

Amendment No. 46

Senate Amendment to Senate Bill No. 122	(BDR 53-663)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SJQ/AAK



Date: 4/13/2021

S.B. No. 122—Requires certain health and safety training for employees of cannabis establishments. (BDR 53-663)



SENATE BILL NO. 122--SENATORS BROOKS; AND SPEARMAN

FEBRUARY 15, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain health and safety training for certtain employees of cannabis establishments. (BDR 53-663)

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 certtain employees of a cannabis establishment to receive certain health and safety training; requiring a cannabis establishment to suspend or terminate the employment of an employee who fails to complete such training; ~~requiring the Cannabis Compliance Board to suspend the license of a cannabis establishment that fails to suspend or terminate the employment of such an employee;~~ providing administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires certain employees performing work on construction sites, certain sites related to the entertainment industry and certain sites where exhibitions, conventions or trade shows occur to complete certain training courses relating to occupational health and safety. (NRS 618.950-618.9931) This bill enacts similar requirements for certtain employees of cannabis establishments.

Section 11 of this bill requires: (1) employees of cannabis establishments who are not supervisory employees to complete a specified 10-hour health and safety course not later than 1 year after being hired; and (2) supervisory employees of cannabis establishments to complete a specified 30-hour course not later than 1 year after being hired. **Section 11** requires that any costs associated with an employee completing such a course be paid by the cannabis establishment by which the employee is employed. Section 4 of this bill defines “employee” to mean a person who performs work at a cannabis establishment. However, section 4 excludes from the definition of “employee” a person: (1) whose primary occupation is to provide photography, media, marketing or legal services; or (2) who is a shareholder, officer, board member or advisory board member of a cannabis establishment and who does not have an active role in the day-to-day operation of the cannabis establishment.

Section 9 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to ~~adopt regulations approving courses which may be used to fulfill the requirements of section 11;~~ establish a registry to track providers of the required health and safety courses. **Section 10** of this bill requires providers of ~~approved~~ the required health and safety courses to display the card evidencing their authorization by the Occupational Safety and Health Administration of the United States Department of Labor to provide such a course in a conspicuous manner at the location at which the course is being provided.

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26 **Section 12** of this bill requires a cannabis establishment to suspend or terminate the
 27 employment of an employee who fails to complete the required health and safety course.

28 **Section 13** of this bill provides ~~[that if the Division finds that a]~~ **for administrative fines to**
 29 **be imposed upon a** cannabis establishment **that** has failed to suspend or terminate an
 30 employee as required by **section 12.** ~~[, the Division is required to report the violation to the~~
 31 ~~Executive Director of the Cannabis Compliance Board. Section 14 of this bill authorizes the~~
 32 ~~Executive Director to respond to a report of a violation of section 12 in the same manner as~~
 33 ~~other reports of violations of existing law which are committed by cannabis establishments.~~
 34 ~~Section 15 of this bill requires the Cannabis Compliance Board to suspend the license of a~~
 35 ~~cannabis establishment that violates the provisions of section 12.]~~

36 **Section 16** of this bill requires an employee of a cannabis establishment who was initially
 37 hired before July 1, 2021, to complete the 10-hour or 30-hour course specified in **section 11**,
 38 as applicable, not later than July 1, 2022.

39 ~~[Section 8 of this bill authorizes the Division to adopt regulations as necessary to carry~~
 40 ~~out the provisions of sections 2-13 of this bill.]~~ **Sections 3-7** of this bill define words and
 41 terms for the purposes of **sections 2-13**.

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 thereto the
 2 provisions set forth as sections 2 to 13, inclusive, of this act.

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

6 **Sec. 3.** *“Cannabis establishment” has the meaning ascribed to it in NRS*
 7 *678A.095.*

8 **Sec. 4.** **1.** *“Employee” means ~~[any]~~ a person ~~[employed by]~~ who performs*
 9 *work at a cannabis establishment.*

10 **2.** *The term does not include a person:*

11 *(a) Whose primary occupation is to provide photography, media, marketing*
 12 *or legal services; or*

13 *(b) Who is a shareholder, officer, board member or advisory board member*
 14 *of a cannabis establishment and who does not have an active role in the day-to-*
 15 *day operation of the cannabis establishment.*

16 **Sec. 5.** *“OSHA-10 course” means a 10-hour course in general industry*
 17 *safety and health hazard recognition and prevention developed by the*
 18 *Occupational Safety and Health Administration of the United States Department*
 19 *of Labor.*

20 **Sec. 6.** *“OSHA-30 course” means a 30-hour course in general industry*
 21 *safety and health hazard recognition and prevention developed by the*
 22 *Occupational Safety and Health Administration of the United States Department*
 23 *of Labor.*

24 **Sec. 7.** *“Supervisory employee” means any employee having authority in*
 25 *the interest of the cannabis establishment to hire, transfer, suspend, lay off,*
 26 *recall, promote, discharge, assign, reward or discipline other employees or*
 27 *responsibility to direct them, to adjust their grievances or effectively to*
 28 *recommend such action, if in connection with the foregoing, the exercise of such*
 29 *authority is not of a merely routine or clerical nature but requires the use of*
 30 *independent judgment. The exercise of such authority shall not be deemed to*
 31 *place the employee in supervisory employee status unless the exercise of such*
 32 *authority occupies a significant portion of the employee’s workday.*

1 **Sec. 8.** ~~[The Division may adopt such regulations as are necessary to carry~~
2 ~~out the provisions of sections 2 to 13, inclusive, of this act.] (Deleted by~~
3 ~~amendment.)~~

4 **Sec. 9.** ~~[1. The Division shall, by regulation, approve OSHA-10 courses~~
5 ~~and OSHA-30 courses for the purposes of fulfilling the requirements of section~~
6 ~~11 of this act.~~

7 ~~2.] The Division shall establish a registry to track the providers of [courses~~
8 ~~approved pursuant to subsection 1.] OSHA-10 courses and OSHA-30 courses.~~

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

12 2. No person other than a trainer may provide an OSHA-10 course or
13 OSHA-30 course.

14 3. As used in this section:

15 (a) "Trainer" means a person who is currently authorized by the
16 Occupational Safety and Health Administration of the United States Department
17 of Labor as a trainer, including, without limitation, a person who has completed
18 OSHA 501, the Trainer Course in OSHA Standards for General Industry.

19 (b) "Trainer card" means the card issued upon completion of OSHA 501, the
20 Trainer Course in OSHA Standards for General Industry, which reflects the
21 authorization of the holder by the Occupational Safety and Health
22 Administration of the United States Department of Labor to provide OSHA-10
23 courses and OSHA-30 courses.

24 **Sec. 11.** 1. Not later than 1 year after the date an employee other than a
25 supervisory employee is hired, the employee must obtain a completion card for an
26 OSHA-10 course ~~[which is issued upon completion of a course approved by the~~
27 ~~Division pursuant to section 9 of this act.]~~

28 2. Not later than 1 year after the date a supervisory employee is hired, the
29 supervisory employee must obtain a completion card for an OSHA-30 course ~~;~~
30 ~~[which is issued upon completion of a course approved by the Division pursuant~~
31 ~~to section 9 of this act.]~~

32 3. Any costs associated with an employee obtaining a completion card
33 pursuant to subsection 1 or 2 must be paid by the cannabis establishment by
34 which the employee is employed.

35 **Sec. 12.** 1. If an employee other than a supervisory employee fails to
36 present the cannabis establishment by which he or she is employed with a current
37 and valid completion card for an OSHA-10 course as required pursuant to
38 section 11 of this act, the cannabis establishment shall suspend or terminate his
39 or her employment.

40 2. If a supervisory employee fails to present the cannabis establishment by
41 which he or she is employed with a current and valid completion card for an
42 OSHA-30 course as required pursuant to section 11 of this act, the cannabis
43 establishment shall suspend or terminate his or her employment.

44 **Sec. 13.** 1. ~~If the Division finds that a cannabis establishment has failed~~
45 ~~to suspend or terminate an employee as required by section 12 of this act, [it] the~~
46 ~~Division shall [report the violation to the Executive Director of the Cannabis~~
47 ~~Compliance Board, who shall proceed in the manner provided in NRS 678A.500.]~~
48 ~~;~~

49 (a) Upon the first violation, in lieu of any other penalty under this chapter,
50 impose upon the cannabis establishment an administrative fine of not more than
51 \$500.

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

(c) Upon the third and each subsequent violation, impose upon the cannabis establishment the penalty provided in NRS 618.635 as if the cannabis establishment had committed a willful violation.

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

3. Before a fine or any other penalty is imposed upon a cannabis establishment pursuant to this section, the Division must follow the procedures set forth in this chapter for the issuance of a citation, including, without limitation, the procedures set forth in NRS 618.475 for providing notice to the cannabis establishment and an opportunity for the cannabis establishment to contest the violation.

Sec. 14. ~~[NRS 678A.500 is hereby amended to read as follows:~~

~~— 678A.500 1. If the Executive Director becomes aware that a licensee or registrant has violated, is violating or is about to violate any provision of this title, [or] any regulation adopted pursuant thereto [,] or section 12 of this act, the Executive Director may transmit the details of the suspected violation, along with any further facts or information related to the violation which are known to the Executive Director, to the Attorney General.~~

~~— 2. If any person other than the Executive Director becomes aware that a licensee or registrant has violated, is violating or is about to violate any provision of this title, [or] any regulation adopted pursuant thereto [,] or section 12 of this act, the person may file a written complaint with the Executive Director specifying the relevant facts. The Executive Director shall review each such complaint and, if the Executive Director finds the complaint not to be frivolous, may transmit the details of the suspected violation, along with any further facts or information derived from the review of the complaint to the Attorney General.~~

~~— 3. The employees of the Board who are certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500 shall cooperate with the Attorney General in the performance of any criminal investigation.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 678A.600 is hereby amended to read as follows:~~

~~— 678A.600 If the Board finds that [a]:~~

~~— 1. A licensee or registrant has violated a provision of this title or any regulation adopted pursuant thereto, the Board may take any or all of the following actions:~~

~~— [1.] (a) Limit, condition, suspend or revoke the license or registration card of the licensee or registrant.~~

~~— [2.] (b) Impose a civil penalty in an amount established by regulation for each violation.~~

~~— 2. A licensee has violated the provisions of section 12 of this act, the Board shall suspend the license of the licensee.] (Deleted by amendment.)~~

Sec. 16. 1. Notwithstanding the provisions of section 11 of this act, an employee of a cannabis establishment who was initially hired before July 1, 2021, must obtain a completion card for an OSHA-10 course as required by subsection 1 of section 11 of this act or, if the employee is a supervisory employee, a completion card for an OSHA-30 course as required by subsection 2 of section 11 of this act, not later than July 1, 2022. Any costs associated with the employee obtaining such a card must be paid by the cannabis establishment by which the employee is employed.

2. As used in this section:

- 1 (a) "Cannabis establishment" has the meaning ascribed to it in section 3 of this
2 act.
3 (b) "Employee" has the meaning ascribed to it in section 4 of this act.
4 (c) "OSHA-10 course" has the meaning ascribed to it in section 5 of this act.
5 (d) "OSHA-30 course" has the meaning ascribed to it in section 6 of this act.
6 (e) "Supervisory employee" has the meaning ascribed to it in section 7 of this
7 act.
8 **Sec. 17.** This act becomes effective on July 1, 2021.