

ASSEMBLY BILL NO. 402—ASSEMBLYMAN HAFEN

MARCH 24, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to licensing. (BDR 54-740)

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 licensing; requiring a regulatory body to submit to the Governor and the Legislature a biennial report containing certain information concerning each occupation or profession licensed and regulated by the regulatory body; repealing provisions authorizing the Secretary of State to suspend the state business license of a person who fails to comply with certain health standards relating to COVID-19; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation of certain occupations and professions in this State. (Title 54 of NRS) The various state agencies, boards and commissions that are authorized to license and regulate particular occupations or professions are generally referred to as “regulatory bodies.” (NRS 622.060) **Section 1** of this bill requires each regulatory body to submit a biennial report to the Governor and the Legislature containing certain information concerning each occupation or profession licensed and regulated by the regulatory body. **Section 1** requires the report to identify the number of states that: (1) do not require a person to be licensed to practice that occupation or profession; and (2) provide for reciprocity of licensure to practice that occupation or profession. If the number of states identified is 26 or more, **section 1** requires the report to contain, as applicable, recommendations for the phasing out of the licensure requirements for the occupation or profession in this State or the implementation of a program to provide for reciprocity of licensure to practice the occupation or profession. Existing law defines “controlling health standards” to mean, in general, a federal, state or local law, regulation or ordinance or an order or other document published by a federal, state or local government or regulatory body that is related to COVID-19 and that prescribes the manner in which a business is required to operate during a certain period of time. Existing law authorizes the Secretary of



20 State to suspend the state business license of a person who fails to comply with  
21 controlling health standards until the person complies, in good faith, with such  
22 standards. (NRS 76.172) **Section 3** of this bill repeals those provisions.

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

1 **Section 1.** Chapter 622 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. On or before January 1 of each odd-numbered year, each*  
4 *regulatory body shall submit a report to the Governor and to the*  
5 *Director of the Legislative Counsel Bureau for transmittal to the*  
6 *Legislature. The report must, for each occupation or profession*  
7 *licensed and regulated by the regulatory body that a person is*  
8 *prohibited from practicing in this State without a license issued by*  
9 *the regulatory body:*

10 *(a) Identify the number of states that do not require a person*  
11 *to be licensed to practice the occupation or profession; and*

12 *(b) Identify the number of states that provide for reciprocity of*  
13 *licensure to practice the occupation or profession.*

14 *2. If the number of states identified pursuant to paragraph*  
15 *(a) of subsection 1 is 26 or more, the report submitted pursuant to*  
16 *subsection 1 must include recommendations for phasing out the*  
17 *requirement for a person to obtain a license to practice the*  
18 *occupation or profession in this State.*

19 *3. If the number of states identified pursuant to paragraph*  
20 *(b) of subsection 1 is 26 or more, the report submitted pursuant to*  
21 *subsection 1 must include recommendations for the*  
22 *implementation of a program to provide for reciprocity of*  
23 *licensure to practice the occupation or profession in this State.*

24 **Sec. 2.** The provisions of subsection 1 of NRS 218D.380 do  
25 not apply to any provision of this act which adds or revises a  
26 requirement to submit a report to the Legislature.

27 **Sec. 3.** NRS 76.172 is hereby repealed.

28 **Sec. 4.** This act becomes effective upon passage and approval.

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TEXT OF REPEALED SECTION

**76.172 Suspension of state business license for failure to  
comply with controlling health standards; notice of suspension.**

1. In addition to the grounds for suspension or revocation of a  
state business license set forth in NRS 76.170, if a person who holds



a state business license fails to comply with controlling health standards, the Secretary of State may suspend the state business license of the person until the person complies, in good faith, with controlling health standards.

2. If the license is suspended, the Secretary of State shall provide written notice of the action to the person who holds the state business license.

3. As used in this section:

(a) "Controlling health standards" means any of the following that are clearly and conspicuously related to COVID-19 and that prescribed the manner in which a business must operate at the time the person allegedly failed to comply:

(1) A federal, state or local law, regulation or ordinance; or

(2) A written order or other document published by a federal, state or local government or regulatory body.

(b) "COVID-19" means:

(1) The novel coronavirus identified as SARS-CoV-2;

(2) Any mutation of the novel coronavirus identified as SARS-CoV-2; or

(3) A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.

