

NRS 233B.040 Regulations: Authority to adopt; enforcement; inclusion of citation of authority and agency contact information; adoption of material by reference; deadline for adoption of proposed regulations; agency to explain failure to adopt.

1. To the extent authorized by the statutes applicable to it, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. If adopted and filed in accordance with the provisions of this chapter, the following regulations have the force of law and must be enforced by all peace officers:

- (a) The Nevada Administrative Code; and
- (b) Temporary and emergency regulations.

↪ In every instance, the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority pursuant to which the function was assigned.

2. Every regulation adopted by an agency must include:

- (a) A citation of the authority pursuant to which it, or any part of it, was adopted; and
- (b) The address of the agency and, to the extent not elsewhere provided in the regulation, a brief explanation of the procedures for obtaining clarification of the regulation or relief from the strict application of any of its terms, if the agency is authorized by a specific statute to grant such relief, or otherwise dealing with the agency in connection with the regulation.

3. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:

- (a) It files one copy of the publication with the Secretary of State and one copy with the State Library, Archives and Public Records Administrator, and makes at least one copy available for public inspection with its regulations; and
- (b) The reference discloses the source and price for purchase of the publication.

↪ An agency shall not attempt to incorporate any other material in a regulation by reference.

4. An agency shall adopt a proposed regulation not later than 2 years after the date on which the proposed regulation is submitted to the Legislative Counsel pursuant to subsection 1 of [NRS 233B.063](#). If an agency does not adopt a proposed regulation within the time prescribed by this subsection, the executive head of the agency shall appear personally before the Legislative Commission and explain why the proposed regulation has not been adopted.

(Added to NRS by [1965, 963](#); A [1971, 804](#); [1977, 1385](#); [1985, 366, 1488](#); [1997, 3151](#); [2013, 77](#))