

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 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 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; 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 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 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**. **Section 10** of this bill requires providers of approved courses to display the card evidencing their authorization by the Occupational Safety and Health Administration of the United



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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 that if the Division finds that a cannabis establishment has failed to suspend or terminate an employee as required by **section 12**, the Division is required to report the violation to the Executive Director of the Cannabis Compliance Board. **Section 14** of this bill authorizes the Executive Director to respond to a report of a violation of **section 12** in the same manner as other reports of violations of existing law which are committed by cannabis establishments. **Section 15** of this bill requires the Cannabis Compliance Board to suspend the license of a cannabis establishment that violates the provisions of **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.

Section 8 of this bill authorizes the Division to adopt regulations as necessary to carry out the provisions of **sections 2-13** of this bill. **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. *“Employee” means any person employed by a 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*



1 *authority is not of a merely routine or clerical nature but requires*
2 *the use of independent judgment. The exercise of such authority*
3 *shall not be deemed to place the employee in supervisory employee*
4 *status unless the exercise of such authority occupies a significant*
5 *portion of the employee's workday.*

6 **Sec. 8.** *The Division may adopt such regulations as are*
7 *necessary to carry out the provisions of sections 2 to 13, inclusive,*
8 *of this act.*

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

12 *2. The Division shall establish a registry to track the*
13 *providers of courses approved pursuant to subsection 1.*

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

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

19 *3. As used in this section:*

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

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

31 **Sec. 11.** *1. Not later than 1 year after the date an employee*
32 *other than a supervisory employee is hired, the employee must*
33 *obtain a completion card for an OSHA-10 course which is issued*
34 *upon completion of a course approved by the Division pursuant to*
35 *section 9 of this act.*

36 *2. Not later than 1 year after the date a supervisory employee*
37 *is hired, the supervisory employee must obtain a completion card*
38 *for an OSHA-30 course which is issued upon completion of a*
39 *course approved by the Division pursuant to section 9 of this act.*

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

43 **Sec. 12.** *1. If an employee other than a supervisory*
44 *employee fails to present the cannabis establishment by which he*
45 *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. *If the Division finds that a cannabis establishment has failed to suspend or terminate an employee as required by section 12 of this act, it shall report the violation to the Executive Director of the Cannabis Compliance Board, who shall proceed in the manner provided in NRS 678A.500.*

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}~~ *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}~~ *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.

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.



1 **2. A licensee has violated the provisions of section 12 of this**
2 **act, the Board shall suspend the license of the licensee.**

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

12 2. As used in this section:

13 (a) “Cannabis establishment” has the meaning ascribed to it in
14 section 3 of this act.

15 (b) “Employee” has the meaning ascribed to it in section 4 of
16 this act.

17 (c) “OSHA-10 course” has the meaning ascribed to it in section
18 5 of this act.

19 (d) “OSHA-30 course” has the meaning ascribed to it in section
20 6 of this act.

21 (e) “Supervisory employee” has the meaning ascribed to it in
22 section 7 of this act.

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



