

**PROPOSED REGULATION OF THE ADMINISTRATOR
OF THE
DIVISION OF INDUSTRIAL RELATIONS OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R040-17

July 13, 2017

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

AUTHORITY: §§1-3, NRS 618.295 and §§ 8-9, A.B. 190, Nevada Legislature
(2017).

A REGULATION relating to occupational safety; adopting regulations to implement AB 190, Nevada Legislature (2017).

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Section 2. *“Approved OSHA-10 continuing education course” means a 5-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.*

Section 3. *“Approved OSHA-30 continuing education course” means a 15-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses,*

including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.

Section 4. *For the purposes of NRS 618.950 to 618.990, inclusive, sections 2 to 16, inclusive of AB 190, Nevada Legislature (2017) and NAC 618.990 to 618.992, inclusive:*

1. The term “site” or “entertainment site” means a place where live entertainment is performed, including, but not limited to, a sound stage, a showroom, a lounge, an arena, an outdoor stage or a remote site which has been designated as a location for the production of a motion picture or television program.

2. The term “worker” or “entertainment worker” means a person whose primary occupation is to perform work on a site, including, without limitation, the construction, installation, maintenance, operation, repair or removal of:

1. Theatrical scenery, rigging or props;

2. Wardrobe, hair or makeup;

3. Audio, camera, projection, video or lighting equipment; or

4. Any other items or parts which are related to or components of the items described in subsection 1, 2 or 3 and which are used for or in conjunction with the presentation or production of:

(a) Live entertainment;

(b) Filmmaking or photography, including, without limitation, motion pictures;

(c) Television programs, including, without limitation, live broadcasts, closed-circuit broadcasts or videotape recordings and playback;

(d) Sporting events; or

(e) Theatrical performances.

The term “worker” or “entertainment worker” does not include the actors, athletes, musicians, singers or other persons who are providing or performing at the entertainment site or a volunteer or any other person who is not paid to perform work on an entertainment site.

Section 5. *1. An entertainment worker may renew a valid completion card for an OSHA-10 course by completing an approved OSHA-10 course or approved OSHA-10 continuing education course before the expiration of the valid completion card. An entertainment worker who has renewed a valid completion card for an OSHA-10 course must provide his or her employer with the valid completion card and written proof of completion of an approved OSHA-10 course or approved OSHA-10 continuing education course.*

2. An entertainment worker may renew a valid completion card for an OSHA-30 course by completing an approved OSHA-30 course or approved OSHA-30 continuing education course before the expiration of the valid completion card. An entertainment worker who has renewed a valid completion card for an OSHA-30 course must provide his or her employer with the valid completion card and written proof of completion of an approved OSHA-30 course or approved OSHA-30 continuing education course.

Section 6. *1. If an employer provides to an employee an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course, the employer shall:*

- (a) Provide to the employee written proof of completion of the course;*
- (b) On request, provide to the Division written proof of completion of the course; and*
- (c) Retain a copy of the written proof of completion of the course for at least 5 years.*

2. An employer may provide an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course online if the course is developed by, or with the assistance of, a qualified continuing education course instructor.

Section 7. NAC 618.990 is amended to read as follows:

NAC 618.990 As used in NAC 618.990 to 618.992, inclusive, unless the context otherwise requires, the words and terms defined in NAC 618.9904, 618.9908 ~~and~~ , 618.9912 *and Sections 2 to 4, inclusive, of this regulation*, have the meanings ascribed to them in those sections.

Section 8. NAC 618.9917 is amended to read as follows:

NAC 618.9917. All courses described in NAC 618.990 to 618.992, inclusive, *and Sections 2 to 4, inclusive, of this regulation*, must be conducted and made available in a language and format that is understandable to each employee.

Section 9. NAC 618.9927 is amended to read as follows:

NAC 618.9927 1. No person other than a trainer, as defined in subsection 3 of NRS 618.980 *or subsection 3 of Section 10 of AB 190*, or a qualified continuing education course instructor may provide an OSHA-10 continuing education course or an OSHA-30 continuing education course.

2. The Administrator may determine that a person may act as a qualified continuing education course instructor if the person, without limitation:

(a) Is authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, if the person has completed OSHA 500, the Trainer Course for the Construction Industry *or if the person has completed OSHA 501, the Trainer Course in OSHA Standards for General Industry*;

(b) Has 3 years of experience in overseeing matters of occupational safety and health in the field of construction *or the entertainment industry*; or

(c) Has 2 years of experience in overseeing matters of occupational safety and health in the field of construction *or the entertainment industry* and has:

- (1) A college degree in occupational safety and health; and
- (2) Been designated as:
 - (I) A certified safety professional; or
 - (II) A certified industrial hygienist.