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## CHAPTER 477 - STATE FIRE MARSHAL

## ADMINISTRATION

- [NRS 477.010](#) State Fire Marshal Division: Establishment and composition.  
[NRS 477.013](#) Appointment of State Fire Marshal, assistant, deputies and other employees.  
[NRS 477.014](#) Appointment of special deputies; duties.  
[NRS 477.020](#) State Board of Fire Services: Creation; members; qualifications of members; terms of members; meetings; compensation of members; duties.  
[NRS 477.030](#) Duties; powers; applicability of regulations in certain counties. [Effective through December 31, 2010.]  
[NRS 477.030](#) Duties; powers; applicability of regulations in certain counties. [Effective January 1, 2011.]  
[NRS 477.031](#) Fees for services and regulatory activities: Adoption; deposit; use.  
[NRS 477.032](#) Regulations concerning registration of qualified interior designers who provide interior materials and furnishings regulated by building code; contents of regulations; eligibility.  
[NRS 477.033](#) License: Requirements; application; fee; hearing.  
[NRS 477.035](#) Inspection of state buildings; duties of State Public Works Board.  
[NRS 477.037](#) Library: Establishment; maintenance; materials; fees for use.  
[NRS 477.039](#) Training programs.  
[NRS 477.045](#) Hazardous materials: Training program for response to spills; permit for storage; surcharge for permit.  
[NRS 477.047](#) Hazardous materials: Establishment of mobile training team to train volunteer firefighters to respond to incidents.  
[NRS 477.050](#) Report to Governor; legislative recommendations.

## FIRE SERVICE STANDARDS AND TRAINING COMMITTEE

- [NRS 477.070](#) "Committee" defined.  
[NRS 477.075](#) Creation; composition; appointment, terms and compensation of members; officers; vacancies; administrative support.  
[NRS 477.080](#) Duties.  
[NRS 477.085](#) Powers.  
[NRS 477.090](#) Proposed training and certification programs: Submission; evaluation; contents; effect of approval.

## CHANGES TO EXISTING STRUCTURES TO ENHANCE SAFETY FROM FIRE

- [NRS 477.100](#) "Authority" defined.  
[NRS 477.110](#) Limitations on local ordinances requiring changes.  
[NRS 477.120](#) Exits, open stairways and vertical shafts.  
[NRS 477.130](#) Fire alarms.  
[NRS 477.140](#) Smoke detectors; openings used to supply air.  
[NRS 477.150](#) Fire sprinklers; elevators; posting of floor numbers and route for evacuation; heating, ventilating, air-conditioning and paging systems.  
[NRS 477.160](#) Buildings used for public assembly.  
[NRS 477.170](#) Facilities for landing helicopters on top of buildings.

## STANDARDS OF FIRE SAFETY FOR CIGARETTES

- [NRS 477.172](#) Definitions. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]  
[NRS 477.174](#) "Agent" defined. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]  
[NRS 477.176](#) "Cigarette" defined. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]  
[NRS 477.178](#) "Manufacturer" defined. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]  
[NRS 477.182](#) "Retail dealer" defined. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]  
[NRS 477.184](#) "Sale" defined. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]  
[NRS 477.186](#) "Sell" defined. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]  
[NRS 477.188](#) "Wholesale dealer" defined. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]  
[NRS 477.192](#) Sale of cigarettes prohibited unless cigarettes are tested and certified; alternative testing; reports; regulations of State Fire Marshal. [Effective June 3, 2010, and expires by limitation on the date upon which a

federal law establishing standards for fire-safe cigarettes becomes effective.]

- [NRS 477.194](#) Submission of written certification to State Fire Marshal concerning cigarettes intended for sale in this State; availability of certification; fees; retesting. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]
- [NRS 477.196](#) Notification of agents, wholesale dealers and retail dealers concerning certified cigarettes. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]
- [NRS 477.198](#) Marking packages of certified cigarettes; inspection of marked packages. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]
- [NRS 477.202](#) Prohibited sale of cigarettes; civil penalties; seizure of cigarettes; petition for injunctive relief; recovery of costs and damages. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]
- [NRS 477.204](#) Regulations. [Expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]
- [NRS 477.206](#) Inspection by Department of Taxation. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]
- [NRS 477.208](#) Examination of records. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]
- [NRS 477.210](#) Cigarette Fire Safety Standard and Firefighter Protection Fund. [Effective June 3, 2010.]
- [NRS 477.212](#) Submission of written report by State Fire Marshal. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]
- [NRS 477.214](#) Uniformity of laws; sales of cigarettes outside this State. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]

## PENALTIES

- [NRS 477.250](#) Violation of chapter; each day of violation constitutes separate offense.

## ADMINISTRATION

### **NRS 477.010 State Fire Marshal Division: Establishment and composition.**

1. The State Fire Marshal Division is hereby established in the Department of Public Safety.
  2. The Division consists of the Fire Protection and Control Section, the Fire Investigation Section, the Public Education Section, the Fire Service Training Section and the Fire Data Section.
- (Added to NRS by 1965, 960; A 1973, 1072; 1977, 1226; 1979, 124; 1981, 1588; 1993, 1636; [2001, 2628](#))

### **NRS 477.013 Appointment of State Fire Marshal, assistant, deputies and other employees.**

1. The Director of the Department of Public Safety shall consult the State Board of Fire Services and appoint the State Fire Marshal from the list of candidates presented by the Board. The Chief of the State Fire Marshal Division is the State Fire Marshal.
  2. The State Fire Marshal may appoint, within the limits of legislative appropriations, an assistant, deputies and such staff as is necessary to the performance of the duties of the State Fire Marshal.
  3. The assistant, deputies and additional personnel appointed by the State Fire Marshal are in the classified service of the State.
- (Added to NRS by 1967, 1051; A 1971, 844; 1973, 1072; 1977, 1464; 1979, 124; 1985, 429; 1993, 1636; [2001, 2628](#))

**NRS 477.014 Appointment of special deputies; duties.** A fire chief, fire marshal, police officer or a person charged with the enforcement of building codes by a local government may be appointed by the State Fire Marshal to serve as a Special Deputy State Fire Marshal, without additional compensation. The Special Deputy State Fire Marshal shall carry out the provisions of this chapter as directed by the State Fire Marshal.

(Added to NRS by 1979, 124; A 1985, 329)

### **NRS 477.020 State Board of Fire Services: Creation; members; qualifications of members; terms of members; meetings; compensation of members; duties.**

1. The State Board of Fire Services, consisting of eight members appointed by the Governor, is hereby created.
  2. The Governor shall appoint:
    - (a) A licensed architect;
    - (b) A chief of a volunteer fire department;
    - (c) A chief of a full-time, paid fire department;
    - (d) A professional engineer;
    - (e) The State Forester Firewarden;
    - (f) A training officer of a volunteer fire department;
    - (g) A training officer of a partially or fully paid fire department; and
    - (h) A specialist in hazardous materials,
  3. The Board shall select a Chair from among its members to serve for 1 year. The State Fire Marshal shall serve as the Secretary of the Board.
- to the Board. No member other than the State Forester Firewarden may serve for more than two consecutive terms.

4. The Board may meet regularly at least twice each year or on the call of the Chair, the Secretary or any three members.

5. The members of the Board, except the State Forester Firewarden, are entitled to receive a salary of \$60 for each day's attendance at a meeting of the Board.

6. The Board shall make recommendations to the State Fire Marshal and to the Legislature concerning necessary legislation in the field of fire fighting and fire protection. When requested to do so by the Director of the Department of Public Safety, the Board shall recommend to the Director not fewer than three persons for appointment as State Fire Marshal.

7. The Board shall advise the State Fire Marshal on matters relating to the training of firefighters.

(Added to NRS by 1965, 960; A 1967, 153; 1977, 1226; 1979, 124; 1981, 1588, 1985; 1983, 1445; 1985, 429; 1989, 490; 1993, 1636; [2001, 2628](#); [2005, 338](#))

**NRS 477.030 Duties; powers; applicability of regulations in certain counties. [Effective through December 31, 2010.]**

1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

↳ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to [NRS 618.890](#).

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

↳ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal's authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in [NRS 393.110](#), or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of [NRS 472.040](#) and the mitigation of the risk of a fire hazard from vegetation in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes and group foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to [NRS 228.412](#) in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to [NRS 629.045](#).

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and [NRS 393.110](#), assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

↪ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

- (a) Commercial trucking;
- (b) Environmental crimes;
- (c) Explosives and pyrotechnics;
- (d) Drugs or other controlled substances; or
- (e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 400,000 or more which has adopted a code at least as stringent as the *International Fire Code* and the *International Building Code*, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the *International Fire Code* and the *International Building Code* within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in [NRS 385.007](#).

(Added to NRS by 1965, 961; A 1967, 152; 1973, 301, 1166, 1406; 1975, 10, 567, 1575; 1977, 1465; 1979, 125, 1331; 1983, 1389; 1985, 329, 1762; 1987, 2281; 1989, 1928; 1991, 1897; 1993, 334, 581, 2725, 2739; [1999, 1075, 1858](#); [2001, 125, 1101, 1992](#); [2005, 1253](#); [2007, 1093, 3102](#); [2009, 2747](#))

#### **NRS 477.030 Duties; powers; applicability of regulations in certain counties. [Effective January 1, 2011.]**

1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

- (a) The prevention of fire.
- (b) The storage and use of:
  - (1) Combustibles, flammables and fireworks; and
  - (2) Explosives in any commercial construction, but not in mining or the control of avalanches,

↪ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to [NRS 618.890](#).

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

↪ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal's authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in [NRS 393.110](#), or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of [NRS 472.040](#) and the mitigation of the risk of a fire hazard from vegetation in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes, specialized foster homes and group foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and

distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to [NRS 228.412](#) in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to [NRS 629.045](#).

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and [NRS 393.110](#), assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

↳ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 400,000 or more which has adopted a code at least as stringent as the *International Fire Code* and the *International Building Code*, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the *International Fire Code* and the *International Building Code* within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in [NRS 385.007](#).

(Added to NRS by 1965, 961; A 1967, 152; 1973, 301, 1166, 1406; 1975, 10, 567, 1575; 1977, 1465; 1979, 125, 1331; 1983, 1389; 1985, 329, 1762; 1987, 2281; 1989, 1928; 1991, 1897; 1993, 334, 581, 2725, 2739; [1999, 1075, 1858](#); [2001, 125, 1101, 1992](#); [2005, 1253](#); [2007, 1093, 3102](#); [2009, 1491, 2747](#), effective January 1, 2011)

**NRS 477.031 Fees for services and regulatory activities: Adoption; deposit; use.** The State Fire Marshal shall by regulation adopt a schedule of fees for the services and regulatory activities performed by the State Fire Marshal Division pursuant to the provisions of this chapter. The fees must:

1. Approximate the cost of those services and activities.

2. Be deposited with the State Treasurer for credit to the appropriate account of the State Fire Marshal Division.

3. Be used to carry out the provisions of this chapter.

(Added to NRS by 1985, 1239; A 1989, 316)

**NRS 477.032 Regulations concerning registration of qualified interior designers who provide interior materials and furnishings regulated by building code; contents of regulations; eligibility.**

1. The State Fire Marshal shall, by regulation, provide for the registration of qualified interior designers who provide interior materials and furnishings regulated by a building code.

2. The regulations must set forth:

(a) The qualifications necessary for the issuance of a certificate of registration pursuant to this section, including, without limitation, the submission of evidence of the successful completion of a course of study approved by the State Fire Marshal regarding applicable building codes and other related information.

(b) The criteria for approving instructors and courses of study regarding applicable building codes and other related

information.

(c) Any continuing education necessary for the renewal of a certificate of registration issued pursuant to this section.

3. A person licensed or registered by the State Board of Architecture, Interior Design and Residential Design pursuant to [chapter 623](#) of NRS is not eligible for the issuance of a certificate of registration pursuant to this section.

(Added to NRS by [1999, 2549](#))

**NRS 477.033 License: Requirements; application; fee; hearing.**

1. A license, issued by the State Fire Marshal, is required for:

(a) Maintenance, installation or sale of fire extinguishers, fire alarm systems or fire sprinkler systems.

(b) Use of explosives in any commercial construction, but not in mining or the control of avalanches.

(c) Commercial fireworks displays.

2. Applications for licenses must be made on a form prescribed by the State Fire Marshal.

3. The State Fire Marshal may conduct inspections, examinations or hearings before the issuance of licenses.

4. The State Fire Marshal may charge a reasonable fee, to be fixed by regulation, for the inspection and issuance of licenses.

5. If any person is denied a license by the State Fire Marshal, the person is entitled to a hearing, upon request, before a hearing officer.

(Added to NRS by 1967, 152; A 1973, 333; 1977, 75; 1979, 126; 1985, 330)

**NRS 477.035 Inspection of state buildings; duties of State Public Works Board.**

1. The State Fire Marshal shall:

(a) Inspect or cause to be inspected annually, all state buildings and order such fire-extinguishing and safety appliances as the State Fire Marshal deems necessary for the protection of the property against fire.

(b) Order the removal of combustibles and rubbish from the property, or order such changes in the entrances or exits of the buildings as will promote the safety of the occupants, or order the provision of such fire escapes as the State Fire Marshal may deem necessary.

(c) Provide inspection forms and maintain records of inspections of state-owned or state-occupied buildings.

2. If the agency in charge of any state property fails to comply with the order of the State Fire Marshal for any structural change within 30 days after the receipt of such order, the State Fire Marshal shall report such failure to the State Public Works Board. The State Public Works Board shall thereupon take necessary steps to correct the situation as ordered.

3. The State Fire Marshal may contract with local authorities for the inspection of state-owned or state-occupied buildings.

(Added to NRS by 1967, 1097; A 1973, 910; 1979, 127)

**NRS 477.037 Library: Establishment; maintenance; materials; fees for use.** The State Fire Marshal:

1. Shall establish and maintain a library of publications, films, fire report data and other materials for the benefit of the fire service of the State and the general public.

2. Shall incorporate into the materials in the library, where feasible and appropriate, a discussion of the issues relating to controlled fires.

3. May charge a reasonable fee for the use of the materials in the library.

(Added to NRS by 1967, 153; A 1979, 127; 1993, 1204)

**NRS 477.039 Training programs.**

1. The State Fire Marshal shall:

(a) Furnish and administer programs for the training of firefighters;

(b) Describe the programs that are available for training of firefighters and notify fire departments of the availability of these programs;

(c) Administer a program to certify firefighters, whenever requested to do so, for successful completion of a training program;

(d) Develop a program to train instructors;

(e) Assist other agencies and organizations to prepare and administer training programs;

(f) Carry out the provisions of paragraphs (a) to (e), inclusive, in accordance with recommendations submitted to the State Fire Marshal by the Fire Service Standards and Training Committee and the regulations adopted by the Committee; and

(g) Establish a regional hazardous materials training facility and furnish training programs concerning hazardous materials for emergency personnel, agencies and other persons.

2. The State Fire Marshal may enter into agreements for the procurement of necessary services or property, may accept gifts, grants, services or property for the training programs and may charge fees for training programs, materials or services provided.

(Added to NRS by 1981, 1589; A 1989, 1522; 1995, 822; [2005, 338](#))

**NRS 477.045 Hazardous materials: Training program for response to spills; permit for storage; surcharge for permit.**

1. The State Fire Marshal shall establish a statewide training program for response to spills of hazardous materials and related fires. The State Fire Marshal shall require persons who store hazardous materials to obtain a permit to do so. The State Fire Marshal shall collect a surcharge of \$60 for each such permit issued in the State. The surcharge is in addition to any other fee charged for the issuance of such a permit.

2. The revenue derived by the State Fire Marshal pursuant to this section must be deposited with the State Treasurer for credit to the Contingency Account for Hazardous Materials.

(Added to NRS by 1989, 746; A 1991, 1776)

**NRS 477.047 Hazardous materials: Establishment of mobile training team to train volunteer firefighters to respond to incidents.**

1. The State Fire Marshal shall establish a mobile training team to train volunteer firefighters to respond to incidents involving hazardous materials.
2. The State Fire Marshal shall have the goal of providing to all volunteer firefighters training in compliance with the requirements for the first responder operations level set forth in 29 C.F.R. § 1910.120.
3. As used in this section, "hazardous material" has the meaning ascribed to it in [NRS 459.7024](#).  
(Added to NRS by 1993, 905; A 1993, 906; [2005, 339](#))

**NRS 477.050 Report to Governor; legislative recommendations.** The State Fire Marshal shall before September 1 of each even-numbered year, for the biennium ending June 30 of such year, transmit to the Governor a full report of the proceedings of the State Fire Marshal and such statistics as the State Fire Marshal may wish to include therein. The State Fire Marshal shall also recommend any amendments to the law which, in his or her judgment, are desirable.  
(Added to NRS by 1965, 961; A 1969, 1458)

**FIRE SERVICE STANDARDS AND TRAINING COMMITTEE**

**NRS 477.070 "Committee" defined.** As used in [NRS 477.070](#) to [477.090](#), inclusive, unless the context otherwise requires, "Committee" means the Fire Service Standards and Training Committee.  
(Added to NRS by 1995, 820)

**NRS 477.075 Creation; composition; appointment, terms and compensation of members; officers; vacancies; administrative support.**

1. The Fire Service Standards and Training Committee, consisting of seven voting members and one nonvoting member, is hereby created.
2. The Committee consists of the Chair of the State Board of Fire Services, who is an ex officio member of the Committee, one member appointed by the State Fire Marshal, and six members appointed by the Governor as follows:
  - (a) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a full-time, paid fire department who have experience in fire service training;
  - (b) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a volunteer fire department who have experience in fire service training; and
  - (c) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a combination paid and volunteer fire department who have experience in fire service training.
3. The six members appointed by the Governor must be from the following counties:
  - (a) One member from Clark County;
  - (b) One member from Washoe County; and
  - (c) Four members from other counties, except that a majority of the voting members on the Committee must not be from one county.
4. The Governor shall make the appointments from recommendations submitted by:
  - (a) The Nevada Fire Chiefs Association, Inc.;
  - (b) The Nevada State Firemen's Association;
  - (c) The Professional Fire Fighters of Nevada;
  - (d) The Southern Nevada Fire Marshal's Association;
  - (e) The Southern Nevada Fire Chiefs' Association;
  - (f) The Northern Nevada Fire Marshal's Association; and
  - (g) Representatives of fire departments of Washoe County.
5. For the initial terms of the members of the Committee, each entity listed in subsection 4 shall submit three recommendations to the Governor. After the initial terms, each entity shall submit two recommendations to the Governor.
6. The member appointed by the State Fire Marshal shall serve as Secretary to the Committee and is a nonvoting member of the Committee.
7. The members of the Committee shall select a Chair from among their membership.
8. After the initial terms, the term of each appointed member of the Committee is 2 years.
9. A vacancy in the Committee must be filled for the remainder of the unexpired term in the same manner as the original appointment.
10. Each member of the Committee is entitled to receive from the State Fire Marshal Division of the Department of Public Safety the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Committee or is otherwise engaged in the work of the Committee.
11. The State Fire Marshal Division shall provide the Committee with administrative support.  
(Added to NRS by 1995, 820; A [2001, 2629](#))

**NRS 477.080 Duties.** The Committee shall:

1. Meet at the call of the Chair at least four times each year.
2. Encourage the training and education of fire service personnel to improve the system of public safety in the State.
3. Adopt regulations establishing minimum standards for the approval of training and certification programs submitted by a fire department or other fire service training agency or organization of the State pursuant to [NRS 477.090](#). The regulations must provide minimum standards for the training and certification, including the renewal and revocation of certification, of fire service personnel who serve in positions for which the Committee determines minimum standards of training and certification are necessary.
4. Provide information and make recommendations to the State Fire Marshal and the State Board of Fire Services

concerning the training of fire service personnel.

5. Approve the budget for the operation of the Committee.  
(Added to NRS by 1995, 821)

**NRS 477.085 Powers.** The Committee may:

1. Adopt regulations which:
  - (a) It determines are necessary for the operation of the Committee.
  - (b) Require that training programs which are approved by the Committee and require special facilities be conducted at facilities approved by the Committee.
2. Recommend to the Legislature any appropriate legislation concerning the training of fire service personnel.  
(Added to NRS by 1995, 822)

**NRS 477.090 Proposed training and certification programs: Submission; evaluation; contents; effect of approval.**

1. A fire department or other fire service training agency or organization of the State may submit to the Chair of the Committee a proposed training and certification program for any of the fire service personnel who serve in positions for which the Committee has adopted regulations pursuant to [NRS 477.080](#). The proposed program must be submitted not less than 30 days before the next scheduled meeting of the Committee.
2. At that meeting, the Committee shall evaluate the proposed program and determine whether it meets the standards for training and certification prescribed in the regulations adopted by the Committee pursuant to [NRS 477.080](#).
3. A proposed training and certification program submitted pursuant to this section must include:
  - (a) A description of the fire service personnel positions which will be covered by the program;
  - (b) A description of the training which the program will provide;
  - (c) A procedure for the renewal of certification; and
  - (d) A procedure for the revocation of certification.
4. If a training and certification program is approved by the Committee, the program constitutes the standard for state certification of fire service personnel.  
(Added to NRS by 1995, 821)

#### **CHANGES TO EXISTING STRUCTURES TO ENHANCE SAFETY FROM FIRE**

**NRS 477.100 “Authority” defined.** As used in [NRS 477.100](#) to [477.170](#), inclusive, unless the context otherwise requires, “authority” means:

1. The State Fire Marshal in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality;
2. Unless the county has enacted an ordinance designating the persons who constitute the authority, the chief building official and chief officer of the fire service of the jurisdiction in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and if they are unable to agree on any question, “authority” includes the county manager or city manager, who shall cast the deciding vote on that question; or
3. If the board of county commissioners of a county whose population is 100,000 or more or which has been converted into a consolidated municipality, or the governing body of a city in that county, has specified a person or persons to act as the authority, that person or those persons.  
(Added to NRS by 1981, 1568; A 1987, 2282; 1989, 1930; [1999, 1077](#); [2001, 1994](#))

**NRS 477.110 Limitations on local ordinances requiring changes.** After May 15, 1981, the governing body of a local government may not adopt an ordinance requiring changes to existing structures to enhance the safety of occupants from fire if the ordinance is:

1. Less stringent than this chapter; or
2. More stringent than this chapter unless the governing body has sought and obtained approval of the ordinance from the State Board of Examiners.  
(Added to NRS by 1981, 1569)

**NRS 477.120 Exits, open stairways and vertical shafts.**

1. Except as otherwise provided in subsection 2, the owner or operator of any building, except a single-family detached dwelling, shall:
  - (a) Equip every exit corridor and other means of exit with emergency lighting of a type approved by the authority which permits the safe evacuation of the building.
  - (b) Except as otherwise provided by the authority, equip every door to an exit corridor which serves 30 or more occupants with a device, approved by the authority, which closes the door.
  - (c) Except as otherwise provided by the authority, immediately provide adequate facilities for exit.
  - (d) If the building has three stories or more, enclose every open stairway or vertical shaft with:
    - (1) Construction whose resistance to fire has been approved by the authority; or
    - (2) Alternate means approved by the authority which afford equivalent protection to life and property from fire.
2. A medical facility or facility for the dependent is exempt from the provisions of paragraph (b) of subsection 1 with regard to the door to a patient’s room if smoking in the patient’s room is prohibited or permitted only when:
  - (a) An employee of the facility is present; or
  - (b) Smoking material is wholly contained within a device designed for such use and approved by the State Fire Marshal.
3. Upon a showing of practical difficulty or unnecessary hardship, the authority may grant an exemption from the provisions of paragraph (c) of subsection 1 if it is clearly evident that the safe evacuation of the building will not be hindered thereby.
4. When an exemption is granted pursuant to subsection 3, the authority shall record the details of and reasons for the

exemption.

(Added to NRS by 1981, 1569; A 1983, 809; 1985, 918, 1763)

**NRS 477.130 Fire alarms.** The owner or operator of every hotel or motel of three stories or more which contains 20 or more guest rooms, apartment building or condominium of three stories or more with 15 or more dwelling units, or any office building of three stories or more shall equip the building with fire alarms in compliance with paragraph 2 of section 1202B of the 1979 edition of the Uniform Building Code.

(Added to NRS by 1981, 1569)

**NRS 477.140 Smoke detectors; openings used to supply air.**

1. The owner or operator of every hotel or motel which contains at least six guest rooms, or apartment building with at least three dwelling units, shall equip each room primarily used for sleeping in a hotel or motel and each dwelling unit in an apartment building with a smoke detector, the placement of which is approved by the authority.

2. The owner or operator of every hotel or motel which contains at least six guest rooms, or apartment building or condominium with at least three dwelling units shall seal any opening used to supply air from a corridor to a guest room or to a dwelling unit unless:

(a) The corridor contains smoke detectors as required by regulation of the State Fire Marshal;

(b) Activation of any two detectors causes the supply of air to cease and seals the opening between the room and the corridor; and

(c) The owner or operator obtains the approval of the authority to supply air in this manner.

(Added to NRS by 1981, 1569)

**NRS 477.150 Fire sprinklers; elevators; posting of floor numbers and route for evacuation; heating, ventilating, air-conditioning and paging systems.** The owner or operator of every hotel, motel, office, apartment building or condominium where human occupancy is permitted on floors which are more than 55 feet above the lowest level of ground accessible to vehicles of a fire department, shall:

1. Equip each exit corridor of the building with fire sprinklers as required by regulations of the State Fire Marshal;

2. Except in a condominium, equip each room with at least one fire sprinkler above each door opening into an exit corridor of the building;

3. Equip every elevator so as to permit it to be recalled automatically, in compliance with section A 17.1 of the 1978 edition of the American National Standards Institute and section 211.3 of the 1981 amendments to that edition, to the first floor or, if necessary, to any other floor of the building not affected by fire;

4. Post the number of each floor in every stairwell and in every lobby adjacent to an elevator;

5. Equip the heating, ventilating and air-conditioning system with an automatic device to shut it off as prescribed in section 1009 of the 1979 edition of the *Uniform Mechanical Code*, and with an additional smoke detector as required by the 1978 edition of National Fire Protection Association Standard 90A; and

6. In each room primarily used for sleeping, except in a condominium:

(a) Post in a prominent location an explanation of the route to use for evacuation of the building; and

(b) Install a paging alarm system which conforms to the regulations of the State Fire Marshal, to permit vocal warning and instructions to the occupants.

7. In a condominium, install in the common areas a paging alarm system meeting the requirements of paragraph (b) of subsection 6, with a sound level of 80 decibels.

(Added to NRS by 1981, 1569)

**NRS 477.160 Buildings used for public assembly.**

1. The owner or operator of every building or portion of a building used for public assembly:

(a) Which has a room or rooms which have a total floor area of more than 5,000 square feet and which are used for public assembly, within a building with a total floor area of 12,000 square feet or more, shall install automatic sprinklers for protection from fire as required by regulation of the State Fire Marshal, except in those areas where the authority waives this requirement. The authority may waive this requirement for any space which is separated from this area by construction whose resistance to fire has been approved by the authority.

(b) Which is certified for occupancy by more than 300 persons shall:

(1) Use interior finishes in the areas used for public assembly which comply with chapter 42 of the 1979 edition of the Uniform Building Code as it relates to retarding the spread of fire;

(2) Install automatic sprinklers in the areas used for public assembly for protection from fire as required by regulations adopted by the State Fire Marshal; or

(3) Apply a flame-retarding solution which has been approved by the authority and will produce an interior finish equal to that required by subparagraph (1).

2. For the purposes of this section, a building or a portion of a building is used for public assembly if 50 or more persons assemble there for any purpose other than in the normal course of their employment.

3. The provisions of this section do not apply to:

(a) Churches and buildings associated with them;

(b) Meeting halls of fraternal organizations;

(c) Gymnasiums which belong to schools or other nonprofit organizations; and

(d) Any other area which:

(1) Is at ground level;

(2) Has no public area more than 100 feet from an outside exit;

(3) Limits occupancy to 50 persons per 1,000 square feet or, in the case of an auditorium, has permanent seating capacity for less than 1,000 persons;

(4) Is not more than two stories in height; and

- (5) Contains no areas regularly used for sleeping or living,  
 ➤ if the area complies with the requirements set by the authority for interior finishes in all areas and for smoke-detectors and domestic fire sprinklers in hazardous areas.  
 (Added to NRS by 1981, 1570; A 1983, 1225; 1985, 900)

**NRS 477.170 Facilities for landing helicopters on top of buildings.** The owner or operator of a building shall not construct a facility for or permit helicopters to land on top of the building unless the authority approves this landing. The authority shall base its decision upon the physical construction of the remainder of the building and the relative risks to human safety from permitting or denying the landing of helicopters.  
 (Added to NRS by 1981, 1570)

#### STANDARDS OF FIRE SAFETY FOR CIGARETTES

**NRS 477.172 Definitions.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.] As used in [NRS 477.172](#) to [477.214](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 477.174](#) to [477.188](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2009, 2433](#), effective June 3, 2010)

**NRS 477.174 “Agent” defined.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.] “Agent” means a person authorized by the Department of Taxation to purchase and affix Nevada cigarette revenue stamps to packages of cigarettes.

(Added to NRS by [2009, 2433](#), effective June 3, 2010)

**NRS 477.176 “Cigarette” defined.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.] “Cigarette” means any roll of tobacco:

1. Wrapped in paper or any other substance not containing tobacco; or
2. Wrapped in any substance containing tobacco which, because of its appearance, its packaging and labeling or the type of tobacco used in the filler, is likely to be offered to or purchased by a person as a cigarette described in subsection 1.

(Added to NRS by [2009, 2433](#), effective June 3, 2010)

**NRS 477.178 “Manufacturer” defined.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.] “Manufacturer” means:

1. A person who manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced in any location and who intends the cigarettes to be sold in this State, including, without limitation, cigarettes intended to be sold in the United States through an importer; or
2. The successor in interest of any person described in subsection 1.

(Added to NRS by [2009, 2433](#), effective June 3, 2010)

**NRS 477.182 “Retail dealer” defined.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.] “Retail dealer” means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or other tobacco products.

(Added to NRS by [2009, 2433](#), effective June 3, 2010)

**NRS 477.184 “Sale” defined.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.] “Sale” means any transfer of title or possession, conditional or otherwise, in any manner or by any means or agreement. The term includes, without limitation, cash and credit sales, the giving of cigarettes as samples, prizes or gifts and the exchanging of cigarettes for consideration other than money.

(Added to NRS by [2009, 2433](#), effective June 3, 2010)

**NRS 477.186 “Sell” defined.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.] “Sell” means to make a sale or to offer or agree to make a sale.

(Added to NRS by [2009, 2433](#), effective June 3, 2010)

**NRS 477.188 “Wholesale dealer” defined.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.] “Wholesale dealer” means:

1. Any person other than a manufacturer who sells cigarettes or other tobacco products to retail dealers or other persons for purposes of resale; and
2. Any person who owns, operates or maintains one or more vending machines which dispense cigarettes or other tobacco products and which are located on premises owned or occupied by another person.

(Added to NRS by [2009, 2433](#), effective June 3, 2010)

**NRS 477.192 Sale of cigarettes prohibited unless cigarettes are tested and certified; alternative testing; reports; regulations of State Fire Marshal.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]

1. Except as otherwise provided in this section, a person shall not sell or offer to sell any cigarettes in this State unless:
  - (a) The cigarettes have been tested in accordance with this section and meet the performance standard required by this section;
  - (b) The manufacturer has submitted to the State Fire Marshal, pursuant to [NRS 477.194](#), a written certification in which

the cigarettes are listed; and

(c) The packages that contain the cigarettes have been marked pursuant to [NRS 477.198](#).

2. Except as otherwise provided in this section, all cigarettes that are sold or offered for sale in this State must comply with the following method of testing and performance standard:

(a) The cigarettes must be tested in accordance with the ASTM International Standard ASTM E2187-04, "Standard Test Method for Measuring the Ignition Strength of Cigarettes."

(b) The testing must be conducted on 10 layers of filter paper.

(c) The testing must be conducted by a laboratory which has been accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization or which meets any other comparable accreditation standard required by the State Fire Marshal.

(d) The laboratory conducting the testing must have a program for quality control that includes a procedure for determining the repeatability of the test results. The repeatability value must not exceed 0.19.

(e) Not more than 25 percent of the cigarettes tested in a test trial may exhibit full-length burns in the test trial. Compliance with the performance standard required by this paragraph must be determined based on a complete test trial consisting of 40 replicate tests for each cigarette tested.

3. This section does not require additional testing if the cigarettes have been tested for any other purpose in a manner that is consistent with this section.

4. Any testing performed or caused to be performed by the State Fire Marshal to determine the compliance of a cigarette with the performance standard required by this section must be conducted in accordance with this section.

5. Any cigarette listed in a certification submitted to the State Fire Marshal pursuant to [NRS 477.194](#) which uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard required by this section must have not less than two nominally identical bands on the paper surrounding the tobacco column, at least one of which must be located not less than 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there must be at least two bands, one of which is located not less than 15 millimeters from the lighting end of the cigarette and one of which is located not less than 10 millimeters from:

(a) The filter end of the tobacco column if the cigarette is filtered; or

(b) The labeled end of the tobacco column if the cigarette is nonfiltered.

6. If the State Fire Marshal:

(a) Determines that a cigarette cannot be tested in accordance with the requirements of subsection 2, the manufacturer of the cigarette shall propose an alternative method of testing and performance standard to the State Fire Marshal for approval and, if the State Fire Marshal approves the alternative method of testing and determines that the alternative performance standard proposed by the manufacturer is substantially equivalent to the performance standard set forth in paragraph (e) of subsection 2, the alternative method of testing and performance standard may be used to certify the cigarette pursuant to [NRS 477.194](#); or

(b) Determines that:

(1) Another state has enacted requirements which are substantially similar to those set forth in this section for the fire safety of cigarettes and which include a method of testing and a performance standard that are substantially similar to those set forth in subsection 2; and

(2) The officials responsible for carrying out those requirements in the other state have approved the alternative method of testing and performance standard for a particular cigarette that the manufacturer has proposed as meeting the fire safety standards of the law of that state under a provision similar to this subsection,

the State Fire Marshal shall authorize the manufacturer to use the alternative method of testing and performance standard to certify that cigarette for sale in this State, unless the State Fire Marshal has a reasonable basis for denying the authorization.

7. Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes sold or offered for sale in this State for a period of 3 years after the completion of the testing and shall make copies of the reports available to the State Fire Marshal and the Attorney General upon written request. Any manufacturer that fails to make such copies available to the State Fire Marshal or Attorney General within 60 days after receiving a written request therefor is subject to a civil penalty not to exceed \$10,000 for each day after the 60th day that the manufacturer fails to make the copies available.

8. The State Fire Marshal may, by regulation, adopt by reference a subsequent ASTM International Standard Test Method for Measuring the Ignition Strength of Cigarettes if the State Fire Marshal determines that the subsequent method of testing does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with the ASTM International Standard ASTM E2187-04 and the performance standard set forth in paragraph (e) of subsection 2. If the State Fire Marshal adopts the subsequent method of testing, it may be used as an alternative method for the certification of cigarettes.

9. This section does not prohibit:

(a) A wholesale dealer or retail dealer from selling his or her existing inventory of cigarettes on or after June 3, 2010, if the wholesale dealer or retail dealer can establish that Nevada cigarette revenue stamps were affixed to the packages of cigarettes before June 3, 2010, and the cigarettes were purchased by the wholesale dealer or retail dealer before June 3, 2010, in a quantity comparable to the inventory purchased by the wholesale dealer or retail dealer during the same period of the immediately preceding year.

(b) The sale of cigarettes solely for the purpose of consumer testing. As used in this paragraph, "consumer testing" means an assessment of cigarettes that is conducted by a manufacturer, or under the control and direction of a manufacturer, to evaluate consumer acceptance of the cigarettes, using only the number of cigarettes that is reasonably necessary for that assessment.

10. As used in this section, unless the context otherwise requires:

(a) "Program for quality control" means a program pursuant to which laboratory procedures are established to ensure that:

(1) The test results are not affected by operator bias, systematic and nonsystematic methodological errors or equipment-related problems; and

(2) The repeatability of the test results remains within the required repeatability value set forth in paragraph (d) of

subsection 2 for all test trials used to certify cigarettes.

(b) "Repeatability value" means the range of values within which the repeat results of cigarette test trials conducted by a single laboratory will fall 95 percent of the time.

(Added to NRS by [2009, 2434](#), effective June 3, 2010)

**NRS 477.194 Submission of written certification to State Fire Marshal concerning cigarettes intended for sale in this State; availability of certification; fees; retesting.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]

1. Each manufacturer shall submit to the State Fire Marshal a written certification of the cigarettes that the manufacturer intends to sell in this State attesting that each cigarette listed in the certification has been tested in accordance with and meets the applicable performance standard set forth in [NRS 477.192](#).

2. The description of each cigarette listed in the certification must include, without limitation:

- (a) The brand or trade name on the package;
- (b) The style, such as light or ultra light;
- (c) The length in millimeters;
- (d) The circumference in millimeters;
- (e) The flavor, such as menthol or chocolate, if applicable;
- (f) Whether the cigarette is filtered or nonfiltered;
- (g) The package description, such as soft pack or box;
- (h) The marking pursuant to [NRS 477.198](#);
- (i) The name, address and telephone number of the laboratory that conducted the testing of the cigarette; and
- (j) The date that the testing occurred.

3. The State Fire Marshal shall make the certifications that are submitted pursuant to this section available to the Attorney General for purposes consistent with [NRS 477.172](#) to [477.214](#), inclusive, and to the Executive Director of the Department of Taxation for the purpose of ensuring compliance with this section and [NRS 477.196](#).

4. Each cigarette certified under this section must be recertified every 3 years.

5. A manufacturer shall pay to the State Fire Marshal a fee of \$1,000 for each brand family of cigarettes listed in the certification. The fee paid applies to all cigarettes within the brand family certified and must include any new cigarettes certified within the brand family during the 3-year certification period. All fees collected pursuant to this section must be deposited in the Cigarette Fire Safety Standard and Firefighter Protection Fund created by [NRS 477.210](#). As used in this subsection, "brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, without limitation, "menthol," "lights," "kings" and "100s," and includes any brand name, whether or not occurring alone or in conjunction with any other word, any trademark, logo, symbol, motto, selling message or recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes.

6. If a manufacturer has certified a cigarette pursuant to this section and subsequently makes any change to the cigarette that is likely to alter its compliance with the performance standard required by [NRS 477.192](#), the cigarette must not be sold or offered for sale in this State unless the manufacturer retests the cigarette pursuant to [NRS 477.192](#) and maintains the reports of the retesting in accordance with that section. Any altered cigarette that does not meet the applicable performance standard set forth in [NRS 477.192](#) must not be sold or offered for sale in this State.

(Added to NRS by [2009, 2436](#), effective June 3, 2010)

**NRS 477.196 Notification of agents, wholesale dealers and retail dealers concerning certified cigarettes.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.] The Executive Director of the Department of Taxation shall establish a procedure to ensure that agents, wholesale dealers and retail dealers receive notice of the cigarettes that have been certified by manufacturers pursuant to [NRS 477.194](#). The procedure may include, without limitation, listing the brands and styles of cigarettes which have been certified on an Internet website maintained by the Department.

(Added to NRS by [2009, 2437](#), effective June 3, 2010)

**NRS 477.198 Marking packages of certified cigarettes; inspection of marked packages.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]

1. Packages that contain cigarettes which have been certified by a manufacturer in accordance with [NRS 477.194](#) must be marked to indicate compliance with [NRS 477.192](#). The marking must be set forth in not less than 8-point type and consist of the letters "FSC," signifying "Fire Standard Compliant," and be permanently printed, stamped, engraved or embossed on the package at or near the UPC label.

2. A manufacturer shall use only one marking and shall apply the marking uniformly for all packages, including, without limitation, packs, cartons, cases and brands marketed by that manufacturer.

3. A manufacturer that certifies a cigarette in accordance with [NRS 477.194](#) shall provide a copy of the certification to each wholesale dealer and agent to whom the manufacturer sells cigarettes. A wholesale dealer, retail dealer or agent shall allow the State Fire Marshal, the Executive Director of the Department of Taxation and the Attorney General, and their respective employees, to inspect the markings of cigarette packaging marked in accordance with this section.

(Added to NRS by [2009, 2437](#), effective June 3, 2010)

**NRS 477.202 Prohibited sale of cigarettes; civil penalties; seizure of cigarettes; petition for injunctive relief; recovery of costs and damages.** [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]

1. Any manufacturer, wholesale dealer, agent or other person that knowingly sells cigarettes in this State, other than through retail sale, in violation of [NRS 477.192](#) is subject to a civil penalty not to exceed \$100 for each pack of such

cigarettes sold, except that the penalty against the person must not exceed \$100,000 during any 30-day period.

2. A retail dealer that knowingly sells cigarettes in this State in violation of [NRS 477.192](#) is subject to a civil penalty not to exceed \$100 for each pack of such cigarettes sold, except that the penalty against the retail dealer must not exceed \$25,000 during any 30-day period.

3. In addition to any other penalty prescribed by law, any manufacturer of cigarettes that knowingly makes a false certification pursuant to [NRS 477.194](#) is subject to a civil penalty of not less than \$75,000 or more than \$250,000 for each false certification.

4. A person who violates any other provision of [NRS 477.172](#) to [477.214](#), inclusive, is subject to a civil penalty of not more than \$1,000 for the first offense and not more than \$5,000 for each subsequent offense.

5. A law enforcement officer, authorized representative of the Department of Taxation or authorized representative of the State Fire Marshal who discovers any cigarettes for sale in this State for which no certification has been submitted pursuant to [NRS 477.194](#) or which are not marked pursuant to [NRS 477.198](#) may seize the cigarettes. Cigarettes seized pursuant to this section must be destroyed after the true holder of the trademark rights in the cigarette brand is allowed to inspect the cigarettes.

6. Each violation of any provision of [NRS 477.172](#) to [477.214](#), inclusive, or any regulation adopted pursuant thereto constitutes a separate civil violation for which the State Fire Marshal or the Attorney General may obtain relief. In addition to any other remedy provided by law, the Attorney General may file an action in a court of competent jurisdiction concerning a violation of any provision of [NRS 477.172](#) to [477.214](#), inclusive, or any regulation adopted pursuant thereto, including, without limitation, petitioning for:

(a) Preliminary or permanent injunctive relief against any manufacturer, importer, wholesale dealer, retail dealer, agent or other person to enjoin the person from selling or affixing Nevada cigarette revenue stamps to any package of cigarettes that contains cigarettes which do not comply with the requirements of [NRS 477.172](#) to [477.214](#), inclusive. Upon obtaining judgment for injunctive relief, the State Fire Marshal or Attorney General shall provide a copy of the judgment to all wholesale dealers and agents to whom the cigarette has been sold.

(b) The recovery of any civil penalty authorized by the provisions of [NRS 477.172](#) to [477.214](#), inclusive.

(c) The recovery of any costs or damages incurred by this State because of a violation of [NRS 477.172](#) to [477.214](#), inclusive, including, without limitation, enforcement costs relating to a specific violation and attorney's fees.

7. All money collected pursuant to this section must be deposited in the Cigarette Fire Safety Standard and Firefighter Protection Fund created by [NRS 477.210](#).

(Added to NRS by [2009, 2437](#), effective June 3, 2010)

**NRS 477.204 Regulations. [Expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]** The State Fire Marshal may adopt such regulations as he or she determines necessary to carry out the provisions of [NRS 477.172](#) to [477.214](#), inclusive.

(Added to NRS by [2009, 2438](#))

**NRS 477.206 Inspection by Department of Taxation. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]** The Department of Taxation, in the regular course of conducting inspections of wholesale dealers, retail dealers and agents pursuant to [NRS 370.001](#) to [370.530](#), inclusive, may inspect any packages of cigarettes to determine if they have been marked in accordance with [NRS 477.198](#). If the packages of cigarettes are not marked as required, the Executive Director of the Department of Taxation shall notify the State Fire Marshal and may seize the packages of cigarettes pursuant to subsection 5 of [NRS 477.202](#).

(Added to NRS by [2009, 2438](#), effective June 3, 2010)

**NRS 477.208 Examination of records. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]** The Attorney General, the Executive Director of the Department of Taxation and the State Fire Marshal, and their authorized representatives, and any law enforcement officer may examine the books, papers, invoices and other records of any person in possession, control or occupancy of any premises where cigarettes are placed, stored, sold or offered for sale in this State, including, without limitation, any stock of cigarettes on the premises. Each person in possession, control or occupancy of any premises where cigarettes are placed, stored, sold or offered for sale in this State shall cooperate in any such examination.

(Added to NRS by [2009, 2438](#), effective June 3, 2010)

**NRS 477.210 Cigarette Fire Safety Standard and Firefighter Protection Fund. [Effective June 3, 2010.]**

1. The Cigarette Fire Safety Standard and Firefighter Protection Fund is hereby created in the State Treasury as a special revenue fund. All money received for the use of the Fund pursuant to [NRS 477.172](#) to [477.214](#), inclusive, or from any other source must be deposited in the Fund.

2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

3. The State Fire Marshal shall administer the Fund and may expend any money in the Fund to support fire safety and fire prevention programs.

(Added to NRS by [2009, 2439](#), effective June 3, 2010)

**NRS 477.212 Submission of written report by State Fire Marshal. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]** On or before January 30 of each odd-numbered year, the State Fire Marshal shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of the provisions of [NRS 477.172](#) to [477.214](#), inclusive, and any recommendations for legislation to improve the effectiveness of [NRS 477.172](#) to [477.214](#), inclusive.

(Added to NRS by [2009, 2439](#), effective June 3, 2010)

**NRS 477.214 Uniformity of laws; sales of cigarettes outside this State. [Effective June 3, 2010, and expires by limitation on the date upon which a federal law establishing standards for fire-safe cigarettes becomes effective.]**

1. The provisions of [NRS 477.172](#) to [477.214](#), inclusive, must, to the extent practicable, be interpreted and construed to effectuate the general purpose of those provisions to make uniform the laws of those states that have enacted similar legislation.

2. The provisions of [NRS 477.172](#) to [477.214](#), inclusive, must not be construed to prohibit any person from manufacturing or selling cigarettes that do not meet the requirements of [NRS 477.192](#) if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States and that person has taken reasonable steps to ensure that the cigarettes will not be sold or offered for sale in this State.

(Added to NRS by [2009, 2439](#), effective June 3, 2010)

#### PENALTIES

**NRS 477.250 Violation of chapter; each day of violation constitutes separate offense.**

1. Any person who knowingly violates the provisions of this chapter or any of the regulations adopted by the State Fire Marshal is guilty of a misdemeanor.

2. Each day on which a violation occurs is a separate offense.

(Added to NRS by 1967, 153; A 1979, 127)—(Substituted in revision for NRS 477.060)