

SENATE BILL NO. 184—SENATOR STONE

PREFILED FEBRUARY 3, 2025

Referred to Committee on Health and Human Services

SUMMARY—Prohibits the use of latex in certain circumstances. (BDR 40-536)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 1, 2, 9) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 public health; prohibiting certain persons from using latex gloves and certain other latex items in a food establishment; prohibiting providers of health care and the employees of and volunteers and contractors for certain health facilities from using latex gloves or other latex implements; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the permitting and regulation of food establishments
2 by the health authority, which may be the Division of Public and Behavioral Health
3 of the Department of Health and Human Services or the local board of health. (NRS
4 446.050, 446.870-446.940) **Section 1** of this bill requires a food establishment to
5 ensure that any person employed in, operating or otherwise working for the food
6 establishment does not use latex gloves or utensils or other latex implements at the
7 food establishment. A health authority would be authorized to suspend the permit
8 of a food establishment for violating **section 1**, and repeated violations may result
9 in permanent revocation of such a permit. (NRS 446.880) A violation of **section 1**
10 would also be a misdemeanor. (NRS 446.945)

11 **Section 2** of this bill requires a medical facility, facility for the dependent and
12 certain other health facilities to ensure that employees, contractors and volunteers
13 do not use latex gloves or other latex implements at the facility. **Section 8** of this
14 bill: (1) prohibits a provider of health care from using latex gloves or other latex
15 implements at any facility or other location where he or she provides health care
16 services; and (2) requires a provider of health care who owns or operates a health
17 facility to ensure that employees, contractors and volunteers do not use latex gloves
18 or other latex implements. **Section 3** of this bill makes the definition of “medical
19 facility” in existing law, which includes, without limitation, programs of hospital



20 care, applicable to **section 2**. **Section 4** of this bill exempts from the requirements
21 of **section 2** certain religious facilities, foster homes and facilities operated by the
22 United States Government. **Sections 5-7 and 9** of this bill provide for the
23 administrative and civil enforcement of the prohibitions against the use of latex
24 gloves or other latex implements at medical facilities.

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

1 **Section 1.** NRS 446.846 is hereby amended to read as follows:
2 446.846 **1.** The State Board of Health shall adopt reasonable
3 rules and regulations requiring that any person employed in the
4 preparation or service of food or beverages to patrons on the
5 premises of a food establishment, or who comes in contact with
6 eating or cooking utensils used for such service, whose hair length
7 exceeds specified limits shall wear a hair net, cap or other suitable
8 covering which confines the hair while such person is engaged in
9 the performance of his or her duties. Such rules and regulations shall
10 specify the minimum hair length to which such requirement applies.

11 **2.** *A food establishment shall ensure that any person*
12 *employed in, operating or otherwise working for the food*
13 *establishment does not use latex gloves or utensils or other latex*
14 *implements at the food establishment.*

15 **Sec. 2.** Chapter 449 of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 *A medical facility, facility for the dependent or facility which is*
18 *otherwise required by regulations adopted by the Board pursuant*
19 *to NRS 449.0303 to be licensed shall ensure that employees,*
20 *independent contractors and volunteers do not use latex gloves or*
21 *other latex implements at the facility.*

22 **Sec. 3.** NRS 449.029 is hereby amended to read as follows:

23 449.029 As used in NRS 449.029 to 449.240, inclusive, *and*
24 *section 2 of this act*, unless the context otherwise requires, “medical
25 facility” has the meaning ascribed to it in NRS 449.0151 and
26 includes a program of hospice care described in NRS 449.196.

27 **Sec. 4.** NRS 449.0301 is hereby amended to read as follows:

28 449.0301 The provisions of NRS 449.029 to 449.2428,
29 inclusive, *and section 2 of this act* do not apply to:

30 1. Any facility conducted by and for the adherents of any
31 church or religious denomination for the purpose of providing
32 facilities for the care and treatment of the sick who depend solely
33 upon spiritual means through prayer for healing in the practice of
34 the religion of the church or denomination, except that such a
35 facility shall comply with all regulations relative to sanitation and
36 safety applicable to other facilities of a similar category.



1 2. Foster homes as defined in NRS 424.014.

2 3. Any medical facility, facility for the dependent or facility
3 which is otherwise required by the regulations adopted by the Board
4 pursuant to NRS 449.0303 to be licensed that is operated and
5 maintained by the United States Government or an agency thereof.

6 **Sec. 5.** NRS 449.160 is hereby amended to read as follows:

7 449.160 1. The Division may deny an application for a
8 license or may suspend or revoke any license issued under the
9 provisions of NRS 449.029 to 449.2428, inclusive, *and section 2 of*
10 *this act* upon any of the following grounds:

11 (a) Violation by the applicant or the licensee of any of the
12 provisions of NRS 439B.410, 449.029 to 449.245, inclusive, *and*
13 *section 2 of this act* or 449A.100 to 449A.124, inclusive, and
14 449A.270 to 449A.286, inclusive, or of any other law of this State
15 or of the standards, rules and regulations adopted thereunder.

16 (b) Aiding, abetting or permitting the commission of any illegal
17 act.

18 (c) Conduct inimical to the public health, morals, welfare and
19 safety of the people of the State of Nevada in the maintenance and
20 operation of the premises for which a license is issued.

21 (d) Conduct or practice detrimental to the health or safety of the
22 occupants or employees of the facility.

23 (e) Failure of the applicant to obtain written approval from the
24 Director of the Department of Health and Human Services as
25 required by NRS 439A.100 or 439A.102 or as provided in any
26 regulation adopted pursuant to NRS 449.001 to 449.430, inclusive,
27 *and section 2 of this act* and 449.435 to 449.531, inclusive, and
28 chapter 449A of NRS if such approval is required, including,
29 without limitation, the closure or conversion of any hospital in a
30 county whose population is 100,000 or more that is owned by the
31 licensee without approval pursuant to NRS 439A.102.

32 (f) Failure to comply with the provisions of NRS 441A.315 and
33 any regulations adopted pursuant thereto or NRS 449.2486.

34 (g) Violation of the provisions of NRS 458.112.

35 (h) Failure to comply with the provisions of NRS 449A.170 to
36 449A.192, inclusive, and any regulation adopted pursuant thereto.

37 (i) Violation of the provisions of NRS 629.260.

38 2. In addition to the provisions of subsection 1, the Division
39 may revoke a license to operate a facility for the dependent if, with
40 respect to that facility, the licensee that operates the facility, or an
41 agent or employee of the licensee:

42 (a) Is convicted of violating any of the provisions of
43 NRS 202.470;

44 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
45 244.360, 244.3603 or 268.4124; or



1 (c) Is ordered by the appropriate governmental agency to correct
2 a violation of a building, safety or health code or regulation but fails
3 to correct the violation.

4 3. The Division shall maintain a log of any complaints that it
5 receives relating to activities for which the Division may revoke the
6 license to operate a facility for the dependent pursuant to subsection
7 2. The Division shall provide to a facility for the care of adults
8 during the day:

9 (a) A summary of a complaint against the facility if the
10 investigation of the complaint by the Division either substantiates
11 the complaint or is inconclusive;

12 (b) A report of any investigation conducted with respect to the
13 complaint; and

14 (c) A report of any disciplinary action taken against the facility.

15 ➔ The facility shall make the information available to the public
16 pursuant to NRS 449.2486.

17 4. On or before February 1 of each odd-numbered year, the
18 Division shall submit to the Director of the Legislative Counsel
19 Bureau a written report setting forth, for the previous biennium:

20 (a) Any complaints included in the log maintained by the
21 Division pursuant to subsection 3; and

22 (b) Any disciplinary actions taken by the Division pursuant to
23 subsection 2.

24 **Sec. 6.** NRS 449.163 is hereby amended to read as follows:

25 449.163 1. In addition to the payment of the amount required
26 by NRS 449.0308, if a medical facility, facility for the dependent or
27 facility which is required by the regulations adopted by the Board
28 pursuant to NRS 449.0303 to be licensed violates any provision
29 related to its licensure, including any provision of NRS 439B.410 or
30 449.029 to 449.2428, inclusive, *and section 2 of this act* or any
31 condition, standard or regulation adopted by the Board, the
32 Division, in accordance with the regulations adopted pursuant to
33 NRS 449.165, may:

34 (a) Prohibit the facility from admitting any patient until it
35 determines that the facility has corrected the violation;

36 (b) Limit the occupancy of the facility to the number of beds
37 occupied when the violation occurred, until it determines that the
38 facility has corrected the violation;

39 (c) If the license of the facility limits the occupancy of the
40 facility and the facility has exceeded the approved occupancy,
41 require the facility, at its own expense, to move patients to another
42 facility that is licensed;

43 (d) Except where a greater penalty is authorized by subsection 2,
44 impose an administrative penalty of not more than \$5,000 per day



1 for each violation, together with interest thereon at a rate not to
2 exceed 10 percent per annum; and

3 (e) Appoint temporary management to oversee the operation of
4 the facility and to ensure the health and safety of the patients of the
5 facility, until:

6 (1) It determines that the facility has corrected the violation
7 and has management which is capable of ensuring continued
8 compliance with the applicable statutes, conditions, standards and
9 regulations; or

10 (2) Improvements are made to correct the violation.

11 2. If an off-campus location of a hospital fails to obtain a
12 national provider identifier that is distinct from the national provider
13 identifier used by the main campus and any other off-campus
14 location of the hospital in violation of NRS 449.1818, the Division
15 may impose against the hospital an administrative penalty of not
16 more than \$10,000 for each day of such failure, together with
17 interest thereon at a rate not to exceed 10 percent per annum, in
18 addition to any other action authorized by this chapter.

19 3. If the facility fails to pay any administrative penalty imposed
20 pursuant to paragraph (d) of subsection 1 or subsection 2, the
21 Division may:

22 (a) Suspend the license of the facility until the administrative
23 penalty is paid; and

24 (b) Collect court costs, reasonable attorney's fees and other
25 costs incurred to collect the administrative penalty.

26 4. The Division may require any facility that violates any
27 provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and*
28 *section 2 of this act* or any condition, standard or regulation adopted
29 by the Board to make any improvements necessary to correct the
30 violation.

31 5. Any money collected as administrative penalties pursuant to
32 paragraph (d) of subsection 1 or subsection 2 must be accounted for
33 separately and used to administer and carry out the provisions of
34 NRS 449.001 to 449.430, inclusive, *and section 2 of this act, NRS*
35 *449.435 to 449.531, inclusive, and chapter 449A of NRS* to protect
36 the health, safety, well-being and property of the patients and
37 residents of facilities in accordance with applicable state and federal
38 standards or for any other purpose authorized by the Legislature.

39 **Sec. 7.** NRS 449.240 is hereby amended to read as follows:

40 449.240 The district attorney of the county in which the facility
41 is located shall, upon application by the Division, institute and
42 conduct the prosecution of any action for violation of any provisions
43 of NRS 449.029 to 449.245, inclusive ~~§~~, *and section 2 of this act.*



1 **Sec. 8.** Chapter 629 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 **1. A provider of health care:**

4 **(a) Shall not use latex gloves or other latex implements at any**
5 **facility or other location where the provider of health care**
6 **provides health care services; and**

7 **(b) Shall ensure that each employee, contractor or volunteer at**
8 **a health care facility owned or operated by the provider of health**
9 **care does not use latex gloves or other latex implements in the**
10 **facility.**

11 **2. A provider of health care who violates any provision of this**
12 **section is guilty of unprofessional conduct and is subject to**
13 **disciplinary action by the board, agency or other entity in this**
14 **State by which he or she is licensed, certified or regulated.**

15 **3. As used in this section, "health care facility" means any**
16 **facility that provides health care services at which patients are**
17 **present at any time, including, without limitation:**

18 **(a) Any facility licensed pursuant to chapter 449 of NRS; and**

19 **(b) A clinic or office of a provider of health care.**

20 **Sec. 9.** NRS 654.190 is hereby amended to read as follows:

21 654.190 1. The Board may, after notice and an opportunity
22 for a hearing as required by law, impose an administrative fine of
23 not more than \$10,000 for each violation on, recover reasonable
24 investigative fees and costs incurred from, suspend, revoke, deny
25 the issuance or renewal of or place conditions on the license of, and
26 place on probation or impose any combination of the foregoing on
27 any licensee who:

28 (a) Is convicted of a felony relating to the practice of
29 administering a facility for skilled nursing or facility for
30 intermediate care or residential facility for groups or of any offense
31 involving moral turpitude.

32 (b) Has obtained his or her license by the use of fraud or deceit.

33 (c) Violates any of the provisions of this chapter.

34 (d) Aids or abets any person in the violation of any of the
35 provisions of NRS 449.029 to 449.2428, inclusive, **and section 2 of**
36 **this act** or **NRS** 449A.100 to 449A.124, inclusive, and 449A.270 to
37 449A.286, inclusive, as those provisions pertain to a facility for
38 skilled nursing, facility for intermediate care or residential facility
39 for groups.

40 (e) Violates any regulation of the Board prescribing additional
41 standards of conduct for licensees, including, without limitation, a
42 code of ethics.

43 (f) Engages in conduct that violates the trust of a patient or
44 resident or exploits the relationship between the licensee and the
45 patient or resident for the financial or other gain of the licensee.



1 2. If a licensee requests a hearing pursuant to subsection 1, the
2 Board shall give the licensee written notice of a hearing pursuant to
3 NRS 233B.121 and 241.0333. A licensee may waive, in writing, his
4 or her right to attend the hearing.

5 3. The Board may compel the attendance of witnesses or the
6 production of documents or objects by subpoena. The Board may
7 adopt regulations that set forth a procedure pursuant to which the
8 Chair of the Board may issue subpoenas on behalf of the Board.
9 Any person who is subpoenaed pursuant to this subsection may
10 request the Board to modify the terms of the subpoena or grant
11 additional time for compliance.

12 4. An order that imposes discipline and the findings of fact and
13 conclusions of law supporting that order are public records.

14 5. The expiration of a license by operation of law or by order
15 or decision of the Board or a court, or the voluntary surrender of a
16 license, does not deprive the Board of jurisdiction to proceed with
17 any investigation of, or action or disciplinary proceeding against, the
18 licensee or to render a decision suspending or revoking the license.

19 **Sec. 10.** The provisions of NRS 354.599 do not apply to any
20 additional expenses of a local government that are related to the
21 provisions of this act.



