

Amendment No. 313

Senate Amendment to Senate Bill No. 427	(BDR 53-682)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 427 (§ 1).

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.

TJO/ERS



Date: 4/20/2023

S.B. No. 427—Revises provisions relating to occupational safety and health.
(BDR 53-682)



SENATE BILL NO. 427—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 27, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to occupational safety and health. (BDR 53-682)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; revising the requirements of written safety programs in certain workplaces to include programs and training related to the mitigation of heat illness and exposure to poor air quality; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Division of Industrial Relations of the Department of Business
2 and Industry to provide for the establishment and supervision of programs for the education
3 and training of employers and employees on certain unsafe or unhealthful working conditions.
4 (NRS 618.353) Existing law requires certain employers to establish a written safety program
5 and implement the safety program within 90 days after it is established. (NRS 618.383) This
6 bill requires such a written safety program to include: (1) a program to mitigate heat illness on
7 any day that the temperature is expected to be ~~99~~ **105** degrees Fahrenheit or greater; (2) a
8 training program for employees who may be affected by issues related to heat illness; (3) a
9 program to mitigate exposure to poor air quality on any day that employees are exposed to air
10 with an Environmental Protection Agency Air Quality Index value of 201 or greater; and (4) a
11 training program for employees who may be exposed to poor air quality on the hazards of
12 working without personal protection equipment. **This bill exempts providers of emergency**
13 **services, including, without limitation, a law enforcement agency, a fire-fighting agency**
14 **and a provider of emergency medical services, from these requirements.** This bill further
15 requires these programs and training to be conducted and made available in a language and
16 format that is understandable to each employee.

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

1 **Section 1.** NRS 618.383 is hereby amended to read as follows:
2 618.383 1. Except as otherwise provided in subsections 8, ~~and~~ 9 ~~and~~
3 **10**, an employer shall establish a written safety program and carry out the
4 requirements of the program within 90 days after it is established.

1 2. The written safety program must include:

2 (a) The establishment of a training program for employees concerning safety in
3 the workplace, particularly in those areas where there have been recurring injuries
4 or where explosives are manufactured.

5 (b) *The establishment of a program to mitigate heat illness on any day that*
6 *the expected temperature is ~~105~~ 105 degrees Fahrenheit or greater regardless of*
7 *whether employees work outdoors or in an indoor setting without climate control.*
8 *The program must include, without limitation, the provision of:*

9 (1) *Not less than one quart of ~~fresh, pure and~~ cool potable drinking*
10 *water per employee for each hour the employee is required to work;*

11 (2) *Access by an employee to an area with shade that is open to the air or*
12 *provided with ventilation or cooling ~~that~~, unless the provision of a shade structure*
13 *would create a safety hazard;*

14 (3) ~~*[Mandatory breaks] Periods throughout the workday for employees*~~
15 ~~*[for a period not less than 10 minutes for each hour the employee is required to*~~
16 ~~*work] to hydrate, as needed, to prevent the occurrence of heat illness;*~~

17 (4) *A system for monitoring employees for signs of heat illness; and*

18 (5) *Procedures for responding to a medical emergency related to heat*
19 *illness.*

20 (c) *The establishment of a training program for employees who may be*
21 *affected by issues related to heat illness, which must include, without limitation,*
22 *information regarding:*

23 (1) *The different types of heat illness and the common signs and*
24 *symptoms of heat illness;*

25 (2) *Working conditions in which heat illness may occur;*

26 (3) *The importance of acclimatization; and*

27 (4) *Recovery procedures after experiencing heat illness.*

28 (d) *The establishment of a program to mitigate exposure to poor air quality*
29 *on any day employees are exposed to air with an Environmental Protection*
30 *Agency Air Quality Index value of 201 or greater. The program must include,*
31 *without limitation, the provision of:*

32 (1) *Proper respiratory protection equipment, which may include, without*
33 *limitation, disposable filtering facepiece respirators, half facepiece respirators or*
34 *full facepiece respirators;*

35 (2) *Not less than one quart of ~~fresh, pure and~~ cool potable drinking*
36 *water per employee for each hour the employee is required to work;*

37 (3) *Access by an employee to an indoor environment with appropriate*
38 *ventilation and air filtering;*

39 (4) ~~*[Mandatory breaks] Periods throughout the workday for employees*~~
40 ~~*[for a period not less than 10 minutes for each hour the employee is required to*~~
41 ~~*work] to hydrate, as needed; and*~~

42 (5) *A system for monitoring employees for signs of health effects*
43 *resulting from exposure to poor air quality as a result of wildfire smoke.*

44 (e) *The establishment of a training program for employees who may be*
45 *exposed to poor air quality on the hazards of working without personal protection*
46 *equipment.*

47 (f) If an employer has more than 25 employees, or if an employer's employees
48 are engaged in the manufacture of explosives, the establishment of a safety
49 committee. The safety committee must include representatives of employees. If the
50 employees are represented by a labor organization, the representatives of
51 employees must be selected by the employees and not appointed by the employer.

52 3. A representative of employees while engaging in the business of a safety
53 committee, including attendance at meetings, authorized inspections or any other

1 activity of the committee, must be paid by his or her employer as if that employee
2 were engaged in the employee's usual work activities.

3 4. The written safety program, *program to mitigate heat illness, program to*
4 *mitigate exposure to poor air quality* and all training programs required pursuant to
5 this section must be conducted and made available in a language and format that is
6 understandable to each employee.

7 5. The Administrator of the Division shall adopt regulations establishing the
8 minimum requirements for a written safety program.

9 6. The Administrator of the Division shall develop and provide each employer
10 with a written guide for establishing a written safety program.

11 7. An employer who contracts with a temporary employment service shall
12 provide specialized training concerning safety for the employees of the service
13 before they begin work at each site or as soon as possible thereafter.

14 8. An employer who has 10 or fewer employees is exempted from the
15 provisions of this section unless the employer has employees engaged in the
16 manufacture of explosives.

17 9. For the purposes of this section, an employer in the mining industry shall
18 not be deemed to be a manufacturer of explosives.

19 10. *Providers of emergency services, including, without limitation, a law*
20 *enforcement agency, a fire-fighting agency and a provider of emergency medical*
21 *services, are exempt from the requirement to include in a written safety program,*
22 *a program to mitigate heat illness and a program to mitigate exposure to poor air*
23 *quality pursuant to paragraphs (b) and (d) of subsection 2.*

24 11. Except as otherwise provided in subsection ~~11~~ 12, as used in this
25 section, "explosives" means gunpowders, powders used for blasting, all forms of
26 high explosives, blasting materials, fuses other than electric circuit breakers,
27 detonators and other detonating agents, smokeless powders, other explosive or
28 incendiary devices and any chemical compound, mechanical mixture or device that
29 contains any oxidizing and combustible units, or other ingredients, in such
30 proportions, quantities or packing that ignition by fire, friction, concussion,
31 percussion or detonation of the compound, mixture or device or any part thereof
32 may cause an explosion.

33 ~~11~~ 12. For the purposes of this section, an explosive does not include:

34 (a) Ammunition for small arms, or any component thereof;

35 (b) Black powder commercially manufactured in quantities that do not exceed
36 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow
37 matches, and friction primers that are intended to be used solely for sporting,
38 recreation or cultural purposes:

39 (1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16),
40 as that section existed on January 1, 1999; or

41 (2) In an antique device which is exempted from the definition of
42 "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on
43 January 1, 1999; or

44 (c) Any explosive that is manufactured under the regulation of a military
45 department of the United States, or that is distributed to, or possessed or stored by,
46 the military or naval service or any other agency of the United States, or an arsenal,
47 a navy yard, a depot or any other establishment owned by or operated on behalf of
48 the United States.

49 ~~12~~ 13. As used in this section:

50 (a) "Acclimatization" means the temporary adaptation of a person's body to
51 work in the heat that occurs gradually when the person is exposed to heat.

1 ***(b) “Heat illness” means a medical condition resulting from the body’s***
2 ***inability to cope with a particular heat load and includes, without limitation, heat***
3 ***cramps, heat rash, heat exhaustion, fainting and heat stroke.***

4 **Sec. 2.** The provisions of NRS 354.599 do not apply to any additional
5 expenses of a local government that are related to the provisions of this act.

6 **Sec. 3.** 1. This section becomes effective upon passage and approval.

7 2. Sections 1 and 2 of this act become effective:

8 (a) Upon passage and approval for the purpose of adopting any regulations and
9 performing any other preparatory administrative tasks that are necessary to carry
10 out the provisions of this act; and

11 (b) On January 1, 2024, for all other purposes.