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WORK SESSION DOCUMENT

ASSEMBLY COMMITTEE ON COMMERCE AND LABOR

SUNDAY, JUNE 1, 2003

The following measure will be considered for action during the work session. Possible amendments are noted; these were either suggested during testimony or submitted in writing and do not necessarily have the approval of the Committee, but are merely compiled here to assist the Committee in its deliberations.

• **Senate Bill 132 (Heard in Committee on 5/31/03—NACT)**

Requires licensure of persons engaged in certain activities relating to control of mold. (BDR 53-235)

Senate Bill 132 requires the State Contractors' Board to license and regulate persons who engage in the remediation of mold. The bill also requires the Board of Registered Environmental Health Specialists to certify and regulate persons who engage in the inspection and testing of mold.

The following amendments to S.B. 132 have been proposed:

1. Helen Foley, representing Clark County Health District, proposed an amendment to the bill. The amendment provides that Board of Registered Environmental Health Specialists consult with local health authorities in the adoption of regulations establishing standards and procedures for the certification of persons engaged in the inspection and testing of mold. (See Exhibit A)
2. Assemblywoman Chris Giunchigliani expressed concern regarding Section 4 of the bill that provides that certain provisions of the bill do not apply to developers, contractors, or subcontractors who constructed a residence. She proposed the following:

The exemption in Section 4 for a developer, contractor, or subcontractor who constructed a residence only applies if:

- The residence is in the process of being initially constructed, and the first homeowner has not yet occupied the residence; or
- The residence is occupied by a homeowner, but the developer, contractor, or subcontractor is remediating the mold or otherwise repairing the residence pursuant to a legal obligation or legal right to repair the residence.

11-1 (b) Reasonable costs of the investigation of the violation to
11-2 the

11-2 Board;

11-3 (c) Damages he caused as a result of the violation up to the
11-4 amount of his pecuniary gain from the violation; or

11-5 (d) Any combination of paragraphs (a), (b) and (c).

11-6 4. If a person submits a bid or enters into a contract in
11-7 violation

11-7 of subsection 1, the bid or contract shall be deemed void ab
11-8 initio.

11-8 **Sec. 26.** Chapter 625A of NRS is hereby amended by adding
11-9 thereto the provisions set forth as sections 27 to 41, inclusive, of
11-10 this

11-10 act.

11-11 **Sec. 27.** *As used in sections 27 to 41, inclusive, of this act,*
11-12 *unless the context otherwise requires:*

11-13 1. *"Inspection and testing of mold" includes, without*
11-14 *limitation:*

11-15 (a) *Visual inspection;*

11-16 (b) *Surface sampling;*

11-17 (c) *Air monitoring; and*

11-18 (d) *Laboratory analysis.*

11-19 2. *"Mold" means any form of multicellular fungi that lives*
11-20 *on plant or animal matter and in indoor environments, which*
11-21 *may*

11-21 *or may not be a health hazard. The term includes, without*
11-22 *limitation, the following types of mold:*

11-23 (a) *Clasdosporium;*

11-24 (b) *Penicillium;*

11-25 (c) *Alternaria;*

11-26 (d) *Aspergillus;*

11-27 (e) *Fuarim;*

11-28 (f) *Trichoderma;*

11-29 (g) *Memnoniella;*

11-30 (h) *Mucor; and*

11-31 (i) Stachybotrys chartarum.

11-32 **Sec. 28. 1. The Board in consultation with local health authorities in counties with a population of 100,000 or greater, shall adopt regulations establishing**

11-33 ***standards and procedures for the certification of persons engaged***

11-34 ***in the inspection and testing of mold.***

11-35 **2. The regulations must include, without limitation, standards**

11-36 **for:**

11-37 **(a) Examinations;**

11-38 **(b) Qualifications;**

11-39 **(c) Renewal of certificates;**

11-40 **(d) Revocation of certificates; and**

11-41 **(e) Continuing education.**

11-42 **3. The Board shall not adopt any regulation concerning the**
11-43 ***effect various types of mold may have on human health or***
11-44 ***designating what types of mold are health hazards unless***
federal

11-45 ***standards have been adopted for this purpose and the***
regulation

12-1 *of the Board is in compliance with those federal standards or
the*

12-2 *regulation is in compliance with generally accepted scientific
12-3 practices for the inspection and testing of mold.*

12-4 **Sec. 29. The Board shall:**

12-5 **1. Establish by regulation a schedule of fees designed to
12-6 recover revenue to defray the cost of carrying out the
provisions of**

12-7 **sections 27 to 41, inclusive, of this act.**

12-8 **2. Collect fees for applications, the issuance and renewal of
12-9 certificates, examinations, job notifications and inspections,
12-10 recordkeeping and any other activity of the Board related to
the**

12-11 **provisions of sections 27 to 41, inclusive, of this act.**

**3. The Board shall utilize a local health authority for the
following services rendered including:**

4. (a) assisting in the development of these regulations;

(b) processing applications;

(c) proffering examinations; and

**(d) other administrative actions associated with
carrying out these regulations on an as needed basis
and as agreed upon between the Board and the local
health authority.**

**The Board shall reimburse a local health authority for
these services through the collection of the application
and renewal fees.**

12-12 **Sec. 30. 1. A person shall not engage in the inspection and
12-13 testing of mold unless he holds a certificate issued by the
Board.**

12-14 **2. A person certified to engage in the inspection and testing
12-15 of mold shall not engage in the remediation of mold on any
12-16 building or structure for which the inspection and testing of
mold**

12-17 **was performed by a person who is:**