

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R192-03

December 9, 2003

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

AUTHORITY: §§1-7, NRS 439.200; §§8 and 9, NRS 439.150 and 439.200.

Section 1. Chapter 439 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 8, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Cosmetic” has the meaning ascribed to it in NRS 585.060.*

Sec. 4. *“Division” means the Health Division of the Department of Human Resources.*

Sec. 5. *“Drug” has the meaning ascribed to it in NRS 585.080.*

Sec. 6. *“Food” has the meaning ascribed to it in NRS 585.100.*

Sec. 7. *“Law enforcement agency” means an agency, office or bureau, the primary duty of which is to enforce the law.*

Sec. 8. 1. *If a law enforcement agency requests the services of the Division in responding to an accident involving a vehicle used to transport or hold food, drugs or cosmetics in commerce or a vehicle used for septic tank pumping purposes, the Division shall charge and collect an hourly fee of \$90 from the manufacturer, producer, jobber or seller of*

the food, drugs or cosmetics or the owner of the vehicle used for septic tank pumping purposes to determine whether, as a result of the accident:

(a) The food, drugs or cosmetics:

(1) Have been adulterated and must be quarantined, condemned or destroyed; or

(2) Have not been adulterated and may be provided to the public for use or consumption.

(b) The contents of the vehicle used for septic tank pumping purposes constitute a risk to the health or safety of the public. If the Division determines there is a risk to the health or safety of the public, it must provide guidance to the law enforcement agency to alleviate such risk.

2. The hourly fee set forth in subsection 1:

(a) Applies to a period beginning at the time the law enforcement agency provides notice of the accident to the personnel of the Division; and

(b) Includes only the time actually spent by the personnel of the Division in response to the accident, including, without limitation, travel to the site of the accident and any investigation related to the accident.

Sec. 9. NAC 439.650 is hereby amended to read as follows:

439.650 When an entity or person requests the services of the Health Division *of the Department of Human Resources* in collecting a sample of water, the Health Division shall charge and collect a fee of ~~[\$50]~~ **\$133** from the requester for each visit to the site by an employee of the Health Division. This fee must be charged in addition to any fees assessed pursuant to NAC 439.520, 439.530 or 439.540.