

SENATE BILL NO. 172—SENATOR FLORES

PREFILED FEBRUARY 3, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Prescribes certain rights for agricultural workers.
(BDR 53-959)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 employment; enacting the Agricultural Workers’ Bill of Rights; revising and establishing provisions relating to the payment of wages and the provision of periods for rest and meals; establishing certain rights of agricultural workers related to housing and access to certain service providers; prohibiting certain actions related to weeding and thinning; requiring the provision of certain protections to agricultural workers during certain emergencies and disasters; authorizing collective bargaining for agricultural workers; authorizing the commencement of a civil action in certain circumstances; creating the Advisory Committee on Agricultural Work; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law establishes provisions related to the payment of minimum wage
- 2 and overtime for certain hours worked. (Nev. Const. Art. 15, § 16; NRS 608.018,
- 3 608.250) Additionally, existing law prescribes periods for rest and meals for
- 4 employees during work hours. (NRS 608.019) Existing law also prohibits various
- 5 employment practices. (Chapter 613 of NRS)
- 6 **Sections 6-21** of this bill establish the Agricultural Workers’ Bill of Rights.
- 7 **Section 9** defines “agricultural worker” as a worker engaged in certain agriculture
- 8 or farming services or activities described in section 203(f) of the federal Fair
- 9 Labor Standards Act.
- 10 **Section 11** entitles an agricultural worker who lives in housing provided by an
- 11 agricultural employer to reasonable access for visitors. **Sections 12 and 13** entitle
- 12 an agricultural worker to reasonable access to key service providers at certain times



13 during working hours and afford the agricultural worker the right to be transported
14 to key service providers under certain circumstances.

15 **Section 14** prohibits persons from taking certain actions that restrict the ability
16 of an agricultural worker to enter or leave the residence of the agricultural worker.
17 Additionally, **section 15**, with certain exceptions, prohibits certain conduct related
18 to weeding or thinning by hand or using a short-handed hoe in a stooped, kneeling
19 or squatting position.

20 **Section 16** requires agricultural employers to post certain notices related to the
21 provisions established in **sections 11-15**.

22 **Section 17** requires agricultural employers, during periods of emergency or
23 disaster, to: (1) meet certain requirements related to housing provided to
24 agricultural workers; and (2) supply certain information to the agricultural workers.

25 **Section 18** requires the Labor Commissioner to adopt regulations to adopt regulations for the
26 purposes of extending the provisions related to the payment of wages and the
27 provision of certain other employee benefits to agricultural workers. **Sections 1-4**
28 of this bill make conforming changes to reflect the changes made by **sections 6-21**.

29 **Section 19** authorizes agricultural workers to organize and form collective
30 bargaining units.

31 **Section 20** establishes a civil remedy for certain persons who are aggrieved by
32 violations of the Agricultural Workers' Bill of Rights.

33 **Section 21** creates the Advisory Committee on Agricultural Work and
34 prescribes its membership and duties.

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

1 **Section 1.** NRS 608.018 is hereby amended to read as follows:
2 608.018 1. An employer shall pay 1 1/2 times an employee's
3 regular wage rate whenever an employee who receives
4 compensation for employment at a rate less than 1 1/2 times the
5 minimum rate set forth in NRS 608.250 works:

6 (a) More than 40 hours in any scheduled week of work; or

7 (b) More than 8 hours in any workday unless by mutual
8 agreement the employee works a scheduled 10 hours per day for 4
9 calendar days within any scheduled week of work.

10 2. An employer shall pay 1 1/2 times an employee's regular
11 wage rate whenever an employee who receives compensation for
12 employment at a rate not less than 1 1/2 times the minimum rate set
13 forth in NRS 608.250 works more than 40 hours in any scheduled
14 week of work.

15 3. The provisions of subsections 1 and 2 do not apply to:

16 (a) Employees who are not covered by the minimum wage
17 provisions of Section 16 of Article 15 of the Nevada Constitution;

18 (b) Outside buyers;

19 (c) Employees in a retail or service business if their regular rate
20 is more than 1 1/2 times the minimum wage, and more than half
21 their compensation for a representative period comes from
22 commissions on goods or services, with the representative period



1 being, to the extent allowed pursuant to federal law, not less than 1
2 month;

3 (d) Employees who are employed in bona fide executive,
4 administrative or professional capacities;

5 (e) Employees covered by collective bargaining agreements
6 which provide otherwise for overtime;

7 (f) Drivers, drivers' helpers, loaders and mechanics for motor
8 carriers subject to the Motor Carrier Act of 1935, as amended;

9 (g) Employees of a railroad;

10 (h) Employees of a carrier by air;

11 (i) Drivers or drivers' helpers making local deliveries and paid
12 on a trip-rate basis or other delivery payment plan;

13 (j) Drivers of taxicabs or limousines;

14 (k) ~~Aggricultural employees;~~

15 ~~(l)~~ Employees of business enterprises having a gross sales
16 volume of less than \$250,000 per year;

17 ~~(m)~~ (l) Any salesperson or mechanic primarily engaged in
18 selling or servicing automobiles, trucks or farm equipment;

19 ~~(n)~~ (m) A mechanic or worker for any hours to which the
20 provisions of subsection 3 or 4 of NRS 338.020 apply;

21 ~~(o)~~ (n) A domestic worker who resides in the household
22 where he or she works if the domestic worker and his or her
23 employer agree in writing to exempt the domestic worker from the
24 requirements of subsections 1 and 2; and

25 ~~(p)~~ (o) A domestic service employee who resides in the
26 household where he or she works if the domestic service employee
27 and his or her employer agree in writing to exempt the domestic
28 service employee from the requirements of subsections 1 and 2.

29 4. Any regulation of the Director of the Department of Health
30 and Human Services concerning the payment of overtime to a home
31 care employee adopted pursuant to NRS 608.670 prevails over the
32 general provisions of this section.

33 5. As used in this section:

34 (a) "Domestic worker" has the meaning ascribed to it in
35 NRS 613.620.

36 (b) "Home care employee" has the meaning ascribed to it in
37 NRS 608.530.

38 **Sec. 2.** NRS 608.019 is hereby amended to read as follows:

39 608.019 1. An employer shall not employ an employee for a
40 continuous period of 8 hours , *or 5 hours for an agricultural*
41 *employee*, without permitting the employee to have a meal period of
42 at least one-half hour. No period of less than 30 minutes interrupts a
43 continuous period of work for the purposes of this subsection.

44 2. Every employer shall authorize and permit all his or her
45 employees to take rest periods, which, insofar as practicable, shall



1 be in the middle of each work period. The duration of the rest
2 periods shall be based on the total hours worked daily at the rate of
3 10 minutes for each 4 hours or major fraction thereof. Rest periods
4 need not be authorized however for employees whose total daily
5 work time is less than 3 and one-half hours. Authorized rest periods
6 shall be counted as hours worked, for which there shall be no
7 deduction from wages.

8 3. This section does not apply to:

9 (a) Situations where only one person is employed at a particular
10 place of employment.

11 (b) Employees included within the provisions of a collective
12 bargaining agreement.

13 4. An employer may apply to the Labor Commissioner for an
14 exemption from providing to all or to one or more defined
15 categories of his or her employees one or more of the benefits
16 conferred by this section. The Labor Commissioner may grant the
17 exemption if the Labor Commissioner believes the employer has
18 shown sufficient evidence that business necessity precludes
19 providing such benefits. Any exemption so granted shall apply to
20 members of either sex.

21 5. The Labor Commissioner may by regulation exempt a
22 defined category of employers from providing to all or to one or
23 more defined categories of their employees one or more of the
24 benefits conferred by this section, upon the Labor Commissioner's
25 own motion or upon the application of an association of employers.
26 Each such application shall be considered at a hearing and may be
27 granted if the Labor Commissioner finds that business necessity
28 precludes providing that particular benefit or benefits to the
29 employees affected. Any exemption so granted shall apply to
30 members of either sex.

31 *6. As used in this section, "agricultural employee" means an*
32 *employee who performs a service or activity described in section*
33 *203(f) of the federal Fair Labor Standards Act of 1938, 29 U.S.C.*
34 *§ 203(f).*

35 **Sec. 3.** NRS 608.154 is hereby amended to read as follows:

36 608.154 1. A part of wages or compensation may, if mutually
37 agreed upon by an employee and employer in the contract of
38 employment, consist of lodging.

39 2. In no case may the value of the lodging be computed at more
40 than five times the statutory minimum hourly wage for each week
41 that lodging is provided to the employee.

42 ~~[2.—The monetary limitations on the value of lodging specified~~
43 ~~in subsection 1 do not apply to agricultural employees.]~~



1 **Sec. 4.** NRS 608.155 is hereby amended to read as follows:
2 608.155 1. A part of wages or compensation may, if mutually
3 agreed upon by an employee and employer in the contract of
4 employment, consist of meals.

5 2. In no case shall the value of the meals be computed at more
6 than 100 percent of the statutory minimum hourly wage per day.

7 3. In no case shall the value of the meals consumed by such
8 employee be computed or valued at more than 25 percent of the
9 statutory minimum hourly wage for each breakfast actually
10 consumed, 25 percent of the statutory minimum hourly wage for
11 each lunch actually consumed, and 50 percent of the statutory
12 minimum hourly wage for each dinner actually consumed.

13 ~~[2.—The monetary limitations on the value of meals, contained~~
14 ~~in subsection 1, do not apply to agricultural employees.]~~

15 **Sec. 5.** Chapter 613 of NRS is hereby amended by adding
16 thereto the provisions set forth as sections 6 to 21, inclusive, of this
17 act.

18 **Sec. 6.** *Sections 6 to 21, inclusive, of this act may be cited as*
19 *the Agricultural Workers' Bill of Rights.*

20 **Sec. 7.** *As used in sections 6 to 21, inclusive, of this act,*
21 *unless the context otherwise requires, the words and terms defined*
22 *in sections 8, 9 and 10 of this act have the meanings ascribed to*
23 *them in those sections.*

24 **Sec. 8.** *"Agricultural employer" means a person who*
25 *employs an agricultural worker.*

26 **Sec. 9.** 1. *"Agricultural worker" means a worker engaged*
27 *in a service or activity described in section 203(f) of the federal*
28 *Fair Labor Standards Act of 1938, 29 U.S.C. § 203(f).*

29 2. *The term does not include a cannabis establishment agent*
30 *employed by a cannabis cultivation facility.*

31 3. *As used in this section:*

32 (a) *"Cannabis cultivation facility" has the meaning ascribed to*
33 *it in NRS 678A.090.*

34 (b) *"Cannabis establishment agent" has the meaning ascribed*
35 *to it in NRS 678A.100.*

36 **Sec. 10.** *"Key service provider" means a service provider to*
37 *which an agricultural worker may need access, including, without*
38 *limitation:*

- 39 1. *A provider of health care, as defined in NRS 629.081.*
- 40 2. *A community health worker, as defined in NRS 449.0027.*
- 41 3. *A teacher.*
- 42 4. *An attorney licensed to practice in this State.*
- 43 5. *A public official.*
- 44 6. *A member of the clergy.*



1 **Sec. 11.** *If an agricultural employer provides housing to an*
2 *agricultural worker, the agricultural worker is entitled to*
3 *reasonable access for visitors at the housing and the agricultural*
4 *employer shall not interfere with the reasonable access when the*
5 *agricultural worker is present at the housing.*

6 **Sec. 12.** 1. *Except as otherwise provided in subsection 2, an*
7 *agricultural worker is entitled to reasonable access to key service*
8 *providers at any time when the agricultural worker is not*
9 *performing compensable work or during periods of paid or unpaid*
10 *rest and meal breaks.*

11 2. *An agricultural worker is entitled to reasonable access to a*
12 *provider of health care, as defined in NRS 629.031, at any time*
13 *when the agricultural worker is performing compensable work or*
14 *during periods of paid or unpaid rest and meal breaks.*

15 3. *The Labor Commissioner may adopt regulations to require*
16 *periods of time in addition to those prescribed by subsections 1*
17 *and 2 in which an agricultural worker is entitled to access key*
18 *service providers.*

19 **Sec. 13.** 1. *Except as otherwise provided in subsection 2, an*
20 *agricultural employer that provides housing and transportation*
21 *for an agricultural worker shall at least 1 day per week transport*
22 *the agricultural worker to a location where the agricultural*
23 *worker can access basic necessities, conduct financial transactions*
24 *and meet with key service providers, unless the agricultural*
25 *worker is a range worker who is actively engaged in the*
26 *production of livestock on the open range, in which case, the*
27 *agricultural employer shall provide the transportation at least 1*
28 *day every 3 weeks.*

29 2. *If an agricultural worker has access to a personal vehicle*
30 *and is permitted to park the vehicle on the property of the*
31 *agricultural employer, the agricultural employer is not required to*
32 *provide the transportation described in subsection 1.*

33 **Sec. 14.** 1. *A person shall not prohibit, limit or interfere*
34 *with, or attempt to prohibit, limit or interfere with, the access to or*
35 *egress from the residence of an agricultural worker by:*

36 (a) *The erection or maintenance of a physical barrier;*

37 (b) *Any physical force or violence;*

38 (c) *Any threat of physical force or violence; or*

39 (d) *Any order or notice.*

40 2. *This section does not apply to the actions of an agricultural*
41 *worker which relate to the residence of the agricultural worker.*

42 **Sec. 15.** 1. *Except as otherwise provided in subsections 3*
43 *and 5, the use of a short-handed hoe is prohibited in agricultural*
44 *employment for weeding and thinning in a stooped, kneeling or*
45 *squatting position.*



1 2. *Except as otherwise provided in subsections 3 and 5, the*
2 *performance of weeding and thinning by hand or with a short-*
3 *handed tool, other than a short-handed hoe, in a stooped, kneeling*
4 *or squatting position is prohibited unless there is not a suitable*
5 *long-handed tool or other alternative means of performing the*
6 *work that is appropriate to both the production of the agricultural*
7 *or horticultural commodity and the scale of the operation.*

8 3. *The provisions of subsections 1 and 2 do not prohibit:*

9 (a) *Any occasional or intermittent weeding or thinning done*
10 *by hand in a stooped, kneeling or squatting position if it is*
11 *incidental to weeding or thinning using a tool;*

12 (b) *Any thinning done by hand of high-density plants spaced*
13 *less than 2 inches apart when planted;*

14 (c) *Any weeding or thinning done by hand of an agricultural*
15 *or horticultural commodity grown in fields or greenhouses for*
16 *which the agricultural employer is a certified producer or handler*
17 *of organic agricultural products;*

18 (d) *Any weeding, thinning or tending done by hand to an*
19 *agricultural or horticultural commodity when it is a seedling;*

20 (e) *Any weeding, thinning or tending done by hand to an*
21 *agricultural or horticultural commodity grown in a tub or planter*
22 *container with an opening that does not exceed 15 inches in*
23 *width;*

24 (f) *Any seeding, planting, transplanting or harvesting done by*
25 *hand or with a tool; and*

26 (g) *Any weeding, thinning or tending done by hand to the soil-*
27 *exposed area immediately surrounding an agricultural or*
28 *horticultural commodity grown using polyethylene film or plastic*
29 *mulch, except as applied to the weeding by hand of the spaces*
30 *between the rows of plants grown using polyethylene film or*
31 *plastic mulch.*

32 4. *An agricultural employer shall provide gloves and knee*
33 *pads to each agricultural worker that is engaged in weeding or*
34 *thinning done by hand.*

35 5. *The Labor Commissioner shall adopt regulations to*
36 *establish:*

37 (a) *An exception to the prohibitions described in subsections 1*
38 *and 2 for an agricultural employer that is actively engaged in*
39 *obtaining a certificate to be producer or handler of organic*
40 *agricultural products; and*

41 (b) *A procedure for an agricultural employer to seek a waiver*
42 *that allows for occasional or intermittent weeding by hand of*
43 *agricultural or horticultural products if the agricultural employer*
44 *establishes that:*



1 (1) *The weeding does not involve prolonged and*
2 *unnecessary stooping, kneeling or squatting and does not create a*
3 *risk of acute, chronic or debilitating injuries for agricultural*
4 *workers;*

5 (2) *There is not a suitable long-handed tool or other*
6 *alternative means of performing the work that is appropriate to*
7 *both the production of the agricultural or horticultural commodity*
8 *and the scale of the operation; and*

9 (3) *The weeding by hand cannot be performed pursuant to*
10 *an exception described in subsection 3.*

11 6. *An agricultural employer shall increase a period of rest*
12 *prescribed by NRS 608.019 by 5 minutes if an agricultural worker*
13 *engages in weeding or thinning by hand during the applicable*
14 *period of work.*

15 7. *As used in this section:*

16 (a) *“Agricultural employment” means employment in a service*
17 *or activity described in section 203(f) of the federal Fair Labor*
18 *Standards Act of 1938, 29 U.S.C. § 203(f).*

19 (b) *“Occasional or intermittent” means 20 percent or less of*
20 *the weekly work time of an agricultural worker.*

21 (c) *“Short-handed hoe” means a handheld tool with a flat*
22 *blade affixed perpendicularly to a handle that is less than 18*
23 *inches long. The term includes a long-handed hand tool that has*
24 *been modified to be used as a short-handed hoe.*

25 **Sec. 16. 1.** *An agricultural employer shall post a notice of*
26 *the rights of an agricultural worker described in sections 11 to 15,*
27 *inclusive, of this act.*

28 2. *The notice described in subsection 1 must be posted:*

29 (a) *At the housing provided by the agricultural employer, if*
30 *applicable;*

31 (b) *In addition to any location described in paragraph (a), at a*
32 *conspicuous place on the premises of the agricultural employer;*

33 (c) *At each place where notices to employees are customarily*
34 *posted on the premises of the agricultural employer; and*

35 (d) *By electronic means, including, by electronic mail or*
36 *posted to the Internet website of an agricultural employer, if the*
37 *agricultural employer customarily communicates with an*
38 *agricultural worker by these means.*

39 **Sec. 17. 1.** *During the existence of a state of emergency or*
40 *declaration of disaster pursuant to NRS 414.070 related to public*
41 *health, an agricultural employer shall provide:*

42 (a) *Each agricultural worker who is living in a single-*
43 *occupancy unit of housing provided by the agricultural employer*
44 *at least 80 square feet of combined sleeping and living quarters;*



1 (b) Each agricultural worker who is living in multiple-
2 occupancy housing of the agricultural employer at least 100
3 square feet of sleeping quarters per worker and 120 square feet of
4 space per worker in areas used for combined purposes such as
5 meal preparation and eating;

6 (c) Each agricultural worker engaged in open-range
7 production of livestock with a single-occupancy mobile housing
8 unit;

9 (d) In addition to any requirement under paragraph (a), (b) or
10 (c), each unit of housing provided by the agricultural employer
11 with screened windows that open to the outside or a living space
12 that has an air filtration system;

13 (e) Training to agricultural workers concerning safety
14 precautions and protections during emergencies and disasters
15 related to public health; and

16 (f) Informational and educational materials through posters
17 and pamphlets written in English and Spanish and any other
18 relevant languages in each unit of housing provided by the
19 agricultural employer, the premises of the agricultural employer
20 and other places where the agricultural employer posts notices for
21 employees.

22 2. The materials described in paragraph (f) of subsection 1
23 must include:

24 (a) The contact information for the Farmworker Law Program
25 of Nevada Legal Services, or its successor organization; and

26 (b) Any guidance from federal and state authorities
27 concerning the emergency or declaration of disaster related to
28 public health.

29 3. The Department of Health and Human Services may
30 inspect the housing provided by the agricultural employer to
31 ensure compliance with this section during an emergency or
32 disaster related to public health.

33 **Sec. 18.** The Labor Commissioner shall adopt regulations to
34 apply the minimum hourly wage published pursuant to Section 16
35 of Article 15 of the Nevada Constitution to agricultural workers
36 and ensure that the requirements prescribed by chapter 608 of
37 NRS apply to agricultural workers in the same manner as those to
38 agricultural employees, as defined in NRS 608.019.

39 **Sec. 19.** Agricultural workers have the right to self-
40 organization, to bargain directly for themselves, and to form and
41 join or assist labor organizations to bargain collectively through
42 representatives of their own free choosing, or to engage in lawful
43 concerted activity for the purpose of collective bargaining or other
44 mutual aid or protection, and each such agricultural worker has



1 *the right, without interference from any source, to refrain from*
2 *any of these activities.*

3 **Sec. 20.** 1. *An agricultural worker may commence an*
4 *action in a court of competent jurisdiction against an agricultural*
5 *employer for a violation of sections 6 to 20, inclusive, of this act or*
6 *for retaliation against the agricultural worker for exercising a*
7 *right prescribed by sections 11 to 15, inclusive, of this act.*

8 2. *A whistleblower or key service provider who is unable to*
9 *access an agricultural worker because of a violation of sections 11*
10 *to 15, inclusive, of this act may commence an action in a court of*
11 *competent jurisdiction against an agricultural employer for a*
12 *violation of sections 11 to 15, inclusive, of this act.*

13 3. *If a court finds that an agricultural employer violated a*
14 *provision of sections 11 to 15, inclusive, of this act, the court may:*

15 (a) *Order injunctive relief;*

16 (b) *Award actual damages or \$10,000, whichever is greater;*
17 *and*

18 (c) *Award reasonable attorney's fees and costs.*

19 4. *Any amount recovered by a whistleblower or key service*
20 *provider pursuant to paragraph (b) of subsection 3 must be*
21 *distributed to the agricultural workers affected by the violation*
22 *who can be located by the whistleblower or key service provider.*

23 5. *As used in this section, "whistleblower" means a person*
24 *designated by an agricultural worker in a confidential, sealed*
25 *filing with the court.*

26 **Sec. 21.** 1. *The Advisory Committee on Agricultural Work*
27 *is hereby created in the Office of Labor Commissioner. The*
28 *Advisory Committee consists of nine voting members appointed as*
29 *follows:*

30 (a) *Two members who are agricultural workers, appointed by*
31 *the Labor Commissioner;*

32 (b) *Two members who are advocates of agricultural workers,*
33 *appointed by the Labor Commissioner;*

34 (c) *Three members who represent agricultural employers,*
35 *appointed by the Director of the State Department of Agriculture;*
36 *and*

37 (d) *Two members from the Farmworker Law Program of*
38 *Nevada Legal Services, or its successor organization.*

39 2. *The term of office of each member appointed to the*
40 *Advisory Committee is 4 years.*

41 3. *A vacancy on the Advisory Committee must be filled in the*
42 *same manner as the original appointment by the appointing*
43 *authority for the remainder of the unexpired term.*

44 4. *Members of the Advisory Committee serve without*
45 *compensation.*



1 **5. The Advisory Committee shall:**

2 **(a) Gather and analyze data and other information regarding**
3 **the wages and working conditions of agricultural workers; and**

4 **(b) Submit an annual report on its findings to the Director of**
5 **the Legislative Counsel Bureau for transmission to the**
6 **Legislature.**

7 **Sec. 22.** The provisions of subsection 1 of NRS 218D.380 do
8 not apply to any provision of this act which adds or revises a
9 requirement to submit a report to the Legislature.

10 **Sec. 23.** 1. This section becomes effective upon passage and
11 approval.

12 2. Sections 1 to 22, inclusive, of this act become effective:

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

16 (b) On October 1, 2025, for all other purposes.



