

ASSEMBLY BILL NO. 176—ASSEMBLYMEN FRIERSON; COHEN, DIAZ,  
FLORES, JAUREGUI AND YEAGER

PREFILED FEBRUARY 13, 2017

Referred to Committee on Health and Human Services

SUMMARY—Establishes certain requirements for the operation of  
seasonal or temporary recreation programs.  
(BDR 38-702)

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 care of children; establishing certain requirements for the operation of certain seasonal or temporary recreation programs; requiring the termination of certain staff members of such a program who have been convicted of certain crimes or who have had a substantiated report of child abuse or neglect made against them; providing a civil penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires a local government that operates an out-of-school  
2 recreation program to comply with certain health and safety standards and to  
3 comply with other requirements relating to the safety of participants in the program.  
4 (NRS 432A.610) Certain requirements for the staff of an out-of-school recreation  
5 program are set forth in existing law. (NRS 432A.620) Existing law further requires  
6 an out-of-school recreation program to maintain certain records regarding  
7 participants in the program. (NRS 432A.630) **Sections 2-4** of this bill make certain  
8 requirements imposed on an out-of-school recreation program applicable to a  
9 nongovernmental person or entity that operates a program that primarily functions  
10 as a seasonal or temporary recreation program. **Section 3.5** further requires a  
11 person or entity that operates such a program to terminate the employment of a staff  
12 member who has been convicted of certain crimes or has had a substantiated report  
13 of child abuse or neglect filed against him or her, after affording the staff member  
14 an opportunity to correct the information. **Section 5** of this bill subjects a person  
15 who operates such a seasonal or temporary recreation program to a civil penalty not  
16 to exceed \$500 for failure to comply with the requirements of this bill.



\* A B 1 7 6 R 2 \*

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

1       **Section 1.** Chapter 432A of NRS is hereby amended by  
2 adding thereto the provisions set forth as sections 2 to 5, inclusive,  
3 of this act.

4       **Sec. 2.** *A person who operates a program that primarily*  
5 *functions as a seasonal or temporary recreation program shall*  
6 *ensure that each site upon which the program is conducted:*

7       1. *Has a complete first-aid kit accessible on-site that complies*  
8 *with the requirements of the Occupational Safety and Health*  
9 *Administration of the United States Department of Labor;*

10       2. *Has an emergency exit plan posted on-site in a*  
11 *conspicuous place; and*

12       3. *Has at least one staff member or volunteer on-site and*  
13 *available during the hours of operation who is certified and*  
14 *receives annual training in the use and administration of first aid,*  
15 *including, without limitation, cardiopulmonary resuscitation.*

16       **Sec. 3.** *A person who operates a program that primarily*  
17 *functions as a seasonal or temporary recreation program shall*  
18 *complete, for each member of the staff of the program:*

19       1. *A background and personal history check not later than 3*  
20 *days after the staff member is hired and once every 5 years*  
21 *thereafter; and*

22       2. *A child abuse and neglect screening through the Statewide*  
23 *Central Registry for the Collection of Information Concerning the*  
24 *Abuse or Neglect of a Child established by NRS 432.100 to*  
25 *determine whether there has been a substantiated report of child*  
26 *abuse or neglect made against the staff member.*

27       **Sec. 3.5.** 1. *Upon receiving the results of the background*  
28 *and personal history check performed pursuant to subsection 1 of*  
29 *section 3 of this act, the results of the child abuse and neglect*  
30 *screening pursuant to subsection 2 of section 3 of this act or*  
31 *evidence from any other source that a staff member of a person*  
32 *who operates a program that primarily functions as a seasonal or*  
33 *temporary recreation program has been convicted of a crime listed*  
34 *in subsection 2 of NRS 432A.170 or has had a substantiated report*  
35 *of child abuse or neglect made against him or her, the person*  
36 *shall terminate the employment of the staff member after allowing*  
37 *the staff member time to correct the information as required*  
38 *pursuant to subsection 2.*

39       2. *If a staff member believes that the information provided to*  
40 *the person who operates a program that primarily functions as a*  
41 *seasonal or temporary recreation program pursuant to subsection*  
42 *1 is incorrect, the staff member must inform the person*



1 *immediately. The person shall give any such staff member 30 days*  
2 *to correct the information.*

3 *3. During any period in which a staff member seeks to correct*  
4 *information pursuant to subsection 2, it is within the discretion of*  
5 *the person who operates a program that primarily functions as a*  
6 *seasonal or temporary recreation program whether to allow the*  
7 *staff member to continue to work for the program, except that the*  
8 *staff member shall not have contact with a child without*  
9 *supervision during such a period.*

10 *Sec. 4. 1. A person who operates a program that primarily*  
11 *functions as a seasonal or temporary recreation program shall*  
12 *maintain records containing pertinent information regarding each*  
13 *staff member of the program.*

14 *2. The distribution of any information maintained pursuant*  
15 *to this section is subject to the limitations set forth in*  
16 *NRS 239.0105.*

17 *Sec. 5. A person who operates a program that primarily*  
18 *functions as a seasonal or temporary recreation program and who*  
19 *fails to comply with any provision of section 2, 3, 3.5 or 4 of this*  
20 *act is subject to a civil penalty not to exceed \$500 for each failure*  
21 *to comply. The Attorney General or any district attorney of this*  
22 *State may recover the penalty in a civil action brought in the name*  
23 *of the State of Nevada in any court of competent jurisdiction.*

