

Senate Bill No. 122—Senators Brooks; and Spearman

CHAPTER.....

AN ACT relating to occupational safety; requiring certain 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; 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 certain 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 establish a registry to track providers of the required health and safety courses. **Section 10** of this bill requires providers of 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.

Section 12 of this bill requires a cannabis establishment to suspend or terminate the employment of an employee who fails to complete the required health and safety course. **Section 13** of this bill provides for administrative fines to be imposed upon a cannabis establishment that has failed to suspend or terminate an employee as required by **section 12**.

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

Sections 3-7 of this bill define words and terms for the purposes of **sections 2-13**.



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

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

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

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

Sec. 4. 1. *“Employee” means a person who performs work at a cannabis establishment.*

2. The term does not include a person:

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

(b) 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.

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

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

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

Sec. 8. (Deleted by amendment.)



Sec. 9. *The Division shall establish a registry to track the providers of OSHA-10 courses and OSHA-30 courses.*

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

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

3. As used in this section:

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

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

Sec. 11. *1. Not later than 1 year after the date an employee other than a supervisory employee is hired, the employee must obtain a completion card for an OSHA-10 course.*

2. Not later than 1 year after the date a supervisory employee is hired, the supervisory employee must obtain a completion card for an OSHA-30 course.

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

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

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

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



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

Secs. 14 and 15. (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:

(a) "Cannabis establishment" has the meaning ascribed to it in section 3 of this act.

(b) "Employee" has the meaning ascribed to it in section 4 of this act.

(c) "OSHA-10 course" has the meaning ascribed to it in section 5 of this act.

(d) "OSHA-30 course" has the meaning ascribed to it in section 6 of this act.

(e) "Supervisory employee" has the meaning ascribed to it in section 7 of this act.

Sec. 17. This act becomes effective on July 1, 2021.

