

**ADOPTED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R008-04**

Effective April 7, 2004

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

AUTHORITY: §§1, 2 and 4, NRS 439.200; §3, NRS 439.150, 439.200 and 447.185; §5, NRS 439.200 and 447.185.

A REGULATION relating to public accommodations; requiring the Health Division of the Department of Human Resources, under certain circumstances, to charge and collect fees to inspect hotels; requiring the Health Division to charge and collect fees for reviewing plans and specifications to construct and remodel hotels; requiring a person desiring to construct or remodel a hotel to submit an application, plans, specifications and supporting data for the hotel for approval by the appropriate health authority; establishing the requirements for such plans and specifications; and providing other matters properly relating thereto.

**Section 1.** Chapter 447 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2.** *“Hotel” has the meaning ascribed to it in NRS 447.010.*

**Sec. 3.** *1. The Health Division of the Department of Human Resources shall charge and collect fees for each inspection of a hotel in accordance with the following schedule, except in areas where the laws and regulations governing hotels are administered by local health authorities:*

*For a hotel having 30 or fewer rooms or units .....\$145*

*For a hotel having more than 30 rooms or units ..... 145*

*Plus \$1.50 for each room or unit over 30, not to exceed \$1,000*

*2. The Health Division shall charge and collect fees for the review of a plan submitted with an application to construct a hotel or to remodel or add to an existing hotel in accordance with the following schedule:*

*For a plan submitted with an application to construct a hotel.....\$100*

*Plus an amount equal to the fee for an inspection of the hotel, if an inspection is required for the hotel after the completion of the construction of the hotel.*

*For a plan submitted with an application to remodel or add to an existing hotel..... 100*

*Plus an amount equal to the fee for an inspection of the hotel, if an inspection is required for the hotel after the completion of the remodeling or addition to the hotel.*

**Sec. 4.** NAC 447.010 is hereby amended to read as follows:

447.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 447.020 to 447.080, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 5.** NAC 447.100 is hereby amended to read as follows:

447.100 ~~[Before any person begins the construction or extensive remodeling of a hotel, he must submit the plans to the appropriate health authority for review and approval.]~~

*1. Any person who desires to construct a hotel or to remodel or add to an existing hotel must apply in writing to the appropriate health authority on forms furnished by the health authority, giving the name of the hotel and its location together with such other information as may be required. The application must be accompanied by plans, specifications and supporting data.*

*2. Plans and specifications for hotels must have been prepared by a professional engineer who is registered in this State, an architect who is registered in this State, or a licensed contractor who holds a license issued by the State Contractors' Board in the appropriate classification and subclassification. A licensed professional engineer or a registered architect shall include his seal and signature on any plans and specifications submitted to the health authority. A licensed contractor shall include his signature on any plans and specifications submitted to the health authority.*

*3. The plans must be drawn to scale, include a north arrow, and be accompanied by proper specifications to permit a comprehensive engineering review.*

*4. The submitted plans must be approved in writing before any construction is undertaken.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R008-04**

The State Board of Health adopted regulations assigned LCB File No. R008-04 which pertain to chapter 447 of the Nevada Administrative Code on February 27, 2004.

**Notice date:** On or before 1/27/2004  
**Hearing date:** 2/27/2004

**Date of adoption by agency:** 2/27/2004  
**Filing date:** 4/7/2004

**INFORMATIONAL STATEMENT**

**1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested parties may obtain a copy of the summary.**

Letters were sent to all hotels, motels and lodging places currently located in the state. Copies of the proposed amendments were posted at the Health Division's web site. Notices were published in 8 newspapers throughout the state and posted at public libraries and Bureau of Health Protection (BHPS) offices. Public workshops were held in September 2003 and another was held on in Carson City and Las Vegas on October 28, 2003. Copies of proposed amendments will be provided to those individuals and businesses, which had requested direct service.

To date, only one specific response was received on this proposed fee increase from a commenter in Carson City, who indicated that he thought the local health department could take care of these types of responses.

Interested persons may obtain a list of the recipients and a summary of written responses to the solicited comments by contacting Cardy Hanson, Administrative Assistant, Environmental Health Division, BHPS, 1179 Fairview Dr., Ste 101, Carson City, NV 89701 or by calling (775) 687-4750, extension 261

- 2. The number of persons who:**
- (a) Attended the hearing;**
  - (b) Testified at each hearing; and**
  - (c) Submitted to the agency written comments.**

On December 12, 2003, the State Board of Health meeting was held in Las Vegas and via videoconference to Carson City.

- a. No one from the public attended the hearing regarding this proposed amendment.
- b. No one from the public testified at the hearing.
- c. No one submitted to the agency any written comments.

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from businesses and the general public as indicated in the response to Question 1, so the response to this requirement is the same.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was adopted without change. There were not proposals for changing the proposed fees, so there are no reasons for changing the proposed fees.

**5. The estimated economic effect of the regulation on the business, which it is to regulate, and on the public. These must be stated separately, and in each case must include:**  
**(a) Both adverse and beneficial effects; and**  
**(b) Both immediate and long-term effects.**

**Adverse and Beneficial Effects**

Direct adverse effects are not known, other than these proposed fees are for services performed by the Health Division involving the review of plans for new or remodeled establishments and for the inspection of the same either routinely or as a part of a complaint investigation. The beneficial effect of this fee is to ensure that the plans for the new construction or remodel of hotels, motels and lodging places are reviewed by staff. In addition these fees are for the inspection of the establishments performed either as a part of a complaint investigation or routinely and that adequate numbers of trained staff are available to perform these functions. This also provides for the support of one additional full time employee to allow for section activities to be performed timely as scheduled and to follow-up on nuisance complaints as swiftly as possible.

The direct and indirect beneficial economic effects of the proposed fee changes on affected small businesses cannot be quantified. The estimated direct adverse economic effect of the proposed fee increases on small businesses, although unknown, is not significant.

**Immediate and long-term effects**

The immediate effect of the proposed fees will be that adequate funding for better protection of the health and safety of Nevada residents and tourists by providing adequate oversight to hotels, motels and lodging places and to ensure that they are inspected as indicated, to protect public health. The long-term effect is to improve the public's perception of Bureau responsiveness to complaints and to provide increased safety with respect to these types of establishments.

**6. The estimated cost to the agency for the enforcement of the proposed regulation.**

The estimated cost to the agency for enforcement of the proposed regulation is minimal and will be handled through the existing administrative process.

**7. A description of any regulations of other state or government agencies, which the proposed regulation overlaps or duplicates and a statement explaining why the**

**duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.**

The proposed fee changes do not overlap or duplicate any federal, state or local regulations.

- 8. The regulation includes provisions, which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.**

This section does not apply. These fees are relevant only to a statutory and budget requirements proscribed by the Nevada State Legislature.

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The total amount of new fee revenue expected to be collected from this fee proposal is estimated at \$8,285. The fee will be used to assist in the recovery of costs of one additional full time Environmental Health Specialist as approved by the Nevada Legislature's Interim Committee, January 26, 2004.