

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

**LCB File No. R096-10**

Effective February 20, 2013

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

AUTHORITY: §§1 and 2, NRS 439.150 and 439.200.

A REGULATION relating to public health; repealing fees for certain services formerly performed by the State Hygenic Laboratory (now the State Public Health Laboratory); and providing other matters properly relating thereto.

**Section 1.** NAC 439.650 is hereby amended to read as follows:

439.650 When an entity or person requests the services of the Health Division of the Department of Health and Human Services in collecting a sample of water, the Health Division shall charge and collect a fee of \$133 from the requester for each visit to the site by an employee of the Health Division. ~~[This fee must be charged in addition to any fees assessed pursuant to NAC 439.520, 439.530 or 439.540.]~~

**Sec. 2.** NAC 439.510, 439.520, 439.525, 439.530, 439.540, 439.551, 439.560, 439.570, 439.575, 439.580 and 439.590 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**439.510 Applicability, collection and waiver of fees. (NRS 439.150, 439.200)**

1. In NAC 439.520 to 439.590, inclusive, the State Board of Health prescribes fees to be charged and collected for certain services performed in the Laboratory.

2. Except as otherwise provided in subsections 3 and 4, the fee for each test specified in NAC 439.520 to 439.590, inclusive, must be collected before the analysis is started unless arrangements are made in advance with the approval of the Administrator.

3. If an applicant for any test specified in NAC 439.520 to 439.590, inclusive, declares under penalty of perjury that he does not have the money to pay the fee prescribed, the fee may be waived by the Administrator.

4. A sample submitted to the Laboratory that is required for certification or used for quality control is not subject to a fee.

**439.520 Fees for separate analyses of water, wastewater and extracts from certain substances. (NRS 439.150, 439.200)**

1. The fees for the analysis of certain chemicals in water, wastewater and extracts from liquids, soils, sludges, sediments, tissues and air filters are as follows:

Chemical and Method	Fee for Each Analysis
Ammonia-nitrogen .....	\$9
Ammonia-nitrogen, distilled .....	14
Antimony.....	22
Arsenic, hydride method .....	11
Chloride.....	4

Chemical and Method	Fee for Each Analysis
Cyanide.....	50
Fluoride .....	9
Mercury, total .....	17
Nitrate.....	12
Nitrite-nitrogen.....	9
Kjeldahl-nitrogen .....	33
Oxygen, dissolved.....	6
Phosphorous, ortho.....	9
Phosphorous, total .....	17
Selenium, hydride method.....	22
Sulfate.....	11

2. The fee set forth in this subsection for the analysis of a metal such as aluminum, arsenic, barium, boron, cadmium, calcium, chromium, copper, iron, lead, magnesium, manganese, mercury, nickel, potassium, selenium, silica, silver, sodium or zinc, is determined by the methodology used. The methodology will depend on any applicable laws relating to the analysis, the proposed use of the resulting data and the limits of the given methodology. The fees for the analysis of a metal are:

Using flame atomic absorption or inductively coupled plasma spectroscopy .....	\$4
Using graphite furnace atomic absorption spectroscopy.....	17

3. The fees for determining the following characteristics of water, wastewater, and extracts from liquids, soils, sludges, sediments, tissues and air filters are:

Alkalinity.....	\$4
Biochemical demand for oxygen.....	29
Chemical demand for oxygen .....	11
Color.....	1
Conductivity .....	2
Hardness (including an analysis for calcium and magnesium).....	8
PH.....	2
Turbidity.....	4

4. The fees for the analysis of certain substances in water, wastewater, and extracts from liquids, soils, sludges, sediments, tissues and air filters are:

Herbicides (2, 4-D and 2, 4, 5-TP).....	\$150
Oil and grease.....	31
Pesticides (endrin, lindane, methoxychlor and toxaphene).....	150
Settleable solids.....	2
Substances which absorb methylene blue .....	22
Total dissolved solids.....	11
Total suspended solids .....	10

Volatile suspended solids ..... 10

**439.525 Fees for preparation or extraction of certain substances for analysis. (NRS**

**439.150, 439.200)** The fee for the preparation or extraction of a liquid, soil, sludge, sediment, tissue or an air filter for analysis are as follows:

Procedure	Fees
For weighing a high volume air filter (per weighing) .....	\$2
For distilled water extraction of a high volume air filter.....	10
For nitric acid extraction of a high volume air filter .....	10
For total metals or total recoverable metals extraction for inductively coupled plasma or atomic absorption analysis .....	10
For EP TOX extraction.....	10
For additional digestions required by the analytical methods before analysis of EP TOX extracts, the fee is the same as the fee charged for total metals extraction.	
For the preparation and extraction of a sample of tissue.....	15
For analyzing any parameter extracted pursuant to this section, the fee is prescribed in subsection 1 of NAC 439.520.	

**439.530 Fees for combined analyses of water and wastewater. (NRS 439.150, 439.200)**

The fees for performing combined analyses of water and wastewater are as follows:

Combined Analysis	Fee
Standard analysis of drinking water (consisting of examinations for alkalinity, arsenic, bicarbonate, calcium, carbonate, chloride, color, copper, fluoride, hardness, iron, magnesium, manganese, nitrate, pH, potassium, sodium, sulfate, total dissolved solids, turbidity and zinc) .....	\$94
Analysis of a community public water system for gross alpha radiation or gross beta radiation, or both.....	30
Analysis of a community or noncommunity, nontransient public water system for regulated volatile organic compounds using United States Environmental Protection Agency Method 502.2 .....	120
Analysis of a community or noncommunity, nontransient public water system for regulated trihalomethanes using United States Environmental Protection Agency Method 501.2 .....	40

**439.540 Administrative fee. (NRS 439.150, 439.200)** In addition to the appropriate fee or fees listed in NAC 439.520 and 439.530, an administrative fee of \$6 must be charged and collected for each sample submitted to the State Hygienic Laboratory for an analysis.

**439.551 Fees for tests of water or wastewater for coliform or streptococci. (NRS 439.150, 439.200)** The State Hygienic Laboratory shall charge and collect the following fees for each sample of water or wastewater submitted for the following tests:

1. Total coliform .....\$12
2. Fecal coliform .....\$12
3. Fecal streptococci.....\$12

**439.560 Fees for certain tests of samples of blood. (NRS 439.150, 439.200)** The State Hygienic Laboratory shall charge and collect the following fees for each sample of blood submitted for the following tests:

1. The antibody to the human T-cell lymphotropic virus III (including Western Blot).....\$5
2. Hepatitis B, individual markers.....\$8

**439.570 Fee for test for chlamydia trachomatis. (NRS 439.150, 439.200)** Except as otherwise provided in NAC 439.575, the State Hygienic Laboratory shall charge and collect a fee of \$4.50 for a test for chlamydia trachomatis collected by urethral and endocervical swabs.

**439.575 Fees for deoxyribonucleic acid probe tests. (NRS 439.150, 439.200)** The State Hygienic Laboratory shall charge and collect the following fees for each sample submitted for a deoxyribonucleic acid probe test:

1. Deoxyribonucleic acid probe test for neisseria gonorrhoeae .....\$6
2. Deoxyribonucleic acid probe test for chlamydia trachomatis.....\$6

**439.580 Fee for each culture submitted for neisseria gonorrhoeae testing. (NRS 439.150, 439.200)** The State Hygienic Laboratory shall charge and collect a fee of \$6 for each culture submitted for neisseria gonorrhoeae testing.

**439.590 Fee for each sample of blood submitted for syphilis testing. (NRS 439.150, 439.200)** The State Hygienic Laboratory shall charge and collect a fee of \$6 for each sample of blood submitted for syphilis testing.

**HEALTH DIVISION  
BUREAU OF HEALTH STATISTICS, PLANNING,  
EPIDEMIOLOGY, AND RESPONSE  
OFFICE OF PUBLIC HEALTH INFORMATICS AND EPIDEMIOLOGY  
LCB FILE NO. R096-10**

**Information Statement per NRS 233B.066**

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

An outline of opportunities for public comment is as follows:

- Public Workshop held at UNR (Reno) and videoconference to Las Vegas – July 11, 2012.
  - No members of the public attended
- Public Workshop held at NSHD (Carson City) and videoconference to Las Vegas – September 24, 2012
  - No members of the public attended
- Small business questionnaires and public notices provided to all NSPHL customers by NSPHL via email.
  - No comments were returned

2. The number of persons who:
  - (a) Attended the hearing;  
Only staff of the Nevada State Health Division and Nevada State Public Health Laboratory attended the hearings; no members of the public
  - (b) Testified at each hearing;  
No members of the public testified at the meetings
  - (c) Submitted to the agency written statements.  
No written statements were received

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

A small business questionnaire was distributed by the Nevada State Public Health Laboratory to all clients. No responses were returned.

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 statement should also explain the reasons for making any changes to the regulation as proposed.

No change to LCB file number R096-10 is requested by staff, it is recommended to be adopted as drafted.



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.

As the regulation is no longer applicable as the Nevada State Public Health Laboratory does not report to the Nevada State Health Division, no financial or other effects will occur. This request is to clean up outdated regulations.

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

None, this will remove outdated language and require no further enforcement.

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.

No duplication is present.

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

Not applicable

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.

Not applicable

10. If the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formulation, operation or expansion of a small business. What methods did the agency use in determining the impact of the regulation on a small business?

This will not impose an economic burden.