

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Seventh Session
April 12, 2013**

The Committee on Health and Human Services was called to order by Chair Marilyn Dondero Loop at 1:16 p.m. on Friday, April 12, 2013, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn Dondero Loop, Chair
Assemblywoman Ellen B. Spiegel, Vice Chair
Assemblywoman Teresa Benitez-Thompson
Assemblyman Wesley Duncan
Assemblyman Andy Eisen
Assemblywoman Michele Fiore
Assemblyman John Hambrick
Assemblyman Pat Hickey
Assemblyman Joseph M. Hogan
Assemblyman Andrew Martin
Assemblyman James Oscarson
Assemblywoman Peggy Pierce
Assemblyman Michael Sprinkle

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman William C. Horne, Clark County Assembly District No. 34
Assemblyman James Ohrenschall, Clark County Assembly District No. 12

Minutes ID: 833



STAFF MEMBERS PRESENT:

Kirsten Bugenig, Committee Policy Analyst
Risa Lang, Committee Counsel
Terry Horgan, Committee Secretary
Macy Young, Committee Assistant

OTHERS PRESENT:

None

Chair Dondero Loop:

[Roll was taken. Committee rules and protocol were explained.]

We have a work session today beginning with Assembly Bill 351.

Assembly Bill 351: Revises provisions governing the medical use of marijuana.
(BDR 40-733)

Kirsten Bugenig, Committee Policy Analyst:

[Mrs. Bugenig read a description of the bill from the work session document ([Exhibit C](#)).]

We had this bill on our work session Wednesday, April 10, 2013, and there were some questions from Committee members. Assemblyman Horne is in the audience if members have questions.

Chair Dondero Loop:

Is there a motion?

ASSEMBLYMAN EISEN MOVED TO DO PASS ASSEMBLY BILL 351.

ASSEMBLYMAN SPRINKLE SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Fiore:

As supportive as I am of this bill, there are still things that need clarification from some of my constituents with whom I am meeting this weekend. I am going to be voting no today, but reserving my right to vote yes on the floor.

Assemblyman Duncan:

I am going to vote no on this bill. Some of the testimony from law enforcement was compelling in terms of the fact that impaired drivers injure and kill a lot of people. Statutorily, right now if there is an alcohol offense, we have a per se rule of looking at impairment. We also have a beyond-a-reasonable-doubt rule. This bill essentially takes away the per se rule for medical marijuana, and I think that is problematic. I think we need to look at this a little more. I know it can be difficult to decipher impairment just on urine levels, et cetera, but I think that is problematic, so I will be voting no on this bill.

Chair Dondero Loop:

Welcome, Assemblyman Horne. Would you like to comment, please?

Assemblyman William C. Horne, Clark County Assembly District No. 34:

I do not anticipate changing any minds, but I would say that the difference between the per se limits on alcohol as to medical marijuana is that medical marijuana is prescribed by a physician. Alcohol is not. We are talking about treating a drug that is prescribed by your doctor differently than other drugs that are prescribed by your doctor. That is where the difference is. These persons can still be prosecuted and convicted for driving impaired; we are just for prescription marijuana users, the per se component.

Chair Dondero Loop:

Is there additional discussion?

Assemblyman Martin:

I am a very strong yes on this bill. This is a wonderful bill. It is about time that we bring this into the limelight. I assume, like any prescription drug, it would have some kind of labeling or advisement that you should not use it while driving, or whatever normal warning labels are. I urge support of this. This is the time for it.

Assemblyman Duncan:

This is a comment on what Mr. Horne said. The problem though is that the inquiry now of impairment is going to be much more difficult. That is essentially the problem. The standard is becoming so much higher, so I am recognizing that distinction and that is why I am voting no.

Chair Dondero Loop:

Further discussion from the Committee? [There was no response.]

THE MOTION PASSED. (ASSEMBLYMEN DUNCAN, FIORE,
HAMBRICK, HICKEY, AND OSCARSON VOTED NO.)

We will now go to Assembly Bill 215.

Assembly Bill 215: Provides for the collection and application of graywater for a single-family residence. (BDR 40-3)

Kirsten Bugenig, Committee Policy Analyst:

[Mrs. Bugenig read a description of the bill and proposed amendments from the work session document ([Exhibit D](#)).]

Chair Dondero Loop:

Do I have a motion?

ASSEMBLYMAN HOGAN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 215.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Spiegel:

Assemblyman Ohrenschall, we had spoken about adding a provision about homeowner associations (HOAs) and having language that said they would not be forced to allow graywater, but I do not see that language in this revision. Is that no longer being considered?

Assemblyman James Ohrenschall, Clark County Assembly District No. 12:

Yes, I do remember that discussion and I am still open to that. I think the amendment would have been something to the effect that nothing in this act would prohibit a common-interest community from adopting any covenants, conditions and restrictions (CC&Rs) that it wanted regarding graywater. If a common-interest community wanted to allow graywater use it could; but if it wanted to prohibit it, then it could as well.

This does not deal with *Nevada Revised Statutes* Chapter 116, but if my colleague from Henderson would feel more comfortable with the addition of some language saying that nothing in this act prohibits a common-interest community from either allowing or prohibiting it, then I am fine with that as well if that gives you a level of comfort.

Assemblywoman Spiegel:

Thank you so much; I appreciate it.

Assemblyman Eisen:

I have spoken with the bill's sponsor about some of these changes and some of the concerns I had. I am still trying to digest some of the amendments here and the potential effects that would still exist for public health issues with uses. I intend to support the motion here in the Committee, but reserve my right to change that vote on the floor based on my further understanding.

Assemblyman Oscarson:

I appreciate all the work Mr. Ohrenschall and the Southern Nevada Water Authority have done to make this right. I still think there is a ways to go to get it even better, but I think this is a great start. I will be supporting it.

Assemblyman Ohrenschall:

Ideally, I would have liked to have seen the original version of the bill go through, but sometimes you have to take baby steps. If this bill does pass into law, and if Mr. Oscarson's recommendation to the Legislative Committee on Public Lands goes through to study graywater use, it will come back next session and we will realize, as they do in Arizona, it is used safely and it is a good water conservation measure.

Assemblyman Hickey:

I, too, am going to be supportive of this bill although I have heard some concerns from certain rural areas. Assuming it passes through this body, I hope those concerns get worked out on the other side. I will be voting today in favor of this.

Chair Dondero Loop:

Is there any additional discussion? [There was none.] Mr. Hogan, would you mind amending your motion to include the amendments in the work session document and Mrs. Spiegel's amendment? Mr. Oscarson, would you also amend your second to the motion?

ASSEMBLYMAN HOGAN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 215 WITH THE AMENDMENTS IN THE WORK
SESSION DOCUMENT AND THE FURTHER AMENDMENT
SUGGESTED BY ASSEMBLYWOMAN SPIEGEL AND THE BILL'S
SPONSOR.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Ohrenschall, will you do the floor statement for us? Also, Assemblyman Horne will do the floor statement for A.B. 351.

Our next bill is Assembly Bill 316.

Assembly Bill 316: Revises provisions governing medical records. (BDR 40-233)

Kirsten Bugenig, Committee Policy Analyst:

[Mrs. Bugenig read an explanation of the bill and proposed amendments from the work session document ([Exhibit E](#)).]

Chair Dondero Loop:

Do I have a motion?

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 316.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE
MOTION.

Is there any discussion? [There was no response.] On the record, I would like to thank Assemblyman Sprinkle for his unwavering help. He really took the lead, and I appreciate that so much. I would also like to comment that this has been a very fluid conversation and continues to be so with all the interested parties.

Assemblyman Sprinkle:

I want to reiterate. The exact intent of those amendments are to specifically look at the individual that breaches this information. That came from the discussion we had during testimony. In the end, this is about really trying to protect people's personal private medical history. I think that is a noble cause for all of us to try to achieve.

Assemblyman Eisen:

I want to express my appreciation to Mr. Sprinkle for all the work he did on this. I know how much time he spent just talking to me about it, so I am sure it was an enormous amount of time if you include all the other folks he was working with. This change in the amendments ensures that it is the person who loses control of the information who is held responsible if that person is in the United States. If someone chooses to send information overseas, then they take on that responsibility. That was a very important modification of the bill, and I am happy to support it in its current form.

Chair Dondero Loop:

Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN DUNCAN, FIORE,
HAMBRICK, HICKEY, AND OSCARSON VOTED NO.)

Mr. Sprinkle, you will be doing the floor statement.

We will now go to Assembly Bill 348.

Assembly Bill 348: Revises provisions relating to foster care. (BDR 38-457)

Kirsten Bugenig, Committee Policy Analyst:

[Mrs. Bugenig read a description of the bill and proposed amendments from the work session document ([Exhibit F](#)).]

This amendment is conceptual, so the Legal Division may be drafting it in different language.

Chair Dondero Loop:

Do I have a motion?

ASSEMBLYMAN HICKEY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 348.

ASSEMBLYMAN DUNCAN SECONDED THE MOTION.

Is there any discussion?

Assemblyman Eisen:

In the proposed amendment, this was an issue I mentioned during the hearing and I still have a concern about the way it is written. I believe the intent is not for it to be this way. I just want to make it clear on the record. In section 2, subsection 1, on line 10 that extends the independent living up to age 19 for someone who is still in school, just the way that sentence is written could be interpreted as potentially including children under the age of 16. I do not think that is the intent, but I want to make sure that it is clear that that section does not apply to anyone who is under 16 years of age.

Chair Dondero Loop:

Ms. Lang, can you answer that?

Risa Lang, Committee Counsel:

I understand the intent, and I think this is one of those areas we will be looking at in bill drafting. We will make sure that it is clear.

Chair Dondero Loop:

Does that answer your concern? Is there additional discussion? [There was no response.]

THE MOTION PASSED UNANIMOUSLY.

Is there any public comment? Is there any discussion or comments from the Committee? [There was no reply.] This meeting is adjourned [at 1:39 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn Dondero Loop, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: April 12, 2013

Time of Meeting: 1:16 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 351	C	Kirsten Bugenig, Committee Policy Analyst	Bill description
A.B. 215	D	Kirsten Bugenig	Bill description and proposed amendments
A.B. 316	E	Kirsten Bugenig	Bill description and proposed amendments
A.B. 348	F	Kirsten Bugenig	Bill description and proposed amendments