

**MINUTES OF THE  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Seventh Session  
May 9, 2013**

The Senate Committee on Health and Human Services was called to order by Chair Justin C. Jones at 3:39 p.m. on Thursday, May 9, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Justin C. Jones, Chair  
Senator Debbie Smith, Vice Chair  
Senator Tick Segerblom  
Senator Joseph P. Hardy  
Senator Ben Kieckhefer

**GUEST LEGISLATORS PRESENT:**

Assemblyman Paul Aizley, Assembly District No. 41  
Assemblywoman Lucy Flores, Assembly District No. 28  
Assemblyman Cresent Hardy, Assembly District No. 19

**STAFF MEMBERS PRESENT:**

Marsheilah D. Lyons, Policy Analyst  
Risa Lang, Counsel  
Joyce Hinton, Committee Secretary

**OTHERS PRESENT:**

Michael DeLee  
Brett Ottolenghi, Owner, Artisanal Foods  
Robert Morin  
Tracey Green, M.D., State Health Officer, Health Division, Department of Health  
and Human Services

Senate Committee on Health and Human Services  
May 9, 2013  
Page 2

Amy Irani, Acting Environmental Health Director, Southern Nevada Health District  
Anna Vickrey, Environmental Health Specialist, Nevada Food Safety Task Force  
Mary McGonigle-Martin  
Laura Bledsoe, Farmer, Quail Hollow Farm  
Robert Sack, Director, Environmental Health Services Division, Washoe County Health District  
Paula Berkley, Food Bank of Northern Nevada  
Christopher Roller, American Heart Association  
Warren B. Hardy II, Nevada Restaurant Association  
Matthew Long, Retail Association of Nevada  
Tom Clark, Black Rock City LLC  
Mary Walker, Carson City, Douglas County, Lyon County, Storey County, Eureka County  
Stacey Giomi, Fire Chief/Emergency Management Director, Carson City Fire Department  
Chad Westom, Chief, Bureau of Health Statistics, Planning, Epidemiology and Response, Department of Health and Human Services  
Keith Jones, Sundance Safety

**Chair Jones:**

We will begin with the work session on Assembly Bill (A.B.) 28.

**ASSEMBLY BILL 28**: Revises the definition of “sentinel event” for the purpose of provisions relating to the health and safety of patients at certain medical facilities. (BDR 40-311)

**Marsheilah D. Lyons (Policy Analyst):**

The Committee has received the work session document ([Exhibit C](#)). I will read from [Exhibit C](#). There are no amendments to this bill.

SENATOR HARDY MOVED TO DO PASS A.B. 28.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Senate Committee on Health and Human Services  
May 9, 2013  
Page 3

**Ms. Lyons:**

The work session will continue with A.B. 53.

**ASSEMBLY BILL 53**: Revises certain provisions relating to the review and reporting of traumatic brain injuries. (BDR 38-308)

**Ms. Lyons:**

The Committee has received the work session document ([Exhibit D](#)). I will read from [Exhibit D](#). There were no amendments to A.B. 53.

SENATOR HARDY MOVED TO DO PASS A.B. 53.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Ms. Lyons:**

The work session will continue with A.B. 183.

**ASSEMBLY BILL 183**: Allows a person who is 16 years of age to donate blood with the consent of his or her parent or guardian. (BDR 40-1015)

**Ms. Lyons:**

The Committee has received the work session document ([Exhibit E](#)). I will read from [Exhibit E](#). There were no amendments to A.B. 183.

SENATOR KIECKHEFER MOVED TO DO PASS A.B. 183.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Jones:**

The hearing is open on A.B. 209.

**ASSEMBLY BILL 209 (1st Reprint)**: Revises provisions governing the distribution and sale of raw milk. (BDR 51-1011)

**Assemblyman Paul Aizley (Assembly District No. 41):**

Assembly Bill 209 is needed for the development of the raw milk dairy industry in Nevada. Under existing statutes, it is not clear that raw milk or raw milk products produced in one county can be sold in another county. The bill clarifies that raw milk products produced in a Nevada county can be sold anywhere in the State. There are people in Nevada who want to consume raw milk, and it is not readily available. This bill requires a county milk commission to develop regulations that have to be approved by the Dairy Commission for the labeling and certifying of raw milk for human consumption.

The U.S. Food and Drug Administration (FDA), U.S. Department of Health and Human Services, does not regulate the sale of raw milk. Raw milk can be sold only in the state in which it is produced. Thirty states allow the purchase of raw milk from a farm, a farmers' market or through a cow share program. Twelve of the 30 states allow the purchase of raw milk from retail stores.

**Michael DeLee:**

I support A.B. 209. This bill is consistent with other legislation. We would like support from the regulations that are extensive on this issue under *Nevada Administrative Code* (NAC) 584.1611. This is a health issue because we are seeing smuggled milk coming into the State. This is a danger to the people who are buying these products. This bill allows for a regulated product that is clearly in demand in Nevada. The extensive regulations at the State and the county levels will be overseen carefully to ensure these products are available to everyone. These products have been legal in Nevada for 30 years. Demand has risen for these products. Raw milk, in one form or another, is available in states surrounding Nevada. This bill will make raw milk products a regulated and safe commodity.

**Senator Smith:**

Does this bill eliminate the ability for out-of-state raw milk to be sold in this State?

**Assemblyman Aizley:**

It is illegal to transport raw milk across state lines.

**Senator Smith:**

What is the intent of section 2, subsection 3, paragraph (d) regarding the fees imposed by regulations? In addition, does this provision require a two-thirds majority vote since it creates a fee?

**Risa Lang (Counsel):**

As I recall, this fee was already authorized. There are no new fees.

**Senator Smith:**

As section 2, subsection 3, paragraph (d) is written, do the fees have to be approved in regulation?

**Ms. Lang:**

These fees would be imposed pursuant to regulations.

**Senator Smith:**

Will the fees have to be approved in the regulations?

**Ms. Lang:**

Yes.

**Mr. DeLee:**

There was an issue as to whether a county was "required" to collect fees or whether they "may" collect fees. Prior to this bill, the collection of fees to defray costs was optional. We are changing the statute to require the counties to collect fees to defray costs.

**Senator Smith:**

My reading of this provision is that fees will have to be approved in regulation.

**Mr. DeLee:**

The regulations are required in any event. The regulations are adopted by the county milk commission, and everything they needed to cover, including fees and inspections, has to be approved by the Dairy Commission.

**Chair Jones:**

Under this bill, is the county milk commission imposing the fees or is the Dairy Commission imposing the fees?

**Mr. DeLee:**

This provision pertains to the county milk commission.

**Senator Smith:**

Do the county milk commission regulations come through our regulatory process? The bill refers to the regulations adopted by the Dairy Commission. However, the Legislature adopts the Dairy Commission regulations at the Legislative Commission.

**Ms. Lang:**

The Dairy Commission regulations come to the Legislative Commission. This is a bit different because section 2, subsection 3, paragraph (b) states the county milk commission shall adopt regulations approved by the Dairy Commission. Section 2, subsection 3, paragraph (d) refers back to paragraph (b) of the section. I will confirm how the process works.

**Chair Jones:**

It appears from the existing statute that the county milk commission drafts regulations, but they must be approved by the Dairy Commission.

**Senator Smith:**

When regulations are approved by the Dairy Commission, are they approved by the Legislative Commission?

**Ms. Lang:**

I will verify if the regulations are approved by the Legislative Commission.

**Mr. DeLee:**

The Dairy Commission has already adopted raw milk regulations. These regulations are under NAC 584.1611. The counties would have to conform to these regulations, and they would have to obtain pre-approval by the State for that process.

**Senator Kieckhefer:**

What is the county milk commission?

**Mr. DeLee:**

The statute requires that any facility that wants to open as a raw milk dairy must do so in a county that has an established raw milk commission. Until 2012, no county in Nevada had established a raw milk commission.

**Senator Kieckhefer:**

Are there any raw milk commissions now?

**Mr. DeLee:**

Yes. Nye County has established and appointed persons to a raw milk commission. Nye County began the process of writing regulations but stopped when they were advised that raw milk could only be sold in Nye County. There was disagreement as to whether this was the correct interpretation of existing statute. Subsequently, the decision was made to bring the issue to the Legislature for clarification of the statute.

**Senator Kieckhefer:**

Section 2, subsection 1 states that standards are adopted by the county milk commission of the county in which raw milk products are produced. The standards would be established by the county milk commission, and a different county milk commission could establish different standards. However, the products could be distributed statewide. Is that correct?

**Mr. DeLee:**

Yes, that is correct. However, the county milk commissions have to follow minimum standards in statute. The State law and the NAC set very restrictive requirements for certified raw milk. A county could choose to be more restrictive but not less restrictive.

**Senator Kieckhefer:**

Why do we need the county milk commissions?

**Mr. DeLee:**

We wanted to clarify that once the laws and regulations of the State and county were met, products could be sold in more than one county. We did not want to rework the entire statute and remove the county milk commissions.

**Senator Kieckhefer:**

It seems odd that we would allow a county regulatory body to set a standard that would then be imposed on a different county. We should use one standard statewide.

**Senator Hardy:**

I believe we are all struggling with section 2, subsection 3, paragraph (b). One would think the Dairy Commission would obtain a template for counties to follow so there is continuity of the process. From the testimony, it sounds like there is no legitimate raw milk in the State because we only have one county milk commission. This milk commission cannot proceed because we have not passed enabling legislation to allow it to charge the fees to cover costs. Is that correct?

**Assemblyman Aizley:**

Currently, people are drinking raw milk. This bill would regulate raw milk. There are people buying raw milk in California and illegally bringing it into Nevada. I was unaware of raw milk consumption when I began working on this bill. There are three standard ways in which people purchase raw milk. Consumers can purchase it from a farm, purchase it at a farmers market or purchase it in a cow share. This bill would provide protection for consumers.

The topic of raw milk can be somewhat confusing. There is raw milk for human consumption, which the bill addresses, and raw milk for pasteurization. Raw milk for pasteurization contains many pathogens. The raw milk for pasteurization is already in production. The bill's intent is to ensure consumers have better raw milk for human consumption.

**Senator Hardy:**

Are there checks for bacteria and disease?

**Assemblyman Aizley:**

The requirements for dairies already exist.

**Chair Jones:**

Are there any other products that are regulated because they are raw?



**Brett Ottolenghi (Owner, Artisanal Foods):**

Artisanal Foods has supplied approximately 200 restaurants since 1998. We are used as a resource by top chefs and food journalists.

Other than raw milk, I am unaware of raw foods that are regulated in the State. There are many raw foods we eat routinely that are far more likely to make people ill.

I support the consumption of raw milk because my nutrition research shows raw milk plays a significant role in nourishing and keeping our community healthy. I do not intend to sell this product to restaurant customers. Raw milk is consumed in homes.

**Robert Morin:**

I am a member of the Nevada Food Safety Task Force. The Committee has received the FDA Testimony Summary ([Exhibit F](#)).

The Nevada Food Safety Task Force is opposed to A.B. 209.

**Tracey Green, M.D. (State Health Officer, Health Division, Department of Health and Human Services):**

The Health Division of the Department of Health and Human Services opposes A.B. 209. Our concerns pertain to the potential for increasing foodborne-related diseases. Despite the federal regulations on interstate commerce of unpasteurized milk, between 1993 and 2006, there were 122 foodborne disease outbreaks recorded. Of those outbreaks, 1,571 patients were involved. There were two hospitalizations and two deaths. When outbreaks occur, they often occur in young children.

In January 2012, there was a large campylobacter outbreak in Pennsylvania. This outbreak sickened 148 patients in four states. These bacteria are eliminated through pasteurization.

**Senator Hardy:**

Is pasteurized milk safer than unpasteurized milk?

**Dr. Green:**

There were half the number of foodborne outbreaks related to pasteurized milk. These outbreaks were all post-pasteurization in that there were vectors that

could be exposed by humans. The highest number was norovirus. Norovirus is related to the handlers of milk, not the milk product itself.

**Senator Hardy:**

Does that mean pasteurized milk is safer than unpasteurized milk?

**Dr. Green:**

Yes.

**Chair Jones:**

Is cooked meat safer than raw meat? Are cooked eggs safer than raw eggs?

**Dr. Green:**

Yes.

**Chair Jones:**

Do we regulate those raw products?

**Dr. Green:**

There are health standards that must be maintained for industries that serve raw foods.

**Amy Irani (Acting Environmental Health Director, Southern Nevada Health District):**

The Southern Nevada Health District opposes A.B. 209. The health risks of drinking raw milk outweigh the benefits. The potential health risks are greater if the bill is passed. In 2012, the Centers for Disease Control and Prevention reported there were dairy-related outbreaks such as E. coli, campylobacter, salmonella and listeria that were linked to raw milk.

**Anna Vickrey (Environmental Health Specialist, Nevada Food Safety Task Force):**

The Nevada Food Safety Task Force opposes A.B. 209. I will read from prepared testimony ([Exhibit G](#)). In addition, I will present statistical charts ([Exhibit H](#)) to the Committee.

Chart 1 of [Exhibit H](#) illustrates the number of foodborne outbreaks from the consumption of raw milk between 1998 and 2010. Chart 2 illustrates the number of illnesses from these foodborne outbreaks. Chart 3 illustrates the

annual milk consumption in the United States. Chart 4 illustrates the number of people made ill per 20 million gallons of milk consumed.

**Mary McGonigle-Martin:**

I oppose A.B. 209. I will read from my prepared testimony ([Exhibit I](#)).

**Assemblyman Aizley:**

In testimony today, I have not heard a convincing argument for preventing the sale of raw milk. The people who consume raw milk need the protection of the legal system.

**Senator Smith:**

The hearing is closed on A.B. 209. The hearing is open on A.B. 200.

**ASSEMBLY BILL 200 (2nd Reprint)**: Revises provisions relating to food establishments. (BDR 40-129)

**Assemblyman Crescent Hardy (Assembly District No. 19):**

Most of the food we consume is produced on large-scale specialized farms, processed and packaged in factories, shipped long distances and sold in mass retail establishments. We know little about the origin or the production of the food we eat.

There has been a growing opposition to our industrial food system. This reaction may be prompted by ecological concerns and by a growing conviction that our food production system is unsustainable. Some people may be dissatisfied about the quality of their food and its flavor, freshness and nutritional properties.

The farm-to-fork movement is sometimes connected with local food movements and organic farms. The farm-to-fork movement features foods that are grown, harvested, prepared and consumed or sold to the consumer on the farm. The farm-to-fork movement has attracted the celebrity chefs, and it is featured on television programs.

A typical farm-to-fork event includes guest tours of the farm including visits to fields, barns and kitchens. Guests either have a gourmet meal prepared from fresh farm-produced ingredients or guests can purchase farm products for home

use. These events are popular across the Country, and they represent a promising trend in rural economic development.

Unfortunately, the growth of the farm-to-fork movement in Nevada has been stymied by our regulatory scheme. The scheme is well adapted to the regulation of large-scale industrialized food production but is rigid and ill-suited to small-scale production and sale of locally produced foods.

Assembly Bill 200 addresses these problems. Farm-to-fork events would not be considered the same as restaurants and cafeterias and would not be required to comply with the same requirements. Unless two or more events in a single month are held, farm-to-fork events would not be considered food establishments for the purposes of inspections by health authorities. The bill requires those farms that hold farm-to-fork events to register with the health authority. The bill retains inspection requirements for meat and poultry because those pose a potential health risk. In addition, the bill retains restrictions on the sale of certain foods that require special handling for safety reasons. The bill exempts from regulation those farms that manufacture and sell food items that do not pose a public hazard. The bill provides adequate safeguards for the health and safety of the public while providing the flexibility necessary to make farm-to-fork events possible.

This bill was vetted through our interim Legislative Committee on Health Care and was given unanimous approval.

**Laura Bledsoe (Farmer, Quail Hollow Farm):**

My husband and I became farmers out of our desire to have fresh, wholesome food that we grew ourselves. In addition, we recognized the need in the community to have a connection to the food we purchase and consume. Many people in the Country are sick. There has been an increase in chronic disease. Many of us recognize that this may be caused by the foods we consume. We want to control the foods we purchase for our families and ourselves. There has been a resurgence of interest to obtain foods from sources with which we are familiar.

Owners of the first organic farm in Nevada had a field trip of elementary students visit the farm. The owners wanted to provide the students a sample of yellow watermelon. However, to be permitted to serve the watermelon, the

watermelon had to be taken from the farm to a certified kitchen to be sliced and returned to the farm for the students. This was the permit process.

We want to promote agriculture in the State. In addition, we want to promote the ability of consumers to have the opportunity to make educated choices about food.

Farmers should be compensated. However, if farmers are compensated, they are subject to regulations.

I support A.B. 200.

**Senator Smith:**

This bill seems to put the health authority in a difficult situation. The bill calls for the health authority to be involved at some levels but not others. Do we need to clarify the role of the health authority in the bill?

**Assemblyman Hardy:**

The Committee has received a proposed amendment ([Exhibit J](#)). Section 3, subsection 2, paragraph (b) will be removed from the bill.

**Senator Smith:**

Why is that provision being removed from the bill?

**Robert Sack (Division Director, Environmental Health Services Division, Washoe County Health District):**

The intent of this bill was not to provide for a regulatory framework over these events. The inclusion of section 3, subsection 2, paragraph (b) would have required oversight to ensure farms obtained a signed acknowledgment of a receipt of notice. We do not require a signed acknowledgment from restaurants. This bill calls for less regulation, but this provision called for more regulation.

**Assemblyman Hardy:**

In this proposed amendment, [Exhibit J](#), section 4 is proposed to be removed in its entirety.

**Mr. Sack:**

Section 4 allowed farms to manufacture. Farm manufacturing is addressed in Senate Bill (S.B.) 206. Section 4 addressed higher health hazard practices that the health district was not comfortable including in A.B. 200. However, we are comfortable discussing this issue during the interim. We did not want to confuse A.B. 200 with S.B. 206.

**SENATE BILL 206 (1st Reprint)**: Revises provisions relating to food establishments. (BDR 40-935)

**Senator Smith:**

Does Exhibit J address the need to keep A.B. 200 and S.B. 206 apart?

**Ms. Bledsoe:**

Yes, it does partially. I hoped there would be more allowance for farmers' ability to produce and make income. I wanted to apply FDA standards. I am disappointed that was not included in the bill. However, we can bring the issue forward in the next Session.

**Assemblyman Hardy:**

In the amendment, section 5, subsection 2, paragraph (h) would be removed from the bill.

**Mr. Sack:**

The Washoe County Health District supports A.B. 200 with the proposed amendment.

**Paula Berkley (Food Bank of Northern Nevada):**

The Food Bank of Northern Nevada supports A.B. 200. We believe the bill will improve economic development in the State. Many children are excited about the prospect of making a living on a farm. The idea of having sustainable communities is a good idea.

**Ms. Irani:**

The Southern Nevada Health District supports A.B. 200 as amended. We applaud the efforts of local farmers to produce healthy foods. Our main goal is the public health and safety of communities. We recommend retaining the language defining "farm" in section 4, subsection 2, paragraph (a) with the exception of the words "preparation" and "principally." This would distinguish

between the events held on a farm and those that might take place in a residential setting.

**Mr. Sack:**

I do not have difficulty with retaining or excluding the definition of farm in the bill.

**Ms. Bledsoe:**

I am in support of retaining the definition of farm in the bill. However, I recognize this issue was not discussed in the Assembly.

**Senator Smith:**

The sponsors of the bill should discuss this issue and return a recommendation to Chair Jones.

**Senator Hardy:**

Does counsel have a definition of farm?

**Ms. Lang:**

Typically, if a term is not defined, the dictionary definition is used. The definition of farm was specific to section 4 of the bill. This section is being removed from the bill. We can add the definition if that is the desire of the Committee.

**Assemblyman Hardy:**

We do not need to include the definition of farm in the bill.

**Senator Kieckhefer:**

Why are rabbits treated differently from other items addressed in the bill?

**Mr. Sack:**

Under federal regulations for meat, there is an exemption for rabbits.

**Senator Smith:**

The hearing on A.B. 200 is closed.

**Chair Jones:**

The hearing on A.B. 126 is open.

**ASSEMBLY BILL 126 (1st Reprint)**: Requires the disclosure of certain nutritional information in certain chain restaurants. (BDR 51-81)

**Assemblywoman Lucy Flores (Assembly District No. 28):**

Assembly Bill 126 came about because of the issue of obesity and the associated health costs. There is a provision in the Patient Protection and Affordable Care Act of 2010 (PPACA) that requires the nutritional content of food to be disclosed in chain restaurants. This provision primarily addresses the posting of caloric information by chain restaurants so consumers can make good nutritional choices for themselves.

The Committee has received my presentation ([Exhibit K](#)). I will read from [Exhibit K](#). Consumers need to have caloric information available because Americans are eating out more often than in the past. The average American eats fast food an average of 159 times per year. Each fast-food meal is an average of 1,200 calories. Americans average 190,000 calories in fast food per year per person. Frequently, Americans eat at dine-in or takeout restaurants. Many restaurant meals sound healthy, but many contain high-caloric values.

The intent of this bill is to empower consumers. We are codifying federal law with A.B. 126. Even though the federal regulations have not been finalized, it is important for Nevada to make a statement by supporting this initiative. This is good public policy, and we want this information made available to our communities. We can adopt this now with the information already in federal law and adopt future federal regulations as they are issued. This federal law is applicable to chains with 20 or more restaurants across the Country. This bill will be applicable to entities with 15 or more restaurants in the State.

**Chair Jones:**

Federal food-labeling laws preempt State laws. Will A.B. 286 be preempted by federal law?

**ASSEMBLY BILL 286 (1st Reprint)**: Requires the provision of emergency medical personnel and emergency medical services at the site of certain special events. (BDR 40-526)



**Assemblywoman Flores:**

We are not stating that restaurants do not have to comply with federal law. We are stating restaurants must comply with the stricter State law. The bill broadens the number of restaurants that must comply.

**Chair Jones:**

How many Nevada businesses will be impacted by this bill?

**Assemblywoman Flores:**

Originally, we proposed the bill would be applicable to ten or more restaurants. I found there was only one business that would be affected. We changed the bill to be applicable to 15 or more restaurants. This was done to be more sensitive to the needs of small businesses.

**Chair Jones:**

Will this bill affect any businesses in Nevada?

**Assemblywoman Flores:**

No.

**Christopher Roller (American Heart Association):**

The American Heart Association supports A.B. 126. This bill is about providing consumers information so they can make informed decisions. We are in the midst of an obesity epidemic in the State and the Country. There are too many calories being consumed and not enough physical activity. There are greater incidents of cardiovascular disease developing as a result. We are seeing an alarming increase in the prevalence of diabetes. We are seeing heart disease and diabetes in the younger population. All this leads to increased health care costs throughout the Country.

The American Heart Association believes that educating consumers and arming them with information will move consumers to make healthier choices. Food labeling can also drive the restaurant industry to innovate to find healthier dishes to serve consumers. Nutritional information been posted on prepackaged food for two decades. Studies show that approximately 75 percent of consumers read nutritional labels on prepackaged foods.

**Senator Hardy:**

Do you have any evidence that menu choices and food labeling has led to fewer cases of obesity?

**Mr. Roller:**

Data are being collected now. I cannot provide data that substantiate the claim that we will see reductions in obesity. It takes time to establish a body of evidence. If I come across statistics that support or do not support this claim, I will forward that information to you.

**Senator Hardy:**

Please have that information to me by July 1.

**Mr. Roller:**

I will have the information to you prior to that date.

**Ms. Irani:**

The Southern Nevada Health District supports A.B. 126. We recognize that Clark County is in the midst of an obesity epidemic, and we support this effort to provide consumers with more nutritional information.

**Warren B. Hardy, II (Nevada Restaurant Association):**

The Nevada Restaurant Association reluctantly opposes A.B. 126. We support all efforts to educate the public so they can make informed decisions. Many of our members have voluntarily posted caloric information for consumers. However, this issue should be dealt with at the federal level since many of the businesses that would be affected are national chain restaurants.

**Matthew Long (Retail Association of Nevada):**

The Retail Association of Nevada is neutral on A.B. 126. The federal regulations are currently going through the drafting process. Our national affiliates are participating in this process. Completion of the federal regulations is not anticipated until 2015. The PPACA decided on 20 or more businesses as the threshold to exempt small businesses. There is a huge difference between national chains and small statewide businesses. The difference is found primarily in the amount of resources that national chains have versus the resources of small businesses. National chains employ chefs, nutritionists, chemists and laboratories to evaluate the product recipes of all products, and all the costs associated with that process are split amongst all food

establishments. Small businesses must bear these costs in their entirety. Costs associated with compliance would be an enormous burden. Small businesses would have to hire independent test laboratories, and costs would have to be spread over a much smaller number of locations. California recently repealed their law that affected fewer than 20 locations. California has now adopted a threshold of 20 locations into law.

**Chair Jones:**

Are there any other states that have codified similar standards?

**Mr. Long:**

I believe two other states apply their law to fewer than 20 locations. I do not recall which states, but I will forward that information to you.

**Senator Hardy:**

In those states, were obesity rates lowered?

**Mr. Long:**

I do not have that information. Recently, a 13-month study was conducted by Duke University. This study looked at a single franchise and whether there were any changes in the food ordered after caloric information was posted. The study showed there was no difference in what consumers ordered.

**Chair Jones:**

Are there other states that have more restrictive standards than the federal standards?

**Assemblywoman Flores:**

I do not know.

**Chair Jones:**

Will restaurants have to specify a caloric range for each product sold?

**Assemblywoman Flores:**

There are variations in products. There are meals, and there are differing sizes of the same product. A posted caloric range is acceptable under this bill.

**Chair Jones:**

The hearing on A.B. 126 is closed. The hearing on A.B. 286 is open.

**Assemblywoman Lucy Flores (Assembly District No. 28):**

There are no statutes that require emergency medical services personnel to be in attendance at large events held in the State. There are emergency services personnel in urban areas placed throughout communities to handle day-to-day emergencies. If there is an emergency at a large event, emergency services personnel are pulled from communities to tend to an emergency at events. Assembly Bill 286 addresses this issue.

The Committee has received mock-up Proposed Amendment 8780 ([Exhibit L](#)). [Exhibit L](#) includes an exemption for all events up to 50,000 attendees for rural areas of the State. I researched various communities and states and found the City of Reno local ordinance to be the best. The bill is based almost entirely on the City of Reno's local ordinance.

**Chair Jones:**

Do other counties have similar ordinances that are less or more restrictive?

**Assemblywoman Flores:**

Clark County has no ordinance of this kind. Sparks may have a permitting process, but it is not thorough.

The bill requirements are tiered based on the number of attendees at events. These requirements are not onerous. The bill is intended to set a basic requirement for events throughout the State.

Section 10 of [Exhibit L](#) defines "special event" as a temporary event. This bill does not apply to convention centers or venues designed to hold large events.

**Chair Jones:**

Does a concert with 2,500 attendees qualify as a special event?

**Assemblywoman Flores:**

No, that would not be considered a special event. Section 10 defines special event. Venues designed to hold large events are not subject to this provision.

**Tom Clark (Black Rock City LLC):**

Black Rock City supports A.B. 286. Black Rock City is the operator of the Burning Man event held in Gerlach. The Burning Man event is permitted for 60,900 attendees.

We had some concerns with A.B. 286 initially. In section 13, the original bill stated a licensed physician had to be at each first aid station. We have numerous first aid stations throughout the event. In addition, we use the state hospital from the Office of Homeland Security. This hospital set up at the center of the event, and there are many more than two physicians present throughout the event.

These events need to have standards from an emergency services perspective.

**Mary Walker (Carson City; Douglas County; Lyon County; Storey County; Eureka County):**

I represent Carson City, Douglas County, Lyon County, Storey County and Eureka County. We support A.B. 286 as amended. The bill as amended recognizes the difficulties presented when urban services are required in rural areas. For example, the bill includes requirements for paramedics or advanced life support. Many rural areas cannot meet these requirements.

**Stacey Giomi (Fire Chief/Emergency Management Director, Carson City Fire Department):**

The Carson City Fire Department supports A.B. 286 as amended.

**Senator Hardy:**

Will persons seeking a permit be required to provide an estimate of attendees and to comply with the emergency services personnel requirements in the bill?

**Chief Giomi:**

In the immediate region, four counties already have processes in place requiring emergency services personnel to be in attendance at events. These processes will continue at the local level because each event varies. At the local level, we assess what the needs are for events and staff according to the needs. If an event exceeds attendance of 50,000, counties will take advantage of requirements in A.B. 286. The requirements will be imposed on the event organizer.

**Senator Hardy:**

Do you staff events, or do the event organizers pay a fee to you to staff events?

**Chief Giomi:**

Carson City would impose the fee on the event organizer. Local governments are unlikely to absorb the costs. There are exceptions. For example, Carson City supports the Nevada Day parade. The attendance of the parade is approximately 35,000. Carson City supports the parade with funds and overtime. If another organization wanted to hold another parade with 55,000 attendees, the event organizer would be required to pay the costs associated with staffing as required in A.B. 286.

**Chad Westom (Chief, Bureau of Health Statistics, Planning, Epidemiology and Response, Department of Health and Human Services):**

The Department of Health and Human Services is neutral on A.B. 286. If the event organizer does not comply with the law, there are no means to enforce the law as it is written.

**Chair Jones:**

Have you expressed your concerns with the sponsor of the bill?

**Mr. Westom:**

No, we have not.

**Senator Hardy:**

If an event were not staffed properly, who would be liable?

**Mr. Westom:**

It is dependent upon on the event.

**Mr. Clark:**

It depends upon where the event is located. Collaboration with and input from local governments is part of organizing events. There are many components of the liability issues as they pertain to events. A host organizer would be liable if the organizer did not follow local ordinances or provisions of this bill.

**Keith Jones (Sundance Safety):**

I am neutral on A.B. 286. The Committee has received my written testimony ([Exhibit M](#)).

I support the rural counties exemption. I would like to improve the bill language to clarify that the health authority and the health district are the enforcing and

guiding agencies of the provisions of the bill. I have spoken to local fire services personnel. It is my perception they believe they will dictate the provisions of the bill. I provide special event safety services. There have been misinterpretations of laws in the past. I would be pleased to work with the sponsor on this issue.

The bill is necessary for large events. We have had problems with several events in Clark County that have not had emergency services personnel present. In addition, there are potable water concerns at some events. I would like to see a provision requiring potable water access at events to mitigate dehydration concerns.

When profit-centered commercial ambulances are involved in events, they seem to be profit motivated. They will provide the minimum service, but they are also paid to transport patients from events. It is my perception that these ambulance services provide treatment but talk patients into going to a hospital. The bill may need to address this issue.

I would like to see a provision in the bill that addresses counties with populations over 200,000 residents to prevent publicly funded entities from competing with private entities that service these events. Community resources are for day-to-day needs of the community. They should not be burdened with covering these events.

**Chair Jones:**

Are there specific liability or enforcement issues that might arise from passage of this bill?

**Assemblywoman Flores:**

I did not contemplate enforcement when writing the bill.

**Chair Jones:**

Perhaps you could add language consistent with *Nevada Revised Statute* 450B.900, subsection 1.

**Assemblywoman Flores:**

I can add a provision to address enforcement of the bill's provisions. However, if there is an enforcement mechanism in place already, I am open to keeping the bill as is.

Senate Committee on Health and Human Services  
May 9, 2013  
Page 24

**Senator Hardy:**

Is there anything in the bill to address potable water at events?

**Assemblywoman Flores:**

Because the local permitting process varies by county, the intent of the bill is to ensure emergency services are at events. It is not the intent of the bill to micromanage processes of local governments. There is a wide range of events, and I do not want to put something in statute that requires anything of that nature.



Senate Committee on Health and Human Services  
May 9, 2013  
Page 25

**Chair Jones:**

The hearing is closed on A.B. 286. The meeting is adjourned at 5:46 p.m.

RESPECTFULLY SUBMITTED:

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Sara Weaver,  
Committee Secretary

APPROVED BY:

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Senator Justin C. Jones, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	2		Agenda
	B	8		Attendance Roster
A.B. 28	C	1	Marsheilah D. Lyons	Work Session Document
A.B. 53	D	1	Marsheilah D. Lyons	Work Session Document
A.B. 183	E	1	Marsheilah D. Lyons	Work Session Document
A.B. 209	F	3	Robert Morin	Written Statement from John Sheehan
A.B. 209	G	2	Anna Vickrey	Written Testimony
A.B. 209	H	4	Anna Vickrey	Presentation
A.B. 209	I	3	Mary McGonigle-Martin	Written Testimony
A.B. 200	J	4	Assemblyman Cresent Hardy	Proposed Amendment
A.B. 126	K	18	Assemblywoman Lucy Flores	Presentation
A.B. 286	L	5	Assemblywoman Lucy Flores	Proposed Amendment 8780
A.B. 286	M	2	Keith Jones	Written Testimony