

SECRETARY OF STATE
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Regulations

FOR EMERGENCY
REGULATIONS ONLY

Effective date.....

Expiration date.....

Agency...State Board of Health.

.....
Governor's Signature

Classification: ☐ PROPOSED ☐ ADOPTED BY AGENCY ☒ EMERGENCY

Brief description of action..... Emergency amendment of NAC 441A.755

The State Board of Health adopted the emergency regulation amendment to NAC 441A.755 at an emergency public hearing held on August 20, 2021. This amendment of NAC 441A.755 will mandate any individual enrolling in a Nevada university, community college, or state college, beginning November 1, 2021, to provide proof of a completed COVID-19 vaccination series to the educational institution.

Authority citation other than 233B NRS 441A.120

Notice date: August 13, 2021 Date of Adoption by Agency: August 20, 2021

Hearing date: August 20, 2021

Steve Sisolak
Governor

Richard Whitley, MS
Director



**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

STATEMENT OF EMERGENCY

Pursuant to NRS 233B.0613(1)

August 20, 2021

The Honorable Steve Sisolak
Governor of the State of Nevada
Executive Chambers
101 N. Carson Street, Suite 1
Carson City, Nevada 89701

RE: Emergency Regulations Concerning Nevada System of Higher Education (NSHE) student immunization requirements for COVID-19

Dear Governor Sisolak:

The Board of Health has determined that an immediate need exists for an emergency regulation amending the Nevada Administrative Code (NAC) 441A.755 to require individuals enrolling in any Nevada university, community college, or state college, beginning November 1, 2021, to provide proof of a completed COVID-19 vaccination series to the educational institution.

As the rate of COVID-19 cases, hospitalizations, and deaths continue to rise in Nevada despite the availability of safe and effective COVID-19 vaccines authorized for everyone ages 12 years and older who does not have a medical contraindication. Vaccination is the most effective countermeasure to prevent COVID-19.

This emergency regulation will protect students by mitigating the spread of COVID-19 on campus and preventing severe illness, hospitalizations, and deaths among students attending Nevada System of Higher Education (NSHE) institutions. As this emergency regulation is necessary immediately, your endorsement is requested.

Respectfully,

A handwritten signature in black ink, appearing to read "Lisa Sherych".

A handwritten signature in black ink, appearing to read "Ihsan Azzam".

Lisa Sherych, Administrator
Division of Public and Behavioral Health
Department of Health and Human Services

EMERGENCY REGULATION OF THE BOARD OF HEALTH

Italics, blue: New proposed language

~~{Red}~~: Removed language

AUTHORITY: NRS 441A.120; NRS 233B.0613

Section 1. NAC 441A.755 is hereby amended as follows:

NAC 441A.755 *University, Community college, and State college students: Proof of immunity to certain communicable diseases required; exceptions; exclusion from university, community college, state college. (NRS 441A.120)*

1. Except as otherwise provided in subsection ~~{10}~~ **11** or unless excused because of religious belief or medical condition, a person shall not attend a university until he submits to the university proof of immunity to tetanus, diphtheria, measles, mumps, rubella, and any other disease specified by the State Board of Health. The Division shall establish the immunization schedule required for admission of the student.

2. *Except as otherwise provided in subsection 11 or unless excused because of religious belief or medical condition, a person shall not enroll in courses at a university, community college, or state college on or after November 1, 2021, unless the person submits to the institution proof of a completed COVID-19 vaccination series.*

~~{2-}~~3. Except as otherwise provided in subsection ~~{10}~~ **11** or unless excused because of religious belief or medical condition, a person who:

(a) Is less than 23 years of age; and

(b) Is enrolled as a freshman;

↪ shall not attend a university until he or she submits to the university proof of immunity to Neisseria meningitidis. The Division shall establish the immunization schedule required for admission of the student.

~~{3}~~ 4. *Except as required by subsection 2, ~~{A}~~ a student may enroll in the university, community college, or state college conditionally if the student, or if the student is a minor, the parent or legal guardian of the student, submits a record of immunization stating that the student is in the process of obtaining the required immunizations, and that record shows that the student has made satisfactory progress toward obtaining those immunizations.*

~~{4-}~~5. The university, *community college, and state college* shall retain the proof of immunity on a computerized record or on a form provided by the Division.

~~{5-}~~6. The university, *community college, or state college* shall not refuse to enroll a student because he has not been immunized if the student, or if the student is a minor, the parent or legal guardian of the student, has submitted to the ~~{university}~~ *institution* a written statement indicating that his religious belief prohibits immunizations. The ~~{university}~~ *institution* shall keep the statement on file.

~~{6-}~~7. If the medical condition of a student does not permit him to be immunized to the extent required, the student, or if the student is a minor, the parent or legal guardian of the student, must submit to the ~~{university}~~ *institution* a statement of that fact written by a licensed physician. The ~~{university}~~ *institution* shall keep the statement on file.

~~{7-}~~8. If additional requirements of immunity are imposed by law after a student has been enrolled in the ~~{university}~~ *institution*, the student, or if the student is a minor, the parent or legal guardian of the

student, shall submit an additional proof of immunity to the ~~[university]~~ *institution* stating that the student has met the new requirements of immunity.

~~{8.}~~9. If the health authority determines that, at ~~[the]~~ *a community college, state college, or* university, there is a case having a communicable disease against which immunity is required for admission to the university, and a student who has not submitted proof of immunity to that disease is attending that university, the president of the *institution* ~~[university]~~ shall require that:

- (a) The student be immunized; or
- (b) The student be excluded from the *institution* ~~[university]~~ until allowed to return by the health authority.

~~{9.}~~10. A student shall not attend a university, *community college, or state college* from which he is excluded until allowed to return by the health authority. The parent or legal guardian of a student, if the student is a minor, shall not allow the student to attend a university, *community college, or state college* from which he is excluded until allowed to return by the health authority.

~~{10.}~~11. Any student who is enrolled in a program of distance education and who does not attend a class on campus is exempt from the requirements of this section.

~~{11.}~~12. As used in this section:

- (a) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.
- (b) "University" means any university within the Nevada System of Higher Education or any private postsecondary educational institution.
- (c) *"Community college" means all of the community colleges within the Nevada System of Higher Education.*
- (d) *"State college" means all of the state colleges within the Nevada System of Higher Education.*
- (e) *"Institution" means any university, community college, or state college as described above.*

**BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
EMERGENCY REGULATION**

Informational Statement per NRS 233B.066(2)

1. A clear and concise explanation of the need for the adopted regulation as required by NRS 233B.066(1)(a):

COVID-19 cases, hospitalizations, and deaths continue to rise in Nevada despite the availability of safe and effective COVID-19 vaccines authorized for everyone ages 12 years and older who does not have a medical contraindication. Vaccination is the most effective countermeasure to prevent COVID-19. The changes and addition of COVID-19 to NAC 441A.755 will protect students by mitigating the spread of COVID-19 on campus and preventing severe illness, hospitalizations, and deaths among students attending Nevada System of Higher Education (NSHE) institutions.

2. The estimated economic effect of the regulation on the business which it is to regulate and on the public as required by NRS 233B.066(1)(g).

Business:

Immediate and long term effect is to protect public health and safety. Universities already monitor and track student vaccination and exemption status for tetanus, diphtheria, measles, mumps, rubella, and meningitis. Community and state colleges may need to adjust student record-keeping policies to ensure files containing a student's immunization record/exemption is secure and confidential.

Public:

Immediate and long term effect is to protect public health and safety. College/university students are more socially active compared to other population groups and in-person classes represent an opportunity for easier disease transmission. This regulation is tailored to protect the health and safety of all students, faculty, staff, and visitors of any NSHE institution.

3. The estimated cost to the agency for enforcement of the proposed regulation as required by NRS 233B.066(1)(h).

Not applicable.

4. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency as required by NRS 233B.066(1)(i).

Not applicable.

LCB File No.

Information Statement per NRS 233B.066

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5. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions as required by NRS 233B.066(1)(j).

Not applicable.

5. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used as required by NRS 233B.066(1)(k).

Not applicable.