SECRETARY OF STATE FILING DATA	For Filing Administrative Regulations	FOR EMERGENCY REGULATIONS ONLY
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Classification: [ ] PROPOSED [ ] ADOPTED BY AGENCY [X] EMERGENCY

Brief description of action..... Emergency amendment of NAC 414

The Department of Public Safety, Division of Emergency Management has adopted the emergency regulation as a result of the COVID-19 Pandemic. This addition to NAC 414 will define essential and non-essential businesses, as well as, parameters for essential businesses to conduct business in this State under the Governor's March 12, 2020, Declaration of Emergency and related directives. Through the enclosed emergency regulation, businesses, as well as, state and local governments, will have the guidance to determine which businesses are essential and which are non-essential during the COVID-19 Pandemic.

Authority citation other than 233B NRS 414.060; NRS 414.070; Declaration of Emergency, Directive 003, March 20, 2020

Notice date ,March 20, 2020 Date of Adoption by Agency March 20, 2020

Hearing date Not practicable

Steve Sisolak
Governor

Nevada Department of
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STATEMENT OF EMERGENCY

Pursuant to NRS 414.060(3)(a); NRS 414.070(7); Declaration of Emergency, Directive 003, March 20, 2020

March 20, 2020

The Honorable Steve Sisolak
Governor of the State of Nevada
Executive Chambers
101 N. Carson Street, Suite 1
Carson City, Nevada 89701

RE: Emergency Regulation Concerning COVID-19 Pandemic

Dear Governor Sisolak,

The continued operation of non-essential businesses is impairing the State's ability to prevent the further transmission of COVID-19 and lives are at stake. The Department of Public Safety, Division of Emergency Management has determined that an immediate need exists for an emergency regulation defining essential and non-essential businesses, as well as, parameters for essential businesses to conduct business in this State under your March 12, 2020, Declaration of Emergency and related directives.

Through the enclosed emergency regulation, businesses, as well as, state and local governments, will have the guidance to determine which businesses are essential and which are non-essential. Further, essential businesses will have clear direction on the expectations for their ability to continue providing goods and services to our communities during the existence of the COVID-19 pandemic.

This emergency regulation is necessary and your immediate endorsement is requested.

Respectfully,

Justin Luna, Chief

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT
EMERGENCY REGULATION
NAC 414

Informational Statement per NRS 233B.066(2)

1. A clear and concise explanation of the need for the adopted regulation as required by NRS 233B.066(1)(a):

   The continued operation of non-essential businesses is impairing the State's ability to prevent the further transmission of COVID-19 throughout the State. The Department of Public Safety, Division of Emergency Management has determined that an immediate need exists for an emergency regulation defining essential and non-essential businesses, as well as, parameters for essential businesses to conduct business in this State under the Governor's March 12, 2020, Declaration of Emergency and related directives. Through the enclosed emergency regulation, businesses, as well as, state and local governments, will have the guidance to determine which businesses are essential and which are non-essential. Further, essential businesses will have clear direction on the expectations for their ability to continue providing goods and services to our communities during the existence of the COVID-19 Pandemic.

2. The estimated economic effect of the regulation on the business which it is to regulate and on the public as required by NRS 233B.066(1)(g).

   Business:
   Immediate and long-term effects are to protect public health and safety. As a result of this regulation, businesses may be deemed non-essential businesses during the COVID-19 Pandemic. Depending on whether a business is deemed essential or non-essential, businesses may be required to cease operations or modify their operations to prevent the continued spread of COVID-19 throughout the State, if ordered to do so through the Governor's March 12, 2020, Declaration of Emergency and related directives.

   Public:
   Immediate and long-term effect is to protect public health and safety. This regulation is tailored to permit essential businesses to continue to safety provide essential goods and services to our communities during the COVID-19 Pandemic.

2. The estimated cost to the agency for enforcement of the proposed regulation as required by NRS 233B.066(1)(h).

   Not applicable.

4. 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 as required by NRS 233B.066(1)(i).

Not applicable.

5. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions as required by NRS 233B.066(1)(j).

   Not applicable

6. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used as required by NRS 233B.066(1)(k).

   Not applicable

I hereby endorse this Statement prepared by the Chief of the Division of Emergency Management pursuant to NRS 233B.0613(1).

Dated this 20th day of March, 2020:

Justin Luna, Chief
Nevada Division of Emergency Management

Dated this 20th day of March, 2020:

Steve Sisolak, Governor
State of Nevada

EMERGENCY REGULATION OF THE

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF EMERGENCY MANAGEMENT

March 20, 2020

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

Filing of an Emergency Administrative Regulation

AUTHORITY: NRS 414.060; NRS 414.070; Declaration of Emergency, Directive 003, March 20, 2020

A REGULATION relating to the Governor's March 12, 2020, Declaration of Emergency and related directives.

Explanation:

Due to the recent COVID-19 pandemic, the Governor, through the March 12, 2020 Declaration of Emergency and related directives, has ordered non-essential businesses to cease operations and has ordered essential businesses to follow additional guidelines to reduce the likelihood of transmitting COVID-19. This regulation will provide clarity as to which businesses are considered essential and which are considered non-essential during the existing COVID-19 pandemic. Further, essential businesses will have clear direction on operational expectations while continuing to provide goods and services to Nevada communities.

Section 1. **Chapter 414 of the NAC is hereby amended by adding thereto a new section to read as follows:**

NAC 414.XXX Businesses During Times of Declared Emergency (NRS 414.060, 414.070)

1. "Essential Licensed Business" means a business operating in the state of Nevada that provides:

(a) Essential healthcare operations, including, hospitals, medical offices, clinics, healthcare suppliers, home health care providers, mental health providers, dentists, orthodontists, oral surgeons, physical or occupational therapists, speech therapists and pathologists, chiropractors, licensed homeopathic medical providers, biomedical facilities, non-governmental

emergency service providers, optometrist and ophthalmologist offices, offices for certified nurse-midwives, veterinary services, and pharmaceuticals;

(b) Essential infrastructure operations, including construction, agriculture, farming, housing construction, airport operations, water, sewer, gas, electrical, mining, public transportation, solid waste collection and removal, recycling services, energy, including solar, internet, telecommunication services, manufacturing, and food processing;

(c) Grocery stores, including, supermarkets, food banks, food pantries, soup kitchens, convenience stores, farm and produce stands, and other retail sale of canned and dry goods, fresh produce, frozen foods, fresh meats, fish, and poultry;

(d) Retailers that sell food items and other household consumer products for cleaning and personal care to promote safety, sanitation, and essential operations of households;

(e) Businesses that ship or deliver goods directly to residences;

(g) Businesses that sell or rent medical supplies;

(h) Licensed Cannabis entities, including dispensaries, producers, and cultivators;

(i) Pet supply stores;

(j) Animal shelters;

(k) Banks and Financial Institutions;

(l) Pawnbrokers as defined in NRS 646.010;

(m) Restaurants and food establishments that offer meals on a take-out, curbside pickup, delivery, or drive-through basis only and food distribution pods to provide meals to students;

(n) Businesses and other entities that provide food, shelter, or social services for economically disadvantaged individuals, vulnerable populations, or victims of crime;

(o) Hardware Stores, including home improvement centers;

(p) Auto-supply, automobile repair facilities, and tire shops;

(q) Laundromats and Dry Cleaners;

(r) Warehouse and Storage facilities;

(s) Transportation services, including taxicabs and rideshare services;

(t) Mail and shipping services, including PO Boxes;

(u) Businesses that supply products necessary for people to work from home on a curbside pickup or delivery to consumer basis only;

(v) Plumbers, electricians, exterminators, home security, and other service providers who provide services necessary to maintain the safety, sanitation, and essential operations of residences or businesses;

(w) Professional or technical services including legal, accounting, tax, payroll, real estate, and property management services;

(x) Child care facilities;

(y) Residential facilities and shelters for seniors, adults, and children, including retirement homes and assisted living facilities;

(z) Newspapers, television, radio, and other media services;

(aa) Hotels, motels, or short-term rentals, RV Parks, campgrounds, dormitories, and commercial lodging; and

(bb) Gas Stations, with or without attached convenience store.

2. "Non-Essential Business" means a business operating in Nevada that provides:

(a) Recreational activities, including, but not limited to, recreation and community centers, sporting event venues, fitness facilities, gyms, clubhouses, racetracks, zoos, aquariums, golf and country clubhouses not to include golf activities outside clubhouse settings, bowling centers, cinemas and movie theaters, skiing facilities, theme parks, and amusement parks;

(b) Brothels and houses of prostitution;

(c) Live entertainment venues, including theaters and adult entertainment establishments;

(d) Retail facilities that are not specified in Section 1 as essential businesses and are unable to sell goods through shipping or direct delivery to consumers;

(e) Restaurant services providing in-house dining only;

(f) Nightclubs;

(g) Pubs, wineries, bars, and breweries;

(h) Gaming machines and gaming operations;

(i) Aesthetic services and schools of aesthetics services, including, hair dressing, barbering, cosmetology services, nail salons, tanning and air brush salons, massage (not provided by a physical therapist), waxing, diet and weight loss centers, and other cosmetic services;

(j) Spas;

(k) Sporting good and hobby shops; and

(l) Museums and art galleries.

3. All Essential Licensed businesses must:

(a) Comply with social distancing guidance issued by the Centers for Disease Control and Prevention document entitled "Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission," the Governor's Medical Advisory Team, a Governor's Directive, any other Nevada state regulatory agency or board; and

(b) Cease operating and shut down all gaming machines, devices, tables, games, and any equipment related to gaming activity, excluding licensed online gaming or mobile wagering operations; and

(c) Cease all door-to-door solicitation, even if the good or service offered for sale is

considered essential, excluding the delivery of a good or service that has been ordered by a resident or business; and

(d) In addition to the general requirement described in 3(a), (b), & (c), specific Essential Businesses described in NAC 414.XXX(1) must comply with the following additional requirements:

(1) Essential Businesses described in NAC 414.XXX(1)(b) must:

(I) Maintain strict social distancing practices to facilitate a minimum of six feet of separation between workers and adopt policies and practices that ensure minimum contact between the workforce and the general public. Social distancing restrictions shall not be construed to supersede any safety practices imposed on the industry by state or federal law.

(II) All applicable COVID-19 risk mitigation policies and any precautionary measures and guidance that shall be promulgated by Nevada Department of Business and Industry and any other state regulatory body.

(2) Essential businesses described in NAC 414.XXX(1)(c) must adopt COVID-19 risk mitigation policies, including whenever possible adopting contactless payment systems; requiring food workers to strictly abide by all applicable hygiene guidelines including handwashing and glove requirements; following United States Centers for Disease Control and Prevention sanitization recommendations, including disinfecting surfaces routinely and at frequent intervals; and prohibiting self-serve food and beverage, such as condiments and samples. Contactless payment systems are credit cards and debit cards, key fobs, smart cards, or other devices, including smartphones and other mobile devices, that use radio-frequency identification (RFID) or near field communication (NFC, e.g. Samsung Pay, Apple Pay, Google Pay, Fitbit Pay, or any bank mobile application that supports contactless) for making secure payments, as opposed to the direct transfer of cash between buyer and seller.

(3) Essential businesses described in NAC 414.XXX(1)(g) must ensure that rental medical equipment and supplies are cleaned and sanitized in accordance with the United States Centers for Disease Control and Prevention sanitization recommendations.

(4) Essential businesses described in NAC 414.XXX(1)(h) must:

(I) Ensure sales to consumers are by direct delivery under guidance that shall be issued by the Department of Taxation in conjunction with the Cannabis Compliance Board.

(II) Ensure that producers and cultivators strictly adhere to the social distancing protocol.

(5) Essential businesses described in NAC 414.XXX(1)(m) must adopt COVID-19 risk mitigation policies, including whenever possible adopting contactless payment systems; requiring food workers to strictly abide by all applicable hygiene guidelines including handwashing and glove requirements; following United States Centers for Disease Control and Prevention sanitization recommendations, including disinfecting surfaces routinely and at frequent intervals; and prohibiting self-serve food and beverage, including as condiments shared between unrelated customers and samples not distributed by a food worker. Contactless payment systems are credit cards and debit cards, key fobs, smart cards, or other devices, including smartphones and other mobile devices, that use radio-frequency identification (RFID) or near field communication (NFC, e.g. Samsung Pay, Apple Pay, Google Pay, Fitbit Pay, or any bank mobile application that supports contactless) for making secure payments, as opposed to the direct transfer of cash between buyer and seller.

(6) Essential businesses described in NAC 414.XXX(1)(s) may only serve one customer or group of customers that originate at the same address at the same time or are members of the same household. "Pooling" customers is prohibited.

(7) Essential businesses described in NAC 414.XXX(1)(x) must conform to any further regulation and guidelines promulgated by the Nevada Department of Health and Human services.

(e) In addition to the general requirement described in 3(a), (b), & (c), the following Non-Essential Businesses described in Section 2 are subject to the following restrictions:

(1) Zoos and aquariums, referenced in 2(a), must close to the public but may maintain essential operations by staff members for the health and safety of animals.

(2) Pubs, wineries, bars, and breweries, as referenced in 2(g), may provide meals on a take-out, curbside pickup, delivery, or drive-through basis.

(3) Gaming machines and gaming operations, as referenced in 2(h), do not include online gaming or mobile wagering operations.