



FactSheet

Senate Bill 122 10/30 Hr. OSHA Course - Cannabis Industry

Effective July 1, 2021 certain employees of a cannabis establishment will be required to receive certain safety training. (The following is a summary of the new statute. For the complete requirements visit the Nevada Electronic Legislative Information System (NELIS) and select SB122 or the Nevada Revised Statutes (NRS) 618 when revised)

What is the requirement?

Not later than 1 year after the date a worker other than a supervisory employee is hired, the worker must obtain a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division.

Not later than 1 year after the date a supervisory employee is hired, the supervisory employee must obtain a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division.

Any cost associated with an employee obtaining a completion card must be paid by the cannabis establishment by which the employee is employed.

Who is covered by this bill?

“Employee” means a person who performs work at a cannabis establishment. Cannabis establishment has the meaning ascribed to it in NRS 678A.095.

The term “employee” does not include a person:

- Whose primary occupation is to provide photography, media, marketing or legal services; or
- Who is a shareholder, officer, board member or advisory board member of a cannabis establishment and who does not have an active role in the day-to-day operation of the cannabis establishment.

“Supervisory employee” means any person having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee’s workday.

What training is required?

“OSHA-10 course” means a 10-hour course in general industry safety and health hazard recognition and prevention developed by the Occupational Safety and Health Administration (OSHA) of the United States Department of Labor.

“OSHA-30 course” means a 30-hour course in general industry safety and health hazard recognition and prevention developed by the Occupational Safety and Health Administration (OSHA) of the United States Department of Labor.

Is there other training that is approved?

No. Employees and supervisors must take a 10-hour or 30-hour course that is developed by the Occupational Safety and Health Administration (OSHA).

Is the training mandatory?

Yes. If the worker other than a supervisory employee fails to:

Present his or her employer with a current and valid completion card for an OSHA-10 course not later than 1 year after being hired, the employer shall suspend or terminate his or her employment.

If a supervisory employee fails to

Present his or her employer with a current and valid completion card for an OSHA-30 course not later than 1 year after being hired, the employer shall suspend or terminate his or her employment.

If NV OSHA finds that an employer failed to suspend or terminate an employee who has failed to obtain a completion card the employer will be subject to a fine:

Upon the first violation, an administrative fine of not more than \$500;

Upon the second violation, an administrative fine of \$1,000.

Upon the third and each subsequent violation NV OSHA will impose upon the employer the penalty provided in NRS 618.635 as if the employer had committed a willful violation.

Where can I obtain this training?

The Safety Consultation and Training Section (SCATS) periodically provides OSHA-10 and OSHA-30 courses. These courses are at no cost to employees. To check for class dates or to register for a class visit the SCATS website at – 4safenv.state.nv.us. Also available is a list of other providers of this training at nv1030.org/trainers/.

OSHA also provides 10-hour and 30-hour training courses on-line. For a list of providers visit <https://www.osha.gov/training/outreach/training-providers>.

Are other services available?

Nevada's Safety Consultation and Training Section's (SCATS) on-site safety and health consultation service can provide your company with a completely confidential safety and health consultation at no charge. Why risk an OSHA citation? The on-site consultation visit can be limited in scope to cover specific problems, or expanded to cover the entire site and required safety and health programs.

SCATS safety and health consultants are specifically trained to assist in correcting occupational safety and health hazards. They are also able to conduct any necessary chemical or noise surveys at no cost to you. A consultation visit could reduce the likelihood of fines from a possible OSHA compliance inspection, and can even help you lower your workers' compensation costs. Confidentiality will be strictly maintained during the consultation process. The consultant will only report hazard information to NMOSHA if the employer fails to correct an imminent danger or serious hazard.

Our service becomes even more helpful if your company does not have a full-time safety professional.

Since consultation is a voluntary activity, employers must request it. A telephone call or request through our website starts the process. The consultant will discuss specific needs with the employer and set up a visit based on the priority assigned to the request, the employer's work schedule, and the time needed for the consultant to prepare for the visit. OSHA encourages a complete review of a firm's safety and health situation; however, an employer may limit the visit to specific problems.

To request this valuable free service, or additional information call (702) 486-9140, or go online at <http://4safenv.state.nv.us>. We look forward to hearing from you soon.

Safety Consultation & Training Section -Your Partner for a Safer Nevada

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