

ASSEMBLY BILL NO. 190—ASSEMBLYWOMAN DIAZ

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain health and safety training for entertainment industry workers and supervisors. (BDR 53-151)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Yes.

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

AN ACT relating to occupational safety; requiring employees on certain sites related to the entertainment industry to receive certain health and safety training; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Section 11 of this bill requires: (1) supervisory employees working on certain
2 sites related to the entertainment industry to complete a specified 30-hour health
3 and safety course not later than 15 days after being hired; and (2) certain other
4 workers working on such a site to complete a specified 10-hour course not later
5 than 15 days after being hired.

6 Section 9 of this bill requires the Division of Industrial Relations of the
7 Department of Business and Industry to adopt regulations approving courses which
8 may be used to fulfill the requirements of section 11. Section 10 of this bill
9 requires providers of approved courses to display the card evidencing their
10 authorization by the Occupational Safety and Health Administration of the United
11 States Department of Labor to provide such a course at the location at which the
12 course is being provided.

13 Section 12 of this bill requires employers to suspend or terminate the
14 employment of an employee on an applicable site who fails to provide proof of
15 obtaining the required training not later than 15 days after being hired. Section 13
16 of this bill provides for administrative fines for employers who fail to suspend or
17 terminate certain employees on a site after the 15-day period if those employees
18 have not obtained the required training.

19 Section 16 of this bill: (1) allows employees to satisfy the requirements of
20 section 11 by completing an alternative course offered by their employer; (2)
21 requires an employee that satisfies the requirements of section 11 by completing an
22 alternative course to take an approved course before January 1, 2019; and (3)
23 requires an employer to maintain and make available to the Division of Industrial



24 Relations a record of all employees that have completed an alternative course until
25 a date to be established by the Division by regulation.

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

1 **Section 1.** Chapter 618 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 13, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 13, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 7, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** *“OSHA-10 course” means a 10-hour course in*
9 *general industry safety and health hazard recognition and*
10 *prevention developed by the Occupational Safety and Health*
11 *Administration of the United States Department of Labor.*

12 **Sec. 4.** *“OSHA-30 course” means a 30-hour course in*
13 *general industry safety and health hazard recognition and*
14 *prevention developed by the Occupational Safety and Health*
15 *Administration of the United States Department of Labor.*

16 **Sec. 5.** *“Site” means a theater where live entertainment is*
17 *performed, a sound stage, a showroom, a lounge, an arena or a*
18 *remote site which has been designated as a location for the*
19 *production of a motion picture or television program.*

20 **Sec. 6.** *“Supervisory employee” means any person having*
21 *authority in the interest of the employer to hire, transfer, suspend,*
22 *lay off, recall, promote, discharge, assign, reward or discipline*
23 *other employees or responsibility to direct them, to adjust their*
24 *grievances or effectively to recommend such action, if in*
25 *connection with the foregoing, the exercise of such authority is*
26 *not of a merely routine or clerical nature but requires the use of*
27 *independent judgment. The exercise of such authority shall not be*
28 *deemed to place the employee in supervisory employee status*
29 *unless the exercise of such authority occupies a significant portion*
30 *of the employee’s workday.*

31 **Sec. 7.** *“Worker” means a person employed to perform work*
32 *on a site, including, without limitation, the construction,*
33 *installation, maintenance, operation, repair or removal of:*

- 34 1. *Theatrical scenery, rigging or props;*
35 2. *Wardrobe, hair or makeup;*
36 3. *Audio, camera, projection, video or lighting equipment; or*
37 4. *Any other items or parts which are related to or*
38 *components of the items described in subsection 1, 2 or 3 and*



1 *which are used for or in conjunction with the presentation or*
2 *production of:*

3 (a) *Live entertainment;*

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

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

9 (d) *Sporting events; or*

10 (e) *Theatrical performances.*

11 **Sec. 8.** *The Division may adopt such regulations as are*
12 *necessary to carry out the provisions of sections 2 to 13, inclusive,*
13 *of this act.*

14 **Sec. 9.** 1. *The Division shall, by regulation, approve*
15 *OSHA-10 courses and OSHA-30 courses for the purposes of*
16 *fulfilling the requirements of section 11 of this act.*

17 2. *The Division shall establish a registry to track the*
18 *providers of courses approved pursuant to subsection 1.*

19 3. *The Division shall adopt regulations that set forth*
20 *guidelines for job-specific training to qualify as continuing*
21 *education for the purposes of section 11 of this act.*

22 **Sec. 10.** 1. *Each trainer shall display his or her trainer*
23 *card in a conspicuous manner at each location where the trainer*
24 *provides an OSHA-10 course or OSHA-30 course.*

25 2. *No person other than a trainer may provide an OSHA-10*
26 *course or OSHA-30 course.*

27 3. *As used in this section:*

28 (a) *“Trainer” means a person who is currently authorized by*
29 *the Occupational Safety and Health Administration of the United*
30 *States Department of Labor as a trainer, including, without*
31 *limitation, a person who has completed OSHA 501, the Trainer*
32 *Course in OSHA Standards for General Industry.*

33 (b) *“Trainer card” means the card issued upon completion of*
34 *OSHA 501, the Trainer Course in OSHA Standards for General*
35 *Industry, which reflects the authorization of the holder by the*
36 *Occupational Safety and Health Administration of the United*
37 *States Department of Labor to provide OSHA-10 courses and*
38 *OSHA-30 courses.*

39 **Sec. 11.** 1. *Not later than 15 days after the date a worker*
40 *other than a supervisory employee is hired, the worker must:*

41 (a) *Obtain a completion card for an OSHA-10 course which is*
42 *issued upon completion of a course approved by the Division*
43 *pursuant to section 9 of this act; or*

44 (b) *Complete an OSHA-10 alternative course which is offered*
45 *by his or her employer.*



1 2. Not later than 15 days after the date a supervisory
2 employee is hired, the supervisory employee must:

3 (a) Obtain a completion card for an OSHA-30 course which is
4 issued upon completion of a course approved by the Division
5 pursuant to section 9 of this act; or

6 (b) Complete an OSHA-30 alternative course which is offered
7 by his or her employer.

8 3. Any completion card used to satisfy the requirements of
9 this section expires 5 years after the date it is issued and may be
10 renewed by:

11 (a) Completing an OSHA-10 course or OSHA-30 course, as
12 applicable, within the previous 5 years; or

13 (b) Providing proof satisfactory to the Division that the worker
14 has completed continuing education within the previous 5 years
15 consisting of job-specific training that meets the guidelines
16 established by the Division pursuant to section 9 of this act in an
17 amount of:

18 (1) For a completion card issued for an OSHA-10 course,
19 not less than 5 hours; or

20 (2) For a completion card issued for an OSHA-30 course,
21 not less than 15 hours.

22 4. As used in this section:

23 (a) "OSHA-10 alternative course" means a 10-hour course
24 offered to the employees of an employer that meets or exceeds the
25 guidelines issued by the Occupational Safety and Health
26 Administration of the United States Department of Labor for an
27 OSHA-10 course, including, without limitation, federal safety and
28 health regulatory requirements specific to the industry in which
29 the employer participates.

30 (b) "OSHA-30 alternative course" means a 30-hour course
31 offered to the employees of an employer that meets or exceeds the
32 guidelines issued by the Occupational Safety and Health
33 Administration of the United States Department of Labor for an
34 OSHA-30 course, including, without limitation, federal safety and
35 health regulatory requirements specific to the industry in which
36 the employer participates.

37 **Sec. 12.** 1. If a worker other than a supervisory employee
38 fails to:

39 (a) Present his or her employer with a current and valid
40 completion card for an OSHA-10 course; or

41 (b) Complete an OSHA-10 alternative course offered by his or
42 her employer,

43 ↪ not later than 15 days after being hired, the employer shall
44 suspend or terminate his or her employment.



1 2. *If a supervisory employee on a site fails to:*

2 (a) *Present his or her employer with a current and valid*
3 *completion card for an OSHA-30 course; or*

4 (b) *Complete an OSHA-30 alternative course offered by his or*
5 *her employer,*

6 *↪ not later than 15 days after being hired, the employer shall*
7 *suspend or terminate his or her employment.*

8 3. *As used in this section:*

9 (a) *“OSHA-10 alternative course” means a 10-hour course*
10 *offered to the employees of an employer that meets or exceeds the*
11 *guidelines issued by the Occupational Safety and Health*
12 *Administration of the United States Department of Labor for an*
13 *OSHA-10 course, including, without limitation, federal safety and*
14 *health regulatory requirements specific to the industry in which*
15 *the employer participates.*

16 (b) *“OSHA-30 alternative course” means a 30-hour course*
17 *offered to the employees of an employer that meets or exceeds the*
18 *guidelines issued by the Occupational Safety and Health*
19 *Administration of the United States Department of Labor for an*
20 *OSHA-30 course, including, without limitation, federal safety and*
21 *health regulatory requirements specific to the industry in which*
22 *the employer participates.*

23 **Sec. 13. 1.** *If the Division finds that an employer has failed*
24 *to suspend or terminate an employee as required by section 12 of*
25 *this act, the Division shall:*

26 (a) *Upon the first violation, in lieu of any other penalty under*
27 *this chapter, impose upon the employer an administrative fine of*
28 *not more than \$500.*

29 (b) *Upon the second violation, in lieu of any other penalty*
30 *under this chapter, impose upon the employer an administrative*
31 *fine of not more than \$1,000.*

32 (c) *Upon the third and each subsequent violation, impose upon*
33 *the employer the penalty provided in NRS 618.635 as if the*
34 *employer had committed a willful violation.*

35 2. *For the purposes of this section, any number of violations*
36 *discovered in a single day constitutes a single violation.*

37 3. *Before a fine or any other penalty is imposed upon an*
38 *employer pursuant to this section, the Division must follow the*
39 *procedures set forth in this chapter for the issuance of a citation,*
40 *including, without limitation, the procedures set forth in NRS*
41 *618.475 for notice to the employer and an opportunity for the*
42 *employer to contest the violation.*



1 **Sec. 14.** Section 11 of this act is hereby amended to read as
2 follows:

3 Sec. 11. 1. Not later than 15 days after the date a
4 worker other than a supervisory employee is hired, the worker
5 must ~~†~~:

6 ~~—(a) Obtain†~~ **obtain** a completion card for an OSHA-10
7 course which is issued upon completion of a course approved
8 by the Division pursuant to section 9 of this act. ~~†; or~~

9 ~~—(b) Complete an OSHA 10 alternative course which is~~
10 ~~offered by his or her employer.†~~

11 2. Not later than 15 days after the date a supervisory
12 employee is hired, the supervisory employee must ~~†~~:

13 ~~—(a) Obtain†~~ **obtain** a completion card for an OSHA-30
14 course which is issued upon completion of a course approved
15 by the Division pursuant to section 9 of this act. ~~†; or~~

16 ~~—(b) Complete an OSHA 30 alternative course which is~~
17 ~~offered by his or her employer.†~~

18 3. Any completion card used to satisfy the requirements
19 of this section expires 5 years after the date it is issued and
20 may be renewed by:

21 (a) Completing an OSHA-10 course or OSHA-30 course,
22 as applicable, within the previous 5 years; or

23 (b) Providing proof satisfactory to the Division that the
24 worker has completed continuing education within the
25 previous 5 years consisting of job-specific training that meets
26 the guidelines established by the Division pursuant to section
27 9 of this act in an amount of:

28 (1) For a completion card issued for an OSHA-10
29 course, not less than 5 hours; or

30 (2) For a completion card issued for an OSHA-30
31 course, not less than 15 hours.

32 ~~†4. As used in this section:~~

33 ~~—(a) “OSHA 10 alternative course” means a 10-hour~~
34 ~~course offered to the employees of an employer that meets or~~
35 ~~exceeds the guidelines issued by the Occupational Safety and~~
36 ~~Health Administration of the United States Department of~~
37 ~~Labor for an OSHA 10 course, including, without limitation,~~
38 ~~federal safety and health regulatory requirements specific to~~
39 ~~the industry in which the employer participates.~~

40 ~~—(b) “OSHA 30 alternative course” means a 30-hour~~
41 ~~course offered to the employees of an employer that meets or~~
42 ~~exceeds the guidelines issued by the Occupational Safety and~~
43 ~~Health Administration of the United States Department of~~
44 ~~Labor for an OSHA 30 course, including, without limitation,~~



~~federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

Sec. 15. Section 12 of this act is hereby amended to read as follows:

Sec. 12. 1. If a worker other than a supervisory employee fails to ~~†~~

~~—(a) Present†~~ *present* his or her employer with a current and valid completion card for an OSHA-10 course ~~†; or~~

~~—(b) Complete an OSHA-10 alternative course offered by his or her employer;~~

~~→†~~ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

2. If a supervisory employee on a site fails to ~~†~~
~~—(a) Present†~~ *present* his or her employer with a current and valid completion card for an OSHA-30 course ~~†; or~~

~~—(b) Complete an OSHA-30 alternative course offered by his or her employer;~~

~~→†~~ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

~~†3. As used in this section:~~

~~—(a) “OSHA 10 alternative course” means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 10 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

~~—(b) “OSHA 30 alternative course” means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

Sec. 16. 1. Not later than January 1, 2019, an employee who satisfies the requirements of subsection 1 or 2 of section 11 of this act by completing an OSHA-10 alternative course or OSHA-30 alternative course, as defined in section 11 of this act, must complete an OSHA-10 course or OSHA-30 course, as defined in sections 3 and 4 of this act, as applicable, in order to continue to satisfy the requirements of subsection 1 or 2 of section 11 of this act.

2. An employer shall maintain a record of all employees who have completed an OSHA-10 alternative course or OSHA-30 alternative course offered by the employer and the date upon which



1 the employee completed the course. The employer shall make the
2 record available at all times for inspection by the Division of
3 Industrial Relations of the Department of Business and Industry and
4 its authorized agents.

5 3. The Division of Industrial Relations shall, by regulation,
6 establish the length of time that an employer must maintain the
7 record described in subsection 2.

8 **Sec. 17.** 1. This section and sections 1 to 13, inclusive, and
9 16 of this act become effective on January 1, 2018.

10 2. Sections 14 and 15 of this act become effective on
11 January 1, 2019.

