
ASSEMBLY BILL NO. 211—ASSEMBLYWOMAN GANSERT

MARCH 16, 2005

Referred to Committee on Health and Human Services

SUMMARY—Requires licensure by Health Division of Department of Human Resources of facilities which procure, perform tests on, store or distribute human tissues or organs for medical or dental education, medical or dental research or advancement of medical or dental science. (BDR 40-96)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to public health; providing for the regulation of nontransplant anatomic banks; requiring licensure for the maintenance or operation of such a bank; authorizing the Health Division to enjoin any person from operating or maintaining a nontransplant anatomic bank under certain circumstances; authorizing certain inspections of nontransplant anatomic banks; requiring the Legislative Committee on Health Care to review certain regulations concerning nontransplant anatomic banks; requiring the Central Repository for Nevada Records of Criminal History to assist the Health Division in investigating criminal backgrounds; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation and licensure of certain medical and related facilities by the Health Division of the Department of Human Resources. (Chapter 449 of NRS)

This bill requires the Health Division to license and regulate nontransplant anatomic banks, which are facilities that obtain and use a human body or any tissue or organ from a human body after death for certain purposes related to education, research and the advancement of science. To be licensed, a nontransplant anatomic bank must be operated by a nonprofit corporation or by an accredited medical or dental school that meets certain requirements. The Health Division may also



require out-of-state nontransplant anatomic banks to be licensed in Nevada before examining a human body, tissue or organ collected within Nevada if the Health Division determines that it is necessary to protect the health, safety and welfare of Nevada residents.

This bill requires a nontransplant anatomic bank to have a medical director who is licensed to practice medicine in this State or who has a doctoral degree in clinical anatomy and provides for certain duties of the medical director. The Health Division is required to establish minimum qualifications for medical directors and other employees of the nontransplant anatomic bank. This bill further requires certain officers, employees and independent contractors of a bank to submit to a criminal background check at least once every 5 years and requires a bank to terminate the employment or contract of such a person if the background check reveals a conviction of a certain crime.

This bill requires the Health Division to adopt licensing standards and fees. The bill also requires the Health Division to establish regulations for nontransplant anatomic banks, including the location and construction, sanitary conditions and essential equipment of a bank. This bill authorizes the Health Division to conduct investigations into the premises, facilities, personnel qualifications, methods of operation, policies, procedures and records of a nontransplant anatomic bank. The Health Division is further authorized to take disciplinary action against a bank in certain circumstances.

This bill authorizes the Health Division to inspect a nontransplant anatomic bank at any time, with or without notice, to ensure compliance with laws and regulations governing the operation of the bank. The Health Division may authorize the Committee on Anatomical Dissection established by the University and Community College System of Nevada to perform these inspections. This bill further makes it a public nuisance for a nontransplant anatomic bank to operate in a manner which violates certain requirements and authorizes the Health Division to bring an action to enjoin such violations.

This bill requires biennial facility inspections by the State Health Officer or his designee for compliance with health and sanitation standards. This bill also authorizes the State Fire Marshal or his designee to conduct inspections. The Health Division is authorized to seek an injunction when violations of laws and regulations are found, impose administrative penalties, and order a facility to take corrective actions. The district attorney of the county in which a nontransplant anatomic bank is operated is required to prosecute violations upon request of the Health Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 460 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. *As used in sections 2 to 30, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Health Division” means the Health Division of the Department of Human Resources.*

Sec. 4. *“Nontransplant anatomic bank” means a facility which solicits, retrieves, procures, processes, preserves, performs*



1 *tests on, stores or distributes a whole human body or any tissue or*
2 *organ, or any part of a tissue or organ, procured from a human*
3 *body after death for medical or dental education, medical or*
4 *dental research or the advancement of medical or dental science.*
5 *The term does not include any facility which procures, distributes*
6 *or stores human bodies, tissues or organs for transplantation.*

7 **Sec. 5. 1.** *Each nontransplant anatomic bank desiring to*
8 *operate in this State must first obtain a license issued by the*
9 *Health Division pursuant to the provisions of sections 2 to 30,*
10 *inclusive, of this act.*

11 **2.** *The Health Division may require a nontransplant*
12 *anatomic bank that is located outside of this State to be licensed in*
13 *accordance with the provisions of sections 2 to 30, inclusive, of*
14 *this act before the nontransplant anatomic bank may examine any*
15 *whole human body or any tissue or organ, or any part of a tissue*
16 *or organ, procured from a human body after death which is*
17 *collected within this State if the Health Division determines that*
18 *the licensure is necessary to protect the public health, safety and*
19 *welfare of the residents of this State.*

20 **Sec. 6.** *Each nontransplant anatomic bank must:*

21 **1.** *Be operated and maintained:*

22 *(a) By a nonprofit corporation organized or existing under*
23 *chapter 82 of NRS; or*

24 *(b) By an accredited medical or dental school that has an*
25 *advisory board which is responsible for overseeing the activities of*
26 *the nontransplant anatomic bank and which includes, as part of*
27 *its membership, representatives of the general public.*

28 **2.** *Have a medical director who is responsible for directing*
29 *the activities of the nontransplant anatomic bank and who:*

30 *(a) Is licensed to practice medicine in this State; or*

31 *(b) Has a doctoral degree in clinical anatomy.*

32 **Sec. 7. 1.** *The Health Division shall adopt:*

33 *(a) Licensing standards for nontransplant anatomic banks;*

34 *(b) Regulations governing the licensing of nontransplant*
35 *anatomic banks; and*

36 *(c) Such other regulations as the Health Division deems*
37 *necessary or convenient to carry out the provisions of sections 2 to*
38 *30, inclusive, of this act.*

39 **2.** *The Health Division shall establish minimum*
40 *qualifications for the medical director and employees of a*
41 *nontransplant anatomic bank. In establishing the qualifications,*
42 *the Health Division shall consider any standards for the*
43 *qualifications of such persons adopted by national organizations*
44 *which accredit or certify such facilities and any standards for the*



1 *qualifications of such persons adopted by national organizations*
2 *which accredit or certify facilities that procure tissue or organs for*
3 *transplantation or therapy.*

4 3. *The Health Division, with the advice of the Committee on*
5 *Anatomical Dissection established by the University and*
6 *Community College System of Nevada, shall adopt regulations*
7 *relating to:*

8 (a) *The location and construction of nontransplant anatomic*
9 *banks, including, without limitation, plumbing, heating, lighting,*
10 *ventilation, electrical services and similar conditions, to ensure the*
11 *conduct and operation of nontransplant anatomic banks in a*
12 *manner which will protect the public health;*

13 (b) *Sanitary conditions within a nontransplant anatomic bank*
14 *and its surroundings, including, without limitation, the water*
15 *supply, sewage, the handling of a whole human body or any tissue*
16 *or organ, or any part of a tissue or organ, procured from a human*
17 *body and matters of general hygiene, to ensure the protection of*
18 *the public health; and*

19 (c) *The equipment essential to the proper conduct and*
20 *operation of a nontransplant anatomic bank.*

21 **Sec. 8.** *Any nonprofit corporation or medical or dental*
22 *school desiring a license to operate a nontransplant anatomic*
23 *bank must file with the Health Division an application on a form*
24 *prescribed, prepared and furnished by the Health Division,*
25 *containing:*

26 1. *The name and location of the nontransplant anatomic*
27 *bank;*

28 2. *A description of the services to be provided and the work to*
29 *be done by the nontransplant anatomic bank;*

30 3. *The name of the medical director of the nontransplant*
31 *anatomic bank;*

32 4. *If the nontransplant anatomic bank is operated:*

33 (a) *By a nonprofit corporation, the names of the officers,*
34 *directors and trustees of the nonprofit corporation; or*

35 (b) *By an accredited medical or dental school, the name of the*
36 *person in charge of the accredited medical or dental school;*

37 5. *If the applicant is:*

38 (a) *A nonprofit corporation, evidence satisfactory to the*
39 *Health Division that each director, officer and trustee of the*
40 *nontransplant anatomic bank for which the application is made is*
41 *of reputable and responsible character; or*

42 (b) *An accredited medical or dental school, evidence*
43 *satisfactory to the Health Division that the person in charge of the*
44 *medical or dental school is of reputable and responsible character;*



6. *Evidence satisfactory to the Health Division of the ability of the applicant to comply with the provisions of sections 2 to 30, inclusive, of this act, and the standards and regulations adopted by the Health Division;*

7. *Evidence satisfactory to the Health Division of the ability of the applicant to comply with any applicable provisions of law relating to dead bodies and anatomical gifts;*

8. *Evidence satisfactory to the Health Division that the nontransplant anatomic bank conforms to the zoning regulations of the local government within which the nontransplant anatomic bank will be operated or that the applicant has applied for an appropriate reclassification, variance, permit for special use or other exception for the nontransplant anatomic bank; and*

9. *Such other information as may be required by the Health Division for the proper administration and enforcement of sections 2 to 30, inclusive, of this act.*

Sec. 9. *Each application for a license to operate a nontransplant anatomic bank must be accompanied by such fee as may be determined by regulation of the Health Division. The Health Division may, by regulation, allow or require payment of a fee for such a license in installments and may fix the amount of each payment and the date that the payment is due. The fee required by the Health Division must be calculated to cover the administrative costs directly related to the process of issuing the licenses.*

Sec. 10. 1. *Each license to operate a nontransplant anatomic bank issued by the Health Division is valid for 24 months and is renewable biennially on or before the date of its expiration.*

2. *A license may be placed in an inactive status upon the approval of the Health Division and the payment of current fees.*

Sec. 11. *The Health Division shall issue a license to operate a nontransplant anatomic bank to an applicant if, after investigation, the Health Division finds that:*

1. *The information included in the application filed pursuant to section 8 of this act is satisfactory to the Health Division;*

2. *The applicant is in full compliance with the provisions of sections 2 to 30, inclusive, of this act;*

3. *The applicant is in substantial compliance with the standards and regulations adopted by the Health Division; and*

4. *The nontransplant anatomic bank conforms to the applicable zoning regulations.*

Sec. 12. *Each license to operate a nontransplant anatomic bank issued by the Health Division shall be in the form prescribed by the Health Division and must contain:*



1 1. The name of the nonprofit corporation or medical or
2 dental school authorized to operate the licensed nontransplant
3 anatomic bank;

4 2. If the nontransplant anatomic bank is operated:

5 (a) By a nonprofit corporation, the names of the officers,
6 directors and trustees of the nonprofit corporation; or

7 (b) By an accredited medical or dental school, the name of the
8 person in charge of the accredited medical or dental school;

9 3. The location of the nontransplant anatomic bank; and

10 4. A description of the services provided and the work done by
11 the nontransplant anatomic bank.

12 **Sec. 13.** 1. The Health Division may cancel the license of a
13 nontransplant anatomic bank and issue a provisional license,
14 effective for a period determined by the Health Division, to such a
15 nontransplant anatomic bank if it:

16 (a) Is in operation at the time of the adoption of standards and
17 regulations pursuant to the provisions of sections 2 to 30,
18 inclusive, of this act, and the Health Division determines that the
19 nontransplant anatomic bank requires a reasonable time under
20 the particular circumstances within which to comply with the
21 standards and regulations; or

22 (b) Has failed to substantially comply with the standards or
23 regulations adopted pursuant to the provisions of sections 2 to 30,
24 inclusive, of this act, and the Health Division determines that the
25 nontransplant anatomic bank is in the process of making the
26 necessary changes or has agreed to make the changes within a
27 reasonable time.

28 2. The provisions of subsection 1 do not require the issuance
29 of a license or prevent the Health Division from refusing to renew
30 or from revoking or suspending any license where the Health
31 Division deems such action necessary for the health and safety of
32 the public.

33 **Sec. 14.** Each medical director of a nontransplant anatomic
34 bank shall:

35 1. Select and supervise all services provided and work done
36 by the nontransplant anatomic bank;

37 2. Be responsible for reporting the findings or results of any
38 tests conducted by the nontransplant anatomic bank;

39 3. Actively participate in the operation of the nontransplant
40 anatomic bank to the extent necessary to assure compliance with
41 the provisions of sections 2 to 30, inclusive, of this act;

42 4. Be responsible for the proper performance of all work in
43 the nontransplant anatomic bank and of all subordinates; and

44 5. Retain the regularly maintained records of the
45 nontransplant anatomic bank in accordance with regulations



1 *adopted by the Health Division including, without limitation,*
2 *records for tracking the disposition of a whole human body or any*
3 *tissue or organ, or any part of a tissue or organ, procured from a*
4 *human body after death for medical or dental education, medical*
5 *or dental research or the advancement of medical or dental*
6 *science. Such records must be maintained and made available to*
7 *persons authorized by the Health Division to obtain the records for*
8 *not less than 10 years after the disposition of the body, tissue or*
9 *organ.*

10 **Sec. 15.** *The Health Division may:*

11 *1. Upon receipt of an application for a license to operate a*
12 *nontransplant anatomic bank, conduct an investigation into the*
13 *premises, facilities, qualifications of personnel, methods of*
14 *operation, policies and purposes of the nontransplant anatomic*
15 *bank. The nontransplant anatomic bank is subject to inspection*
16 *and approval as to standards for safety from fire, on behalf of the*
17 *Health Division, by the State Fire Marshal.*

18 *2. Upon receipt of a complaint against a nontransplant*
19 *anatomic bank, except for a complaint concerning the cost of*
20 *services, conduct an investigation into the premises, facilities,*
21 *qualifications of personnel, methods of operation, policies,*
22 *procedures and records of that nontransplant anatomic bank.*

23 *3. Employ such professional, technical and clerical*
24 *assistance as it deems necessary to carry out the provisions of*
25 *sections 2 to 30, inclusive, of this act.*

26 **Sec. 16.** *The operation or maintenance of a nontransplant*
27 *anatomic bank in violation of sections 2 to 30, inclusive, of this act*
28 *is declared to be a public nuisance, and the Health Division may,*
29 *in addition to other remedies, initiate an action to enjoin such*
30 *violations or to enjoin the future operation of the nontransplant*
31 *anatomic bank until compliance with the provisions of sections 2*
32 *to 30, inclusive, of this act is obtained.*

33 **Sec. 17.** *The Health Division may deny an application for a*
34 *license to operate a nontransplant anatomic bank or may suspend*
35 *or revoke any such license if the nontransplant anatomic bank,*
36 *medical director or any technical employee of the nontransplant*
37 *anatomic bank:*

38 *1. Violates any of the provisions of sections 2 to 30, inclusive,*
39 *of this act, or any other law of this State or the standards, rules*
40 *and regulations adopted thereunder;*

41 *2. Makes any misrepresentation in obtaining a license;*

42 *3. Knowingly permits the use of the name of a nontransplant*
43 *anatomic bank or its medical director by an unlicensed*
44 *nontransplant anatomic bank;*



1 4. Fails to meet the minimum standards prescribed by the
2 Health Division in any regulation adopted pursuant to sections 2
3 to 30, inclusive, of this act;

4 5. Is guilty of unprofessional conduct;

5 6. Aids, abets or permits the commission of any illegal act;

6 7. Engages in conduct inimical to the public health, morals,
7 welfare and safety of the people of the State of Nevada in the
8 maintenance and operation of the premises for which a license is
9 issued;

10 8. Engages in conduct or practice detrimental to the health or
11 safety of the employees of the nontransplant anatomic bank; or

12 9. Fails to obtain written approval from the Health Division
13 as provided in any regulation adopted pursuant to sections 2 to 30,
14 inclusive, of this act, if such approval is required.

15 **Sec. 18.** 1. If a nontransplant anatomic bank violates any
16 provision of sections 2 to 30, inclusive, of this act or any condition,
17 standard or regulation adopted by the Health Division, the Health
18 Division may impose an administrative penalty of not more than
19 \$250 for the first offense and not more than \$500 for any
20 subsequent offense. Each act in violation of sections 2 to 30,
21 inclusive, of this act or any condition, standard or regulation
22 adopted by the Health Division constitutes a separate offense.

23 2. If the nontransplant anatomic bank fails to pay any
24 administrative penalty imposed pursuant to subsection 1, the
25 Health Division may:

26 (a) Suspend the license of the nontransplant anatomic bank
27 until the administrative penalty is paid; and

28 (b) Collect court costs, reasonable attorney's fees and other
29 costs incurred to collect the administrative penalty.

30 3. The Health Division may require any nontransplant
31 anatomic bank that violates any provision of sections 2 to 30,
32 inclusive, of this act or any condition, standard or regulation
33 adopted by the Health Division, to make any improvements
34 necessary to correct the violation.

35 **Sec. 19.** 1. Except as otherwise provided in this subsection,
36 when the Health Division intends to deny, suspend or revoke a
37 license to operate a nontransplant anatomic bank, or impose any
38 sanction prescribed by section 18 of this act, the Health Division
39 shall give reasonable notice to the nontransplant anatomic bank
40 by certified mail. The notice must contain the legal authority,
41 jurisdiction and reasons for the action to be taken. Notice is not
42 required if the Health Division finds that the public health
43 requires immediate action. In that case, it may order a summary
44 suspension of a license or impose any sanction prescribed by



1 *section 18 of this act, pending proceedings for revocation or other*
2 *action.*

3 *2. A nontransplant anatomic bank may contest the action of*
4 *the Health Division by filing an appeal in the manner prescribed*
5 *by regulations adopted by the Health Division.*

6 *3. Upon receiving notice of an appeal, the Health Division*
7 *shall hold a hearing in the manner prescribed by regulations*
8 *adopted by the Health Division.*

9 *4. The Health Division shall adopt such regulations as are*
10 *necessary to carry out the provisions of this section.*

11 **Sec. 20.** *1. Each officer, director and trustee of a*
12 *nontransplant anatomic bank operated by a nonprofit corporation,*
13 *each person in charge of a nontransplant anatomic bank operated*
14 *by an accredited medical or dental school and each medical*
15 *director of a nontransplant anatomic bank shall submit to the*
16 *Central Repository for Nevada Records of Criminal History two*
17 *complete sets of fingerprints for submission to the Federal Bureau*
18 *of Investigation for its report.*

19 *2. The Central Repository for Nevada Records of Criminal*
20 *History shall determine whether the person who submitted the*
21 *fingerprints has been convicted of a crime set forth in subsection 1*
22 *of section 24 of this act and immediately inform the Health*
23 *Division of whether the person has been convicted of such a*
24 *crime.*

25 **Sec. 21.** *1. Except as otherwise provided in subsection 2,*
26 *within 10 days after hiring an employee or entering into a contract*
27 *with an independent contractor, a nontransplant anatomic bank*
28 *shall:*

29 *(a) Obtain a written statement from the employee or*
30 *independent contractor stating whether he has been convicted of*
31 *any crime set forth in subsection 1 of section 24 of this act;*

32 *(b) Obtain an oral and written confirmation of the information*
33 *contained in the written statement obtained pursuant to*
34 *paragraph (a);*

35 *(c) Obtain from the employee or independent contractor two*
36 *sets of fingerprints and a written authorization to forward the*
37 *fingerprints to the Central Repository for Nevada Records of*
38 *Criminal History for submission to the Federal Bureau of*
39 *Investigation for its report; and*

40 *(d) Submit to the Central Repository for Nevada Records*
41 *of Criminal History the fingerprints obtained pursuant to*
42 *paragraph (c).*

43 *2. A nontransplant anatomic bank is not required to obtain*
44 *the information described in subsection 1 from an employee or*
45 *independent contractor who provides proof that an investigation of*



1 *his criminal history has been conducted by the Central Repository*
2 *for Nevada Records of Criminal History within the immediately*
3 *preceding 6 months and the investigation did not indicate that the*
4 *employee or independent contractor had been convicted of any*
5 *crime set forth in subsection 1 of section 24 of this act.*

6 3. *The nontransplant anatomic bank shall ensure that the*
7 *criminal history of each employee or independent contractor who*
8 *works at the nontransplant anatomic bank is investigated at least*
9 *once every 5 years. The nontransplant anatomic bank shall:*

10 (a) *If the nontransplant anatomic bank does not have the*
11 *fingerprints of the employee or independent contractor on file,*
12 *obtain two sets of fingerprints from the employee or independent*
13 *contractor;*

14 (b) *Obtain written authorization from the employee or*
15 *independent contractor to forward the fingerprints on file or*
16 *obtained pursuant to paragraph (a) to the Central Repository for*
17 *Nevada Records of Criminal History for submission to the Federal*
18 *Bureau of Investigation for its report; and*

19 (c) *Submit the fingerprints to the Central Repository for*
20 *Nevada Records of Criminal History.*

21 4. *Upon receiving fingerprints submitted pursuant to this*
22 *section, the Central Repository for Nevada Records of Criminal*
23 *History shall determine whether the employee or independent*
24 *contractor has been convicted of a crime set forth in subsection 1*
25 *of section 24 of this act and immediately inform the Health*
26 *Division and the nontransplant anatomic bank at which the*
27 *person works whether the employee or independent contractor has*
28 *been convicted of such a crime.*

29 5. *The Central Repository for Nevada Records of Criminal*
30 *History may impose a fee for the reasonable cost of the*
31 *investigation conducted concerning fingerprints submitted*
32 *pursuant to this section. The nontransplant anatomic bank may*
33 *recover from an employee or independent contractor not more*
34 *than one-half of the fee imposed by the Central Repository. If the*
35 *nontransplant anatomic bank requires an employee or*
36 *independent contractor to pay for any part of the fee imposed by*
37 *the Central Repository, it shall allow the employee or independent*
38 *contractor to pay the amount through periodic payments.*

39 **Sec. 22.** *Each nontransplant anatomic bank shall maintain*
40 *accurate records of the information concerning its employees and*
41 *independent contractors collected pursuant to section 21 of this*
42 *act, and shall maintain a copy of the fingerprints submitted to the*
43 *Central Repository for Nevada Records of Criminal History and*
44 *proof that it submitted two sets of fingerprints to the Central*
45 *Repository for its report. These records must be made available for*



1 *inspection by the Health Division at any reasonable time and*
2 *copies thereof must be furnished to the Health Division upon*
3 *request.*

4 **Sec. 23.** 1. *Upon receiving information from the Central*
5 *Repository for Nevada Records of Criminal History pursuant to*
6 *section 21 of this act, or evidence from any other source, that an*
7 *employee or independent contractor of a nontransplant anatomic*
8 *bank has been convicted of a crime set forth in subsection 1 of*
9 *section 24 of this act, the nontransplant anatomic bank shall*
10 *terminate the employment or contract of that person after allowing*
11 *him time to correct the information as required pursuant to*
12 *subsection 2.*

13 2. *If an employee or independent contractor believes that the*
14 *information provided by the Central Repository is incorrect, he*
15 *may immediately inform the nontransplant anatomic bank. A*
16 *nontransplant anatomic bank that is so informed shall give the*
17 *employee or independent contractor a reasonable amount of time*
18 *which must be not less than 30 days to correct the information*
19 *received from the Central Repository before terminating the*
20 *employment or contract of the person pursuant to subsection 1.*

21 3. *A nontransplant anatomic bank that has complied with*
22 *section 21 of this act may not be held civilly or criminally liable*
23 *based solely upon the ground that the nontransplant anatomic*
24 *bank allowed an employee or independent contractor to work:*

25 (a) *Before it received the information concerning the employee*
26 *or independent contractor from the Central Repository;*

27 (b) *During any period required pursuant to subsection 2 to*
28 *allow the employee or independent contractor to correct that*
29 *information;*

30 (c) *Based on the information received from the Central*
31 *Repository, if the information received from the Central*
32 *Repository was inaccurate; or*

33 (d) *Any combination thereof.*

34 ➔ *A nontransplant anatomic bank may be held liable for any*
35 *other conduct determined to be negligent or unlawful.*

36 **Sec. 24.** *In addition to the grounds listed in section 17 of this*
37 *act, the Health Division may deny a license to operate a*
38 *nontransplant anatomic bank to an applicant or may suspend or*
39 *revoke such a license if:*

40 1. *An officer, director or trustee of a nontransplant anatomic*
41 *bank operated by a nonprofit corporation, the person in charge of*
42 *a nontransplant anatomic bank operated by an accredited medical*
43 *or dental school or the medical director of the nontransplant*
44 *anatomic bank has been convicted of a crime related to the*
45 *purchase, sale, theft or improper use of a whole human body or a*



1 *tissue or organ, or any part of a tissue or organ, procured from a*
2 *human body after death; or*

3 2. *The nontransplant anatomic bank has continued to*
4 *employ a person who has been convicted of a crime set forth in*
5 *subsection 1.*

6 **Sec. 25.** *The Health Division shall, upon request, disclose to*
7 *any person or governmental entity the results of its inspections of*
8 *nontransplant anatomic banks regarding their compliance with*
9 *applicable regulations and standards.*

10 **Sec. 26.** 1. *Except as otherwise provided in this section, a*
11 *complaint filed with the Health Division, all documents and other*
12 *information filed with the complaint and all documents and other*
13 *information compiled as a result of an investigation conducted to*
14 *determine whether to initiate disciplinary action are confidential.*

15 2. *A complaint or other document filed by the Health*
16 *Division to initiate disciplinary action and all documents and*
17 *information considered by the Health Division when determining*
18 *whether to impose discipline are public records.*

19 3. *An order that imposes discipline and the findings of fact*
20 *and conclusions of law supporting that order are public records.*

21 **Sec. 27.** *A person, nonprofit corporation, medical or dental*
22 *school, governmental agency or political subdivision of a*
23 *government that operates an unlicensed nontransplant anatomic*
24 *bank:*

25 1. *Is liable for a civil penalty to be recovered by the Attorney*
26 *General in the name of the Health Division for the first offense of*
27 *not more than \$10,000 and for a second or subsequent offense of*
28 *not less than \$10,000 and not more than \$20,000; and*

29 2. *May not apply for a license to operate a nontransplant*
30 *anatomic bank for a period of 6 months after he is punished*
31 *pursuant to this section.*

32 **Sec. 28.** 1. *The Health Division may bring an action in the*
33 *name of the State to enjoin any person, nonprofit corporation,*
34 *medical or dental school, government agency or political*
35 *subdivision of a government from operating or maintaining any*
36 *nontransplant anatomic bank within the meaning of sections 2 to*
37 *30, inclusive, of this act:*

38 (a) *Without first obtaining a license therefor; or*

39 (b) *After the license of the nontransplant anatomic bank has*
40 *been cancelled, revoked or suspended by the Health Division.*

41 2. *It is sufficient in such action to allege that the person,*
42 *nonprofit corporation, medical or dental school, governmental*
43 *agency or political subdivision of a government did, on a certain*
44 *date and in a certain place, operate and maintain an unlicensed*
45 *nontransplant anatomic bank.*



1 **Sec. 29. 1. Any authorized employee or agent of the Health**
2 *Division may enter and inspect any building or premises at any*
3 *time with or without notice to ensure compliance with or prevent a*
4 *violation of any provision of sections 2 to 30, inclusive, of this act*
5 *and any regulations adopted pursuant thereto.*

6 **2. The Health Division may authorize the Committee on**
7 *Anatomical Dissection established by the University and*
8 *Community College System of Nevada to inspect a nontransplant*
9 *anatomic bank for compliance with the provisions of sections 2 to*
10 *30, inclusive, of this act.*

11 **3. Upon receiving a request from the Health Division, to**
12 *ensure the safety of the nontransplant anatomic bank in an*
13 *emergency the State Fire Marshal or his designee shall:*

14 **(a) Enter and inspect a nontransplant anatomic bank; and**

15 **(b) Make recommendations regarding the adoption of**
16 *regulations pursuant to section 7 of this act.*

17 **4. The State Health Officer or his designee shall enter and**
18 *inspect at least biennially each building or premises of a*
19 *nontransplant anatomic bank to ensure compliance with*
20 *standards for health and sanitation.*

21 **5. An authorized employee or agent of the Health Division**
22 *shall enter and inspect any building or premises of a*
23 *nontransplant anatomic bank within 72 hours after the Health*
24 *Division is notified that a nontransplant anatomic bank is being*
25 *operated without a license.*

26 **Sec. 30. The district attorney of the county in which a**
27 *nontransplant anatomic bank is located shall, upon application by*
28 *the Health Division, institute and conduct the prosecution of any*
29 *action for violation of any provisions of sections 2 to 30, inclusive,*
30 *of this act.*

31 **Sec. 31. NRS 439.150 is hereby amended to read as follows:**

32 **439.150 1. The State Board of Health is hereby declared to**
33 *be supreme in all nonadministrative health matters. It has general*
34 *supervision over all matters, except for administrative matters,*
35 *relating to the preservation of the health and lives of citizens of this*
36 *State and over the work of the State Health Officer and all district,*
37 *county and city health departments, boards of health and health*
38 *officers.*

39 **2. The Department of Human Resources is hereby designated**
40 *as the agency of this State to cooperate with the federal authorities*
41 *in the administration of those parts of the Social Security Act which*
42 *relate to the general promotion of Public Health. It may receive and*
43 *expend all money made available to the Health Division by the*
44 *Federal Government, the State of Nevada or its political*
45 *subdivisions, or from any other source, for the purposes provided in*



1 this chapter. In developing and revising any state plan in connection
2 with federal assistance for health programs, the Department shall
3 consider, without limitation, the amount of money available from
4 the Federal Government for those programs, the conditions attached
5 to the acceptance of that money and the limitations of legislative
6 appropriations for those programs.

7 3. Except as otherwise provided in NRS 458.025 and 576.128,
8 *and section 9 of this act*, the State Board of Health may set
9 reasonable fees for the:

10 (a) Licensing, registering, certifying, inspecting or granting of
11 permits for any facility, establishment or service regulated by the
12 Health Division;

13 (b) Programs and services of the Health Division;

14 (c) Review of plans; and

15 (d) Certification and licensing of personnel.

16 ➔ Fees set pursuant to this subsection must be calculated to produce
17 for that period the revenue from the fees projected in the budget
18 approved for the Health Division by the Legislature.

19 **Sec. 32.** NRS 439B.225 is hereby amended to read as follows:

20 439B.225 1. As used in this section, "licensing board" means
21 any *division or* board empowered to adopt standards for licensing or
22 registration or for the renewal of licenses or certificates of
23 registration pursuant to chapter 449, *460*, 625A, 630, 630A, 631,
24 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A,
25 641, 641A, 641B, 641C, 652 or 654 of NRS.

26 2. The Committee shall review each regulation that a licensing
27 board proposes or adopts that relates to standards for licensing or
28 registration or to the renewal of a license or certificate of
29 registration issued to a person or facility regulated by the board,
30 giving consideration to:

31 (a) Any oral or written comment made or submitted to it by
32 members of the public or by persons or facilities affected by the
33 regulation;

34 (b) The effect of the regulation on the cost of health care in this
35 State;

36 (c) The effect of the regulation on the number of licensed or
37 registered persons and facilities available to provide services in this
38 State; and

39 (d) Any other related factor the Committee deems appropriate.

40 3. After reviewing a proposed regulation, the Committee shall
41 notify the agency of the opinion of the Committee regarding the
42 advisability of adopting or revising the proposed regulation.

43 4. The Committee shall recommend to the Legislature as a
44 result of its review of regulations pursuant to this section any
45 appropriate legislation.



Sec. 33. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Nevada Highway Patrol Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner recommended by the Advisory Committee and approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division in the manner prescribed by the Director of the Department. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department, within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;



(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction; or

(4) For whom such information is required to be obtained pursuant to NRS 449.179 ~~or~~ *or section 21 of this act.*

➡ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district or a private school for employment; or

(3) Is employed by a county school district or a private school,

➡ and notify the superintendent of each county school district and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.



(e) Upon discovery, notify the superintendent of each county school district or the administrator of each private school, as appropriate, by providing the superintendent or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district or private school whose fingerprints were sent previously to the Central Repository for investigation,

↳ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or 449.179 **or section 20 or 21 of this act.**

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are recommended by the Advisory Committee and approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau, for submission to the Legislature, or the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) At the recommendation of the Advisory Committee and in the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the



1 delinquency of children which is required to submit information
2 pursuant to subsection 2 or the State Disaster Identification Team of
3 the Division of Emergency Management of the Department. All
4 money collected pursuant to this paragraph must be used to pay for
5 the cost of operating the Central Repository.

6 (c) In the manner prescribed by the Director of the Department,
7 use electronic means to receive and disseminate information
8 contained in the Central Repository that it is authorized to
9 disseminate pursuant to the provisions of this chapter.

10 8. As used in this section:

11 (a) "Advisory Committee" means the Committee established by
12 the Director of the Department pursuant to NRS 179A.078.

13 (b) "Personal identifying information" means any information
14 designed, commonly used or capable of being used, alone or in
15 conjunction with any other information, to identify a person,
16 including, without limitation:

17 (1) The name, driver's license number, social security
18 number, date of birth and photograph or computer generated image
19 of a person; and

20 (2) The fingerprints, voiceprint, retina image and iris image
21 of a person.

22 (c) "Private school" has the meaning ascribed to it in
23 NRS 394.103.

24 **Sec. 34.** Notwithstanding the provisions of sections 5 and 27
25 of this act, a person is not required to possess a license issued by the
26 Health Division of the Department of Human Resources to operate
27 or maintain a nontransplant anatomic bank in this State before
28 January 1, 2006, unless the Health Division establishes, by
29 regulation, an earlier date for compliance with section 5 of this act.

30 **Sec. 35.** 1. This section and section 34 of this act become
31 effective upon passage and approval.

32 2. Sections 1 to 30, inclusive, of this act become effective upon
33 passage and approval for the purpose of adopting regulations and on
34 October 1, 2005, for all other purposes.

35 3. Sections 31, 32 and 33 of this act become effective on
36 October 1, 2005.



