

SENATE BILL NO. 392—SENATORS D. HARRIS; CANNIZZARO, DALY,
DONATE, HANSEN, KRASNER, LANGE, NEAL, PAZINA AND
SCHEIBLE

MARCH 27, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to commercial kitchen
equipment. (BDR 42-966)

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 fire safety; requiring the owner or operator of a
building with a kitchen hood exhaust system to have the
kitchen hood exhaust system inspected by a technician
with certain qualifications; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the owner or operator of a building equipped with a
2 smoke control system to have the system inspected by a technician with certain
3 qualifications. Existing law further requires the technician that inspects such a
4 system to provide the owner or operator with a certification of inspection and to
5 report any malfunctions or defects to the owner or operator, the State Fire Marshal
6 and the governing body of the county or city where the building is located. (NRS
7 477.097, 477.099) **Section 3** of this bill requires the owner or operator of a building
8 equipped with a kitchen hood exhaust system to have the system inspected by a
9 technician with certain qualifications. **Section 4** of this bill requires a technician
10 that inspects a kitchen hood exhaust system to report any malfunctions or defects to
11 the owner or operator, the State Fire Marshal and the governing body of the county
12 or city where the building is located.

13 Existing law authorizes the State Fire Marshal to adopt certain regulations
14 relating to fire safety. (NRS 477.030) **Section 5** of this bill authorizes the State Fire
15 Marshal to adopt regulations for the maintenance and testing of kitchen hood
16 exhaust systems.

17 **Section 2** of this bill defines the term “governing body” and the term “kitchen
18 hood exhaust system.”



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

1 **Section 1.** Chapter 477 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *As used in sections 2, 3 and 4 of this act:*

4 1. *“Governing body” means:*

5 (a) *If a building is located within the boundaries of a city, the*
6 *governing body of the city.*

7 (b) *If a building is located within the boundaries of a county,*
8 *the board of county commissioners of the county.*

9 2. *“Kitchen hood exhaust system” means a filtration system*
10 *used in a kitchen to remove grease, smoke and other particles to*
11 *prevent fires.*

12 **Sec. 3.** *The owner or operator of any building with a kitchen*
13 *hood exhaust system shall:*

14 1. *Cause the kitchen hood exhaust system to be inspected at*
15 *installation and thereafter:*

16 (a) *In accordance with the standards set forth in the version of*
17 *the International Fire Code published by the International Code*
18 *Council that has been most recently adopted by the governing*
19 *body; and*

20 (b) *By a technician that holds a certification issued through a*
21 *program that is accredited by the American National Standards*
22 *Institute under the standards most recently adopted by the*
23 *governing body.*

24 2. *Maintain and make available for inspection, upon the*
25 *request of the State Fire Marshal or governing body, the*
26 *certification of inspection provided by the technician that*
27 *completed the inspection pursuant to section 4 of this act.*

28 **Sec. 4.** *Any technician that performs an inspection on a*
29 *kitchen hood exhaust system as required pursuant to section 3 of*
30 *this act shall:*

31 1. *Report malfunctions or defects discovered during the*
32 *inspection, if any, to the owner or operator of the building, the*
33 *State Fire Marshal and the governing body.*

34 2. *Provide to the owner or operator of the building with a*
35 *kitchen hood exhaust system a certification of inspection that*
36 *includes, without limitation:*

37 (a) *The location of the kitchen hood exhaust system inspected*
38 *by the technician;*

39 (b) *The date of the inspection;*

40 (c) *The results of the inspection; and*

41 (d) *The name and certification number of the technician.*



1 **Sec. 5.** NRS 477.030 is hereby amended to read as follows:
2 477.030 1. Except as otherwise provided in this section, the
3 State Fire Marshal shall enforce all laws and adopt regulations
4 relating to:

5 (a) The prevention of fire.

6 (b) The storage and use of:

7 (1) Combustibles, flammables and fireworks; and

8 (2) Explosives in any commercial construction, but not in
9 mining or the control of avalanches,

10 ↳ under those circumstances that are not otherwise regulated by the
11 Division of Industrial Relations of the Department of Business and
12 Industry pursuant to NRS 618.890.

13 (c) The safety, access, means and adequacy of exit in case of fire
14 from mental and penal institutions, facilities for the care of children,
15 foster homes, residential facilities for groups, facilities for
16 intermediate care, nursing homes, hospitals, schools, all buildings,
17 except private residences, which are occupied for sleeping purposes,
18 buildings used for public assembly and all other buildings where
19 large numbers of persons work, live or congregate for any purpose.
20 As used in this paragraph, "public assembly" means a building or a
21 portion of a building used for the gathering together of 50 or more
22 persons for purposes of deliberation, education, instruction, worship,
23 entertainment, amusement or awaiting transportation, or the
24 gathering together of 100 or more persons in establishments for
25 drinking or dining.

26 (d) The suppression and punishment of arson and fraudulent
27 claims or practices in connection with fire losses.

28 (e) The maintenance and testing of:

29 (1) Fire dampers, smoke dampers and combination fire and
30 smoke dampers; ~~and~~

31 (2) Smoke control systems ~~and~~; *and*

32 (3) *A kitchen hood exhaust system, as that term is defined*
33 *in section 2 of this act.*

34 ↳ Except as otherwise provided in subsection 12, the regulations of
35 the State Fire Marshal apply throughout the State, but except with
36 respect to state-owned or state-occupied buildings, the State Fire
37 Marshal's authority to enforce them or conduct investigations under
38 this chapter does not extend to a school district except as otherwise
39 provided in NRS 393.110, or a county whose population is 100,000
40 or more or which has been converted into a consolidated
41 municipality, except in those local jurisdictions in those counties
42 where the State Fire Marshal is requested to exercise that authority
43 by the chief officer of the organized fire department of that
44 jurisdiction or except as otherwise provided in a regulation adopted
45 pursuant to paragraph (b) of subsection 2.



1 2. The State Fire Marshal may:

2 (a) Set standards for equipment and appliances pertaining to fire
3 safety or to be used for fire protection within this State, including
4 the threads used on fire hose couplings and hydrant fittings; and

5 (b) Adopt regulations based on nationally recognized standards
6 setting forth the requirements for fire departments to provide
7 training to firefighters using techniques or exercises that involve the
8 use of fire or any device that produces or may be used to produce
9 fire.

10 3. The State Fire Marshal shall cooperate with the State
11 Forester Firewarden in the mitigation of the risk of a fire hazard
12 from vegetation in this State pursuant to paragraph (g) of subsection
13 I of NRS 472.040.

14 4. The State Fire Marshal shall cooperate with the Division of
15 Child and Family Services of the Department of Health and Human
16 Services in establishing reasonable minimum standards for
17 overseeing the safety of and directing the means and adequacy of
18 exit in case of fire from foster homes.

19 5. The State Fire Marshal shall coordinate all activities
20 conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and
21 distribute money allocated by the United States pursuant to that act.

22 6. Except as otherwise provided in subsection 10, the State Fire
23 Marshal shall:

24 (a) Investigate any fire which occurs in a county other than one
25 whose population is 100,000 or more or which has been converted
26 into a consolidated municipality, and from which a death results or
27 which is of a suspicious nature.

28 (b) Investigate any fire which occurs in a county whose
29 population is 100,000 or more or which has been converted into a
30 consolidated municipality, and from which a death results or which
31 is of a suspicious nature, if requested to do so by the chief officer of
32 the fire department in whose jurisdiction the fire occurs.

33 (c) Cooperate with the Commissioner of Insurance, the Attorney
34 General and the Fraud Control Unit for Insurance established
35 pursuant to NRS 228.412 in any investigation of a fraudulent claim
36 under an insurance policy for any fire of a suspicious nature.

37 (d) Cooperate with any local fire department in the investigation
38 of any report received pursuant to NRS 629.045.

39 (e) Provide specialized training in investigating the causes of
40 fires if requested to do so by the chief officer of an organized fire
41 department.

42 7. The State Fire Marshal shall put the National Fire Incident
43 Reporting System into effect throughout the State and publish at
44 least annually a summary of data collected under the System.



1 8. The State Fire Marshal shall provide assistance and
2 materials to local authorities, upon request, for the establishment of
3 programs for public education and other fire prevention activities.

4 9. The State Fire Marshal shall:

5 (a) Except as otherwise provided in subsection 12 and NRS
6 393.110, assist in checking plans and specifications for construction;

7 (b) Provide specialized training to local fire departments; and

8 (c) Assist local governments in drafting regulations and
9 ordinances,

10 ↪ on request or as the State Fire Marshal deems necessary.

11 10. Except as otherwise provided in this subsection, in a county
12 other than one whose population is 100,000 or more or which has
13 been converted into a consolidated municipality, the State Fire
14 Marshal shall, upon request by a local government, delegate to the
15 local government by interlocal agreement all or a portion of the
16 State Fire Marshal's authority or duties if the local government's
17 personnel and programs are, as determined by the State Fire
18 Marshal, equally qualified to perform those functions. If a local
19 government fails to maintain the qualified personnel and programs
20 in accordance with such an agreement, the State Fire Marshal shall
21 revoke the agreement. The provisions of this subsection do not
22 apply to the authority of the State Fire Marshal to adopt regulations
23 pursuant to paragraph (b) of subsection 2.

24 11. The State Fire Marshal may, as a public safety officer or as
25 a technical expert on issues relating to hazardous materials,
26 participate in any local, state or federal team or task force that is
27 established to conduct enforcement and interdiction activities
28 involving:

29 (a) Commercial trucking;

30 (b) Environmental crimes;

31 (c) Explosives and pyrotechnics;

32 (d) Drugs or other controlled substances; or

33 (e) Any similar activity specified by the State Fire Marshal.

34 12. Except as otherwise provided in this subsection, any
35 regulations of the State Fire Marshal concerning matters relating to
36 building codes, including, without limitation, matters relating to the
37 construction, maintenance or safety of buildings, structures and
38 property in this State:

39 (a) Do not apply in a county whose population is 700,000 or
40 more which has adopted a code at least as stringent as the
41 International Fire Code, the International Building Code and
42 the International Wildland-Urban Interface Code, published by the
43 International Code Council. To maintain the exemption from the
44 applicability of the regulations of the State Fire Marshal pursuant to
45 this subsection, the code of the county must be at least as stringent



1 as the most recently published edition of the International Fire Code,
2 the International Building Code and the International Wildland-
3 Urban Interface Code within 2 years after publication of such an
4 edition.

5 (b) Apply in a county described in paragraph (a) with respect to
6 state-owned or state-occupied buildings or public schools in the
7 county and in those local jurisdictions in the county in which the
8 State Fire Marshal is requested to exercise that authority by the chief
9 executive officer of that jurisdiction. As used in this paragraph,
10 “public school” has the meaning ascribed to it in NRS 385.007.

11 **Sec. 6.** 1. This section becomes effective upon passage and
12 approval.

13 2. Sections 1 to 5, inclusive, of this act become effective:

14 (a) Upon passage and approval for the purposes of adopting any
15 regulations and performing any other preparatory administrative
16 tasks that are necessary to carry out the provisions of this act; and

17 (b) On January 1, 2024, for all other purposes.

