



NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the Department of Health and Human Services
(LCB File No. R046-20)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing at 9:00 a.m. on December 10, 2020, via videoconference. The purpose of the hearing is to receive comments from all interested persons regarding to the amendment of regulations that pertain to Chapters 392, 394, 432A, and 441A of Nevada Administrative Code (NAC), LCB File Number R046-20. This public hearing is to be held in conjunction with the State Board of Health meeting on December 10, 2020.

The State Board of Health will be conducted via videoconference beginning at 9:00 AM on Thursday, December 10, 2020 at the following locations:

Via WebEx:

<https://nvhealth.webex.com/nvhealth/j.php?MTID=m1a5a5859bc3635a276dd8cbb8001ec7a>

Join by Phone

+1-415-655-0001 US Toll

Access Code: 146 522 3046

This meeting will be conducted without a physical location and the physical posting of notices, in accordance with Governor Sisolak's Declaration of Emergency Directive 006, as provided at the end of this notice.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The proposed changes to NAC Chapters 392, 394, 432A, and 441A include the following:
 - That a written statement indicating that the religious beliefs of the parents or guardian of a child prohibit immunization be submitted to the school district or charter school:
 - 1) annually according to the enrollment schedule of the school; and
 - 2) on a form provided by the Division of Public and Behavioral Health of the Department of Health and Human Services. Sections 7, 13 and 16 of this regulation impose similar requirements for children enrolled in private schools, children admitted to child care and/or accommodation facilities, and students admitted to attend a university, respectively.
 - That a written statement indicating that the medical condition of a child prohibits immunization be submitted to the respective school district or governing body of the respective charter school on a form provided by the Division. Sections 8, 14 and 16 of this regulation impose similar requirements for children enrolled in private schools, children admitted to childcare facilities and accommodation facilities and students admitted to attend a university, respectively.

- Authorizes a local health officer to audit medical exemptions granted by a public school in certain circumstances. Sections 9 and 15 of this regulation also authorize an audit of medical exemptions granted by a private school or child care and/or accommodation facilities, respectively, in certain circumstances.
- Prohibits a child from enrolling in grade 12 in a public or private school, respectively, after June 30, 2022, unless the child has received a dose of vaccine for *Neisseria meningitidis* after reaching 16 years of age. Section 17 of this regulation makes all other provisions of this regulation effective July 1, 2021.

2. Anticipated effects on the business which NAC Chapters 392, 394, 432A, and 441A regulate:

- A. *Adverse effects*: Potential for disadvantaged students to drop out of school in certain situations if a vaccine was not easily accessible. Another business mentioned they'd have to spend time with an auditor if there were concerns regarding medical exemptions within the facility.
- B. *Beneficial*: None specifically mentioned in small business impact questionnaires.
- C. *Immediate*: None specifically mentioned in small business impact questionnaires.
- D. *Long-term*: None specifically mentioned in small business impact questionnaires.

3. Anticipated effects on the public:

- A. *Adverse*: None.
- B. *Beneficial*: Children and students will be better protected from vaccine preventable disease in schools, childcares, and universities.
- C. *Immediate*: Children and students will be better protected from vaccine preventable disease in schools, childcares, and universities.
- D. *Long-term*: Decrease in vaccine preventable disease outbreaks due to children and students being better protected from vaccine preventable disease in schools, childcares, and universities.

4. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be an initial fee of \$0 with an annual renewal fee of \$0. These fees are not currently set in regulations and would not be used to cover the costs to enforce the proposed regulations.

5. The proposed regulations do not overlap or duplicate any other Nevada state regulations.

Persons wishing to comment upon the proposed action of the Board of Health may appear via teleconference at the scheduled public health or may address their comments, data, views or arguments in written form, to:

Secretary, State Board of Health
 Division of Public and Behavioral Health
 4150 Technology Way, Suite 300
 Carson City, NV 89706

Written submissions must be received by the Division of Public and Behavioral Health on or before November 19, 2020. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Health may proceed immediately to act upon any written submissions.

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations to be adopted will be on file at the following address for inspection and copying during normal business hours:

Nevada Division of Public and Behavioral Health
4150 Technology Way, Suite# 300
Carson City, NV 89706

A copy of the regulations and small business impact statement can be found on-line by going to:
http://dpbh.nv.gov/Programs/SIP/dta/Statutes/IZ_Regulations/.

A copy of the public hearing notice can also be found at Nevada Legislature's web page:
<https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas. Copies of this notice and the proposed regulations will be mailed to members of the public at no charge upon request.

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

In accordance with Nevada Governor Sisolak's Declaration of Emergency Directive 006 the meeting may be done without physical locations and notices in the libraries and other locations are not currently available.

- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 3: The requirements contained in NRS 241.020 (4) (a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 4: Public bodies must still comply with requirements in NRS 241.020 (4)(b) and NRS 241.020 (4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 5: The requirement contained in NRS 241.020 (3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.