duplicate the regulations of other state or local governmental agencies or any federal 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.

To the Board's knowledge, the proposed regulation does not regulate the same activity addressed in a federal regulation.

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

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Nick M. Spirtos, M.D., F.A.C.O.G.
Board President

Edward O. Cousineau, J.D.
Executive Director

Small Business Impact Statement for Proposed Regulations Contained in LCB File No. R111-25

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State

1. Background:

The proposed regulations are necessary to implement bills passed during the 2025 Legislative Session (AB56, AB319, and AB483) and the 2025 Special Legislative Session (SB5). The proposed regulations are also necessary to allow practitioners of respiratory care to receive continuing education credit when acting as a preceptor for students enrolled in an approved respiratory education program, to update NAC 630.130 to remove outdated language, to update NAC 630.156 to include the American Academy of Family Physicians as an entity authorized to approve continuing education courses that the Board will accept from licensees to meet license renewal requirements, to specify that nutrition must be include in continuing education related to the screening, brief intervention, and referral to treatment approach to substance use disorder, to update provisions relating to respiratory care intern licenses, and to clarify provisions relating to continuing education requirements for practitioners of respiratory care.

2. Description of Solicitation:

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft were sent to the following organizations on Tuesday, April 7, 2026:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill Entrepreneur Development Association
- City of Winnemucca
- Clark County Medical Society
- Ely Rural Nevada Development Corporation
- Great Basin College – Elko
- Great Basin College – Winnemucca

- Las Vegas Asian Chamber of Commerce
- Las Vegas Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Nevada State Medical Association
- Pahrump Small Business Development Center
- Reno/Sparks Chamber of Commerce
- Washoe County Medical Society

Copies of the Board's regulation draft, workshop notice, the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

3. Does the Proposed Regulation Impose a Direct and Significant Economic Burden Upon a Small Business or Directly Restrict the Formation, Operation, or Expansion of a Small Business? (NRS 233B.0608(1))

No, the proposed regulation does not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. These proposed regulations fully implement legislative changes enacted in 2025 and update and clarify continuing education requirements for licensees, both of which may yield a positive impact on small businesses.

4. How Was That Conclusion Reached?

This conclusion was reached by reviewing the proposed regulation draft and existing provisions in Nevada law, as well as the comments received by stakeholders, potential license applicants, and members of the public at the Board's regulation workshops, public hearing, and adoption meeting or via written comment.

I, Edward O. Cousineau, J.D., Executive Director of the Nevada State Board of Medical Examiners, 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 business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3))

Dated: July 21, 2026 Signature: _____

EDWARD O. COUSINEAU, J.D.
Executive Director
Nevada State Board of Medical Examiners

R112-25

ADOPTED REGULATION OF THE

BOARD OF MEDICAL EXAMINERS

LCB File No. R112-25

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

AUTHORITY: §§ 1-25, 27 and 28, NRS 630.130 and 630.2667; §§ 26 and 30, NRS 630.130; § 29, NRS 630.130, 630.253 and 630.2667; §§ 31, 36 and 37, NRS 630.130 and 630.275; §§ 32-34 and 38, NRS 630.130, 630.2667 and 630.275; § 35, NRS 630.130 and 630.298; §§ 39 and 40, NRS 630.130, 630.138 and 630.2667.

A REGULATION relating to health care; establishing requirements governing the issuance and renewal of a transitional limited physician license and the contents of such a license; establishing the requirements and process for a transitional physician to obtain an unrestricted license to practice medicine; prescribing requirements governing the practice and supervision of transitional physicians; providing for the commencement of proceedings to administratively revoke a transitional limited physician license under certain circumstances; prescribing certain professional duties of a physician; making revisions relating to the substantiation of the medical education of an applicant for a license as a physician; updating the name of a certain publication; establishing certain requirements relating to consultation between a physician and another provider of health care; making revisions relating to the imposition of disciplinary action against a physician or physician assistant; revising provisions relating to the supervision of physician assistants by physicians and the collaboration between physicians and advanced practice registered nurses; prescribing certain limitations relating to the delegation of tasks by certain physicians to a medical assistant; requiring a transitional physician or physician assistant to engage in certain communication and documentation relating to informed consent by a patient; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Medical Examiners to issue a limited license to practice medicine to an applicant who: (1) holds or has held a valid and unrestricted license to practice medicine issued by a foreign country other than Canada; (2) has completed certain education and training comparable to that provided to a physician in the United States and Canada; and (3) has passed all steps of the United States Medical Licensing Examination. Existing law authorizes the holder of such a limited license to practice only under the supervision of a physician who is licensed in this State and who has practiced in the same or a similar specialty for at least 2 years. Existing law authorizes the Board to issue an unrestricted license to practice medicine to a holder of a limited license after he or she has completed at least 2 years of practice under the limited license if certain requirements are met. (NRS 630.2667) **Section 2** of

this regulation defines "transitional limited physician license" to refer to such a limited license, and **section 3** of this regulation defines "transitional physician" to refer to the holder of a transitional limited physician license. **Sections 5-7** of this regulation define certain other terms relevant to transitional physicians, and **sections 4 and 27** of this regulation establish the applicability of the definitions set forth in **sections 2, 3 and 5-7**.

Section 8 of this regulation establishes the required contents of an application for a transitional limited physician license, and **section 9** of this regulation authorizes the Board to reject such an application under certain conditions. **Section 8** also provides that the Board will appoint a member of the Board to collaborate with the Executive Director or his or her designee to review certain matters relating to an applicant for a transitional limited physician license while the application is pending and, if the application is approved, for the duration of the applicant's licensure as a transitional physician. **Section 5** defines "appointed board member" to mean a member of the Board who is so appointed. **Section 10** of this regulation provides that the Board will require the proposed supervising physician of an applicant for a transitional limited physician license to submit to the Board certain information concerning the proposed supervision before issuing a transitional limited physician license to the applicant. **Section 11** of this regulation requires an applicant for a transitional limited physician license to pass the various steps of the United States Medical Licensing Examination within the same number of attempts and the same time period as an applicant for other types of licenses to practice medicine. (NAC 630.080) **Section 12** of this regulation prescribes the required contents of a transitional limited physician license. **Section 13** of this regulation: (1) provides that a transitional limited physician license expires 2 years after its issuance; and (2) establishes the requirements to renew a transitional limited physician license, including continuing education. **Section 29** of this regulation provides that a transitional physician: (1) must complete more continuing education in medical ethics and the scope of his or her practice or specialty area than other physicians are required to complete in those subjects; and (2) unlike other physicians, may not earn continuing education credit for performing a medical review for the Board.

With certain exceptions, **section 13** requires a transitional physician whose license expires before renewal who wishes to continue practicing medicine in this State to apply for a new license. **Section 14** of this regulation establishes the requirements and process for a transitional physician to obtain an unrestricted license to practice medicine.

Existing law requires the Board to adopt regulations establishing the specialties within which a transitional physician may practice. (NRS 630.2667) Accordingly, **section 15** of this regulation authorizes a transitional physician to practice in the specialties of internal medicine, family medicine or pediatrics. **Section 15** also sets forth certain requirements and limitations governing the practice of a transitional physician.

Upon the licensure of a transitional physician, existing law authorizes the Board to require the transitional physician to provide to the Board notification of an offer of employment as a physician at certain public or nonprofit health facilities or at a physician group practice in a medically underserved area. (NRS 630.2667) **Section 16** of this regulation accordingly requires a transitional physician to provide such notification before providing services or beginning any new employment. **Section 16** also: (1) requires that such employment be approved by the Executive Director of the Board, or his or her designee, and the appointed Board member; and (2) prohibits a transitional physician from providing health care services outside of such employment, except in an emergency.

Existing law requires the Board to adopt regulations establishing the required provisions of a written practice agreement entered into between a transitional physician and his or her supervising physician. (NRS 630.2667) Accordingly, **section 18** of this regulation prescribes the required provisions of such a written practice agreement. **Section 17** of this regulation: (1) establishes the qualifications required to serve as a supervising physician; and (2) provides that a supervising physician is responsible for the medical activities of a transitional physician performed under the supervision of the supervising physician. **Section 19** of this regulation requires a supervising physician to submit to the Board periodic reports that provide certain information concerning a transitional physician. **Section 20** of this regulation establishes certain additional requirements governing the supervision of a transitional physician by a supervising physician. **Section 21** of this regulation prohibits a transitional physician from practicing medicine outside the physical presence of his or her supervising physician or a designated substitute supervising physician except under certain conditions as authorized by the supervising physician. **Section 22** of this regulation: (1) deems a transitional physician to be the agent of his or her supervising physician under most circumstances; and (2) authorizes a transitional physician to perform medical services outside the supervision of his or her supervising physician in certain emergencies, in which case the transitional physician is not the agent of his or her supervising physician. **Section 23** of this regulation: (1) prohibits a supervising physician from terminating a written practice agreement without the consent of the transitional physician or the approval of the Executive Director of the Board, or his or her designee, and the appointed Board member; and (2) requires a supervising physician to notify the Board of the termination of a written practice agreement. **Section 24** of this regulation: (1) provides that the Board will begin proceedings to administratively revoke a transitional limited physician license if the holder goes 1 year without approved employment or an approved written practice agreement; and (2) authorizes the holder of a transitional limited physician license that is administratively revoked to apply for a new transitional limited physician license pursuant to **section 8**.

Section 25 of this regulation provides that, if a formal charging document is filed against a transitional physician or a letter of warning, letter of concern or nonpunitive admonishment is issued to a transitional physician, the Board will deliver a copy of the charging document, letter or admonishment to the supervising physician of the transitional physician. **Section 38** of this regulation establishes the maximum number of physician assistants, transitional physicians or advanced practice registered nurses whom a physician may supervise or with whom a physician may collaborate.

Existing regulations set forth certain standards of practice for physicians. (NAC 630.185-630.230) **Sections 26 and 30** of this regulation include within those standards of practice certain professional duties of a physician.

Existing regulations provide that the Board will not accept an application for a license to practice medicine if the Board cannot substantiate that the medical school from which the applicant graduated provided the applicant with a resident course of professional instruction equivalent to that provided in the United States or by certain Canadian medical schools. (NAC 630.050) **Section 28** of this regulation: (1) authorizes the Board to make such a substantiation before or after accepting the application; and (2) provides that an applicant for a transitional limited physician license may have graduated from a medical school which provided the applicant with a resident course of professional instruction equivalent to that provided by a medical school approved by an accrediting organization that is recognized by an organization approved by Intealth.

Sections 31 and 34 of this regulation update the name of a publication concerning the use of opioids. **Section 32** of this regulation establishes certain requirements relating to consultation between a physician or physician assistant and another provider of health care.

Existing regulations require a physician or physician assistant to obtain and document in a patient's medical records the informed consent of the patient or the representative of the patient before providing any procedure, injection or other invasive treatment to the patient. (NAC 630.227) **Section 33** of this regulation requires a transitional physician or physician assistant to: (1) communicate with his or her supervising physician concerning any action taken to comply with this requirement; and (2) document such communication in the medical record of the patient.

Section 34: (1) subjects a physician to disciplinary action for improperly altering records of health care or misrepresenting his or her skills, training, professional credentials or identity or the services that he or she provides; and (2) clarifies that certain failures by a physician to adequately supervise a physician assistant, anesthesiologist assistant, transitional physician or advanced practice registered nurse are grounds for disciplinary action. **Section 35** of this regulation provides that placing a license on inactive status does not preclude the Board from hearing a complaint for disciplinary action made against the licensee.

Sections 36 and 37 of this regulation remove certain unnecessary language from provisions relating to physician assistants. **Section 37** also clarifies that a physician assistant is subject to disciplinary action for prescribing or administering a controlled substance in violation of applicable law or regulations.

Section 39 of this regulation establishes the conditions under which a resident physician who holds a limited license or a transitional physician may delegate a task to a medical assistant. **Section 40** of this regulation prohibits such a physician from remotely supervising a medical assistant.

Section 1. Chapter 630 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this regulation.

Sec. 2. ***"Transitional limited physician license" means a limited license to practice medicine issued pursuant to NRS 630.2667.***

Sec. 3. ***"Transitional physician" means a physician who holds a transitional limited physician license.***

Sec. 4. ***As used in sections 4 to 25, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 5, 6 and 7 of this regulation have the meanings ascribed to them in those sections.***

Sec. 5. *"Appointed Board member" means the member of the Board appointed pursuant to subsection 9 of section 8 of this regulation to review matters relating to an applicant for a transitional limited physician license or a transitional physician, as applicable.*

Sec. 6. *"Supervising physician" means a physician who supervises a transitional physician pursuant to paragraph (b) of subsection 3 of NRS 630.2667.*

Sec. 7. *"Written practice agreement" means a written practice agreement filed with the Board pursuant to paragraph (a) of subsection 3 of NRS 630.2667.*

Sec. 8. *1. An application for a transitional limited physician license must be made on a form supplied by the Board. The application must include:*

(a) The date and place of the applicant's birth and his or her sex;

(b) Information about the applicant's postsecondary education as a physician, including, without limitation, postsecondary institutions attended, the length of time in attendance at each institution and whether he or she is a graduate of those institutions;

(c) Whether the applicant has ever applied for a license or certificate as a physician, physician assistant or other provider of health care in another state and, if so, when and where and the results of his or her application;

(d) The applicant's work experience for the 5 years immediately preceding the date of his or her application;

(e) Proof that the applicant meets the requirements of subsection 1 of NRS 630.2667;

(f) A signed affidavit stating that the applicant:

(1) Has never had a license to practice medicine revoked, modified, limited or suspended or had any disciplinary action imposed by a licensing body in any domestic or foreign jurisdiction, except as authorized by section 24 of this regulation; and

(2) Is not currently under investigation or subject to disciplinary proceedings for misconduct as a physician in any domestic or foreign jurisdiction;

(g) A self-query of the National Practitioner Data Bank maintained by the Health Resources and Services Administration of the United States Department of Health and Human Services that verifies that the applicant:

(1) Has never had a license to practice medicine revoked, modified, limited or suspended or had any disciplinary action imposed by a licensing body in the United States; and

(2) Is not currently under investigation or subject to disciplinary proceedings for misconduct as a physician in the United States;

(h) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to any offense which is related to the manufacture, distribution, prescribing or dispensing of controlled substances;

(i) Whether the applicant has an untreated medical condition that may affect his or her ability to safely practice medicine;

(j) A public address and the mailing address at which the applicant prefers to receive correspondence from the Board;

(k) A telephone number and electronic mail address at which the applicant may be contacted; and

(l) The specialty in which the applicant plans to practice, as described in subsection 1 of section 15 of this regulation.

2. Each application must be signed by the applicant and accompanied by a signed affidavit indicating that:

(a) The applicant is the person named in the proof provided pursuant to paragraph (e) of subsection 1;

(b) The education and training required by subsection 1 of NRS 630.2667 was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(c) All the information contained in the application and any accompanying material is complete and correct.

3. To prove that an applicant for a transitional limited physician license meets the requirements of paragraph (a) of subsection 1 of NRS 630.2667, the applicant must submit to the Board:

(a) A signed affidavit indicating:

(1) The date on which the applicant was originally licensed in a foreign country and the jurisdiction in which the license was issued;

(2) The dates on which the applicant completed a residency program or other program of postgraduate training or performed the duties of a physician and the location where the applicant completed that program or performed those duties; and

(3) The duties of a physician that the applicant performed in a foreign country, as part of a residency program or other program of postgraduate training or otherwise; and

(b) All documentation necessary to support the affidavit submitted pursuant to paragraph (a).

4. The Board will deem an applicant for a transitional limited physician license to have satisfied the requirements of paragraph (b) of subsection 1 of NRS 630.2667 with respect to proficiency in the English language if the Educational Commission for Foreign Medical

Graduates, or its successor organization, submits to the Board proof that the applicant is certified by that organization.

5. For the purposes of paragraph (e) of subsection 1 of NRS 630.2667, the Board will determine that the curriculum of a foreign medical school is acceptable if the foreign medical school is accredited by an accrediting organization that is recognized by an organization approved by Intealth, or its successor organization.

6. Except as otherwise provided in this subsection, to prove that an applicant for a transitional limited physician license has graduated from a foreign medical school described in subsection 5, the foreign medical school or an entity recognized by the National Association of Credential Evaluation Services, or its successor organization, must submit directly to the Board proof that the applicant has earned the degree of doctor of medicine from such a foreign medical school. If such proof is not available from either of those sources, the Board may authorize the applicant to provide such proof through another source approved by the Board.

7. The application must be accompanied by the applicable fee.

8. An applicant shall pay the reasonable costs of any examination required for licensure.

9. Upon the submission of an application pursuant to this section, the Board will appoint a member of the Board to, in collaboration with the Executive Director or his or her designee, review matters related to the applicant while the application is pending and, if the application is approved, for the duration of the applicant's licensure as a transitional physician. If such an appointed Board member ceases to be a member of the Board during that time period, the Board will appoint another member to review such matters for the remainder of that time period.

10. Within 30 days after any change to the information provided to the Board pursuant to paragraph (j) or (k) of subsection 1, an applicant or transitional physician shall provide updated information to the Board.

Sec. 9. *In addition to any other grounds specified in this chapter or chapter 630 of NRS, the Board may reject an application for the issuance or renewal of a transitional limited physician license if the Board determines that:*

1. The applicant is not qualified or is not of good moral character or reputation;

2. The applicant has submitted a false credential; or

3. The application is not made in proper form or is otherwise deficient.

Sec. 10. *Before issuing a transitional limited physician license to an applicant, the Board will require the proposed supervising physician of the applicant to submit directly to the Board:*

1. A signed affidavit stating that the proposed supervising physician:

(a) Has had substantial direct contact with the applicant;

(b) Has determined that the applicant possesses sufficient knowledge and skills to safely practice medicine under the supervision of the proposed supervising physician; and

(c) Is willing to supervise the applicant after the issuance of the license; and

2. A proposed written practice agreement between the proposed supervising physician and the applicant that meets the requirements of subsection 1 of section 18 of this regulation.

Sec. 11. *1. Except as otherwise provided in subsection 2, for the purposes of paragraph (f) of subsection 1 of NRS 630.2667:*

(a) An applicant for a transitional limited physician license must pass Step 1, Step 2 and Step 3 of the United States Medical Licensing Examination in not more than a total of nine attempts and must pass Step 3 in not more than a total of three attempts; and

(b) An applicant for a transitional limited physician license:

(1) Who holds a degree of doctor of medicine must pass all steps of the United States Medical Licensing Examination within 7 years after the date on which the applicant first passes any step of the examination; or

(2) Who holds a degree of doctor of medicine and a degree of doctor of philosophy must pass all steps of the United States Medical Licensing Examination within 10 years after the date on which the applicant first passes any step of the examination.

2. The Board may grant an exception to the requirements of subsection 1 for good cause shown.

Sec. 12. *A transitional limited physician license must contain:*

1. The name of the transitional physician;

2. The duration of the license;

3. The specialty in which the applicant plans to practice, as described in subsection 1 of section 15 of this regulation; and

4. Any other limitations or requirements which the Board prescribes.

Sec. 13. *1. A transitional limited physician license expires 2 years after the date on which the license was issued and may be renewed by submitting to the Board an application on a form prescribed by the Board. The application must include, without limitation:*

(a) Proof that the applicant has completed continuing education as required by NAC 630.153;

(b) Proof that the applicant is employed by an employer described in paragraph (b) of subsection 2 of NRS 630.2667; and

(c) Proof that the applicant continues to be supervised by at least one supervising physician as required by paragraph (b) of subsection 3 of NRS 630.2667.

2. Except as otherwise provided in subsection 3, if a transitional limited physician license expires before it is renewed pursuant to this section, the holder:

(a) May not renew the license in accordance with subsection 4 of NAC 630.153; and

(b) Must apply for a new transitional limited physician license pursuant to section 8 of this regulation and be issued such a license before engaging in the practice of medicine in this State.

3. The Board may reinstate the license of a transitional physician who is not able to provide the proof required by paragraph (b) or (c) of subsection 1 before his or her license expires if the transitional physician provides such proof within 2 years after the date of expiration. The Board will not reinstate the license until the transitional physician is able to provide all of the information required by subsection 1.

4. If the Board reinstates a transitional limited physician license pursuant to subsection 3, the Board may count the hours practiced by the transitional physician toward the hours of practice required by paragraph (a) of subsection 1 of section 14 of this regulation if the applicant otherwise meets the requirements set forth in this chapter and chapter 630 of NRS for the issuance of an unrestricted license to practice medicine pursuant to subsection 6 of NRS 630.2667.

Sec. 14. *1. An application for an unrestricted license to practice medicine pursuant to subsection 6 of NRS 630.2667 must be submitted on a form supplied by the Board. Such an application must:*

(a) Include, without limitation, proof that the applicant practiced as a transitional physician for at least 3,840 hours and for one or more periods of at least 2 years in total. If the applicant was issued a new transitional limited physician license under the circumstances described in paragraph (b) of subsection 2 of section 13 of this regulation or subsection 2 of section 24 of this regulation after the expiration or administrative revocation, as applicable, of a transitional limited physician license previously held by the applicant, any hours of practice completed under the expired or revoked license may not be counted toward the hours of practice required by this paragraph.

(b) Be accompanied by:

(1) Each written recommendation of a supervising physician required by paragraph (c) of subsection 6 of NRS 630.2667. Each such written recommendation must:

(I) Be submitted to the Board directly by the supervising physician and signed by the supervising physician; and

(II) Include, without limitation, ratings in relevant subjects relating to the ability of the applicant to practice medicine independently, safely and with reasonable care, skill and knowledge.

(2) A written, signed recommendation submitted directly to the Board by a physician who is licensed in good standing to practice medicine in this State and is not currently a supervising physician of the applicant.

2. The Board may require an applicant for an unrestricted license to practice medicine pursuant to subsection 6 of NRS 630.2667 and any supervising physician of such an applicant to attend a meeting of the Board and answer questions concerning the ability of the applicant to practice medicine independently, safely and with reasonable care, skill and knowledge.

3. When considering an application for an unrestricted license to practice medicine pursuant to subsection 6 of NRS 630.2667, the Board may consider:

(a) Reports submitted by the supervising physician of the applicant pursuant to section 19 of this regulation; and

(b) Any information relevant to the application that has been received by the Board while the applicant held a transitional limited physician license.

4. If the Board issues an unrestricted license to practice medicine pursuant to subsection 6 of NRS 630.2667, the licensee must practice in the same or a similar specialty to the specialty practiced by his or her supervising physician when the licensee was a transitional physician. If the licensee wishes to practice in a different specialty, he or she must complete such additional postgraduate training as would be required for any other physician wishing to practice in a different specialty.

Sec. 15. *1. A transitional physician may practice only in the specialties of internal medicine, family medicine or pediatrics, as indicated on the license of the transitional physician pursuant to section 12 of this regulation.*

2. A transitional physician may order home health care for a patient if authorized to do so by his or her supervising physician, as specified in a valid written practice agreement pursuant to section 18 of this regulation.

3. A transitional physician shall:

(a) At all times while providing medical services to patients except under emergency conditions as specified in section 22 of this regulation, wear a badge that identifies the transitional physician as a transitional physician; and

(b) Inform each patient verbally or in writing:

(1) That the transitional physician is a transitional physician; and

(2) Of the name and qualifications of the supervising physician of the transitional physician.

4. A transitional physician shall not provide any services that:

(a) Are cosmetic or are not medically necessary; or

(b) Except as authorized by section 22 of this regulation, are not authorized by a valid written practice agreement between the transitional physician and the physician who is supervising the transitional physician during the performance of the services.

Sec. 16. *1. Before engaging in the practice of medicine or otherwise providing health care services in this State and before beginning any new employment, a transitional physician must:*

(a) Provide to the Board notification of an offer of employment as a physician from an employer described in paragraph (b) of subsection 2 of NRS 630.2667; and

(b) Receive from the Board notification that the Executive Director of the Board, or his or her designee, and the appointed Board member have approved the employment.

2. The Executive Director of the Board, or his or her designee, and the appointed Board member may approve multiple offers of employment for the same transitional physician pursuant to subsection 1 if the Executive Director, or his or her designee, and the appointed

Board member determine that the transitional physician will not be working an unreasonable number of hours.

3. A transitional physician:

(a) Except as authorized by section 22 of this regulation, shall not engage in the practice of medicine or otherwise provide health care services in this State except in the employ of an employer that has been approved by the Executive Director of the Board, or his or her designee, and the appointed Board member pursuant to subsection 1.

(b) Shall inform the Board pursuant to paragraph (c) of subsection 3 of NRS 630.2667 not later than 72 hours after any change to his or her employment status, including, without limitation, the termination of a written practice agreement.

Sec. 17. *1. Except as otherwise provided in this section, a physician may supervise a transitional physician if the physician:*

(a) Holds an active license in good standing to practice medicine issued by the Board;

(b) Actually practices medicine full-time in this State in the same specialty as the transitional physician and has completed a residency or fellowship in that specialty;

(c) Has actively practiced medicine for at least 5 years;

(d) Has not had any disciplinary action imposed against him or her in this State or any other jurisdiction; and

(e) Has not been specifically prohibited by the Board from acting as a supervising physician.

2. The Board may authorize a physician who does not meet the requirements of paragraph (d) of subsection 1 to supervise a transitional physician if:

(a) The proposed supervising physician has not had any disciplinary action imposed against him or her in this State or any other jurisdiction within the immediately preceding 5 years; and

(b) The Board determines that the physician is capable of competently performing the duties of a supervising physician set forth in this chapter and chapter 630 of NRS after the Executive Director of the Board, or his or her designee, and the appointed Board member review:

(1) The application for licensure submitted by the transitional physician and any changes to the information provided in that application;

(2) The proposed written practice agreement between the transitional physician and the proposed supervising physician; and

(3) The disciplinary history of the proposed supervising physician.

3. A physician who holds an unrestricted license to practice medicine issued pursuant to subsection 6 of NRS 630.2667 may not supervise a transitional physician within the first 5 years that the physician practices independently under that unrestricted license.

4. A physician shall not supervise a transitional physician or otherwise delegate tasks to a transitional physician:

(a) Outside the scope of employment described in paragraph (b) of subsection 2 of NRS 630.2667 that has been approved by the Board pursuant to section 16 of this regulation;

(b) Who is performing services that are not authorized by a valid written practice agreement between the physician and the transitional physician; or

(c) Without determining that the transitional physician is competent to perform the relevant tasks.

5. A supervising physician is responsible for all the medical activities of a transitional physician that are performed under the supervision of the supervising physician.

Sec. 18. *1. A written practice agreement between a transitional physician and a supervising physician must be filed with the Board on a form supplied by the Board. A written practice agreement must include, without limitation:*

(a) The specialty area in which the transitional physician to whom the agreement pertains will practice;

(b) The services that the supervising physician authorizes the transitional physician to provide, including, without limitation:

(1) Any drugs that the supervising physician authorizes the transitional physician to prescribe or dispense; and

(2) Any tasks that the supervising physician authorizes the transitional physician to delegate to a medical assistant;

(c) The services that the supervising physician prohibits the transitional physician from providing, including, without limitation, any drugs that the supervising physician prohibits the transitional physician from prescribing or dispensing;

(d) The terms under which the transitional physician will be compensated;

(e) The hours that the transitional physician will work;

(f) Any services that the transitional physician is authorized to provide pursuant to section 21 of this regulation while the supervising physician or a substitute supervising physician is not present on the premises; and

(g) A written program of supervision that includes, without limitation:

(1) Regular assessments of the competency of the transitional physician by the supervising physician;

(2) Required reading material for the transitional physician, including, without limitation, requiring the transitional physician to read and become familiar with chapters 453, 454, 629, 630 and 639 of NRS and chapters 453, 454, 629, 630 and 639 of NAC within the first month during which the transitional physician practices medicine in this State; and

(3) Such other provisions and metrics as necessary to ensure that the transitional physician practices medicine in a safe and competent manner.

2. A written practice agreement may designate not more than two physicians to serve as the substitute supervising physician of the transitional physician if the supervising physician of the transitional physician:

(a) Is not on the premises and has not authorized the transitional physician to practice medicine while the supervising physician is not on the premises; or

(b) Is not on the premises or able to communicate with the transitional physician by telephone or other electronic means, if the supervising physician has, pursuant to section 21 of this regulation, authorized the transitional physician to practice medicine while the supervising physician is not on the premises.

3. A supervising physician may prohibit a transitional physician from prescribing or dispensing any drug or class of drugs, including, without limitation, controlled substances, as the supervising physician deems appropriate. A transitional physician shall not prescribe or dispense any drug that:

(a) Has not been approved by his or her supervising physician, as listed in the written practice agreement pursuant to paragraph (b) of subsection 1; or

(b) His or her supervising physician is not authorized or qualified to prescribe or dispense.

4. A written practice agreement may not authorize a transitional physician to provide any medical service that is outside the scope of practice, knowledge, training or experience of his or her supervising physician.

5. A written practice agreement must be approved by the Board or by the Executive Director of the Board, or his or her designee, and the appointed Board member before going into effect. The Board or the Executive Director, or his or her designee, and the appointed Board member, as applicable, may require changes to a written practice agreement before approving the written practice agreement.

6. A transitional physician and his or her supervising physician may update a written practice agreement, including, without limitation, to authorize the transitional physician to provide additional medical services, at any time. Such an updated written practice agreement must be approved by the Board or by the Executive Director of the Board, or his or her designee, and the appointed Board member pursuant to subsection 5 before going into effect.

7. For the purposes of this chapter, a written practice agreement is valid from the date on which the written practice agreement is approved by the Board or by the Executive Director of the Board, or his or her designee, and the appointed Board member to the date on which the written practice agreement expires or is terminated pursuant to section 23 of this regulation.

Sec. 19. *1. For the first year that a supervising physician supervises a transitional physician, the supervising physician shall submit to the Board a report at least once each quarter that meets the requirements of this section. For the remainder of the time that a supervising physician supervises a transitional physician, the supervising physician shall*

submit to the Board a report that meets the requirements of this section at least once every 6 months.

2. A report submitted pursuant to subsection 1 must be made on a form supplied by the Board and must include:

(a) An evaluation of the performance of the transitional physician to whom the report pertains, including, without limitation:

(1) Any relevant concerns that the supervising physician has concerning the performance of the transitional physician, including, without limitation, failure by the transitional physician to follow the instructions of the supervising physician; and

(2) A list of achievements of the transitional physician during the time period to which the report pertains; and

(b) Recommendations to improve the performance of the transitional physician.

3. The supervising physician of a transitional physician shall report to the Board any concerns relating to the competence or behavior of the transitional physician or any other matters relating to the transitional physician that could negatively affect the health or safety of patients.

4. The Executive Director of the Board, or his or her designee, and the appointed Board member shall review each report submitted pursuant to this section.

Sec. 20. *1. A transitional physician and his or her supervising physician must have contact in person or electronically at such frequency as to allow the supervising physician to ensure the quality of care provided by the transitional physician. Such contact must include, without limitation, at least one meeting each week during the first year of the supervision and*

at least two meetings each month for the remainder of the supervision to discuss the provision of medical services by the transitional physician.

2. The supervising physician of a transitional physician and the transitional physician shall develop a method by which the transitional physician may designate specific records of patients for the review of the supervising physician.

3. The supervising physician of a transitional physician may require the transitional physician to complete specified continuing education or training within a reasonable amount of time.

4. A transitional physician shall consult with his or her supervising physician whenever the welfare of a patient will be safeguarded or advanced by such consultation.

Sec. 21. *1. Except as authorized by section 22 of this regulation, a transitional physician shall not engage in the practice of medicine if his or her supervising physician or a substitute supervising physician listed in the applicable written practice agreement pursuant to subsection 2 of section 18 of this regulation is not physically present on the premises unless:*

(a) The transitional physician is providing services that his or her supervising physician has authorized the transitional physician to provide while the supervising physician or a substitute supervising physician is not physically present on the premises pursuant to subsection 2; and

(b) The supervising physician or a substitute supervising physician listed pursuant to subsection 2 of section 18 of this regulation in the applicable written practice agreement is available to consult with the transitional physician by telephone or other electronic means.

2. The supervising physician of a transitional physician may authorize a transitional physician to provide medical services while the supervising physician or a substitute

supervising physician is not physically present on the premises if the supervising physician determines that the transitional physician is competent to provide the services outside the presence of the supervising physician. Any such services must be listed pursuant to section 18 of this regulation in the applicable written practice agreement.

3. If the supervising physician of a transitional physician is unavailable to supervise the transitional physician for more than 14 consecutive days, the supervising physician shall:

(a) Notify the Board; and

(b) Arrange for the supervision of the transitional physician during that time by a substitute supervising physician listed pursuant to subsection 2 of section 18 of this regulation in the applicable written practice agreement.

Sec. 22. *1. Except as otherwise provided in this section, a transitional physician is considered to be and is deemed the agent of his or her supervising physician in the performance of all medical activities.*

2. A transitional physician shall not perform medical services without supervision from his or her supervising physician, except in:

(a) Life-threatening emergencies, including, without limitation, at the scene of an accident; or

(b) Emergency situations, including, without limitation, human-caused or natural disaster relief efforts.

3. When a transitional physician performs medical services in a situation described in subsection 2:

(a) The transitional physician is not the agent of his or her supervising physician and the supervising physician is not responsible or liable for any medical services provided by the transitional physician.

(b) The transitional physician shall provide whatever medical services are possible based on the need of the patient and the training, education and experience of the transitional physician.

(c) If a physician who holds an unrestricted license is available on-scene, the transitional physician may take direction from that physician.

(d) The transitional physician shall make a reasonable effort to contact his or her supervising physician, as soon as possible, to advise him or her of the incident and the role of the transitional physician in providing medical services.

Sec. 23. *1. A supervising physician shall not terminate a written practice agreement with a transitional physician unless:*

(a) The termination has been approved by the Executive Director, or his or her designee, and the appointed Board member pursuant to subsection 2; or

(b) The transitional physician consents in writing to the termination.

2. A supervising physician may submit to the Board a request to terminate a written practice agreement with a transitional physician. The Executive Director, or his or her designee, and the appointed Board member shall:

(a) Review the request; and

(b) Approve the request and provide written notice of the approval to the supervising physician and the transitional physician upon determining that:

(1) Failure to terminate the written practice agreement would create risk of imminent or continued harm to the health, safety or welfare of the public or any patient served by the transitional physician; or

(2) The supervising physician has provided the transitional physician with an adequate opportunity to address and remediate the issues that resulted in the request.

3. A supervising physician may prohibit a transitional physician from practicing under a written practice agreement while a request to terminate the written practice agreement submitted pursuant to subsection 2 is pending if the supervising physician determines that allowing the transitional physician to continue to practice would create risk of imminent or continued harm to the health, safety or welfare of the public or any patient served by the transitional physician.

4. Before submitting a request pursuant to subsection 2 to terminate a written practice agreement with a transitional physician, a supervising physician shall notify the transitional physician and document that notification in writing.

5. A supervising physician shall notify the Board on a form supplied by the Board not later than 72 hours after terminating a written practice agreement with a transitional physician. Such notice must:

(a) Include, without limitation, reasons for the termination; and

(b) Be accompanied by a copy of the written consent provided by the transitional physician pursuant to paragraph (b) of subsection 1 or a copy of the written notice of approval provided to the transitional physician pursuant to paragraph (b) of subsection 2, as applicable.

Sec. 24. *1. The Board will begin proceedings to administratively revoke a transitional limited physician license pursuant to subsection 7 of NRS 630.2667 if 1 year has elapsed since*

the termination of employment or the termination of a written practice agreement without the approval of a new offer of employment by the Executive Director, or his or her designee, and the appointed Board member pursuant to section 16 of this regulation or the approval of a new written practice agreement by the Executive Director, or his or her designee, and the appointed Board member pursuant to section 18 of this regulation, as applicable.

2. The administrative revocation of a transitional limited physician license pursuant to subsection 1 shall not be deemed to be disciplinary action for the purposes of section 8 of this regulation, and the person who held the administratively revoked transitional limited physician license may apply for a new transitional limited physician license pursuant to that section.

Sec. 25. *1. If a committee designated by the Board to conduct an investigation of a complaint files with the Board a formal charging document against a transitional physician pursuant to NRS 630.339, the Board will deliver a copy of the charging document to the supervising physician supervising the care of the relevant patient as shown in the medical records of the patient.*

2. If the Board issues a letter of warning, a letter of concern or a nonpunitive admonishment to a transitional physician pursuant to NRS 630.299, the Board will deliver a copy of the letter or admonishment to the supervising physician supervising the care of the relevant patient as shown in the medical records of the patient.

Sec. 26. *A physician shall:*

1. Provide competent medical care and assume as his or her primary responsibility the health, safety, welfare and dignity of all patients;

2. Deliver health services to patients without regard to race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry;

3. Adhere to all state and federal laws governing informed consent concerning the health care of a patient;

4. Become familiar with and adhere to all state and federal laws applicable to his or her practice as a physician, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, and other federal and state laws and regulations governing the confidentiality of health information;

5. Provide only those services for which the physician is qualified by education, training and experience;

6. Avoid conflicts of professional interest; and

7. Comply with all applicable provisions of chapter 629 of NRS and the regulations adopted pursuant thereto.

Sec. 27. NAC 630.010 is hereby amended to read as follows:

630.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC *630.023 and* 630.025 *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 28. NAC 630.050 is hereby amended to read as follows:

630.050 1. The Board will ~~[not accept any application for any type of license to practice medicine in this State if the Board cannot]~~ substantiate that the medical school from which ~~[the]~~ *an* applicant *for a license to practice medicine* graduated provided the applicant with a resident course of professional instruction equivalent to that provided ~~[in]~~ *:*

(a) In the United States ~~[or]~~ ***;***

(b) By a Canadian medical school approved by either the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or by the Committee on Accreditation of Canadian Medical Schools ~~[.]~~ ***; or***

(c) For an applicant for a license as a transitional physician, by a medical school approved by an accrediting organization that is recognized by an organization approved by Intealth, or its successor organization.

2. Except as otherwise provided in NAC 630.130, an applicant for any license to practice medicine must file his or her sworn application with the Board. The application must:

(a) Include all documentation required by the application;

(b) Include complete answers to all questions on the form; and

(c) Be accompanied by the applicable fee.

3. If the Board denies an application for any type of license to practice medicine in this State, the Board may prohibit the person whose application was denied from reapplying for a period of 1 year to 3 years after the date of the denial.

Sec. 29. NAC 630.153 is hereby amended to read as follows:

630.153 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ***and 3*** and NAC 630.157, each holder of a license to practice medicine shall, at the time of the biennial registration, submit to the Board by the final date set by the Board for submitting applications for biennial registration evidence, in such form as the Board requires, that he or she has completed 40 hours of continuing medical education during the preceding 2 years in one or more educational programs, 2 hours of which must be in medical ethics and 20 hours of which must be in the scope of practice or specialty of the holder of the license. Each educational program must:

(a) Offer, upon successful completion of the program, a certificate of Category 1 credit as recognized by the American Medical Association to the holder of the license;

(b) Be approved by the Board; and

(c) Be sponsored in whole or in part by an organization accredited or deemed to be an equivalent organization to offer such programs by the American Medical Association or the Accreditation Council for Continuing Medical Education.

2. Any holder of a license who has completed a full year of residency or fellowship in the United States or Canada any time during the period for biennial registration immediately preceding the submission of the application for biennial registration is exempt from the requirements set forth in subsection 1.

3. ***For a transitional physician:***

(a) At least 4 of the hours of continuing education required by subsection 1 must be in medical ethics; and

(b) At least 30 hours of the continuing education required by subsection 1 must be in the scope of practice or specialty of the holder of the license.

4. If the holder of a license fails to submit evidence of his or her completion of continuing medical education within the time and in the manner prescribed by subsection 1, the license will not be renewed. Such a person may not resume the practice of medicine unless, within 2 years after the end of the biennial period of registration, the person:

(a) Pays a fee to the Board which is twice the fee for biennial registration otherwise prescribed by subsection 1 of NRS 630.268;

(b) Submits to the Board, in such form as it requires, evidence that he or she has completed 40 hours of Category 1 continuing medical education as recognized by the American Medical Association within the preceding 2 years; and

(c) Is found by the Board to be otherwise qualified for active status pursuant to the provisions of this chapter and chapter 630 of NRS.

~~[4.]~~ ***5.*** The Board may issue up to 20 hours of continuing medical education credit during a single biennial period to a holder of a license to practice medicine ***, other than the holder of a transitional limited physician license,*** if the licensee performs a medical review for the Board. The hours issued by the Board:

(a) May be credited against the 40 hours required for any single biennial registration period pursuant to subsection 1; and

(b) Without exceeding the limit of 20 hours, must be equal to the actual time involved in performing the medical review.

Sec. 30. NAC 630.185 is hereby amended to read as follows:

630.185 NAC 630.185 to 630.230, inclusive, ***and section 26 of this regulation*** set forth the standards of practice established by the Board.

Sec. 31. NAC 630.187 is hereby amended to read as follows:

630.187 1. The Board hereby adopts by reference the ~~[Guidelines for the Chronic Use of Opioid Analgesics,]~~ ***Strategies for Prescribing Opioids for the Management of Pain,*** April ~~[2017,]~~ ***2024,*** published by the Federation of State Medical Boards of the United States, Inc., and any subsequent revision of the publication that has been approved by the Board for use in this State. Each revision of the publication shall be deemed approved by the Board unless it disapproves of the revision within 180 days after the date of publication of the revision.

2. The most recent publication of the ~~[Guidelines for the Chronic Use of Opioid Analgesics]~~ ***Strategies for Prescribing Opioids for the Management of Pain*** that has been approved by the Board will be available for inspection at the office of the Board of Medical Examiners, 9600 Gateway Drive, Reno, Nevada 89521, or may be obtained, free of charge, from the Federation of State Medical Boards of the United States, Inc., 400 Fuller Wiser Road, Euless, Texas 76039, or from the Federation of State Medical Boards of the United States, Inc., at the Internet address ~~[http://www.fsmb.org.]~~ ***https://www.fsmb.org.***

3. The Board shall:

(a) Review each revision of the publication described in subsection 1 to ensure its suitability for this State; and

(b) File a copy of each revision of the publication described in subsection 1 that it approves with the Secretary of State and the State Library, Archives and Public Records Administrator.

Sec. 32. NAC 630.210 is hereby amended to read as follows:

630.210 ***1.*** A physician or physician assistant shall seek consultation with another provider of health care in doubtful or difficult cases whenever it appears that consultation may enhance the quality of medical services.

2. A physician or physician assistant who engages in consultation pursuant to subsection 1 shall ensure that a record of such consultation is included in the medical record of the patient to whom the consultation relates.

3. A transitional physician or physician assistant shall consult with his or her supervising physician before engaging in consultation pursuant to subsection 1.

Sec. 33. NAC 630.227 is hereby amended to read as follows:

630.227 1. Except in an emergency situation described in subsection 4, a physician or physician assistant must obtain and document in the patient's medical records the informed consent of a patient or the representative of the patient before providing any procedure, injection or other invasive treatment to the patient.

2. If a patient provides informed consent pursuant to subsection 1 to each part of a series of procedures, injections or other invasive treatments, the physician or physician assistant is only required to obtain and document informed consent once before beginning the series of procedures, injections or other invasive treatments.

3. A physician or physician assistant obtaining the informed consent of a patient or the representative of a patient pursuant to subsection 1 shall inform the patient or the representative, as applicable, of:

(a) The qualifications of the physician or physician assistant and ***, where applicable,*** his or her supervising physician, including, without limitation:

(1) Any certifications issued by a member board of the American Board of Medical Specialties;

(2) Successful completion of a postgraduate training program which is approved by the Accreditation Council for Graduate Medical Education and which provides a physician with complete training in a medical specialty area; and

(3) Any other license or certification.

(b) The risks and expected benefits of all recommended treatments or other courses of action, including, without limitation, not performing any treatment.

4. In an emergency situation where a patient or his or her representative is not available or able to provide informed consent pursuant to subsection 1, a physician or physician assistant:

(a) May initiate care or treatment of the patient before obtaining the informed consent of the patient or his or her representative for such care or treatment;

(b) Shall seek to obtain the informed consent of the patient or his or her representative at the earliest opportunity; and

(c) Must obtain the informed consent of the patient pursuant to subsection 1 before providing ongoing care or treatment after the emergency situation has concluded.

5. A transitional physician or physician assistant shall:

(a) Communicate with his or her supervising physician concerning any action taken to comply with this section; and

(b) Document such communication in the medical record of the patient.

Sec. 34. NAC 630.230 is hereby amended to read as follows:

630.230 1. A person who is licensed as a physician or physician assistant shall not:

(a) Falsify ***or improperly alter*** records of health care;

(b) Falsify the medical records of a hospital so as to indicate his or her presence at a time when he or she was not in attendance or falsify those records to indicate that procedures were performed by him or her which were in fact not performed by him or her;

(c) Render professional services to a patient while the physician or physician assistant is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

(d) Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

(e) Prescribe anabolic steroids for any person to increase muscle mass for competitive or athletic purposes;

(f) Make an unreasonable additional charge for tests in a laboratory, radiological services or other services for testing which are ordered by the physician or physician assistant and performed outside his or her own office;

(g) Allow any person to act as a medical assistant in the treatment of a patient of the physician or physician assistant, unless the medical assistant has sufficient training to provide the assistance;

(h) Fail to provide adequate supervision of a medical assistant who is employed or supervised by the physician or physician assistant, including, without limitation, supervision provided in the manner described in NAC 630.810 or 630.820;

(i) If the person is a physician, fail to provide adequate supervision of a physician assistant ***, a transitional physician*** or an anesthesiologist assistant or adequate collaboration with an advanced practice registered nurse with whom the physician is collaborating ~~[:]~~ ***, including, without limitation:***

(1) Failing to ensure that a physician assistant, transitional physician, anesthesiologist assistant or advanced practice registered nurse is competent to perform a task before delegating the task to the physician assistant, transitional physician, anesthesiologist assistant or advanced practice registered nurse; or

(2) Authorizing a physician assistant, transitional physician, anesthesiologist assistant or advanced practice registered nurse to perform a task that is outside the scope of practice, training or experience of the physician or the physician assistant, transitional physician, anesthesiologist assistant or advanced practice registered nurse, as applicable;

(j) Fail to honor the advance directive of a patient without informing the patient or the surrogate or guardian of the patient, and without documenting in the patient's records the reasons for failing to honor the advance directive of the patient contained therein;

(k) Engage in the practice of writing prescriptions for controlled substances to treat acute pain ***, subacute pain*** or chronic pain in a manner that deviates from the policies set forth in the ~~[Guidelines for the Chronic Use of Opioid Analgesics]~~ ***Strategies for Prescribing Opioids for the Management of Pain*** adopted by reference in NAC 630.187;

(l) Administer or use, or allow any person under his or her supervision, direction or control to administer or use, a single-use medical device:

(1) For more than one procedure;

(2) For more than one patient; or

(3) In a manner inconsistent with the manufacturer's instructions or directions included on or with the single-use medical device;

(m) Require or ask a patient to waive his or her right to file a complaint with the Board;

(n) Condition care or treatment on the provision of a waiver described in paragraph (m); ~~[or]~~

(o) Engage in sexual impropriety toward a patient, including, without limitation, engaging in behavior that is seductive, sexually suggestive, disrespectful of a patient's privacy or sexually demeaning ~~[.]~~ ***; or***

(p) Misrepresent in any manner, directly or indirectly, his or her skills, training, professional credentials or identity or the services that he or she provides.

2. A physician or physician assistant shall comply with all applicable provisions of chapters 440 and 629 of NRS and any regulation adopted pursuant thereto.

3. As used in this section:

(a) ~~[“Chronic pain” has]~~ ***“Acute pain,” “chronic pain” and “subacute pain” have*** the ~~[meaning]~~ ***meanings*** ascribed to ~~[it]~~ ***them*** in section 3 of the ~~[Guidelines for the Chronic Use of Opioid Analgesics]~~ ***Strategies for Prescribing Opioids for the Management of Pain*** adopted by reference in NAC 630.187.

(b) “Single-dose vial” means a vial, including, without limitation, a sealed sterile vial, which may be accessed by insertion of a needle and which, according to the manufacturer’s instructions:

(1) Contains only one dose of a medication; and

(2) May be used for only one patient.

(c) “Single-use medical device” means a medical device that is intended for one use or on a single patient during a single procedure and includes, without limitation, a blade, clip, catheter, implant, insufflator, lancet, needle, sleeve, syringe and single-dose vial.

Sec. 35. NAC 630.240 is hereby amended to read as follows:

630.240 1. If a licensee desires to surrender his or her license to practice medicine, practice as an anesthesiologist assistant, practice perfusion or practice respiratory care while an investigation concerning the licensee or disciplinary proceedings concerning the licensee are pending, the licensee shall submit to the Board a sworn written statement of surrender of the license accompanied by delivery to the Board of the actual license issued to him or her.

2. The voluntary surrender of a license is not effective until it is accepted by the Board in a public meeting. An order accepting such a surrender must prescribe a period of at least 1 year but not more than 10 years during which the holder of the surrendered license is prohibited from applying for reinstatement of the license.

3. The Board will:

(a) Make the voluntary surrender of a license public; and

(b) Deem the voluntary surrender of a license to be disciplinary action and report the surrender to applicable national databases.

4. The voluntary surrender of a license, the failure to renew a license or the placement of a license on ***inactive status pursuant to NRS 630.255 or*** retired status pursuant to NAC 630.167 does not preclude the Board from hearing a complaint for disciplinary action made against the licensee.

Sec. 36. NAC 630.375 is hereby amended to read as follows:

630.375 1. Except as otherwise provided in this section, a physician assistant is ~~[considered to be and is]~~ deemed the agent of his or her supervising physician in the performance of all medical activities.

2. A physician assistant shall not perform medical services without supervision from his or her supervising physician, except in:

(a) Life-threatening emergencies, including, without limitation, at the scene of an accident; or

(b) Emergency situations, including, without limitation, human-caused or natural disaster relief efforts.

3. When a physician assistant performs medical services in a situation described in subsection 2:

(a) The physician assistant is not the agent of his or her supervising physician and the supervising physician is not responsible or liable for any medical services provided by the physician assistant.

(b) The physician assistant shall provide whatever medical services are possible based on the need of the patient and the training, education and experience of the physician assistant.

(c) If a licensed physician is available on-scene, the physician assistant may take direction from the physician.

(d) The physician assistant shall make a reasonable effort to contact his or her supervising physician, as soon as possible, to advise him or her of the incident and the physician assistant's role in providing medical services.

Sec. 37. NAC 630.380 is hereby amended to read as follows:

630.380 1. A physician assistant is subject to disciplinary action by the Board if, after notice and hearing in accordance with this chapter, the Board finds that the physician assistant:

(a) Has willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for a license;

(b) Has held himself or herself out as or permitted another to represent the physician assistant to be a licensed physician;

(c) Has performed medical services otherwise than:

(1) Pursuant to NAC 630.375; or

(2) At the direction or under the supervision of the supervising physician of the physician assistant;

(d) Has performed medical services which have not been approved by the supervising physician of the physician assistant, unless the medical services were performed pursuant to NAC 630.375;

(e) Is guilty of ~~[gross or repeated]~~ malpractice ~~[in the performance of medical services for acts committed before October 1, 1997;~~

~~(f) Is guilty of malpractice in the performance of medical services for acts committed on or after October 1, 1997;~~

~~(g)~~ ***;***

(f) Is guilty of disobedience of any order of the Board or an investigative committee of the Board, any provision in the regulations of the State Board of Health or the State Board of Pharmacy or any provision of this chapter;

~~(h)~~ ***(g)*** Is guilty of administering, dispensing or possessing any controlled substance otherwise than in the course of legitimate medical services or as authorized by law and the supervising physician of the physician assistant;

~~(i)~~ ***(h)*** Has been convicted of a violation of any federal or state law regulating the prescribing, possession, distribution or use of a controlled substance;

~~(j)~~ ***(i)*** Is not competent to provide medical services;

~~(k)~~ ***(j)*** Failed to notify the Board of an involuntary loss of certification by the National Commission on Certification of Physician Assistants within 30 days after the involuntary loss of certification;

~~(l)~~ ***(k)*** Is guilty of violating a provision of NAC 630.230, 630.810, 630.820 or 630.830;

~~(m)~~ ***(l)*** Is guilty of violating a provision of NRS 630.301 to 630.3065, inclusive; or

~~(n)~~ ***(m)*** Is guilty of violating a provision of subsection 2 or 3 of NAC 630.340.

2. To institute disciplinary action against a physician assistant, a written complaint, specifying the charges, must be filed with the Board by the investigative committee of the Board.

3. A physician assistant is not subject to disciplinary action solely for prescribing or administering to a patient under the care of the physician assistant a controlled substance which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146. ***This subsection must not be construed to prohibit disciplinary action for prescribing or***

administering such a controlled substance where such prescribing or administering constitutes a violation of other applicable law or regulations.

Sec. 38. NAC 630.495 is hereby amended to read as follows:

630.495 1. Except as otherwise provided in subsection 2, a physician shall not simultaneously:

(a) Supervise more than ~~[three]~~ ***four*** physician assistants;

(b) Collaborate with more than ~~[three]~~ ***four*** advanced practice registered nurses; ~~[or]~~

(c) ***Supervise more than two full-time equivalent transitional physicians; or***

(d) Supervise or collaborate with a combination of more than ~~[three]~~ ***four*** physician assistants ***,*** ~~[and]~~ advanced practice registered nurses ~~[.]~~ ***and transitional physicians.***

2. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** physician may petition the Board for approval to supervise or collaborate with more physician assistants and advanced practice registered nurses than he or she would otherwise be allowed pursuant to subsection 1. ***A physician may not:***

(a) Submit such a petition if the physician also supervises transitional physicians; or

(b) Petition for approval to supervise or collaborate with more than six physician assistants and advanced practice registered nurses in total.

3. The Executive Director of the Board or his or her designee shall review and approve or deny a petition made pursuant to subsection 2. The Executive Director or his or her designee shall not approve the petition unless the physician provides satisfactory proof to the Board that:

(a) Special circumstances regarding his or her practice exist that necessitate his or her supervision or collaboration with more physician assistants and advanced practice registered nurses than would otherwise be allowed pursuant to subsection 1; and

(b) The physician will be able to supervise or collaborate with the number of physician assistants and advanced practice registered nurses for which he or she is requesting approval in a satisfactory manner.

4. When determining pursuant to subsection 3 whether to approve a petition made pursuant to subsection 2, the Executive Director or his or her designee shall review the licensing history and disciplinary history of the physician and each physician assistant or advanced practice registered nurse.

Sec. 39. NAC 630.810 is hereby amended to read as follows:

630.810 1. Except as otherwise provided in this section, a delegating practitioner may delegate to a medical assistant the performance of a task if:

(a) The delegating practitioner knows that the medical assistant possesses the knowledge, skill and training to perform the task safely and properly;

(b) The medical assistant is not required to be certified or licensed to perform that task;

(c) The medical assistant is employed by the delegating practitioner or the medical assistant and the delegating practitioner are employed by the same employer; and

(d) The employer of the medical assistant has complied with the requirements of subsection ~~[2]~~ ***4*** as they relate to the task.

2. ***A holder of a limited license issued pursuant to NRS 630.265 shall not delegate a task to a medical assistant unless:***

(a) Such delegation is approved by the supervisor of the limited licensee in his or her graduate program; and

(b) The limited licensee is competent to perform the delegated task.

3. A transitional physician shall not delegate a task to a medical assistant unless:

(a) Such delegation is approved by the supervising physician of the transitional physician, as documented in a written practice agreement pursuant to section 18 of this regulation; and

(b) The transitional physician is competent to perform the delegated task.

4. The employer of a medical assistant shall document in the employment record of the medical assistant that he or she has been appropriately trained and is competent to perform any task or procedure assigned to him or her.

~~[3.]~~ ***5.*** Except as otherwise provided in NAC 630.820, if a medical assistant is delegated a task which involves an invasive procedure, the delegating practitioner must be immediately available to exercise oversight in person while the medical assistant performs the task.

~~[4.]~~ ***6.*** A medical assistant shall not make a diagnosis, initiate any treatment or prescribe any drug.

Sec. 40. NAC 630.820 is hereby amended to read as follows:

630.820 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** delegating practitioner may supervise remotely a medical assistant to whom the practitioner has delegated the performance of a task if:

(a) The patient is located in a rural area;

(b) The delegating practitioner is physically located a significant distance from the location where the task is to be performed;

(c) The delegating practitioner determines that the exigent needs of the patient require immediate attention;

(d) The patient and the delegating practitioner previously established a practitioner-patient relationship; and

(e) The delegating practitioner is immediately available by telephone or other means of instant communication during the performance of the task by the medical assistant.

2. ***A holder of a limited license issued pursuant to NRS 630.265 or a transitional physician shall not remotely supervise a medical assistant.***

3. As used in this section, "rural area" means any area in this State other than Carson City or the City of Elko, Henderson, Reno, Sparks, Las Vegas or North Las Vegas.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

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Reno, NV 89521

Nick M. Spirtos, M.D., F.A.C.O.G.
Board President

Edward O. Cousineau, J.D.
Executive Director

Informational Statement LCB File No. R112-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 630.

1. A Clear and Concise Explanation of the Need for the Adopted Regulation.

The proposed regulation is necessary to implement SB124 (*see* NRS 630.2667) from the 2025 Legislative Session with regard to issuing limited licenses to certain foreign trained physicians (transitional physicians) in the State of Nevada. The proposed regulation adds requirements for transitional physicians with regard to licensure applications, supervision, employment, and disciplinary matters to NAC Chapter 630 and sets out requirements that are necessary for public safety. The proposed regulation also adds transitional physicians to relevant existing NAC Chapter 630 provisions

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.

The Board solicited comment from any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft were sent to the following organizations on September 26, 2025:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill Entrepreneur Development Association
- City of Winnemucca
- Clark County Medical Society
- Ely Rural Nevada Development Corporation
- Great Basin College
- Great Basin College Winnemucca
- Las Vegas Asian Chamber of Commerce
- Las Vegas Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Nevada State Medical Association
- Pahrump Rural Nevada Development Corporation
- Reno/Sparks Chamber of Commerce
- Washoe County Medical Society

Copies of the Board's regulation draft and workshop notice were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any

persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

Copies of the Board's Notice of Intent to Act Upon a Regulation, the proposed regulation draft, and the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

In the Notice of Intent to Act Upon a Regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board located at 9600 Gateway Drive, Reno, Nevada and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada; 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 https://www.leg.state.nv.us/register/, as well as posted at the following locations:

Nevada State Board of Medical Examiners - *Las Vegas, NV*
Nevada State Board of Medical Examiners - *Reno, NV*
Nevada State Board of Medical Examiners Website - https://medboard.nv.gov/
State Library, Archives and Public Records - *Carson City, NV*

No public comment was received at the regulation workshops or public hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the initial regulation workshop held on October 27, 2025, stakeholders attended and asked questions and provided suggestions and edits to the regulation draft which were incorporated into the regulation draft that was reviewed and discussed at the regulation workshop held on November 12, 2025. No written public comment was received was received prior to the regulation workshop, public hearing, or adoption hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the public hearing held on June 16, 2026, stakeholders attended and

The Board received an email from the OET on October 1, 2025 regarding LCB File No. R112-25 confirming the regulations will require the ECFMG certificate from applicants to satisfy the English proficiency requirement in NRS 630.2667. Board staff responded and confirmed that this understanding was correct.

The Board received a letter from Dr. Cole on October 10, 2025, on behalf of the Nevada Psychiatric Association regarding the inclusion of psychiatry as a specialty option for transitional physicians, included in the original draft of LCB File No. R112-25. In this letter Dr. Cole requests that psychiatry be removed from this licensure pathway for a variety of reasons. The Board also received an

email from Dr. Durette, Associate Professor and Department of Psychiatry and Behavioral Health Program Director Chair at the Kirk Kerkorian School of Medicine, on October 13, 2025, also requesting that psychiatry be removed from the regulations and highlighting the importance of completion of ACGME-accredited programs by psychiatrists practicing in Nevada due to the nuanced and structured curriculum in those programs allowing those graduates to provide better care for Nevadans. The Board received an undated letter from the Nevada Psychiatric Association in October 2025 also requesting that psychiatry be removed from the regulations and highlighting the importance of ACGME-accredited training in psychiatry and important cultural differences that may not be able to be easily taught during the two-year supervision period contemplated by NRS 630.2667 which would potentially lead to lower quality psychiatric care for Nevada patients. Based on these comments, the Board did discuss this issue and voted to remove psychiatry from the proposed regulations at its December 2025 Board meeting.

On October 15, 2025, the Board received an email from Weldon Havins, M.D., Esq., Professor Emeritus, Touro University Nevada, asking about a typo (that has since been corrected) in the Board's preliminary regulation draft and suggesting that references to SB124 be updated to include the year for the bill (which was updated when LCB drafted the regulation and which will be updated to reference NRS 630.2667 when the regulations are codified). Dr. Havins also asked questions about New Provision #8 in the Board's preliminary regulation draft with regard to the approval of a transitional physician's offer of employment and written practice agreement, as well as the limitation that a transitional physician may not work an unreasonable number of hours. Dr. Havins suggests that this approval should not be done only by the Board's Executive Director. He also wants to clarify who will determine what constitutes an unreasonable number of hours. This provision has been subsequently updated by LCB during the drafting process and by an update requested by the Board that an Appointed Board member as a decision maker to approve these documents (and others in the applicant's file). Dr. Havins also asks about perceived conflicts contained in the Board's preliminary regulation draft in New Provisions #8 and #19. These conflicts have been resolved by the LCB drafting process as well as subsequent changes made to the regulation draft by the Board. Dr. Havins also asks about New Provision #21 in the Board's preliminary draft. This provision was updated by LCB during the drafting process and an Appointed Board member was added as a decision-maker for these decisions.

The Board received an email on January 4, 2026, asking if other states may be utilized to verify medical school graduation and other requirements. Board staff responded and indicated that generally the Board would like to receive these documents from a primary source, but the regulation has a provision that allows applicants to provide an affidavit to support their application, if this information is not able to be obtained directly because the Board understands that some applicants will be refugees and may not be able to request these items through a primary source.

On June 12, 2026, the Board received a letter from the National Nurses Organizing Committee-Nevada/National Nurses United (NNOC-NV) (on letterhead from California Nurses Association National Nurses Organizing Committee) in support of sections 38 and 39 in LCB File No. R112-25 with regard to remote delegation to medical assistants. In the same letter, the NNOC-NV urges the Board to make unrelated changes removing existing authority that delegating practitioners may utilize with regard to medical assistants.

The regulation workshops and public hearing for LCB File No. R112-25 had high attendance and high participation. Nearly everyone attending the regulations workshops and public hearing are individuals who are interested in applying for limited licensure in Nevada under this new pathway. The

attendees were thankful for the opportunity to participate in the process and ask questions about the process, the law, and the regulations. The attendees provided valuable input during the first two regulation workshops that was incorporated into the Board's final version of the preliminary regulation draft that was sent to LCB for drafting in December 2025.

A summary of the public comment received regarding LCB File No. R112-25 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

3. The Number Persons Who:

(a) Attended Each Hearing:

October 27, 2025 (Regulation Workshop): 15;
November 12, 2025 (Regulation Workshop): 24;
June 16, 2026 (Public Hearing): 21.

(b) Testified at Each Hearing:

October 27, 2025 (Regulation Workshop): 9;
November 12, 2025 (Regulation Workshop): 9;
June 16, 2026 (Public Hearing): 6.

(c) Submitted to the Agency Written Comments:

The Board received an email from the OET on October 1, 2025 regarding LCB File No. R112-25 confirming the regulations will require the ECFMG certificate from applicants to satisfy the English proficiency requirement in NRS 630.2667. Board staff responded and confirmed that this understanding was correct.

The Board received a letter from Dr. Cole on October 10, 2025, on behalf of the Nevada Psychiatric Association regarding the inclusion of psychiatry as a specialty option for transitional physicians, included in the original draft of LCB File No. R112-25. In this letter Dr. Cole requests that psychiatry be removed from this licensure pathway for a variety of reasons. The Board also received an email from Dr. Durette, Associate Professor and Department of Psychiatry and Behavioral Health Program Director Chair at the Kirk Kerkorian School of Medicine, on October 13, 2025, also requesting that psychiatry be removed from the regulations and highlighting the importance of completion of ACGME-accredited programs by psychiatrists practicing in Nevada due to the nuanced and structured curriculum in those programs allowing those graduates to provide better care for Nevadans. The Board received an undated letter from the Nevada Psychiatric Association in October 2025 also requesting that psychiatry be removed from the regulations and highlighting the importance of ACGME-accredited training in psychiatry and important cultural differences that may not be able to be easily taught during the two-year supervision period contemplated by NRS 630.2667 which would potentially lead to lower quality psychiatric care for Nevada patients. Based on these comments, the Board did discuss this issue and voted to remove psychiatry from the proposed regulations at its December 2025 Board meeting.

On October 15, 2025, the Board received an email from Weldon Havins, M.D., Esq., Professor Emeritus, Touro University Nevada, asking about a typo (that has since been corrected) in the Board's preliminary regulation draft and suggesting that references to SB124 be updated to include the year for

the bill (which was updated when LCB drafted the regulation and which will be updated to reference NRS 630.2667 when the regulations are codified). Dr. Havins also asked questions about New Provision #8 in the Board's preliminary regulation draft with regard to the approval of a transitional physician's offer of employment and written practice agreement, as well as the limitation that a transitional physician may not work an unreasonable number of hours. Dr. Havins suggests that this approval should not be done only by the Board's Executive Director. He also wants to clarify who will determine what constitutes an unreasonable number of hours. This provision has been subsequently updated by LCB during the drafting process and by an update requested by the Board that an Appointed Board member as a decision maker to approve these documents (and others in the applicant's file). Dr. Havins also asks about perceived conflicts contained in the Board's preliminary regulation draft in New Provisions #8 and #19. These conflicts have been resolved by the LCB drafting process as well as subsequent changes made to the regulation draft by the Board. Dr. Havins also asks about New Provision #21 in the Board's preliminary draft. This provision was updated by LCB during the drafting process and an Appointed Board member was added as a decision-maker for these decisions.

The Board received an email on January 4, 2026, asking if other states may be utilized to verify medical school graduation and other requirements. Board staff responded and indicated that generally the Board would like to receive these documents from a primary source, but the regulation has a provision that allows applicants to provide an affidavit to support their application, if this information is not able to be obtained directly because the Board understands that some applicants will be refugees and may not be able to request these items through a primary source.

On June 12, 2026, the Board received a letter from the National Nurses Organizing Committee-Nevada/National Nurses United (NNOC-NV) (on letterhead from California Nurses Association National Nurses Organizing Committee) in support of sections 38 and 39 in LCB File No. R112-25 with regard to remote delegation to medical assistants. In the same letter, the NNOC-NV urges the Board to make unrelated changes removing existing authority that delegating practitioners may utilize with regard to medical assistants.

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.

Attendees at the October 27, 2025 Public Workshop in Reno:

Olga Marina Perez
Telephone: 775-379-3296
Address: Not Provided
Business Telephone: Not Provided
Email: ompc1962@yahoo.com
Representing: Not Provided

Asked a question about the new license type and how it is working in other states.

Stan Orr
Telephone: 775-379-8937
Address: Not Provided
Business Telephone: Not Provided
Email: oreoorr3@gmail.com
Representing: Not Provided

Provided comment during the general public comment period stating that many foreign-trained physician have sought alternative pathways to provide health care services in Nevada such as becoming electrocardiogram technicians or radiation technicians after being unable to be a physician in the United States and these certifications are very expensive, time-consuming, and offer little value. He wondered if this licensure pathway would allow medically trained individuals a more accessible path to provide primary care services to Nevada patients.

Melvin Nario
Telephone: 702-271-9126
Address: Not Provided
Business Telephone: Not Provided
Email: melvin_nario@yahoo.com; hhnars16@gmail.com
Representing: Not Provided

Asked questions about the regulations, the requirements in the law, and the licensing process.

Lea Cartwright
Telephone: 775-835-2570
Address: 111 W. Procter Street, Carson City, NV 89703
Business Telephone: 775-329-0119
Email: lc@cartwrightnv.com
Representing: Nevada Psychiatric Association

Testified on behalf of the Nevada Psychiatric Association and requested that psychiatry be removed from the regulations.

Attendees at the October 27, 2025 Public Workshop in Las Vegas:

Reneta Medina
Telephone: 571-383-7383
Address: 9416 Cruz Street, Las Vegas, NV
Business Telephone: Not Provided
Email: renpalmedina2003@gmail.com
Representing: Not Provided

No testimony was provided.

Iris Jones
Telephone: 702-486-0800
Address: 505 E. Capovilla Avenue, Suite 102, Las Vegas, NV 89119
Business Telephone: Not Provided
Email: ijones@ona.nv.gov
Representing: Governor's Office for New Americans

Provided comments regarding efforts that the Office of New Americans is making with regard to helping to implement SB124 by finding possible employers and possible supervising physicians.

James Lee
Telephone: 702-883-4116
Address: 3000 W. Charleston Blvd., Suite 3, Las Vegas, NV 89102
Business Telephone: 702-877-9511
Email: leesvc1@gmail.com jlee@calderonmed.com
Representing: James Lee/Calderon Medical Group

Asked questions about the regulations, the requirements in the law, and the licensing process.

Zoë Houghton
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: zoe@theperkinsco.com
Representing: NSMA

No testimony was provided.

Melanie Paluay
Telephone: 360-434-8409
Address: 8604 Vivid Violet Avenue, Las Vegas, NV 89143
Business Telephone: Not Provided
Email: melpaluay@gmail.com
Representing: Not Provided

Asked questions about the regulations, the requirements in the law, and the licensing process.

Jacqueline Nguyen
Telephone: Not Provided
Address: Not Provided
Business Telephone: 702-302-6157
Email: jacqueline@nvdoctors.org
Representing: NSMA

No testimony was provided.

Ramin Amiri
Telephone: Not Provided
Address: 6722 Grandview Ave
Business Telephone: 725-772-1375
Email: drraminamiri786@gmail.com
Representing: Not Provided

No testimony was provided.

Robert Paluay
Telephone: 360-204-4304
Address: 8604 Vivid Violet Avenue, Las Vegas, NV 89143
Business Telephone: Not Provided
Email: rlpaluay@gmail.com
Representing: Not Provided

Asked questions about the regulations, the requirements in the law, and the licensing process.

James Merchant
Telephone: 702-350-5432
Address: 6821 White Shell Circle, Las Vegas, NV 89108
Business Telephone: Not Provided
Email: jaimerchantmd@gmail.com
Representing: Not Provided

Asked questions about the regulations, the requirements in the law, and the licensing process.

Eduardo L. Rivero Rosales
Telephone: 702-517-0109
Address: 5223 Caspiau Springs Drive, Unit 102, Las Vegas, NV 89120
Business Telephone: Not Provided
Email: eduardoluisriverorosales@gmail.com
Representing: Not Provided

No testimony was provided.

Mary T. Salas Aties
Telephone: 725-310-2977
Address: Not Provided
Business Telephone: Not Provided
Email: marytrinisalasaties@gmail.com
Representing: Not Provided

No testimony was provided.

Attendees at the November 12, 2025 Public Workshop in Reno:

Melvin Nario
Telephone: 702-271-9126
Address: Not Provided
Business Telephone: Not Provided
Email: melvin_nario@yahoo.com; hhnars16@gmail.com
Representing: Not Provided

Asked questions about the regulations, the requirements in the law, and the licensing process.

Lea Cartwright
Telephone: 775-835-2570
Address: 111 W. Procter Street, Carson City, NV 89703
Business Telephone: 775-329-0119
Email: lc@cartwrightnv.com
Representing: Nevada Psychiatric Association

Testified on behalf of the Nevada Psychiatric Association and requested that psychiatry be removed from the regulations.

Robert Landon Hester
Telephone: 405-482-3158
Address: 745 W. Moana Lane, Suite 300, Reno, NV 89509
Business Telephone: 405-482-3158
Email: landonhester77@pm.me
Representing: Self

Provided testimony requesting that psychiatry be removed from the regulations because it differed from the included specialties in ways that create unique challenges if psychiatry is included in this licensure pathway.

Attendees at the November 12, 2025 Public Workshop in Las Vegas:

Christine Dineros
Telephone: 702-651-7925
Address: Not Provided
Business Telephone: Not Provided
Email: christine.dineros@csn.edu
Representing: CSN-DWED

No testimony was provided.

Reneta Medina
Telephone: 571-383-7383
Address: 9416 Cruz Street, Las Vegas, NV
Business Telephone: Not Provided
Email: renpalmedina2003@gmail.com
Representing: Not Provided

No testimony was provided.

Rey Villahermosa
Telephone: 702-885-6457
Address: 6330 W. Flamingo Road, Las Vegas, NV 89103
Business Telephone: Not Provided
Email: reyvh1215@gmail.com
Representing: Not Provided.

No testimony was provided.

Idania Maria Cruzata Matos
Telephone: 725-910-1550
Address: 4162 Sheppard Drive
Business Telephone: Not Provided
Email: idaniamaria88@gmail.com
Representing: Not Provided.

Asked questions about the regulations, the requirements in the law, and the licensing process.

Arlene Generoso
Telephone: 702-326-3004
Address: 6921 Snow Finch Street, North Las Vegas, NV 89084
Business Telephone: 702-326-3005
Email: arlenesgg@gmail.com
Representing: Not Provided

Provided comment during the general public comment period at the start of the workshop, thanking the lawmakers and everyone involved in the process of creating this new licensure pathway because there is a population of people in Nevada who are physicians in their home countries and would like to utilize their skills to care for their communities here. Asked questions about the regulations, the requirements in the law, and the licensing process.

Tamara Zhdanova
Telephone: 702-401-6992
Address: Not Provided
Business Telephone: Not Provided
Email: tzhd2007@gmail.com
Representing: Not Provided

No testimony was provided.

Ted Hartwell
Telephone: 702-858-2441
Address: 5552 S. Fort Apache Road, Suite 100
Business Telephone: 702-369-9740
Email: t.hartwell@cox.net
Representing: Not Provided

No testimony was provided.

Dwight Generoso
Telephone: 702-326-3005
Address: 6921 Snow Finch Street, North Las Vegas, NV 89084
Business Telephone: 702-326-3005
Email: dwightmd2000@yahoo.com
Representing: Self

No testimony was provided.

Ramin Amiri
Telephone: Not Provided
Address: 7531 Redwood Point Street
Business Telephone: 725-772-1375
Email: drraminamiri786@gmail.com
Representing: Not Provided

Asked questions about the regulations, the requirements in the law, and the licensing process.

Ledinees A. Rouet
Telephone: 702-827-8752
Address: Not Provided
Business Telephone: Not Provided
Email: albertopiouet82@gmail.com
Representing: Not Provided

No testimony was provided.

Marta Birch
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: mhhphotobenler@gmail.com
Representing: Not Provided

No testimony was provided.

James Lee
Telephone: 702-883-4116
Address: 3000 W. Charleston Blvd., Suite 3, Las Vegas, NV 89102
Business Telephone: 702-877-9511
Email: leesvc1@gmail.com
Representing: James Lee

Asked questions about the regulations, the requirements in the law, and the licensing process.

Chris De Mesa
Telephone: 323-204-7943
Address: Not Provided
Business Telephone: Not Provided
Email: cdemesa@calderonmed.com
Representing: Not Provided

Asked questions about the regulations, the requirements in the law, and the licensing process.

Melanie Paluay
Telephone: 360-434-8409
Address: 8604 Vivid Violet Avenue, Las Vegas, NV 89143
Business Telephone: Not Provided
Email: melpaluay@gmail.com
Representing: Not Provided

No testimony was provided.

Eileen Chavez
Telephone: 702-466-4888
Address: 4040 N. MLK Blvd.
Business Telephone: 702-644-4673
Email: echavez@hopehealthvegas.org
Representing: Not Provided

Asked questions about the regulations, the requirements in the law, and the licensing process.

Jacqueline Nguyen
Telephone: Not Provided
Address: Not Provided
Business Telephone: 702-302-6157
Email: jacqueline@nvdoctors.org
Representing: NSMA

No testimony was provided.

Robert Paluay
Telephone: 360-204-4304
Address: 8604 Vivid Violet Avenue, Las Vegas, NV 89143
Business Telephone: Not Provided
Email: rlpaluay@gmail.com
Representing: Not Provided

No testimony was provided.

Iris Jones
Telephone: 702-486-0800
Address: 505 E. Capovilla Avenue, Suite 102, Las Vegas, NV 89119
Business Telephone: Not Provided
Email: ijones@ona.nv.gov
Representing: Governor's Office for New Americans

No testimony provided.

James Merchant
Telephone: 702-350-5432
Address: 6821 White Shell Circle, Las Vegas, NV 89108
Business Telephone: Not Provided
Email: jaimerchantmd@gmail.com
Representing: Not Provided

No testimony was provided.

Gilberto Sewaluo
Telephone: Not Provided
Address: 2121 East Warm Springs Rd., Apt. 2151, Las Vegas, NV 89119
Business Telephone: 702-902-6068
Email: gilbertosewaluomalpica@gmail.com
Representing: Not Provided

No testimony was provided.

Jessica Turner
Telephone: 702-486-0800
Address: 505 E. Capovilla Avenue, Suite 102, Las Vegas, NV 89119
Business Telephone: Not Provided
Email: jessturner@ona.nv.gov
Representing: Governor's Office for New Americans

No testimony provided.

Attendees at the June 16, 2026 Public Hearing in Reno:

Melvin Nario
Telephone: 702-271-9126
Address: Not Provided
Business Telephone: Not Provided
Email: melvin_nario@yahoo.com; hhnars16@gmail.com
Representing: Not Provided

Asked questions about the regulations, the requirements in the law, and the licensing process.

Attendees at the June 16, 2026 Public Hearing in Las Vegas:

James Lee
Telephone: 702-883-4116
Address: 3000 W. Charleston Blvd., Suite 3, Las Vegas, NV 89102
Business Telephone: 702-877-9511
Email: leesvc1@gmail.com
Representing: James Lee

Asked questions about the regulations, the requirements in the law, and the licensing process.

Rey Villahermosa
Telephone: 702-885-6457
Address: 6330 W. Flamingo Road, Las Vegas, NV 89103
Business Telephone: Not Provided
Email: reyvh1215@gmail.com
Representing: Not Provided.

No testimony was provided.

Dwight Generoso
Telephone: 702-326-3005
Address: 6921 Snow Finch Street, North Las Vegas, NV 89084
Business Telephone: 702-326-3005
Email: dwightmd2000@yahoo.com
Representing: Self

Asked questions about the regulations, the requirements in the law, and the licensing process.

Melanie Paluay
Telephone: 360-434-8409
Address: 8604 Vivid Violet Avenue, Las Vegas, NV 89143
Business Telephone: Not Provided
Email: melpaluay@gmail.com
Representing: Not Provided

No testimony was provided.

Robert Paluay
Telephone: 360-204-4304
Address: 8604 Vivid Violet Avenue, Las Vegas, NV 89143
Business Telephone: Not Provided
Email: rlpaluay@gmail.com
Representing: Not Provided

No testimony was provided.

Arlene Generoso
Telephone: 702-326-3004
Address: 6921 Snow Finch Street, North Las Vegas, NV 89084
Business Telephone: 702-326-3005
Email: arlenesgg@gmail.com
Representing: Not Provided

No testimony was provided.

Medina Reneta
Telephone: 571-383-7383
Address: 9416 Cruz Street, Las Vegas, NV
Business Telephone: Not Provided
Email: renpalmedina2003@gmail.com
Representing: Not Provided

No testimony was provided.

Ramin Amiri
Telephone: Not Provided
Address: 6722 Grandview Ave
Business Telephone: 725-772-1375
Email: drraminamiri786@gmail.com
Representing: Not Provided

No testimony was provided.

Ilaria Rispoli
Telephone: 702-217-2359
Address: 2522 Strathill Avenue
Business Telephone: Not Provided
Email: Ilaria.rispoli@gmail.com
Representing: Not Provided

No testimony was provided.

Jessica Turner
Telephone: 702-486-0800
Address: 505 E. Capovilla Avenue, Suite 102, Las Vegas, NV 89119
Business Telephone: Not Provided
Email: jessturner@ona.nv.gov
Representing: Governor's Office for New Americans

No testimony provided.

Fernando Iglesia
Telephone: Not Provided
Address: 3601 W. Charleston Blvd., #11, Las Vegas, NV 89117
Business Telephone: 305-384-9736
Email: fernandoiglesia23@gmail.com
Representing: WOMG

No testimony was provided.

Attendees at the June 16, 2026 Public Hearing by Teams:

Reagan Hart
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Reagan@nvha.net
Representing: Not Provided

No testimony was provided.

Maddison Proctor
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: Not Provided

No testimony was provided.

Carla Amadei
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: carla.amadei@pacmsg.com
Representing: Not Provided

No testimony was provided.

Zoë Houghton
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: zoe@theperkinsco.com
Representing: Not Provided.

No testimony was provided.

Luis
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: Not Provided

Asked questions about the regulations, the requirements in the law, and the licensing process.

Brian Evans
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: Not Provided

No testimony was provided.

Lea Cartwright
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: lc@cartwrightnv.com
Representing: Not Provided

Thanked the Board for its hard work on these regulations and for taking all of the comments received into account.

Sabrina Petrel
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: sp@cartwrightnv.com
Representing: Not Provided

No testimony was provided.

Yonis Mudey, DNP
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: yonis.mudey@alteahc.com
Representing: Not Provided

Asked a question in the Chat function for the Teams meeting.

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 Board solicited comment from any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft and the Board's preliminary small business impact statement was sent to the following organizations on September 26, 2025:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill Entrepreneur Development Association
- City of Winnemucca
- Clark County Medical Society
- Ely Rural Nevada Development Corporation
- Great Basin College
- Great Basin College Winnemucca
- Las Vegas Asian Chamber of Commerce
- Las Vegas Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Nevada State Medical Association
- Pahrump Rural Nevada Development Corporation
- Reno/Sparks Chamber of Commerce
- Washoe County Medical Society

Copies of the Board's regulation draft, preliminary Small Business Impact Statement, and workshop notices were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

Copies of the Board's Notice of Intent to Act Upon a Regulation, the proposed regulation draft from LCB, and the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

In the Notice of Intent to Act Upon a Regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board located at 9600 Gateway Drive, Reno, Nevada and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada; 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 https://www.leg.state.nv.us/register/, as well as posted at the following locations:

Nevada State Board of Medical Examiners - *Las Vegas, NV*
Nevada State Board of Medical Examiners - *Reno, NV*
Nevada State Board of Medical Examiners Website - https://medboard.nv.gov/
State Library, Archives and Public Records - *Carson City, NV*

No public comment was received at the regulation workshops or public hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the initial regulation workshops held on October 27, 2025 and November 12, 2025, stakeholders attended and provided suggestions and edits to the regulation draft which were incorporated into the regulation draft that was reviewed and discussed by the Board at its public meeting on December 12, 2025. No written public comment was received was received prior to the regulation workshops, public hearing, or adoption hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

A summary of the public comment received regarding LCB File No. R112-25 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

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.

This regulation was adopted by the Board at a public meeting held on Friday, June 26, 2026 It was adopted with two very minor necessary changes that were identified after review of the proposed LCB regulation draft. These changes were reviewed and discussed with members of the public at the June 16, 2026 public regulation 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.

The proposed regulation does not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. These proposed regulations implement the provisions of SB124 which was passed in the 2025 Legislative Session. This new licensure pathway for foreign-trained physicians should benefit small businesses by allowing them hire and utilize foreign-trained physicians in the provision of medical care to the citizens of Nevada.

(b) Both Immediate and Long-Term Effects.

The Board believes that the proposed regulation will have immediate and long-term direct economic benefit on the business of the practice of medicine because the regulation will allow businesses in Nevada to hire and utilize foreign-trained physicians in the provision of medical care to the citizens of Nevada The Board believes that the proposed regulation will have a positive direct economic effect on the public by providing more licensed and trained providers available to provide care in the areas of internal medicine, family medicine, and pediatrics.

8. The Estimated Cost to the Agency for Enforcement of the Adopted Regulation.

The Board anticipates a small additional cost in implementing this new licensure category which will covered by the new license application fees. At least initially, based on the experience of other states who have implemented a similar licensure category, the Board anticipates that licensing volumes will be smaller.

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.

To the Board's knowledge, the proposed regulations do not overlap or duplicate the regulations of other state or local governmental agencies or any federal 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.

To the Board's knowledge, the proposed regulations do not regulate the same activity addressed in a federal regulation.

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.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Nick M. Spirtos, M.D., F.A.C.O.G.
Board President

Edward O. Cousineau, J.D.
Executive Director

Small Business Impact Statement for Proposed Regulations Contained in LCB File No. R112-25

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State

1. Background:

The proposed regulation is necessary to implement SB124 (*see* NRS 630.2667) from the 2025 Legislative Session with regard to issuing limited licenses to certain foreign trained physicians in the State of Nevada.

2. Description of Solicitation:

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft were sent to the following organizations on Friday, September 26, 2025:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill Entrepreneur Development Association
- City of Winnemucca
- Clark County Medical Society
- Ely Rural Nevada Development Corporation
- Great Basin College – Elko
- Great Basin College – Winnemucca
- Las Vegas Asian Chamber of Commerce
- Las Vegas Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Nevada State Medical Association
- Pahrump Small Business Development Center
- Reno/Sparks Chamber of Commerce
- Washoe County Medical Society

Copies of the Board's regulation draft, workshop notice, the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

3. Does the Proposed Regulation Impose a Direct and Significant Economic Burden Upon a Small Business or Directly Restrict the Formation, Operation, or Expansion of a Small Business? (NRS 233B.0608(1))

No, the proposed regulation does not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. These proposed regulations allow foreign trained physicians to receive a limited license to practice medicine in Nevada which may be a benefit to businesses in Nevada.

4. How Was That Conclusion Reached?

This conclusion was reached by reviewing the proposed regulation draft and existing provisions in Nevada law, as well as the comments received by stakeholders, potential license applicants, and members of the public at the Board's regulation workshops, public hearing, and adoption meeting or via written comment.

I, Edward O. Cousineau, J.D., Executive Director of the Nevada State Board of Medical Examiners, 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 business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3))

Dated: July 21, 2026

Signature: _____

EDWARD O. COUSINEAU, J.D.
Executive Director
Nevada State Board of Medical Examiners

R117-25

ADOPTED REGULATION OF THE ADMINISTRATOR OF THE

DIVISION OF INDUSTRIAL RELATIONS OF THE

DEPARTMENT OF BUSINESS AND INDUSTRY

LCB File No. R117-25

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

AUTHORITY: § 1, NRS 616C.122; § 2, NRS 616A.400 and 616C.065; §§ 3, 8 and 10, NRS 616A.400; § 4, NRS 616A.400 and 616C.260; §§ 5-7, NRS 616A.400 and 616D.120; § 9, NRS 616A.400 and 616C.087.

A REGULATION relating to industrial insurance; establishing requirements for a treating physician to delegate certain routine follow-up care of an injured employee to a physician assistant; revising the requirement for an insurer to notify the Administrator of the Division of Industrial Relations of the Department of Business and Industry of the denial of a claim for compensation of an injured employee; clarifying the applicability of certain terms relating to the condition of an injured employee; updating certain information concerning a publication used to establish reasonable fees and charges for accident benefits; revising provisions governing the violations for which the Administrator is authorized to issue a notice of correction; revising provisions governing the violations for which the Administrator is authorized to impose an administrative fine or order a plan of corrective action, or both, after the issuance of a notice of correction; revising provisions governing the random selection by the Administrator of a rating physician or chiropractic physician; revising provisions governing the format in which certain entities are required to submit a list of physicians and chiropractic physicians to the Administrator; repealing requirements governing the provision of a provider identification number to a physician or chiropractic physician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Administrator of the Division of Industrial Relations of the Department of Business and Industry to adopt regulations which authorize the treating physician or chiropractic physician of an injured employee to delegate certain routine follow-up care to a physician assistant employed by and under the supervision of the treating physician or chiropractic physician. Under existing law, such regulations must: (1) require informed consent from the injured employee before the delegation and provision of any such follow-up care; and (2) be consistent with accepted standards of practice for physician assistants established by existing law and regulations governing physician assistants licensed by the Board of Medical Examiners or the State Board of Osteopathic Medicine. (NRS 616C.122) **Section 1** of this

regulation requires the informed consent from the injured employee to be in the form of a written authorization that authorizes the treating physician to delegate routine follow-up care to a physician assistant. **Section 1** additionally requires the treating physician to maintain such an informed consent in the medical record of the injured employee and make the informed consent available upon request to any person authorized by law to examine or receive the informed consent. Finally, **section 1**: (1) provides that **section 1** must not be interpreted in a manner inconsistent with the accepted standards of practice of a physician assistant licensed by the Board of Medical Examiners or the State Board of Osteopathic Medicine; and (2) applies the requirements of **section 1** to treating physicians and physician assistants licensed by the Board of Medical Examiners or the State Board of Osteopathic Medicine.

Existing law requires an insurer who denies a claim for compensation of an injured employee to notify the Administrator of the denial of the claim. (NRS 616C.065) **Section 2** of this regulation specifies the required form to submit such notice to the Administrator. **Section 2** also removes a requirement for the notice of denial given to the Administrator to include a copy of: (1) the notice of denial given to the injured employee, the attorney or other authorized representative of the injured employee or the dependents of the injured employee; and (2) the Form C-4, Employee's Claim for Compensation/Report of Initial Treatment, that was completed by the injured employee or the dependents of the injured employee. (NAC 616C.091)

Under existing law, within 30 days after receiving from a physician or chiropractic physician a report indicating that an injured employee may have suffered a permanent disability and is stable and ratable, an insurer is required to schedule an appointment with the rating physician or chiropractic physician to determine the extent of the employee's disability for the purpose of determining the compensation to which the injured employee is entitled. (NRS 616C.490) Existing regulations define the circumstances under which an injured employee is considered to be stable and ratable and entitled to the required appointment with the rating physician or chiropractic physician to determine the extent of the employee's disability. (NAC 616C.103) **Section 3** of this regulation clarifies that this definition of the circumstances under which an injured employee is considered to be stable and ratable applies to all provisions of existing law and regulations governing compensation for injured employees.

Existing law authorizes certain persons to select or request that the Administrator select a rating physician or chiropractic physician at random from the list of qualified physicians or chiropractic physicians maintained by the Administrator. (NRS 616C.100, 616C.145, 616C.330, 616C.490) Under existing regulations, in making such a random selection of a rating physician or chiropractic physician, the Administrator is required to select a rating physician or chiropractic physician whose practice is located in the same geographic region in this State, as defined in existing regulations, as the geographic region in which the injured employee resides. (Section 8 of LCB File No. R076-23) **Section 8** of this regulation authorizes the insurer and the injured employee to mutually agree to the selection of a rating physician or chiropractic physician whose practice is located in a different region than the region in which the injured employee resides.

Existing law requires: (1) the Administrator to establish, maintain and update at least once each year a panel of physicians and chiropractic physicians who have demonstrated competence and interest in treating injured employees; and (2) an insurer to use that panel to create and maintain a list of physicians and chiropractic physicians from which an injured employee may choose to receive treatment for an industrial injury or occupational disease. (NRS 616C.090) **Section 10** of this regulation removes a requirement for the Administrator to assign a

provider identification number to each physician or chiropractic physician appointed to the panel maintained by the Administrator. (Section 6 of LCB File No. R076-23)

Under existing law, an insurer is required, on or after September 1 and on or before October 1 of each year, to update its list of treating physicians and chiropractic physicians and file the list with the Administrator in accordance with regulations adopted by the Administrator. Existing law: (1) requires the Administrator to adopt regulations to prescribe a uniform format in which an employer, insurer or third-party administrator is required to maintain its list of physicians and chiropractic physicians; (2) requires that any such list be in a format which is easily searchable, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file or any other comparable format; and (3) prohibits the Administrator from requiring such a list to be submitted through any specific proprietary software platform or particular electronic system. (NRS 616C.087) **Section 9** of this regulation revises existing regulations governing the manner in which an employer, insurer or third-party administrator is required to submit its list of physicians and chiropractic physicians to the Administrator by requiring the list to be: (1) submitted to the Administrator in an electronic file that is in the uniform format prescribed by **section 9**; and (2) in a format which is easily searchable, as required by existing law. (NRS 616C.087; section 9 of LCB File No. R076-23)

Existing law requires the fees and charges for certain medical treatments, which are known as accident benefits, provided to injured employees to not exceed the amount usually billed and paid for similar treatments provided to other patients. Under existing law, the Administrator is required to designate a vendor who compiles data on a national basis concerning fees and charges that are billed and paid for treatment similar to the treatment that qualifies as accident benefits in this State to provide the Administrator with such information as the Administrator deems necessary to establish reasonable fees and charges allowable for accident benefits. (NRS 616C.260) **Section 4** of this regulation updates the contact information and price of a publication adopted by reference to establish reasonable fees and charges for accident benefits. (NAC 616C.145)

Existing law authorizes the Administrator to take certain actions against an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that violates a provision of existing law governing workers' compensation. Under existing law, the Administrator is authorized to issue a notice of correction for a minor, clerical or ministerial violation, which is defined in existing law as a violation that does not create a financial impact to an injured employee. (NRS 616D.120) **Section 5** of this regulation: (1) changes the term "minor violation" to "minor, clerical or ministerial violation" to describe the types of violations for which the Administrator may issue a notice of correction; and (2) removes a definition of "minor violation" so that "minor, clerical or ministerial violation" has the same meaning as the statutory meaning of the term. (NRS 616D.120; NAC 616D.400)

Under existing law, the Administrator is authorized to impose an administrative fine against an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization who has been issued a notice of correction and has committed a second or subsequent violation of the same section of existing law for which the notice of correction was issued. (NRS 616D.120) Existing regulations authorize the Administrator to: (1) consider two or more violations of the same or similar provisions of existing law or regulations to be evidence of an intentional violation of those provisions; and (2) impose an administrative fine and, if appropriate, order a plan of corrective action if the

Administrator determines such violations to be intentional violations. (NAC 616D.405) **Section 6** of this regulation instead authorizes the Administrator to consider two or more violations of the same section of existing law or regulations to be evidence of such an intentional violation of those provisions.

Existing regulations authorize the Administrator to impose an administrative fine or order a plan of corrective action, or both, for a second or subsequent violation of the same or similar provision of existing law or regulations. (NAC 616D.415) **Section 7** of this regulation instead authorizes the Administrator to impose an administrative fine or order a plan of corrective action, or both, for a second or subsequent violation of the same section of existing law or regulations.

Section 1. Chapter 616C of NAC is hereby amended by adding thereto a new section to read as follows:

1. Pursuant to NRS 616C.122, a treating physician may delegate certain routine follow-up care of an injured employee, as determined by the Administrator, to a physician assistant who is an employee of and under the supervision of the treating physician if, before the delegation and provision of any such follow-up care, the treating physician obtains the informed consent of the injured employee in the form of a written authorization given by the injured employee to the treating physician that allows the treating physician to delegate certain routine follow-up care to a physician assistant.

2. The treating physician shall maintain the informed consent obtained pursuant to subsection 1 in the medical records of the injured employee that are maintained by the treating physician and shall, upon request, make the informed consent available to a person authorized by law to examine or receive it.

3. A physician assistant to whom a treating physician delegates routine follow-up care pursuant to this section may perform only those services as authorized by law, including, without limitation, NRS 630.271 and 633.432, and any services in connection with the issuance of a certificate of disability pursuant to subsection 7 of NRS 616C.475 that a physician assistant is authorized by law to perform. This section and NRS 616C.122 must not

be construed in a manner that is inconsistent with the accepted standards of practice for a physician assistant in accordance with chapters 630 and 633 of NRS and the regulations adopted pursuant thereto.

4. As used in this section, "physician assistant" means a physician assistant licensed pursuant to chapter 630 or 633 of NRS.

Sec. 2. NAC 616C.091 is hereby amended to read as follows:

616C.091 1. After receipt of a claim for compensation, the insurer or third-party administrator shall give written notice of its determination to accept or deny the claim to the injured employee, the attorney or other authorized representative of the injured employee or his or her dependents and, if the injured employee's employer is not self-insured, to the injured employee's employer.

2. If the insurer or third-party administrator denies the claim in whole or in part:

(a) The insurer or third-party administrator shall, pursuant to NRS 616C.065, notify the Administrator of the denial ~~[.]~~ ***by completing and filing the form designated in NAC 616A.480 as Form D-38, Index of Claims System - Claim Registration.***

(b) The notice of denial to the injured employee, the attorney or other authorized representative of the injured employee or his or her dependents must include:

(1) A written statement of the right to request a hearing on the matter before a hearing officer and a form for requesting a hearing; and

(2) A specific statement of the reasons for the denial of the claim.

(c) The insurer or third-party administrator shall provide a copy of each notice of denial it gives pursuant to paragraph (b) to:

(1) The physician, chiropractic physician, physician assistant or advanced practice registered nurse who provided an examination and treatment of the injured employee in the context of an initial examination and treatment pursuant to NRS 616C.010; and

(2) The injured employee's treating physician or chiropractic physician.

~~[(d) The notice of denial required to be given to the Administrator pursuant to paragraph (a) must include:~~

~~(1) A copy of the notice of denial given to the injured employee, the attorney or other authorized representative of the injured employee or his or her dependents; and~~

~~(2) A copy of Form C-4, Employee's Claim for Compensation/Report of Initial Treatment, that was completed by the injured employee or his or her dependents.]~~

3. If the insurer or third-party administrator accepts the claim, the notice of acceptance provided to the injured employee, the attorney or other authorized representative of the injured employee or his or her dependents must include:

(a) Written notice of acceptance of the claim;

(b) A copy of Form D-53, Alternative Choice of Physician or ~~[Chiropractor;]~~ ***Chiropractic Physician;*** and

(c) Either:

(1) If established and available, the Internet address of the website of the insurer or third-party administrator at which the injured employee, the attorney or other authorized representative of the injured employee or his or her dependents can obtain a list of providers of health care who are authorized to provide health care services to the injured employee; or

(2) Notification that, pursuant to NAC 616C.030, the injured employee, the attorney or other authorized representative of the injured employee, his or her dependents or the treating

physician or chiropractic physician of the injured employee may, upon written request, obtain a list of providers of health care who are authorized to provide health care services to the injured employee.

4. A written notice of determination issued by an insurer or third-party administrator must include:

(a) The claim number;

(b) The name of the employer;

(c) The name of the insurer;

(d) The name of the third-party administrator, if applicable;

(e) The date of the injury;

(f) The date of the written notice of determination;

(g) Notice that the injured employee may, pursuant to subsection 1 or 3 of NRS 616C.315, request a hearing or appeal the determination within 70 days after the determination is issued by the insurer; and

(h) The addresses of the offices of the Hearings Division of the Department of Administration located in Carson City and Las Vegas.

Sec. 3. NAC 616C.103 is hereby amended to read as follows:

616C.103 1. For ***the*** purposes of ~~[determining whether an injured employee is stable and ratable and entitled to an evaluation to determine the extent of any permanent impairment pursuant to this section and NRS 616C.490,]~~ ***chapters 616A to 617, inclusive, of NRS, and any regulations adopted pursuant thereto,*** the Division interprets the term:

(a) "Stable" to include, without limitation, a written indication from a physician or chiropractic physician that the industrial injury or occupational disease of the injured employee:

(1) Is stationary, permanent or static; or

(2) Has reached maximum medical improvement.

(b) "Ratable" to include, without limitation, a written indication from a physician or chiropractic physician that the medical condition of the injured employee may have:

(1) Resulted in a loss of motion, sensation or strength in a body part of the injured employee;

(2) Resulted in a loss of or abnormality to a physiological or anatomical structure or bodily function of the injured employee; or

(3) Resulted in a mental or behavioral disorder as the result of a claim that has been accepted pursuant to NRS 616C.180.

2. If an insurer proposes that an injured employee agree to a rating physician or chiropractic physician chosen by the insurer, the insurer shall inform the injured employee in writing that the injured employee:

(a) Is not required to agree with the selection of that physician or chiropractic physician; and

(b) May request that the rating physician or chiropractic physician be selected in accordance with subsection 3 and NRS 616C.490.

3. An insurer shall comply with subsection 2 of NRS 616C.490, within the time prescribed in that subsection for the scheduling of an appointment, by:

(a) Selecting a rating physician or chiropractic physician in accordance with the procedures for the random selection of a rating physician or chiropractic physician set forth in section 7 of LCB File No. R076-23 and requesting that the selected rating physician or chiropractic physician evaluate the injured employee and determine the extent of any permanent impairment or, if the injured employee and insurer have agreed to a rating physician or chiropractic physician

pursuant to subsection 2 of NRS 616C.490, by submitting a completed form designated in NAC 616A.480 as D-35, Request for Assignment of Rating Physician or Chiropractic Physician, which identifies the rating physician or chiropractic physician, to the Administrator within 30 days after the insurer has received the statement from a physician or chiropractic physician that the injured employee is ratable and stable; and

(b) Mailing written notice to the injured employee of the date, time and place of the appointment for the rating evaluation.

4. At least 3 working days before a rating evaluation, the party that requested the rating evaluation must provide to the assigned rating physician or chiropractic physician:

(a) All reports or other written information concerning the injured employee's claim produced by a physician, chiropractic physician, hospital or other provider of health care, including the statement from the treating physician or chiropractic physician that the injured employee is stable and ratable, surgical reports, diagnostic, laboratory and radiography reports and information concerning any preexisting condition relating to the injured employee's claim;

(b) Any evidence or documentation of any previous evaluations performed to determine the extent of any of the injured employee's disabilities and any previous injury, disease or condition of the injured employee that is relevant to the evaluation being performed;

(c) The form designated in NAC 616A.480 as C-4, Employee's Claim for Compensation/Report of Initial Treatment;

(d) The form designated in NAC 616A.480 as D-35, Request for Assignment of Rating Physician or Chiropractic Physician; and

(e) The form designated in NAC 616A.480 as D-36, Request for Additional Medical Information and Medical Release.

5. An insurer shall pay for the cost of travel for an injured employee to attend a rating evaluation as required by NAC 616C.105.

6. Except as otherwise provided in subsection 7, if the rating physician or chiropractic physician finds that the injured employee has a ratable impairment, the insurer shall, within the time prescribed by NRS 616C.490, offer the injured employee the award to which he or she is entitled. The insurer shall make payment to the injured employee:

(a) Within 20 days; or

(b) If there is any child support obligation affecting the injured employee, within 35 days, ➥ after the later of the date on which the insurer offers the award or the date on which it receives the properly executed lump-sum award papers from the injured employee or his or her representative.

7. If the insurer disagrees in good faith with the result of the rating evaluation, the insurer shall, within the time prescribed in NRS 616C.490:

(a) Offer and pay the injured employee the portion of the award, in installments, which it does not dispute;

(b) Provide the injured employee with a copy of each rating evaluation performed of the injured employee; and

(c) Notify the injured employee of the specific reasons for the disagreement and the right of the injured employee to appeal. The notice must also set forth a detailed proposal for resolving the dispute that can be executed in 75 days, unless the insurer demonstrates good cause for why the proposed resolution will require more than 75 days.

8. The injured employee must receive a copy of the results of each rating evaluation performed of the injured employee before accepting an award for a permanent partial disability.

9. As used in this section, "lump-sum award papers" means the following forms designated in NAC 616A.480, as appropriate:

(a) D-10a, Election of Lump Sum Payment of Compensation.

(b) D-10b, Election of Lump Sum Payment of Compensation for Disability Greater than 30 Percent.

(c) D-11, Reaffirmation/Retraction of Lump Sum Request.

Sec. 4. NAC 616C.145 is hereby amended to read as follows:

616C.145 1. Except as otherwise provided in this section, providers of health care who treat injured employees pursuant to this chapter and chapter 616C of NRS shall comply with the most recently published edition of or update to the *Relative Values for Physicians*, which the Division hereby adopts by reference.

2. The Administrator will, on or before February 1 of each year, review the most recently published edition of or update to the *Relative Values for Physicians*. Each new edition of or update to the *Relative Values for Physicians* shall be deemed approved by the Division for use in this State from February 1 through January 31, unless a notice of disapproval of the edition or update is posted pursuant to this subsection by the immediately preceding February 1. If the Administrator wishes to disapprove a new edition of or update to the *Relative Values for Physicians*, the Administrator will:

(a) Post a notice of disapproval at the largest public library in each county, the State Library, Archives and Public Records, the Grant Sawyer Office Building located at 555 East Washington Avenue, Las Vegas, Nevada, and all offices of the Division; and

(b) Send a notice to each person included on the mailing list that the Division is required to maintain pursuant to paragraph (e) of subsection 1 of NRS 233B.0603.

➥ If the Administrator disapproves an edition of or update to the *Relative Values for Physicians* the edition or update that was most recently adopted by reference or deemed approved pursuant to this section will continue in effect.

3. A copy of *Relative Values for Physicians*, as adopted by reference pursuant to subsection 1, may be purchased from ~~[Optum360, 2525 Lake Park Boulevard, Salt Lake City,]~~ ***Optum, 12921 S. Vista Station Blvd., Ste. 200, Draper,*** Utah ~~[84120,]~~ ***84020,*** by telephone at (800) 464-3649 or at the Internet address ~~[https://www.optum360coding.com,]~~ ***https://www.optumcoding.com,*** for the price of ~~[$329.95.]~~ ***$1,300, plus a user fee of $35.***

Sec. 5. NAC 616D.400 is hereby amended to read as follows:

616D.400 1. For the purposes of subsection 2 of NRS 616D.120 and except as otherwise provided in chapters 616A to 617, inclusive, of NRS, or in any regulation adopted pursuant thereto, ~~[an insurer, organization for managed care, health care provider, third-party administrator, employer or employee leasing company commits a "minor violation" of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS, or a regulation adopted pursuant thereto, if the violation is a single, unintentional violation and the insurer, organization for managed care, health care provider, third-party administrator, employer or employee leasing company agrees, in writing, to correct the violation during the course of an investigation or audit conducted pursuant to those chapters.~~

~~2. Except as otherwise provided in this subsection,]~~ if an insurer, organization for managed care, health care provider, third-party administrator, employer or employee leasing company agrees, in writing, to correct a ~~[single, unintentional]~~ ***minor, clerical or ministerial*** violation during the course of an investigation or audit, the Administrator will issue a notice of correction

for that violation. The Administrator will not issue a notice of correction pursuant to this subsection if the violation does not require correction or the correction is unnecessary or moot.

~~[3.]~~ ***2.*** If an insurer, organization for managed care, health care provider, third-party administrator, employer or employee leasing company does not agree, in writing, to correct a ~~[single, unintentional]~~ ***minor, clerical or ministerial*** violation during the course of an investigation or audit, the Administrator may impose an administrative fine in an amount not to exceed those amounts set forth in subsection 2 of NRS 616D.120 or order a plan of corrective action to be submitted to the Administrator, or both.

Sec. 6. NAC 616D.405 is hereby amended to read as follows:

616D.405 1. For the purposes of NRS 616D.120, an insurer, organization for managed care, health care provider, third-party administrator, employer or employee leasing company commits an "intentional violation" of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS, or any regulation adopted pursuant thereto, if he or she acts with purpose or design, otherwise acts to cause the consequences, desires to cause the consequences or believes that the consequences are substantially certain to result from the violation.

2. The Administrator may consider two or more violations of the same ~~[or similar provisions]~~ ***section*** of chapters 616A to 617, inclusive, of NRS, or any regulations adopted pursuant thereto, as evidence of an intentional violation. If the Administrator determines that two or more violations ***of the same section*** constitute an intentional violation, the Administrator will impose an administrative fine as required by subsection 1 of NRS 616D.120 and, if appropriate, order a plan of corrective action to be submitted to the Administrator.

Sec. 7. NAC 616D.415 is hereby amended to read as follows:

616D.415 Except as otherwise provided in chapters 616A to 617, inclusive, of NRS, or in any regulation adopted pursuant thereto:

1. If the Administrator determines that:

(a) An insurer or third-party administrator has failed to comply or has complied in an untimely manner with any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS, or any regulation adopted pursuant thereto, that requires the insurer or third-party administrator to make a determination regarding the acceptance or denial of a claim for compensation;

(b) An insurer or third-party administrator has failed to comply or has complied in an untimely manner with any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS, or any regulation adopted pursuant thereto, that requires the insurer or third-party administrator to make a payment of benefits to an injured employee;

(c) An insurer or employer has failed to comply or has complied in an untimely manner with any of the provisions of NRS 616B.460 or 616B.461 or NAC 616B.124 to 616B.136, inclusive;

(d) An insurer, organization for managed care, provider of health care, third-party administrator, employer or employee leasing company has failed to comply or has complied in an untimely manner with any of the provisions of NRS 616A.475, 616B.006, 616B.009, 616C.700 or 617.357 or NAC 616A.410 or 616C.527 or paragraph (b) of subsection 1 of NAC 616B.014;

(e) A treating physician or chiropractor has failed to comply or has complied in an untimely manner with any of the provisions of NRS 616C.020 or 616C.040, subsection 7 of NRS 616C.475 or NRS 617.352, or any regulations adopted pursuant thereto, that require the treating physician or chiropractor to complete a claim for compensation; or

(f) An employer has failed to comply or has complied in an untimely manner with any of the provisions of NRS 616C.045 or 617.354, or any regulation adopted pursuant thereto, that require the employer to complete a report of industrial injury or occupational disease,

➥ and the Administrator determines that the violation was not an intentional violation, the Administrator may impose an administrative fine in an amount not to exceed those amounts set forth in subsection 2 of NRS 616D.120 or order a plan of corrective action to be submitted to the Administrator, or both.

2. If the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or employee leasing company has committed two or more violations of the same ~~[or similar provisions]~~ ***section*** of chapters 616A to 617, inclusive, of NRS, or any regulation adopted pursuant thereto, the Administrator may impose an administrative fine in an amount not to exceed those amounts set forth in subsection 2 of NRS 616D.120 or order a plan of corrective action to be submitted to the Administrator, or both.

Sec. 8. Section 8 of LCB File No. R076-23 is hereby amended to read as follows:

Sec. 8. 1. ~~[In]~~ ***Unless the insurer and the injured employee agree to the selection of a rating physician or chiropractic physician whose practice is located in a different region than the region in which the injured employee resides, in*** assigning a rating physician or chiropractic physician to examine or evaluate an injured employee pursuant to section 7 of LCB File No. R076-23, the Administrator shall select at random a rating physician or chiropractic physician whose practice is located in:

(a) The southern Nevada region if the injured employee resides in the southern Nevada region.

(b) The northern Nevada region if the injured employee resides in the northern Nevada region.

(c) The northern Nevada region or the rural Nevada region if the injured employee resides in the rural Nevada region.

2. For the purposes of this section:

(a) The southern Nevada region consists of Clark, Lincoln, Nye and ~~[Esmerelda]~~ ***Esmeralda*** Counties.

(b) The northern Nevada region consists of Carson City and Lyon, Churchill, Storey, Douglas, Mineral and Washoe Counties.

(c) The rural Nevada region consists of Pershing, Humboldt, Elko, Lander, Eureka and White Pine Counties.

Sec. 9. Section 9 of LCB File No. R076-23 is hereby amended to read as follows:

Sec. 9. 1. Each employer, insurer or third-party administrator that creates a list of physicians and chiropractic physicians pursuant to NRS 616C.087 shall, on or before October 1 of each year, submit ~~[to an electronic database established by the Division the following information:]~~ ***the list to the Administrator as an electronic file in the uniform format prescribed by this section. The file must:***

(a) ~~[The name of the employer, insurer or third-party administrator;]~~ ***Be in an easily searchable format, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file or any other comparable format; and***

(b) ***Contain the following information:***

(1) The name and license number of the adjuster licensed pursuant to chapter 684A of NRS ~~[or, for an insurer described in section 22 of LCB File No. R134-20, the name of the insurer's highest ranking employee who is responsible for processing workers' compensation claims filed in this State,]~~ who is certifying ~~[the accuracy of the information submitted; and~~

~~(c) The provider identification number assigned to each physician or chiropractic physician pursuant to section 6 of this regulation who is included on]~~ the list ~~[.]~~ ***pursuant to subsection 6 of NRS 616C.087; and***

(2) The following fields in the order listed below for each physician and each chiropractic physician included on the list:

(I) First name;

(II) Middle initial;

(III) Last name;

(IV) License type;

(V) Specialties, which must be selected from the allowable list of values set forth in subsection 2;

(VI) Conditions, which must be selected from the allowable list of values set forth in subsection 3;

(VII) Body parts, which must be selected from the allowable list of values set forth in subsection 4;

(VIII) Type of orthopedic surgery, which must be selected from the allowable types of orthopedic surgery set forth in subsection 5;

(IX) Primary location of practice;

(X) Legal name of practice;

(XI) Any fictitious name of practice;

(XII) Street address of practice;

(XIII) City;

(XIV) State;

(XV) Zip code;

(XVI) County; and

(XVII) Phone number.

2. ~~[Each provider identification number submitted pursuant to paragraph (c) of subsection 1 will be used to automatically populate in the electronic database the information required pursuant to paragraphs (a) to (e), inclusive, of subsection 1 of NRS 616C.090 concerning the physician or chiropractic physician to which the provider identification number was assigned.]~~ ***The allowable list of values for the specialties included in the list of physicians and chiropractic physicians are:***

(a) Addiction Medicine;

(b) Anesthesiology;

(c) Cardio/Thoracic Surgery;

(d) Cardiology;

(e) Chiropractic;

(f) Dermatology;

(g) Emergency/Critical Care;

(h) Endocrinology;

(i) Family/General Practice;

(j) Ear/Nose/Throat (ENT);

(k) Gastroenterology;

(l) General Surgery;

(m) Genitourinary;

(n) Hospitalist;

(o) Immunology;

(p) Infectious Disease;

(q) Internal Medicine;

(r) Maxillofacial/Oral Surgery;

(s) Neurology;

(t) Neurosurgery;

(u) Occupational Medicine;

(v) Oncology;

(w) Ophthalmology;

(x) Orthopedic;

(y) Pain Management;

(z) Physiatry/Physical Medicine;

(aa) Psychiatry;

(bb) Pulmonology;

(cc) Radiology;

(dd) Urology; and

(ee) Other (Specify).

3. The ~~[electronic database will record the date on which each entry concerning a physician or chiropractic physician is added or modified pursuant to subsection 1.]~~ ***allowable list of values for the conditions included in the list of physicians and chiropractic physicians are:***

(a) Cardiovascular;

(b) Circulatory/Vascular;

(c) Digestive/Excretory;

(d) Endocrine/Exocrine;

(e) Infections;

(f) Immune/Lymphatic;

(g) Maxillofacial;

(h) Mental/Behavioral Health;

(i) Musculoskeletal;

(j) Nervous;

(k) Renal;

(l) Reproductive;

(m) Respiratory;

(n) Skin;

(o) Urinary;

(p) All (Generalist); and

(q) Other (Specify).

4. The allowable list of values for the body parts included in the list of physicians and chiropractic physicians are:

(a) Arteries/Veins/Blood;

(b) Brain - Mental/Behavioral;

(c) Brain - Physiological/Neurological;

(d) Ears;

(e) Eyes;

(f) Face/Nose/Mouth/Throat/Scalp;

(g) Shoulder;

(h) Elbow;

(i) Wrist;

(j) Hand;

(k) Arm (unspecified);

(l) Cervical Spine;

(m) Thoracic Spine;

(n) Lumbar Spine;

(o) Pelvis/Hips/Sacrum;

(p) Lungs/Respiratory System;

(q) Heart;

(r) Trunk/Ribs;

(s) Abdomen, Gastrointestinal Tract, Liver;

(t) Organs/Glands, Pancreas, Spleen, Appendix;

(u) Skin;

(v) Skull;

(w) Nerves;

(x) Genitourinary, Genitalia, Kidneys, Urinary;

(y) Reproductive System;

(z) Knee;

(aa) Ankle/Foot;

(bb) Leg (unspecified);

(cc) Other (Specify); and

(dd) All (Generalist).

5. The allowable types of orthopedic surgery included in a list of physicians and chiropractic physicians are:

(a) Spine;

(b) Shoulders;

(c) Elbows;

(d) Wrists;

(e) Hands;

(f) Hips;

(g) Knees;

(h) Ankles; and

(i) Feet.

Sec. 10. Section 6 of LCB File No. R076-23 is hereby repealed.

TEXT OF REPEALED SECTION

Section 6 of LCB File No. R076-23.

Sec. 6. The Administrator shall assign each physician or chiropractic physician appointed to the panel of physicians and chiropractic physicians a provider identification number.

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

VICTORIA CARREÓN
Administrator

JODIE TONKIN
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS

INFORMATIONAL STATEMENT OF ADOPTED PERMANENT REGULATIONS AS REQUIRED BY NRS 233B.066

The following informational statement as required by NRS 233B.066 is submitted for the adopted permanent amendments to Nevada Administrative Code (NAC) Chapters 616A through 617, inclusive, as follows:

a) A clear and concise explanation of the need for the adopted regulation:

The Workers' Compensation Section ("WCS") of the Division of Industrial Relations' ("DIR") proposed additions and amendments to NAC 616A through 617, inclusive are necessary to comply with recent statutory changes (Senate Bill No. 317, chapter 503, Statutes of Nevada 2025 & Senate Bill No. 376, chapter 456, Statutes of Nevada 2025) and to clarify and improve certain administrative requirements by: establishing requirements for a treating physician to delegate certain routine follow-up care of an injured employee to a physician assistant; revising the requirement for an insurer to notify the Administrator of the DIR of the Department of Business and Industry of the denial of a claim for compensation of an injured employee; clarifying the applicability of certain terms relating to the condition of an injured employee; updating certain information concerning a publication used to establish reasonable fees and charges for accident benefits; revising provisions governing the violations for which the Administrator is authorized to issue a notice of correction; revising provisions governing the violations for which the Administrator is authorized to impose an administrative fine or order a plan of corrective action, or both, after the issuance of a notice of correction; revising provisions governing the random selection by the Administrator of a rating physician or chiropractic physician; revising provisions governing the format in which certain entities are required to submit a list of physicians and chiropractic physicians to the Administrator; repealing provisions relating to the presence of a representative of an injured employee during a rating evaluation; repealing a requirement for the Administrator to assign a provider identification number to a physician or chiropractic physician included on the panel of physicians and chiropractic physicians maintained by the Administrator; and providing other matters properly relating thereto. .

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 regulation, notice of workshop, and notice of intent to act upon the

permanent regulations were publicly posted and sent by e-mail to persons who were known to have an interest, including chambers of commerce and trade associations whose members are owners or officers of small businesses that are likely to be affected by the proposed regulation, as well as any persons who had specifically requested such notice. Additionally, the WCS sent a Small Business Impact Statement Questionnaire to interested parties via an email blast, which includes 18,466 recipients. The DIR also sent the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 90 recipients. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The DIR also placed a link to the Questionnaire on the WCS website for interested parties to complete, should they choose.

These documents were also made available at the DIR's website, http://dir.nv.gov/Meetings/Meetings and were also posted at the following locations: (1) the State of Nevada Website (www.notice.nv.gov); (2) the Nevada State Legislature Website (http://leg.state.nv.us/App/Notice/A/); and (3) the Division of Industrial Relations Website (http://dir.nv.gov/Meetings/Meetings)

The notices were also physically posted at the DIR's offices, located at Division of Industrial Relations, 2300 W. Sahara Ave., Ste. 300, Las Vegas, Nevada 89102, and 1886 College Parkway, Suite 110, Carson City, Nevada 89706.

The DIR held a Public Workshop on December 17, 2025, regarding the permanent regulation (R117-25), to solicit comments on the proposed regulation. At the conclusion of the Public Workshop, the DIR invited members of the public to submit written public comments. Thereafter, the DIR held an Adoption Hearing on the permanent regulation (R117-25) on June 15, 2026. Again, after the conclusion of the Public Adoption Hearing, the DIR invited members of the public to submit written public comments.

A summary of the comments is below in Section (d) and may also be obtained by contacting: Amber Williams, Esq., Division of Industrial Relations, Division Counsel, 2300 W. Sahara Avenue, Ste. 300, Las Vegas, Nevada 89102, Email: amwilliams@dir.nv.gov.

c) The number of persons who:

1)	Attended the December 17, 2025 Public Workshop (R117-25):	19
2)	Testified at the December 17, 2025 Public Workshop (R117-25):	0
3)	Submitted Written Comments re: December17, 2025 Workshop:	0
4)	Attended the June 15, 2026 Public Hearing (R117-25):	20
5)	Testified at the June 15, 2026 Public Hearing (R117-25):	2
6)	Submitted Written Comments re: June 15, 2026 Public Hearing:	3

d) For each person identified in NRS 233B.066(1)(c)(2) & (3), the following information if provided to the agency conducting the hearing: (1) name; (2) telephone number; (3) business address; (4) business telephone number; (5) electronic email address; and (6) name of entity or organization represented:

June 15, 2026, Public Hearing (R117-25)	
1	**Name**: Lisa Anderson, Esq. **Telephone number**: None Provided

	Business address: None Provided **Business telephone number**: None Provided **Electronic mail address**: None Provided **Name or organization represented**: GGRM Law Firm **Summary of comment**: Ms. Anderson advised that she represents injured workers and expressed concerns about repealing NRS 616.190, which currently allows an injured worker to have a representative present during a Permanent Partial Disability (PPD) evaluation. Ms. Anderson stated that this provision has existed since 1983, functions fairly for both claimants and insurers, and provides essential reassurance to injured workers during a stressful and consequential exam. Ms. Anderson stated there is no evidence of problems with representatives attending evaluations and emphasizes that removing this right would disadvantage claimants, especially unrepresented ones, by reducing transparency and their ability to understand or challenge the PPD findings.
2	**Name**: Kevin Kampschror, Esq. **Telephone number**: None Provided **Business address**: None Provided **Business telephone number**: None Provided **Electronic mail address**: None Provided **Name or organization represented**: Sgro & Roger, Attorneys at Law **Summary of comment**: Mr. Kampschror advised that he represents injured workers and expressed his concurrence with the prior testimony of Ms. Anderson. He stated that the points presented by Ms. Anderson accurately and comprehensively reflected the concerns shared by his law firm, and he affirmed his full agreement with the positions and observations she articulated.

Written Comments Received After June 15, 2026, Public Hearing (R117-25)	
1	**Name**: Steven Peters, Director, Network Government Relations **Telephone number**: None Provided **Business address**: None Provided **Business telephone number**: None Provided **Electronic mail address**: None Provided **Name or organization represented**: Enlyte **Summary of comment**: Enlyte submitted written comments to the DIR on June 15, 2026, addressing implementation considerations related to R117-25. Enlyte noted that while it is committed to full compliance and to supporting timely access to appropriate care for injured workers, the standardized terminology requirements for specialties, conditions, and body parts may reduce accuracy by limiting necessary specificity and requiring extensive normalization of provider-submitted information. Enlyte also requested clarification on formatting requirements for multiple practice locations, including identification of a primary location and application of fields when multiple entries are required. Enlyte indicated that it will continue coordinating with the DIR to ensure that data submissions meet regulatory expectations and effectively support Nevada's injured workers.
2	**Name**: Mark Sektnan, Vice President **Telephone number**: None Provided **Business address**: None Provided **Business telephone number**: None Provided **Electronic mail address**: None Provided **Name or organization represented**: American Property Casualty Insurance

	Association (APCIA) **Summary of comment**: APCIA submitted written comments to the DIR on June 16, 2026, supporting the repeal of provisions permitting attorneys or their representatives to attend medical rating evaluations. APCIA stated that attorney presence undermines the independence and objectivity of the evaluation process, risks exerting undue influence on physicians, may inhibit candid communication between the injured worker and the evaluator, and introduces adversarial dynamics inconsistent with the no-fault structure of the workers' compensation system. APCIA further noted that attorney involvement contributes to delays, administrative burdens, increased disputes, and higher system costs, and emphasized that existing procedural safeguards already allow injured workers to challenge medical ratings through established dispute-resolution mechanisms.
3	**Name**: Paola Stauffer, EVP, Claims **Telephone number**: None Provided **Business address**: 10421 S Jordan Gateway Blvd, Ste 400, South Jordan, UT 84095 **Business telephone number**: None Provided **Electronic mail address**: None Provided **Name or organization represented**: Utah Business Insurance Company (UBIC) **Summary of comment**: UBIC submitted written comments to the DIR on June 16, 2026, in support of repealing provisions permitting attorneys or their representatives to attend PPD rating evaluations. UBIC asserts that attorney presence is inconsistent with national practice, undermines the neutrality of clinical assessments, and conflicts with the Nevada Supreme Court's reasoning in *Lyft v. Eighth Judicial District Court*, which emphasized the need to preserve diagnostic objectivity in independent medical examinations. UBIC further noted concerns regarding professional pressure on rating physicians, chronic noncompliance with existing observer-related safeguards, and increased appeals and administrative burdens attributed to attorney involvement. UBIC concludes that removing attorneys from the examination setting would enhance clinical integrity, reduce unnecessary disputes and costs, and support greater stability in Nevada's workers' compensation system.

e) <u>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</u>:

Prior to conducting a small business impact survey, the DIR received input on the proposed regulation with key industry stakeholders. On November 10, 2025, the WCS sent a Small Business Impact Statement Questionnaire to interested parties via an email blast, which includes 18,466 recipients. Additionally, on November 10, 2025, the DIR sent the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 90 recipients. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The DIR also placed a link to the Questionnaire on the WCS website for interested parties to complete, should they choose. The deadline to return the questionnaire was November 17, 2025, and the DIR received four (4) responses, only three (3) of which were from small businesses as defined by NRS 233B.0382, which may be summarized as follows:

(1) Robin Johnson, Sole Proprietor, Northern Nevada Notary Signing Agent – Ms. Johnson indicated that the proposed regulations would not have any economic

effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on her business.

(2) Richard Dizmang, Owner, Kastle Estates, Inc. – Mr. Dizmang thanked DIR for taking small businesses into account when making decisions about insurance and medical care. He indicated that the proposed regulations would not have any adverse economic effect on his business and he believes the regulations will have a beneficial effect on his business. Mr. Dizmang further indicated the proposed regulations will have an indirect adverse effect on his business stating the regulations would "strengthen the line, preventing Esmeralda county residents and employees from looking north (to Reno, Carson City) for our health care. Many of us (20%-25%) prefer to go north, and already have established relationships with medical facilities and individual practitioners there." Finally, he indicated the proposed regulations would have an indirect beneficial effect by allowing access to a physician assistant that is closer than any other physician, which he believes will likely reduce downtime and expenses related to minor injuries and follow up appointments.

(3) Gabriela Peterson, Office Manager, Night Shift, Inc. – Ms. Peterson indicated that she anticipates the proposed regulations will have an adverse economic effect on her business, with an estimated annual compliance cost of approximately $100,000 to include an increase in labor compliance expenses, training, and implementation expenses. She also indicated the regulations will not have any beneficial economic effect on her business. She further indicated that the proposed regulations would have an indirect adverse effect on her business as she anticipates the new requirements are expected to increase operational costs, administrative workload, and compliance obligations, which may impact efficiency and profitability. Finally, she indicated the proposed regulations would have an indirect beneficial effect on her business through increased regulatory clarity and standardized compliance procedures, which may improve overall industry transparency and create a more level competitive environment over time.

Any other persons interested in obtaining a copy of the summary may mail or email a request to: Amber Williams, Esq., Division of Industrial Relations, Division Counsel, 2300 W. Sahara Avenue, Ste. 300, Las Vegas, Nevada 89102, Email: amwilliams@dir.nv.gov.

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 one minor modification, removing the proposed repeal of NAC 616C.109 in Section 10 in response to comments received during the adoption hearing opposing its rescission. The Division adopted the remainder of the regulation without further revision because all public comments submitted during the workshop and hearing were fully considered, and none demonstrated a need to alter the proposed text. The Division concluded that the adopted provisions, as written, appropriately fulfill the regulatory objectives.

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; and (2) both immediate and long-term effects:

/ / /

A. Adverse and Beneficial Effects

1. Effect on Businesses

The DIR anticipates no adverse effects, either direct or indirect, on regulated businesses or small businesses as a result of these regulations. The regulation may provide some beneficial effect, either direct or indirect, on regulated businesses or small businesses by promoting clearer administrative processes and supporting more efficient delivery of workers' compensation services. The adverse or beneficial effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to regulated or small businesses.

2. Effect on the Public

The DIR does not anticipate any adverse effects, direct or indirect, on the public as a result of these regulations. The regulation may provide some beneficial effect, direct or indirect, on the public by promoting clearer administrative processes and supporting more efficient delivery of workers' compensation services. The adverse or beneficial effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to the public.

B. Immediate and Long-Term Effects

1. Effect on Businesses

The DIR does not anticipate any immediate or long-term adverse effects on regulated or small businesses as a result of these regulations. No direct or indirect costs to businesses are expected, and any beneficial effects are administrative in nature and difficult to estimate at this time.

2. Effect on the Public

The DIR does not anticipate any immediate or long-term adverse effects on the public. No direct or indirect costs to the public are expected, and the regulation may provide some beneficial effect by supporting clearer administrative processes and more efficient delivery of workers' compensation services. The beneficial immediate and long-term effects, if any, are difficult to determine at this time.

h) The estimated cost to the agency for enforcement of the proposed regulation:

The DIR does not anticipate incurring any additional cost for these proposed permanent regulations.

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 DIR is not aware of any similar regulations of other state or government agencies that which the proposed regulations overlap or duplicate.

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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 DIR is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

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.

The proposed regulation does not provide for a new fee and does not increase an existing fee payable to the DIR.

Dated this 22nd day of June, 2026.

DIVISION OF INDUSTRIAL RELATIONS



By: _____

Victoria Carreón
Administrator, Division of Industrial Relations
2300 W. Sahara Ave., Ste. 300
Las Vegas, Nevada 89102

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

VICTORIA CARREÓN
Administrator

JODIE TONKIN
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS

Small Business Impact Statement
Proposed Draft Regulations Amending NAC 616A-617
LCB File No. TBD

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State

1. Background

The proposed permanent regulations amend Chapters 616A through 617, inclusive, of the Nevada Administrative Code (NAC) related to industrial insurance, by revising certain provisions relating to the definitions of "stable" and "ratable" for permanent partial disabilities; setting forth certain requirements authorizing when a treating physician or chiropractic physician may delegate certain routine follow-up care of an injured employee to a physician assistant; revising certain provisions concerning the regional assignment of a rating physician or chiropractic physician depending on where the injured employee resides; revising requirements for certain employers, insurers and third-party administrators to submit certain information to an electronic database established by the Division; revising provisions relating to administrative fines which the Administrator may impose for certain violations; and providing other matters properly relating thereto.

The Workers' Compensation Section (WCS) of the Division of Industrial Relations (DIR) has determined that the proposed amendments should not have a negative financial impact upon a small business. The adverse effects, if any, are difficult to determine at this time. The proposed regulations are also not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

2. A description of the way 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.

ANSWER: To determine whether the proposed regulations are likely to have an impact on small businesses, the DIR considered the purpose and scope of the proposed regulations as set forth above in Answer 1 above. Additionally, prior to conducting a small business impact survey, the DIR received input on the proposed changes with key industry stakeholders.

On November 10, 2025, the WCS sent a Small Business Impact Statement Questionnaire to interested parties via an email blast, which includes 18,466 recipients. Additionally, on November 10, 2025, the DIR sent the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 90 recipients. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The DIR also placed a link to the Questionnaire on the WCS website for interested parties to complete, should they choose. The deadline to return the questionnaire was November 17, 2025. As of this date, the DIR received four (4) responses, only three (3) of which were from small businesses as defined by NRS 233B.0382, which may be summarized as follows:

(1) Robin Johnson, Sole Proprietor, Northern Nevada Notary Signing Agent – Ms. Johnson indicated that the proposed regulations would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on her business.

(2) Richard Dizmang, Owner, Kastle Estates, Inc. – Mr. Dizmang thanked DIR for taking small businesses into account when making decisions about insurance and medical care. He indicated that the proposed regulations would not have any adverse economic effect on his business and he believes the regulations will have a beneficial effect on his business. Mr. Dizmang further indicated the proposed regulations will have an indirect adverse effect on his business stating the regulations would "strengthen the line, preventing Esmeralda county residents and employees from looking north (to Reno, Carson City) for our health care. Many of us (20%-25%) prefer to go north, and already have established relationships with medical facilities and individual practitioners there." Finally, he indicated the proposed regulations would have an indirect beneficial effect by allowing access to a physician assistant that is closer than any other physician, which he believes will likely reduce down time and expenses related to minor injuries and follow up appointments.

(3) Gabriela Peterson, Office Manager, Night Shift, Inc. – Ms. Peterson indicated that she anticipates the proposed regulations will have an adverse economic effect on her business, with an estimated annual compliance cost of approximately $100,000 to include an increase in labor compliance expenses, training, and implementation expenses. She also indicated the regulations will not have any beneficial economic effect on her business. She further indicated that the proposed regulations would have an indirect adverse effect on her business as she anticipates the new requirements are expected to increase operational costs, administrative workload, and compliance obligations, which may impact efficiency and profitability. Finally, she indicated the proposed regulations would have an indirect beneficial effect on her business through increased regulatory clarity and standardized compliance procedures, which may improve overall industry transparency and create a more level competitive environment over time.

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Any other persons interested in obtaining a copy of the summary may mail or email a request to:

Amber Williams, Esq.
Division of Industrial Relations – Division Counsel
2300 W. Sahara Avenue, Ste. 300
Las Vegas, Nevada 89102
Email: amwilliams@dir.nv.gov

Based on the results of the survey, the Division determined that the proposed permanent regulations will have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect effect on small businesses, either adverse or beneficial.

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

ANSWER: See Answer 2 above.

4. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**
(a) Direct and indirect adverse effects
(b) Direct and indirect beneficial effects.

ANSWER: The Division anticipates no adverse economic effects, either direct or indirect, on regulated businesses as the result of these regulations. The adverse effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to regulated or small businesses.

5. **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: Because there will be no adverse impacts on small businesses in general, there are no methods available to reduce the impact the Division could have considered.

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

ANSWER: The proposed regulations present no significant foreseeable or anticipated cost for enforcement of this regulation.

7. **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 regulations do not provide for a new fee or increase an existing fee payable to the DIR.

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8. **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: The proposed permanent regulations do not overlap or duplicate any regulation of other federal, State or local governmental entities, and do not include any provisions that are more stringent than existing federal, state, or local standards.

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

   ANSWER: The DIR complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments as set forth above in Answer 1. The DIR made a concerted effort to determine whether the proposed regulations impose a direct or significant economic burden upon small businesses, or directly restricts the formation, operation, or expansion of a small business as set forth above in Answer 2. Thus, the DIR determined that the regulations will have no adverse effect on small businesses, will not impose any significant economic burden upon small businesses, and will not restrict the formation, operation or expansion of small businesses.

I, Victoria Carreón, Administrator of the Division of Industrial Relations, 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 business, and that the information contained in the statement above was prepared properly and the information contained herein is accurate.

Dated this 18th day of November 2025.



Victoria Carreón, Administrator
Department of Business and Industry
Division of Industrial Relations
Las Vegas: (702) 486-9116
vcarreon@dir.nv.gov