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NOTICE TO LICENSEES

Notice # 2021-41

Issuing Division: Administration

DATE: May 4, 2021

TO: All Gaming Licensees and Interested Persons

FROM: J. Brin Gibson, Chair

SUBJECT: Transition to Local Control for COVID-19 Mitigation Protocols

Section 18 of [Emergency Directive 044](#) delegates all authority to prescribe COVID-19 mitigation measures for the gaming floor of Nevada gaming licensees to the Nevada Gaming Control Board (Board). Authority to limit occupancy and to establish social distancing restrictions for other parts of a casino property, including, without limitation, restaurants, retail establishments, resort lounge areas, and other common areas is delegated to local governments under Emergency Directive 044, Section 18, paragraph 2 pursuant to an endorsed COVID-19 Local Mitigation and Enforcement Plan (Local Plan), required by Emergency Directive 044, Section 2.

The Board expects each licensee to fully comply the applicable county's Local Plan, and issues the following clarifying instructions:

STATEWIDE MASK MANDATE

Effective May 3, 2021, Governor Sisolak updated the statewide mask mandate with the issuance of [Emergency Directive 045](#). The Board expects each licensee to fully comply with the provisions of Emergency Directive 045. This is a statewide requirement that cannot be relaxed by a county's Local Plan.

SENATE BILL NO. 4, 32ND SPECIAL SESSION

Each public accommodation facility, as defined in NRS 447.320, is subject to all requirements imposed by NRS 447.300 to 447.355, inclusive, and the related regulations adopted by the Director of the Department of Health and Human Services. Specifically, NRS 447.345(1) requires each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan. Nothing in this Industry Notice or Industry Notice #2021-37 relieves a licensee that is a public accommodation facility of that obligation.

RESTRICTED LICENSEES

Effective May 1, 2021, the Board rescinded its “Health and Safety Policy for Reopening after COVID-19: Restricted Licensees.”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).

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.

Capacity Limitations for Gaming Areas (based on each county’s published Local Plan, updated 5/4/21)

Carson City:

Occupancy Limit: 100%

Social Distancing Measures: None

Churchill County:

Occupancy Limit: 100%

Social Distancing Measures: None

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: None

Mineral County

Occupancy Limit: 100%

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

Occupancy Limit: 100%

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.

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.

The deadline to submit such a request was April 27, 2021; however, requests may still be submitted to ops@gcb.nv.gov at this time. There is no requirement that the Board approve or otherwise respond to such a request in a specific timeframe. Absent an approval of this type of request by the Chair of the Board, a licensee must comply with the occupancy limits stated above. Following the lead of other licensees, rather than complying with this notice, will be deemed a violation of Regulation 5.011.

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.