

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 certain 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 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:

1 Existing law requires certain employees performing work on construction sites,
2 certain sites related to the entertainment industry and certain sites where
3 exhibitions, conventions or trade shows occur to complete certain training courses
4 relating to occupational health and safety. (NRS 618.950-618.9931) This bill enacts
5 similar requirements for certain employees of cannabis establishments.

6 **Section 11** of this bill requires: (1) employees of cannabis establishments who
7 are not supervisory employees to complete a specified 10-hour health and safety
8 course not later than 1 year after being hired; and (2) supervisory employees of
9 cannabis establishments to complete a specified 30-hour course not later than 1
10 year after being hired. **Section 11** requires that any costs associated with an
11 employee completing such a course be paid by the cannabis establishment by which
12 the employee is employed. **Section 4** of this bill defines “employee” to mean a
13 person who performs work at a cannabis establishment. However, **section 4**
14 excludes from the definition of “employee” a person: (1) whose primary occupation
15 is to provide photography, media, marketing or legal services; or (2) who is a
16 shareholder, officer, board member or advisory board member of a cannabis
17 establishment and who does not have an active role in the day-to-day operation of
18 the cannabis establishment.

19 **Section 9** of this bill requires the Division of Industrial Relations of the
20 Department of Business and Industry to establish a registry to track providers of the



21 required health and safety courses. **Section 10** of this bill requires providers of the
22 required health and safety courses to display the card evidencing their authorization
23 by the Occupational Safety and Health Administration of the United States
24 Department of Labor to provide such a course in a conspicuous manner at the
25 location at which the course is being provided.

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

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

34 **Sections 3-7** of this bill define words and terms for the purposes of **sections**
35 **2-13**.

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

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

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

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

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

12 *2. The term does not include a person:*

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

15 *(b) Who is a shareholder, officer, board member or advisory*
16 *board member of a cannabis establishment and who does not have*
17 *an active role in the day-to-day operation of the cannabis*
18 *establishment.*

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

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

27 **Sec. 7.** *“Supervisory employee” means any employee having*
28 *authority in the interest of the cannabis establishment to hire,*



1 *transfer, suspend, lay off, recall, promote, discharge, assign,*
2 *reward or discipline other employees or responsibility to direct*
3 *them, to adjust their grievances or effectively to recommend such*
4 *action, if in connection with the foregoing, the exercise of such*
5 *authority is not of a merely routine or clerical nature but requires*
6 *the use of independent judgment. The exercise of such authority*
7 *shall not be deemed to place the employee in supervisory employee*
8 *status unless the exercise of such authority occupies a significant*
9 *portion of the employee's workday.*

10 **Sec. 8.** (Deleted by amendment.)

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

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

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

18 3. *As used in this section:*

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

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

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

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

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

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



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

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

9 (a) *Upon the first violation, in lieu of any other penalty under*
10 *this chapter, impose upon the cannabis establishment an*
11 *administrative fine of not more than \$500.*

12 (b) *Upon the second violation, in lieu of any other penalty*
13 *under this chapter, impose upon the cannabis establishment an*
14 *administrative fine of not more than \$1,000.*

15 (c) *Upon the third and each subsequent violation, impose upon*
16 *the cannabis establishment the penalty provided in NRS 618.635*
17 *as if the cannabis establishment had committed a willful violation.*

18 2. *For the purposes of this section, any number of violations*
19 *discovered in a single day constitutes a single violation.*

20 3. *Before a fine or any other penalty is imposed upon a*
21 *cannabis establishment pursuant to this section, the Division must*
22 *follow the procedures set forth in this chapter for the issuance of a*
23 *citation, including, without limitation, the procedures set forth in*
24 *NRS 618.475 for providing notice to the cannabis establishment*
25 *and an opportunity for the cannabis establishment to contest the*
26 *violation.*

27 **Sec. 14.** (Deleted by amendment.)

28 **Sec. 15.** (Deleted by amendment.)

29 **Sec. 16.** 1. Notwithstanding the provisions of section 11 of
30 this act, an employee of a cannabis establishment who was initially
31 hired before July 1, 2021, must obtain a completion card for an
32 OSHA-10 course as required by subsection 1 of section 11 of this
33 act or, if the employee is a supervisory employee, a completion card
34 for an OSHA-30 course as required by subsection 2 of section 11 of
35 this act, not later than July 1, 2022. Any costs associated with the
36 employee obtaining such a card must be paid by the cannabis
37 establishment by which the employee is employed.

38 2. As used in this section:

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

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

43 (c) "OSHA-10 course" has the meaning ascribed to it in section
44 5 of this act.



1 (d) “OSHA-30 course” has the meaning ascribed to it in section
2 6 of this act.

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

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

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