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NOTICE TO LICENSEES

Notice # 2021-37

Issuing Division: Administration

DATE: April 23, 2021
TO: All Gaming Licensees and Other Interested Persons
FROM: J. Brin Gibson, Chairman
SUBJECT: Emergency Directive 044

Section 18 of [Emergency Directive 044](#) delegates all authority to prescribe COVID-19 mitigation measures for gaming properties to the Nevada Gaming Control Board.

Pursuant to the above authority, the Board issues the following:

RESTRICTED LICENSEES

Effective May 1, 2021, the Board rescinds its "Health and Safety Policy for Reopening after COVID-19: Restricted Licensees." Each restricted licensee shall comply with its respective county's COVID-19 Local Mitigation and Enforcement Plan (Local Plan). If a county's Local Plan does not meet the requirements of sections 3 and 4 of [Emergency Directive 041](#), a restricted licensee must: (1) limit its capacity to fifty percent (50%) of its occupancy limit assigned to the property by local building and fire codes; and (2) enforce a social distancing of six feet between individuals.

Additionally, each restricted licensee shall continue to comply with the Baseline Statewide Mitigation Measures established in section 8 of [Emergency Directive 044](#); namely, the statewide mask and face covering requirements as set forth in [Emergency Directive 024](#).

NONRESTRICTED LICENSEES

Except as otherwise provided below and subject to NRS 447.300 to 447.355, inclusive, effective May 1, 2021, each nonrestricted licensee shall comply with its respective county's general capacity and occupancy limitations and social distancing requirements, as detailed in the county's Local Plan, within the licensee's gaming areas. These county-specific requirements are detailed below.

If a nonrestricted licensee is located in a county that has a Local Plan that does not meet the requirements of sections 3 and 4 of [Emergency Directive 041](#), the nonrestricted licensee must: (1) limit its capacity to fifty percent

(50%) of its occupancy limit assigned to each gaming area by local building and fire codes; and (2) enforce a social distancing of six feet between individuals.

Additionally, each nonrestricted licensee shall continue to comply with the Baseline Statewide Mitigation Measures established in section 8 of [Emergency Directive 044](#); namely, the statewide mask and face covering requirements as set forth in [Emergency Directive 024](#).

Capacity Limitations for Gaming Areas (based on each county's published Local Plan)

Carson City:

Occupancy Limit: 100%

Social Distancing Measures: 6 feet

Churchill County:

Occupancy Limit: 100%

Social Distancing Measures: CDC recommendations

Clark County

Occupancy Limit: 80% *(Increase to 100% once 60% of eligible population receives first vaccine dose)*

Social Distancing Measures: 3 feet *(Removed once 60% of eligible population receive first vaccine dose)*

Douglas County

Occupancy Limit: 100%

Social Distancing: None

Elko County

Occupancy Limit: 100%

Social Distancing Measures: None

Esmeralda County

Occupancy Limit: 50% of Fire Code capacity

Social Distancing: None

Eureka County

Occupancy Limit: 100%

Social Distancing Measures: None

Humboldt County

Occupancy Limit: 100%

Social Distancing Measures: None

Lander County

Occupancy Limit: 100%

Social Distancing Measures: None

Lincoln County

Occupancy Limit: 100%

Social Distancing Measures: None

Lyon County

Occupancy Limit: 100%

Social Distancing: 6 feet or physical barriers between individuals

Mineral County

Occupancy Limit: 50%

Social Distancing: None

Nye County

Occupancy Limit: 100%

Social Distancing Measures: None

Pershing County

Occupancy Limit: 100%

Social Distancing: None

Storey County

Occupancy Limit: 100%

Social Distancing: None

White Pine County

Occupancy Limit: 100%

Social Distancing Measures: None

Washoe County (Local Plan not adequate)

Occupancy Limit: 50%

Social Distancing Measures: 6 feet

Additional COVID-19 Mitigation Measures

Effective May 1, 2021, the Board will enforce the [Health and Safety Policy for Continued Mitigation of the Spread of COVID-19](#) for nonrestricted licensees. The current Health and Safety Policies for Resumption of Gaming Operations, as issued by [Industry Notice #2021-31](#), will remain in effect until 11:59pm on April 30, 2021.

The Board retains jurisdiction over all licensees, and failure to abide by COVID-19 mitigation measures implemented by the federal government, State, local jurisdiction, or another agency may constitute grounds for disciplinary action under NGC Regulation 5.011.

Formal Requests to Increase Occupancy above Local Plan Requirement

As outlined in the April 2, 2021 Joint Statement of the Nevada Gaming Control Board and Nevada Gaming Commission on COVID-19 Vaccination of Hospitality Workers ([Industry Notice #2021-26](#)), licensees may submit a request to the Chair of the Board for a waiver of applicable occupancy limitations or COVID-19 mitigation measures otherwise applicable on May 1, 2021. Such a request must demonstrate the licensee's measurable and material steps to vaccinate its workforce.

Requests for increased gaming floor occupancy must also include the licensee's detailed commitment to its obligation to vaccinate its workforce, until some defined goal is reached or some period of time under such a vaccination campaign has passed, as outlined by the licensee. This document will remain on file and will constitute an ongoing obligation by the licensee.

A formal request as described above must be submitted to ops@gcb.nv.gov no later than 5pm on Tuesday, April 27, 2021.

CONCLUSION

The contents, requirements, and restrictions set forth in this Industry Notice are subject to change based on a county amending its Local Plan. Each licensee is expected to continuously reference its county's Local Plan to ensure compliance with the same.

In conjunction with state and local health officials, the Board will continue to ensure that best practices are used in the mitigation of COVID-19, and its effect on licensee operations, and will issue further notices as appropriate.