

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 28, 2015

Senate called to order at 2:39 p.m.

President Hutchison presiding.

Roll called.

All present except Senators Farley, Hardy, Kieckhefer and Segerblom, who were excused.

Prayer by Senator Moises Denis.

Our Heavenly Father, we are so thankful this day for the blessings of life and health. We are thankful for the support of our families that help us and give us the opportunity to serve here in the Legislature. We are thankful for the blessing of living in a great Country and living in this great State of Nevada.

We ask that Thou will help us that we might remember Thee and seek Thy guidance each and every day, especially at this critical time in this Legislative Session. Help us to be patient with one another, especially in these coming days. Bless us and our loved ones as we serve. Bless us with health and strength. Bless us to be patient. Bless our colleagues down the hall in the Assembly Chamber as they deliberate; that they can work together to help us come to solutions to finish this Session.

As Thou has said, help us to be humble that Thou will lead us by the hand and answer our prayers.

We pray these things in the Name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Senate Committee on Parliamentary Rules and Procedures has approved the consideration of Amendment No. 915 to Senate Bill No. 99.

JAMES A. SETTELMAYER, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Assembly Bill No. 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SCOTT HAMMOND, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 27, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 12.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 71.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brower moved that Senate Bill No. 99 be taken from the Secretary's desk and placed on the General File.

Motion carried.

Senator Roberson moved that all necessary rules be suspended, and that Assembly Bill No. 477, just reported out of Committee, be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 12.

Senator Roberson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 71.

Senator Roberson moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 99.

Bill read third time.

The following amendment was proposed by Senator Brower:

Amendment No. 915.

SUMMARY—Revising provisions governing ~~registration and community notification of~~ sex offenders and offenders convicted of a crime against a child. (BDR 14-134)

AN ACT relating to crimes; revising provisions governing the lifetime supervision of certain sex offenders; revising provisions governing registration and community notification of sex offenders and offenders convicted of a crime against a child; revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses; revising provisions governing certain restrictions on certain sex offenders placed on probation, parole or lifetime supervision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to include in the sentence of a defendant convicted of certain sexual offenses a special sentence of lifetime supervision. (NRS 176.0931) Section 61.3 of this bill adds sex trafficking to the list of offenses for which a special sentence of lifetime supervision must be imposed. Section 61.3 also removes the requirement that the sentencing

court or State Board of Parole Commissioners release the offender from lifetime supervision under certain circumstances and, instead, authorizes the sentencing court or the Board to release the offender from lifetime supervision under certain circumstances.

Existing law prohibits certain sex offenders from being within a certain distance of certain locations frequented primarily by children. (NRS 176A.410, 213.1243-213.1255) Sections 61.5 and 84.3-84.7 of this bill provide that this restriction applies only to an offender who is convicted of a sexual offense against a child under the age of 14 years rather than to an offender who is a Tier III offender.

Existing law provides that offenders convicted of certain sexual offenses or certain crimes against a child are subject to certain registration and community notification requirements. (NRS 179D.010-179D.550) Section 62.3 of this bill revises the list of sexual offenses to which the requirement for registration and community notification apply to: (1) include certain offenses involving sexual conduct between certain employees of or volunteers at a school, college or university and certain pupils or students; and (2) exclude an offense involving public urination or indecent exposure unless one of the purposes for which the offender committed the act was his or her sexual gratification. Sections 62.5 and 62.7 of this bill revise the offenses included in Tier II and Tier III levels of registration and community notification. Section 63.3 of this bill removes the requirement that the law enforcement agency with which such an offender registers ensure that the offender's record of registration contains the text of the provision of law which the offender was convicted of violating and certain specific information concerning the criminal history of the offender.

Under existing law, a sex offender or offender convicted of a crime against a child must update his or her registration not later than 3 business days after a change in the offender's name, residence or employment or student status. (NRS 179D.447) Existing law also requires a sex offender to update certain information regarding his or her presence in the State within 48 hours after a change in such information. (NRS 179D.470) Section 63.7 of this bill provides that a sex offender or offender convicted of a crime against a child must submit updates of the information not later than 48 hours after a change in the information. Sections 63.7 and 65.5 of this bill add a requirement that a sex offender or an offender convicted of a crime against a child update his or her registration when there is a change to: (1) the driver's license or identification card issued to him or her by this State or another jurisdiction; or (2) the description of the vehicle registered to or frequently driven by him or her. Section 65 of this bill requires the local law enforcement agency with which a sex offender or offender convicted of a crime against a child registers to inform him or her of the information that must be updated.

Existing law requires a sex offender or an offender convicted of a crime against a child to be subject to registration or community notification for a specified period depending upon the offense committed by the offender.

However, under certain circumstances, a sex offender or an offender convicted of a crime against a child may petition for a reduction in the period for which the offender is required to be subject to registration and community notification. (NRS 179D.490) Section 67 of this bill prohibits a sex offender or an offender convicted of a crime against a child from filing a petition to terminate his or her duty to register if the offender: (1) is subject to lifetime supervision; (2) has been declared a sexually violent predator; (3) has been convicted of a sexually violent offense; or (4) has been convicted of two or more offenses against a child. Section 61.7 of this bill sets forth the procedure for determining whether a sex offender or an offender convicted of a crime against a child is a sexually violent predator for the purpose of determining whether the offender is eligible to petition to terminate his or her duty to register.

Existing law provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense is required to register as a sex offender in the same manner as an adult and is subject to community notification. (NRS 62F.220, 179D.0559, 179D.095) In addition, existing law prohibits the sealing of records relating to a child while the child is subject to registration and community notification as a juvenile sex offender. (NRS 62F.260) Section 95 of this bill repeals those provisions and sections 74-82 of this bill enact provisions to govern the registration and community notification of juvenile sex offenders.

Sections 74.5 and 76 include certain offenses, called "aggravated sexual offenses," in the list of sexual offenses for which registration and community notification as a juvenile sex offender is required. Section 77.5 provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense: (1) must register as a sex offender with the juvenile court, juvenile probation department or the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services, whichever entity is determined to be the appropriate entity by the juvenile court; and (2) update his or her registration information not later than 48 hours after certain changes to that information. Section 77.5 also requires: (1) the juvenile court to order the parent or guardian of the child to ensure that the child complies with the requirements for registration as a sex offender; and (2) the parent or guardian of the child to notify the entity with which the child is registered as a sex offender and, if appropriate, the local law enforcement agency, if the child runs away or otherwise leaves the placement for the child approved by the juvenile court.

Under section 78, the juvenile court is required to: (1) notify the Central Repository for Nevada Records of Criminal History when a child is adjudicated delinquent for certain sexual offenses so that the Central Repository may carry out the provisions of law governing the registration of the child as a sex offender; and (2) inform the child that he or she is subject

to certain requirements for registration and community notification applicable to sex offenders. Section 78 further prohibits the juvenile court from terminating its jurisdiction over the child until the juvenile court relieves the child of the requirement to register as a sex offender or orders that the child continue to be subject to registration and community notification after the child becomes 21 years of age.

Section 80.5 provides that upon a motion by a child, a judge of the juvenile court may exempt the child from the requirements of community notification applicable to sex offenders or exclude the child from placement on the community notification website, or both. Under section 80.5, the ~~court~~ judge may not exempt a child from community notification or exclude the child from the community notification website if the child is adjudicated delinquent for certain aggravated sexual offenses. The ~~court~~ judge must hold a hearing on such a motion and must not exempt the child from community notification or exclude the child from the community notification website unless, at the hearing, the ~~court~~ judge finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. Section 80.5 further authorizes the ~~court~~ judge to reconsider its decision on a motion after considering certain factors. Finally, if the ~~juvenile court~~ judge exempts a child from community notification or excludes the child from placement on the community notification website, or both, the ~~juvenile court~~ judge must notify the Central Repository and the child must not be subject to community notification or be placed on the community notification website.

Section 81 requires ~~the~~ a judge of the juvenile court to hold a hearing when the child reaches 21 years of age or on a date reasonably near that date. If the ~~juvenile court~~ judge finds by clear and convincing evidence that the child has been rehabilitated and does not pose a threat to the safety of others, the ~~juvenile court~~ judge must relieve the child from the requirement for registration and community notification as a sex offender. However, if the ~~juvenile court~~ judge determines that the child has not been rehabilitated or poses a threat to the safety of others, the ~~juvenile court~~ judge must order that the child is subject to registration and community notification in the manner provided for adult sex offenders.

Section 81.5 provides that the juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to sections 80.5 and 81.

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

- Section 1. (Deleted by amendment.)
- Sec. 2. (Deleted by amendment.)
- Sec. 3. (Deleted by amendment.)
- Sec. 4. (Deleted by amendment.)
- Sec. 5. (Deleted by amendment.)
- Sec. 6. (Deleted by amendment.)

- Sec. 7. (Deleted by amendment.)
- Sec. 8. (Deleted by amendment.)
- Sec. 9. (Deleted by amendment.)
- Sec. 10. (Deleted by amendment.)
- Sec. 11. (Deleted by amendment.)
- Sec. 12. (Deleted by amendment.)
- Sec. 13. (Deleted by amendment.)
- Sec. 14. (Deleted by amendment.)
- Sec. 15. (Deleted by amendment.)
- Sec. 16. (Deleted by amendment.)
- Sec. 17. (Deleted by amendment.)
- Sec. 18. (Deleted by amendment.)
- Sec. 19. (Deleted by amendment.)
- Sec. 20. (Deleted by amendment.)
- Sec. 21. (Deleted by amendment.)
- Sec. 22. (Deleted by amendment.)
- Sec. 23. (Deleted by amendment.)
- Sec. 24. (Deleted by amendment.)
- Sec. 25. (Deleted by amendment.)
- Sec. 26. (Deleted by amendment.)
- Sec. 27. (Deleted by amendment.)
- Sec. 28. (Deleted by amendment.)
- Sec. 29. (Deleted by amendment.)
- Sec. 30. (Deleted by amendment.)
- Sec. 31. (Deleted by amendment.)
- Sec. 32. (Deleted by amendment.)
- Sec. 33. (Deleted by amendment.)
- Sec. 34. (Deleted by amendment.)
- Sec. 35. (Deleted by amendment.)
- Sec. 36. (Deleted by amendment.)
- Sec. 37. (Deleted by amendment.)
- Sec. 38. (Deleted by amendment.)
- Sec. 39. (Deleted by amendment.)
- Sec. 40. (Deleted by amendment.)
- Sec. 41. (Deleted by amendment.)
- Sec. 42. (Deleted by amendment.)
- Sec. 43. (Deleted by amendment.)
- Sec. 44. (Deleted by amendment.)
- Sec. 45. (Deleted by amendment.)
- Sec. 46. (Deleted by amendment.)
- Sec. 47. (Deleted by amendment.)
- Sec. 48. (Deleted by amendment.)
- Sec. 49. (Deleted by amendment.)
- Sec. 50. (Deleted by amendment.)
- Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)

Sec. 61.3. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision *who is eligible for release from lifetime supervision pursuant to this subsection* may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. ~~[The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision]~~ *A person sentenced to lifetime supervision is eligible for release from lifetime supervision only if:*

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive ~~[1]~~, *and section 61.7 of this act, for an interval of at least 10 consecutive years;*

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. *If the sentencing court or the State Board of Parole Commissioners finds at a hearing on a petition filed pursuant to subsection 3 that the person sentenced to lifetime supervision is eligible for release from lifetime supervision pursuant to that subsection and is not likely to pose a threat to the safety of others, the court or the Board may grant the petition and release the person from lifetime supervision.*

5. A person who is released from lifetime supervision pursuant to the provisions of subsection ~~[3]~~ 4 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of

those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive ~~for~~.

~~5.1~~ , and section 61.7 of this act.

6. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

- (I) A victim less than 18 years of age;
- (II) A crime against a child as defined in NRS 179D.0357;
- (III) A sexual offense as defined in NRS 179D.097;
- (IV) A deadly weapon, explosives or a firearm;
- (V) The use or threatened use of force or violence;
- (VI) Physical or mental abuse;
- (VII) Death or bodily injury;
- (VIII) An act of domestic violence;
- (IX) Harassment, stalking, threats of any kind or other similar acts;
- (X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or
- (XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) A violation, or an attempt to commit a violation, of NRS 179D.550 or 213.1243.

(3) Any offense listed in subparagraph (1) or (2) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.

(c) "Sexual offense" means:

(1) A violation of :

(I) NRS 200.366 ~~for subsection~~ ;

(II) Subsection 4 of NRS 200.400 ~~for~~ ;

(III) NRS 200.710 ~~for~~ ;

(IV) NRS 200.720 ~~for subsection~~ ;

(V) Subsection 2 of NRS 200.730 ~~for~~ ;

(VI) NRS 201.180 ~~for~~ ;

(VII) NRS 201.230 ~~for~~ ;

(VIII) Paragraph (b) of subsection 2 of NRS 201.300;

(IX) NRS 201.450 ~~or paragraph~~

(X) Paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 61.5. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection 6, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of the defendant's person, residence or vehicle or any property under the defendant's control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime.

(b) Reside at a location only if:

(1) The residence has been approved by the parole and probation officer assigned to the defendant.

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(3) The defendant keeps the parole and probation officer assigned to the defendant informed of the defendant's current address.

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of the defendant's position of employment or position as a volunteer.

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant.

(e) Participate in and complete a program of professional counseling approved by the Division.

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance.

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant.

(h) Abstain from consuming, possessing or having under the defendant's control any alcohol.

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee and a written agreement is entered into and signed in the manner set forth in subsection 5.

(j) Not use aliases or fictitious names.

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant.

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact.

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a defendant who is ~~is a Tier III offender.~~ convicted of a sexual offense against a child under the age of 14 years.

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant.

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant.

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant.

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the defendant's enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. Except as otherwise provided in subsection 6, if a defendant is convicted of ~~an~~ a sexual offense ~~[listed in subsection 6 of NRS 213.1255]~~ against a child under the age of 14 years, the defendant is a Tier III offender and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the

actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief Parole and Probation Officer, be placed under a system of active electronic monitoring that is capable of identifying the defendant's location and producing, upon request, reports or records of the defendant's presence near or within a crime scene or prohibited area or the defendant's departure from a specified geographic location.

(c) Pay any costs associated with the defendant's participation under the system of active electronic monitoring, to the extent of the defendant's ability to pay.

3. A defendant placed under the system of active electronic monitoring pursuant to subsection 2 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to the defendant's participation under the system of active electronic monitoring.

4. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

5. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any;

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child; and

(f) The Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee.

6. The court is not required to impose a condition of probation or suspension of sentence listed in subsections 1 and 2 if the court finds that

extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

7. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 61.7. Chapter 179D of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a sex offender is convicted of a sexually violent offense, or if a sex offender is convicted of a sexual offense and the sex offender previously has been convicted of a sexually violent offense, the prosecuting attorney may petition the court in which the sex offender was sentenced for a declaration that the sex offender is a sexually violent predator for the purposes of this chapter. The petition must be filed before the sex offender is released.

2. If the prosecuting attorney files a petition pursuant to subsection 1, the court shall schedule a hearing on the petition and shall order the sex offender to submit to an evaluation by a panel consisting of two qualified professionals, two persons who are advocates of victims' rights and two persons who represent law enforcement agencies. As part of the evaluation by the panel, the two qualified professionals shall conduct a psychological examination of the sex offender. The panel shall prepare a report of its conclusions, including, without limitation, the conclusions of the two qualified professionals regarding whether the sex offender suffers from a mental disorder or personality disorder, and shall provide a copy of the report to the court.

3. If, after reviewing the report and considering the evidence presented at the hearing, the court determines that the sex offender suffers from a mental disorder or personality disorder, the court shall enter an order declaring the sex offender to be a sexually violent predator for the purposes of this chapter.

4. If the court determines that the sex offender does not suffer from a mental disorder or personality disorder, the sex offender remains subject to registration and community notification as a sex offender pursuant to the provisions of this chapter.

5. A panel conducting an evaluation of a sex offender pursuant to subsection 2 must be given access to all records of the sex offender that are necessary to conduct the evaluation, and the sex offender shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the evaluation.

6. As used in this section, "sexually violent offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault, sexual abuse of a child or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(e) An attempt to commit an offense listed in paragraphs (a) to (d), inclusive.

(f) An offense that is determined to be sexually motivated pursuant to NRS 175.547.

(g) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court; or

(2) A court of the United States or the Armed Forces of the United States.

(h) Any other sexual offense if, during the commission of the offense, the offender engaged in or attempted to engage in:

(1) Sexual penetration of a child less than 12 years of age; or

(2) Nonconsensual sexual penetration of any other person.

Sec. 62. NRS 179D.035 is hereby amended to read as follows:

179D.035 ~~["Convicted"]~~

1. Except as otherwise provided in subsection 2, "convicted" includes, but is not limited to, an adjudication of delinquency by a court having jurisdiction over juveniles if ~~[-~~

~~1. The] the~~ adjudication of delinquency is for the commission of a sexual offense that is listed in ~~[NRS 62F.200; and~~

~~2. The offender was 14 years of age or older at the time of the offense.]~~ section 76 of this act.

2. The term does not include an adjudication of delinquency by a court having jurisdiction over juveniles if, pursuant to section 81 of this act, the court has relieved the juvenile of being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive ~~[-]~~, and section 61.7 of this act.

Sec. 62.3. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime

of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Open or gross lewdness pursuant to NRS 201.210.

(k) Indecent or obscene exposure pursuant to NRS 201.220.

(l) Lewdness with a child pursuant to NRS 201.230.

(m) Sexual penetration of a dead human body pursuant to NRS 201.450.

(n) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(o) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(e)]~~ (q) Sex trafficking pursuant to NRS 201.300.

~~[(p)]~~ (r) Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(e)]~~ (s) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(p)]~~ (r), inclusive.

~~[(e)]~~ (t) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(e)]~~ (u) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(e)]~~ (v) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. ~~The~~ Except for the offenses described in paragraphs (n) and (o) of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

3. The term does not include an offense involving public urination or indecent exposure unless one of the purposes for which the offender committed the offense was the offender's sexual gratification.

Sec. 62.5. NRS 179D.115 is hereby amended to read as follows:

179D.115 "Tier II offender" means an offender convicted of a crime against a child punishable by imprisonment for more than 1 year or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense ~~is~~

~~1. If committed against a child,~~ constitutes:

~~[(a)] 1. Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony and if the victim of the offense was 14 years of age or older when the offense was committed;~~

~~2. Incest pursuant to NRS 201.180, if the victim of the offense was 14 years of age or older but less than 18 years of age when the offense was committed;~~

~~3. Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony and if the victim of the offense was less than 18 years of age when the offense was committed;~~

~~4. Luring a child to engage in sexual conduct pursuant to NRS 201.560, if punishable as a felony;~~

~~[(b)] and if the victim of the offense was 14 years of age or older when the offense was committed;~~

~~5. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;~~

~~[(c)] and if the victim of the offense was 14 years of age or older when the offense was committed;~~

~~6. An offense involving sex trafficking pursuant to NRS 201.300 or prostitution pursuant to NRS 201.320;~~

~~[(d)] 7. An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; ~~for~~~~

~~[(e)]~~

~~8. Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);~~

~~[2. Involves an]~~

~~9. An attempt ~~for~~ conspiracy to commit any offense described in subsection 1;~~

~~3. If, subsections 1 to 8, inclusive;~~

~~10. A conspiracy to commit an offense described in subsection 6;~~

~~11. An offense committed in another jurisdiction ~~is an offense~~ that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:~~

- (a) A tribal court; or
- (b) A court of the United States or the Armed Forces of the United States;

or

~~[4. Is]~~

12. A sexual offense committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 62.7. NRS 179D.117 is hereby amended to read as follows:

179D.117 "Tier III offender" means an offender convicted of a crime against a child or a sex offender who has been convicted of:

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030;

2. Sexual assault pursuant to NRS 200.366;

3. Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony and if the victim of the offense was less than 14 years of age when the offense was committed;

4. Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400;

~~[4.]~~ 5. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and if the victim of the offense was less than 13 years of age when the offense was committed;

~~[5.]~~ 6. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, if the victim of the offense was less than 18 years of age when the offense was committed, unless the offender is the parent or guardian of the victim;

~~[6.]~~ 7. Incest pursuant to NRS 201.180, if the victim of the offense was less than 14 years of age when the offense was committed;

8. Lewdness with a child pursuant to NRS 201.230;

9. Luring a child to engage in sexual conduct pursuant to NRS 201.560, if punishable as a felony and if the victim of the offense was less than 14 years of age when the offense was committed;

10. Any sexual offense or crime against a child after the person becomes a Tier II offender;

~~[7.]~~ 11. Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(4);

~~[8.]~~ 12. An attempt ~~for conspiracy~~ to commit an offense described in subsections 1 to ~~[7.]~~ 11, inclusive; ~~for~~

~~9.]~~ 13. A conspiracy to commit an offense described in subsection 1, 2, 4 or 6; or

14. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

- (a) A tribal court; or
- (b) A court of the United States or the Armed Forces of the United States.

Sec. 63. (Deleted by amendment.)

Sec. 63.3. NRS 179D.443 is hereby amended to read as follows:

179D.443 1. When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.445, 179D.460 or 179D.480, or updates the registration as required pursuant to NRS 179D.447:

(a) The offender or sex offender shall provide the local law enforcement agency with the following:

(1) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which the offender or sex offender has been known;

(2) The social security number of the offender or sex offender;

(3) The address of any residence or location at which the offender or sex offender resides or will reside;

(4) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(5) The name and address of any place where the offender or sex offender is a student or will be a student;

(6) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(7) Any other information required by federal law.

(b) If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.09123, 176.0913 or 176.0916, the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender or sex offender resides, is present or is a worker or student to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917.

(c) The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

(1) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(2) ~~The text of the provision of law defining each offense for which the offender or sex offender is required to register;~~

~~(3) The criminal history of the offender or sex offender, including, without limitation:~~

~~(I) The dates of all arrests and convictions of the offender or sex offender;~~

~~(II) The status of parole, probation or supervised release of the offender or sex offender;~~

~~(III) The status of the registration of the offender or sex offender; and~~

~~(IV) The existence of any outstanding arrest warrants for the offender or sex offender;~~

—(4)] Information indicating whether the DNA profile and DNA record of the offender or sex offender has been entered in CODIS;

~~[(5)]~~ (3) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

~~[(6)]~~ (4) Any other information required by federal law.

2. As used in this section:

(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.

(b) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(c) "DNA record" has the meaning ascribed to it in NRS 176.09116.

Sec. 63.7. NRS 179D.447 is hereby amended to read as follows:

179D.447 1. ~~[(a)]~~ *If an offender convicted of a crime against a child or a sex offender convicted of a sexual offense [who] changes his or her name, residence, employment or student status, if there is a change to the driver's license or identification card issued by this State or any other jurisdiction to an offender convicted of a crime against a child or a sex offender or if there is a change in the description of the motor vehicle registered to or frequently driven by an offender convicted of a crime against a child or a sex offender, the offender or sex offender shall, not later than [3 business days] 48 hours after such change : [of name, residence, employment or student status:]*

(a) Appear in person in at least one of the jurisdictions in which the offender or sex offender resides, is a student or worker; and

(b) Provide all information concerning such change to the appropriate local law enforcement agency.

2. The local law enforcement agency shall immediately provide the updated information provided by an offender or sex offender pursuant to subsection 1 to the Central Repository and to all other jurisdictions in which the offender or sex offender is required to register.

Sec. 64. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to ~~[(NRS 62F.220)]~~ *section 78 of this act* that ~~[(a)]~~ juvenile has been adjudicated delinquent for an offense for which the juvenile is subject to registration and community notification pursuant to *sections 74 to 82, inclusive, of this act and NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act*, the Central Repository shall:

(a) If a record of registration has not previously been established for the offender or sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the offender or sex offender, update the record of registration for the offender or sex offender and notify the appropriate local law enforcement agencies.

2. If the offender or sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and

(b) ~~Immediately~~ *Except as otherwise provided in section 80.5 of this act,* provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

3. If an offender or sex offender is incarcerated or confined and has previously been convicted of a crime against a child as described in NRS 179D.0357 or a sexual offense as described in NRS 179D.097, before the offender or sex offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the offender or sex offender is incarcerated or confined shall:

(1) Inform the offender or sex offender of the requirements for registration, including, but not limited to:

(I) The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex offender was convicted if the offender or sex offender is not a resident of that jurisdiction pursuant to NRS 179D.445;

(II) The duty to register in this State during any period in which the offender or sex offender is a resident of this State or a nonresident who is a student or worker within this State and the time within which the offender or sex offender is required to register pursuant to NRS 179D.460;

(III) The duty to register in any other jurisdiction during any period in which the offender or sex offender is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(IV) If the offender or sex offender moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(V) The duty to notify the local law enforcement agency for the jurisdiction in which the offender or sex offender now resides, in person, and the jurisdiction in which the offender or sex offender formerly resided, in person or in writing, if the offender or sex offender changes the address at which the offender or sex offender resides, including if the offender or sex offender moves from this State to another jurisdiction, or changes the primary address at which the offender or sex offender is a student or worker; and

(VI) The duty to notify immediately the appropriate local law enforcement agency if the offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education or if the offender or sex

offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education; and

(2) Require the offender or sex offender to read and sign a form stating that the requirements for registration have been explained and that the offender or sex offender understands the requirements for registration, and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the offender or sex offender;

(2) ~~Provide~~ *Except as otherwise provided in section 80.5 of this act, provide* community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475; and

(3) Provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. The failure to provide an offender or sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the offender or sex offender to register and to comply with all other provisions for registration.

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender or sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the offender or sex offender; and

(c) Immediately provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

Sec. 65. NRS 179D.460 is hereby amended to read as follows:

179D.460 1. In addition to any other registration that is required pursuant to NRS 179D.450, each offender or sex offender who, after July 1, 1956, is or has been convicted of a crime against a child or a sexual offense shall register with a local law enforcement agency pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the offender or sex offender resides or is present for 48 hours or more within:

(a) A county; or

(b) An incorporated city that does not have a city police department,
➡ the offender or sex offender shall be deemed a resident offender or sex offender and shall register with the sheriff's office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.

3. If the offender or sex offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the offender or sex offender shall be deemed a resident offender or sex offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

4. If the offender or sex offender is a nonresident offender or sex offender who is a student or worker within this State, the offender or sex offender shall register with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction the offender or sex offender is a student or worker not later than 48 hours after becoming a student or worker within this State.

5. A resident or nonresident offender or sex offender shall immediately notify the appropriate local law enforcement agency if:

(a) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education; or

(b) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education.

➡ The offender or sex offender shall provide the name, address and type of each such institution of higher education.

6. To register with a local law enforcement agency pursuant to this section, the offender or sex offender shall:

(a) Appear personally at the office of the appropriate local law enforcement agency;

(b) Provide all information that is requested by the local law enforcement agency, including, but not limited to, fingerprints , *palm prints* and a photograph; and

(c) Sign and date the record of registration or some other proof of registration of the local law enforcement agency in the presence of an officer of the local law enforcement agency.

7. When an offender or sex offender registers, the local law enforcement agency shall:

(a) Inform the offender or sex offender of the duty to notify the local law enforcement agency if ~~the~~ :

(1) *The offender or sex offender changes the address at which the offender or sex offender resides, including if the offender or sex offender moves from this State to another jurisdiction, or changes the primary address at which the offender or sex offender is a student or worker;*

(2) *There is a change to the driver's license or identification card issued to the offender or sex offender by this State or any other jurisdiction; or*

(3) *There is a change in the description of the motor vehicle registered to or frequently driven by the offender or sex offender; and*

(b) Inform the offender or sex offender of the duty to register with the local law enforcement agency in whose jurisdiction the sex offender relocates.

8. After the offender or sex offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints , *palm prints* and a photograph of the offender or sex offender.

9. If the Central Repository has not previously established a record of registration for an offender or sex offender described in subsection 8, the Central Repository shall:

- (a) Establish a record of registration for the offender or sex offender;
- (b) Provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies; and
- (c) Provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

10. When an offender or sex offender notifies a local law enforcement agency that:

- (a) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education; or
- (b) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education,

↪ and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 65.5. NRS 179D.470 is hereby amended to read as follows:

179D.470 1. If a sex offender changes the address at which he or she resides, including moving from this State to another jurisdiction, changes the primary address at which he or she is a student or worker , ~~for~~ remains in a jurisdiction longer than 30 days after initially reporting a stay of less than 30 days, *if there is a change to the driver's license or identification card issued to the sex offender by this State or any other jurisdiction or if there is a change in the description of a motor vehicle registered to or frequently driven by a sex offender*, the sex offender shall, not later than 48 hours after such a change in status, provide notice of the change in status, including, without limitation, the new address, in person, to the local law enforcement agency in whose jurisdiction the sex offender now resides and, in person or in writing, to the local law enforcement agency in whose jurisdiction the sex offender formerly resided and shall provide all other information that is relevant to updating the record of registration, including, but not limited to, any change in the sex offender's name, occupation, employment, work,

volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by the sex offender.

2. Upon receiving a change of address from a sex offender, the local law enforcement agency shall immediately forward the new address and any updated information to the Central Repository and:

(a) If the sex offender has changed an address within this State, the Central Repository shall immediately provide notification concerning the sex offender to the local law enforcement agency in whose jurisdiction the sex offender is now residing or is a student or worker and shall notify the local law enforcement agency in whose jurisdiction the sex offender last resided or was a student or worker; or

(b) If the sex offender has changed an address from this State to another jurisdiction, the Central Repository shall immediately provide notification concerning the sex offender to the appropriate law enforcement agency in the other jurisdiction and shall notify the local law enforcement agency in whose jurisdiction the sex offender last resided or was a student or worker.

3. In addition to any other requirement pursuant to this section and upon notification of the requirements of this subsection, any sex offender who has no fixed residence shall at least every 30 days notify the local law enforcement agency in whose jurisdiction the sex offender resides if there are any changes in the address of any dwelling that is providing the sex offender temporary shelter or any changes in location where the sex offender habitually sleeps. The court may dismiss any criminal charges filed for failure to comply with this subsection if the sex offender immediately updates his or her record of registration.

Sec. 66. NRS 179D.480 is hereby amended to read as follows:

179D.480 1. Except as otherwise provided in subsection 3, an offender convicted of a crime against a child or a sex offender shall appear in person in at least one jurisdiction in which the offender or sex offender resides or is a student or worker:

(a) ~~Not~~ *If the offender or sex offender is a Tier I offender, not less frequently than annually, on or before the anniversary of the date on which the Central Repository established a record of registration for the offender or sex offender ; f, if the offender or sex offender is a Tier I offender;*

(b) ~~Not~~ *If the offender or sex offender is a Tier II offender, on or before the date which is 180 days after the date on which the Central Repository established a record of registration for the offender or sex offender, and thereafter not less frequently than ~~every~~ the end of each successive period of 180 days ; f, on or before the anniversary of the date on which the Central Repository established a record of registration for the offender or sex offender, if the offender or sex offender is a Tier II offender;* or

(c) ~~Not~~ *If the offender or sex offender is a Tier III offender, on or before the date which is 90 days after the date on which the Central Repository established a record of registration for the offender or sex offender, and*

thereafter not less frequently than [every] the end of each successive period of 90 days, ~~for or before the anniversary of the date on which the Central Repository established a record of registration for the offender or sex offender, if the offender or sex offender is a Tier III offender.~~

➡ and shall allow the appropriate local law enforcement agency to collect a current set of fingerprints and palm prints, a current photograph and all other information that is relevant to updating the offender or sex offender's record of registration, including, but not limited to, any change in the offender or sex offender's name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by the offender or sex offender.

2. If an offender or sex offender does not comply with the provisions of subsection 1, the Central Repository shall:

(a) Immediately notify the appropriate local law enforcement agencies and the Attorney General of the United States; and

(b) Update the record of registration for the sex offender to reflect the failure to comply with the provisions of subsection 1.

3. An offender or sex offender is not required to comply with the provisions of subsection 1 during any period in which the offender or sex offender is incarcerated or confined.

Sec. 67. NRS 179D.490 is hereby amended to read as follows:

179D.490 1. An offender convicted of a crime against a child or a sex offender shall comply with the provisions for registration for as long as the offender or sex offender resides or is present within this State or is a nonresident offender or sex offender who is a student or worker within this State, unless the period of time during which the offender or sex offender has the duty to register is reduced pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3 ~~and~~ *section 81 of this act*, the full period of registration is:

(a) Fifteen years, if the offender or sex offender is a Tier I offender;

(b) Twenty-five years, if the offender or sex offender is a Tier II offender; and

(c) The life of the offender or sex offender, if the offender or sex offender is a Tier III offender,

➡ exclusive of any time during which the offender or sex offender is incarcerated or confined.

3. If an offender or sex offender complies with the provisions for registration:

(a) For an interval of at least 10 consecutive years, if the offender or sex offender is a Tier I offender; or

(b) For an interval of at least 25 consecutive years, if the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender,

↪ during which the offender or sex offender is not convicted of an offense for which imprisonment for more than 1 year may be imposed, is not convicted of a sexual offense, *is not convicted of a violation of subsection 8 of NRS 213.1243*, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General of the United States, the offender or sex offender may file a petition to reduce the period of time during which the offender or sex offender has a duty to register with the district court in whose jurisdiction the offender or sex offender resides or, if he or she is a nonresident offender or sex offender, in whose jurisdiction the offender or sex offender is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository or appropriate agency of another jurisdiction establishes a record of registration for the offender or sex offender or the date that the offender or sex offender is released, whichever occurs later.

4. If the offender or sex offender satisfies the requirements of subsection 3, the court shall hold a hearing on the petition at which the offender or sex offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing that the offender or sex offender satisfies the requirements of subsection 3, the court shall:

(a) If the offender or sex offender is a Tier I offender, reduce the period of time during which the offender or sex offender is required to register by 5 years; and

(b) If the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender, reduce the period of time during which the offender or sex offender is required to register from the life of the offender or sex offender to that period of time for which the offender or sex offender meets the requirements of subsection 3.

5. An offender convicted of a crime against a child or a sex offender may not file a petition to terminate his or her duty to register pursuant to this section if the offender or sex offender:

(a) Is subject to lifetime supervision pursuant to NRS 176.0931;

(b) Has been declared to be a sexually violent predator; or

(c) Has been convicted of:

(1) One or more sexually violent offenses; or

(2) Two or more crimes against a child.

6. As used in this section:

(a) "Sexually violent offense" has the meaning ascribed to it in section 61.7 of this act.

(b) "Sexually violent predator" means:

(1) A person who:

(I) Has been convicted of a sexually violent offense;

(II) Suffers from a mental disorder or personality disorder; and

(III) Has been declared to be a sexually violent predator pursuant to section 61.7 of this act.

(2) A person who has been declared to be a sexually violent predator pursuant to the laws of another jurisdiction.

Sec. 67.5. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act has been convicted of an offense described in paragraph ~~((p))~~ (r) of subsection 1 of NRS 179D.097, ~~paragraph (c) of subsection 1 or~~ subsection ~~3~~ 6 or 11 of NRS 179D.115 or subsection ~~7~~ 11 or ~~9~~ 14 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 68. NRS 179D.550 is hereby amended to read as follows:

179D.550 1. Except as otherwise provided in subsection 2, an offender or sex offender who:

(a) Fails to register with a local law enforcement agency;
 (b) Fails to notify the local law enforcement agency of a change of name, residence, employment or student status, *a change to the driver's license or identification card issued to the offender or sex offender by this State or any other jurisdiction or a change in the description of the motor vehicle registered to or frequently driven by the offender or sex offender*, as required pursuant to NRS 179D.447;

(c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

(d) Otherwise violates the provisions of NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. An offender or sex offender who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.

3. If a local law enforcement agency is aware that an offender or sex offender in its jurisdiction has failed to comply with a provision of NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act, the local law enforcement agency must take any appropriate action to ensure compliance.

Sec. 69. (Deleted by amendment.)

Sec. 70. (Deleted by amendment.)

Sec. 71. NRS 62A.030 is hereby amended to read as follows:

62A.030 1. "Child" means:

(a) A person who is less than 18 years of age;

(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or

(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of ~~[NRS 62F.200, 62F.220 and 62F.260.]~~ *sections 74 to 82, inclusive, of this act.*

2. The term does not include:

(a) A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330;

(b) A person who is transferred to the district court for criminal proceedings as an adult pursuant to NRS 62B.335; or

(c) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

Sec. 72. NRS 62B.410 is hereby amended to read as follows:

62B.410 Except as otherwise provided in NRS 62F.110 and ~~[62F.220.]~~ *sections 78 and 81 of this act*, if a child is subject to the jurisdiction of the juvenile court, the juvenile court:

1. May terminate its jurisdiction concerning the child at any time, either on its own volition or for good cause shown; or

2. May retain jurisdiction over the child until the child reaches 21 years of age.

Sec. 73. Chapter 62F of NRS is hereby amended by adding thereto the provisions set forth as sections 74 to 82, inclusive, of this act.

Sec. 74. *As used in sections 74 to 82, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 74.5 to 76, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 74.5. *"Aggravated sexual offense" means:*

1. *Battery with intent to commit sexual assault pursuant to NRS 200.400;*

2. *An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is listed in NRS 179D.097;*

3. *An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violation pursuant to NRS 200.408, if the crime of violence is listed in NRS 179D.097;*

4. *An offense listed in NRS 179D.097, if the offense is subject to the additional penalty set forth in NRS 193.165;*

5. *An offense listed in NRS 179D.097, if the offense results in substantial bodily harm to the victim;*

6. *Any sexual offense if the juvenile has previously been adjudicated delinquent, or placed under the supervision of the juvenile court pursuant to NRS 62C.230, for a sexual offense; or*

7. *An attempt or conspiracy to commit an offense listed in this section.*

Sec. 75. "Community notification" means notification of a community pursuant to the provisions of NRS 179D.475.

Sec. 75.5. "Community notification website" has the meaning ascribed to it in NRS 179B.023.

Sec. 76. 1. "Sexual offense" means:

~~1.1~~ (a) Sexual assault pursuant to NRS 200.366;

~~1.2~~ (b) An offense involving pornography and a minor pursuant to NRS 200.710 ~~for 200.720;~~ to 200.730, inclusive;

~~1.3~~ (c) Lewdness with a child pursuant to NRS 201.230;

~~1.4~~ (d) An attempt or conspiracy to commit an offense listed in paragraph (a), (b) or (c) of subsection 1, ~~2 or 3,~~ if punishable as a felony;
~~for~~

~~5.1~~ (e) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193; or

(f) An aggravated sexual offense.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 77. (Deleted by amendment.)

Sec. 77.5. 1. Notwithstanding any other provision of law, a child who is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult and who was 14 years of age or older at the time of the commission of the unlawful act shall:

(a) Register initially, as required by NRS 179D.445, with the juvenile court, the director of juvenile services or the Youth Parole Bureau in the jurisdiction in which the child was adjudicated, as determined by the juvenile court; and

(b) Not later than 48 hours after a change of his or her name, residence or employment or student status, the issuance of or a change to the driver's license or identification card issued to the child by this State or any other jurisdiction or a change in the description of the motor vehicle registered to or frequently driven by the child, if any, update the juvenile court, the director of juvenile services or the Youth Parole Bureau, as applicable, of such a change.

2. The juvenile court shall order the parent or guardian of a child who is subject to the requirements of subsection 1 to:

(a) Ensure that while the child is subject to the jurisdiction of the juvenile court, the child complies with the requirements of subsection 1; and

(b) If the child runs away or otherwise leaves the placement for the child approved by the juvenile court, inform the juvenile court, the director of juvenile services or the Youth Parole Bureau, as applicable, that the child has run away or otherwise left the placement and, if appropriate, make a

report to the local law enforcement agency of the jurisdiction in which the child was placed.

3. The juvenile court, director of juvenile services or Youth Parole Bureau, as applicable, shall immediately provide the information provided by a child or the parent or guardian of a child pursuant to subsection 1 or 2 to the Central Repository.

Sec. 78. 1. In addition to any other action authorized or required pursuant to the provisions of this title, if a child is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult and was 14 years of age or older at the time of the commission of the unlawful act, the juvenile court shall:

(a) Notify the Central Repository of the adjudication so that the Central Repository may carry out the provisions for registration and community notification of the child pursuant to sections 74 to 82, inclusive, of this act and NRS 179D.010 to 179D.550, inclusive ~~61.7~~, and section 61.7 of this act; and

(b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to sections 74 to 82, inclusive, of this act and NRS 179D.010 to 179D.570, inclusive ~~61.7~~, and section 61.7 of this act.

2. The juvenile court may not terminate its jurisdiction over the child for the purposes of carrying out the provisions of sections 74 to 82, inclusive, of this act until the juvenile court, pursuant to section 81 of this act, has relieved the child of being subject to the requirements for registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act, or ordered that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive ~~61.7~~, and section 61.7 of this act.

Sec. 79. (Deleted by amendment.)

Sec. 80. (Deleted by amendment.)

Sec. 80.5. 1. Notwithstanding any other provision of law and except as otherwise provided in this subsection, upon a motion by a child, the juvenile court may exempt the child from community notification or exclude the child from placement on the community notification website, or both, if the juvenile court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. The juvenile court shall not exempt a child from community notification or exclude the child from placement on the community notification website if the child is adjudicated delinquent for committing an aggravated sexual offense.

2. At the hearing held on a motion pursuant to this section, the juvenile court may consider any evidence, reports, statements or other material which the juvenile court determines is relevant and helpful to determine whether to grant the motion.

3. *In determining at the hearing whether the child is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:*

(a) *The number, date, nature and gravity of the act or acts committed by the child, including, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior.*

(b) *The family controls in place over the child.*

(c) *The plan for providing counseling, therapy or treatment to the child.*

(d) *The history of the child with the juvenile court, including, without limitation, reports concerning any unlawful acts which the child has admitted committing, any acts for which the juvenile court placed the child under a supervision and consent decree pursuant to NRS 62C.230 and any prior adjudication of delinquency or need of supervision.*

(e) *The results of any psychological or psychiatric profiles of the child and whether those profiles indicate a risk of recidivism.*

(f) *Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.*

(g) *The impact of the unlawful act on the victim and any statements made by the victim.*

(h) *The safety of the community and the need to protect the public.*

(i) *The impact that registration and community notification pursuant to sections 74 to 82, inclusive, of this act and NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act will have on the treatment of the child.*

(j) *Any other factor that the juvenile court finds relevant to the determination of whether the child is likely to pose a threat to the safety of others.*

4. *If the juvenile court exempts a child from community notification or excludes a child from placement on the community notification website, or both, the juvenile court shall notify the Central Repository so that Central Repository may carry out the determination of the juvenile court.*

5. *Upon good cause shown, the juvenile court may reconsider the granting or denial of a motion pursuant to this section, and reverse, modify or affirm its determination. In determining whether to reverse, modify or affirm its determination, the court:*

(a) *Shall consider:*

(1) *The factors set forth in subsection 3;*

(2) *The extent to which the child has received counseling, therapy or treatment and the response of the child to any such counseling, therapy or treatment; and*

(3) *The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.*

(b) *Shall not exempt a child from community notification or exclude a child from placement on the community notification website unless the court*

finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others.

Sec. 81. Except as otherwise provided in sections 74 to 82, inclusive, of this act:

1. If a child has been adjudicated delinquent for a sexual offense, the juvenile court shall hold a hearing when the child reaches 21 years of age, or at a time reasonably near the date on which the child reaches 21 years of age, to determine whether the child should be subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive ~~and~~, and section 61.7 of this act.

2. At the hearing ~~held on a motion~~ pursuant to this section, the juvenile court may consider any evidence, reports, statements or other material which the juvenile court determines is relevant and helpful to determine whether to grant the motion.

3. If the juvenile court finds by clear and convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court may relieve the child of being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive ~~and~~, and section 61.7 of this act.

4. If the juvenile court does not find by clear and convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court shall:

(a) Order that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive ~~and~~, and section 61.7 of this act;

(b) Notify the Central Repository of the adjudication of the child and the determination of the juvenile court that the child should be subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act so that the Central Repository may carry out the provisions for registration and community notification pursuant to those sections; and

(c) Inform the child that he or she is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive ~~and~~, and section 61.7 of this act.

5. In determining at the hearing whether the child has been rehabilitated to the satisfaction of the juvenile court or is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:

(a) The number, date, nature and gravity of the act or acts committed by the child, including, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior.

(b) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment.

(c) Whether psychological or psychiatric profiles indicate a risk of recidivism.

(d) The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.

(e) Whether the child has made any recent threats against a person or expressed any intent to commit any crimes in the future.

(f) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.

(g) The impact of the unlawful act on the victim and any statements made by the victim.

(h) The safety of the community and the need to protect the public.

(i) Any other factor that the juvenile court finds relevant to the determination of whether the child has been rehabilitated to the satisfaction of the juvenile court and whether the child is likely to pose a threat to the safety of others.

6. The juvenile court shall file written findings of fact and conclusions of law setting for the basis and legal support for any decision pursuant to this section.

7. If, pursuant to this section, the juvenile court orders that a child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act, the jurisdiction of the juvenile court terminates, and the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act for the period specified in NRS 179D.490.

Sec. 81.5. 1. The juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to sections 80.5 and 81 of this act.

2. As used in this section, "master" has the meaning ascribed to it in Rule 53 of the Nevada Rules of Civil Procedure.

Sec. 82. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive ~~and~~, and section 61.7 of this act.

Sec. 83. NRS 62H.110 is hereby amended to read as follows:

62H.110 The provisions of NRS 62H.100 to 62H.170, inclusive, do not apply to:

1. Information maintained in the standardized system established pursuant to NRS 62H.200;

2. Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220;

3. Records that are subject to the provisions of ~~[NRS 62F.260;]~~ section 82 of this act; or

4. Records relating to a traffic offense that would have been a misdemeanor if committed by an adult.

Sec. 84. NRS 62H.120 is hereby amended to read as follows:

62H.120 Any decree or order entered concerning a child within the purview of this title must contain, for the benefit of the child, an explanation of the contents of NRS 62H.100 to 62H.170, inclusive, and, if applicable, ~~[NRS 62F.260.]~~ *section 82 of this act.*

Sec. 84.3. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.

3. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:

(a) The residence has been approved by the parole and probation officer assigned to the person.

(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(c) The person keeps the parole and probation officer informed of his or her current address.

4. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is ~~[a Tier 3 offender.]~~ convicted of a sexual offense against a child under the age of 14 years.

5. Except as otherwise provided in subsection 9, if a sex offender is convicted of a sexual offense ~~[listed in subsection 6 of NRS 213.1255]~~ against a child under the age of 14 years ~~[, the sex offender is a~~

~~Tier 2 offender,~~ and the sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.

6. A sex offender placed under the system of active electronic monitoring pursuant to subsection 4 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.

7. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

8. Except as otherwise provided in subsection 7, a sex offender who commits a violation of a condition imposed on him or her pursuant to the program of lifetime supervision is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

9. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3, 4 and 5 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

10. The Board shall require as a condition of lifetime supervision that the sex offender not have contact or communicate with a victim of the sexual offense or a witness who testified against the sex offender or solicit another

person to engage in such contact or communication on behalf of the sex offender, unless approved by the Chief or his or her designee and a written agreement is entered into and signed.

11. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.

12. ~~For~~ Except as otherwise provided in this subsection, for the purposes of prosecution of a violation by a sex offender of a condition imposed upon him or her pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State. *If a sex offender is arrested in this State for a violation of a condition imposed upon him or her pursuant to the program of lifetime supervision, the violation may be deemed to have occurred in the county in which the offender is arrested and the offender may be prosecuted in that county.*

Sec. 84.5. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in NRS 179D.097, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if:

(1) The residence has been approved by the parole and probation officer assigned to the parolee.

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(3) The parolee keeps the parole and probation officer informed of his or her current address.

(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his or her position of employment or position as a volunteer.

(c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee.

(d) Participate in and complete a program of professional counseling approved by the Division.

(e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance.

(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee.

(g) Abstain from consuming, possessing or having under his or her control any alcohol.

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the Chief or his or her designee and a written agreement is entered into and signed in the manner set forth in subsection 2.

(i) Not use aliases or fictitious names.

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee.

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.097 is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact.

(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a parolee who ~~is a Tier 3 offender.~~ was convicted of a sexual offense against a child under the age of 14 years.

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee.

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee.

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee.

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his or her enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

- (a) The victim or the witness;
- (b) The parolee;
- (c) The parole and probation officer assigned to the parolee;
- (d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any;
- (e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child; and
- (f) The Chief or his or her designee.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 84.7. NRS 213.1255 is hereby amended to read as follows:

213.1255 1. Except as otherwise provided in subsection 4, in addition to any conditions of parole required to be imposed pursuant to NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in ~~subsection 6~~ NRS 179D.097 against a child under the age of 14 years, ~~[and who is a Tier 3 offender,]~~ the Board shall require that the parolee:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.

2. A parolee placed under the system of active electronic monitoring pursuant to subsection 1 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.

3. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a parolee pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

4. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

5. In addition to any conditions of parole required to be imposed pursuant to subsection 1 and NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 6 against a child under the age of 14 years, the Board shall, when appropriate:

(a) Require the parolee to participate in psychological counseling.

(b) Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present.

6. The provisions of ~~subsections 1 and 5~~ subsection 5 apply to a prisoner who was convicted of:

(a) Sexual assault pursuant to paragraph (c) of subsection 3 of NRS 200.366;

(b) Abuse or neglect of a child pursuant to subparagraph (1) of paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a) of subsection 2 of NRS 200.508;

(c) An offense punishable pursuant to subsection 2 of NRS 200.750;

(d) Lewdness with a child pursuant to NRS 201.230;

(e) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony; or

(f) Any combination of the crimes listed in this subsection.

Sec. 85. (Deleted by amendment.)

Sec. 86. (Deleted by amendment.)

Sec. 87. (Deleted by amendment.)

Sec. 88. (Deleted by amendment.)

Sec. 89. (Deleted by amendment.)

Sec. 90. (Deleted by amendment.)

Sec. 91. (Deleted by amendment.)

Sec. 92. (Deleted by amendment.)

Sec. 93. (Deleted by amendment.)

Sec. 94. (Deleted by amendment.)

Sec. 95. NRS 62F.200, 62F.220 and 62F.260 are hereby repealed.

TEXT OF REPEALED SECTIONS

62F.200 "Sexual offense" defined.

1. As used in this section and NRS 62F.220 and 62F.260, unless the context otherwise requires, "sexual offense" means:

- (a) Sexual assault pursuant to NRS 200.366;
- (b) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (c) Lewdness with a child pursuant to NRS 201.230; or
- (d) An attempt or conspiracy to commit an offense listed in this section.

2. The term does not include an offense involving consensual sexual conduct if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

62F.220 Certain duties of juvenile court with respect to juvenile sex offenders; jurisdiction of juvenile court not terminated until child no longer subject to registration and community notification.

1. If a child who is 14 years of age or older is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the juvenile court shall:

(a) Notify the Central Repository of the adjudication of the child, so the Central Repository may carry out any provisions for registration of the child pursuant to NRS 179D.010 to 179D.550, inclusive; and

(b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of this section and NRS 62F.200 and 62F.260 until the child is no longer subject to registration and community notification as a juvenile sex offender pursuant to this section and NRS 62F.200 and 62F.260.

62F.260 Records not sealed during period of registration and community notification. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification as a juvenile sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

This is the final product of many weeks, indeed months, of discussion amongst the various stakeholders as to how to improve the current statutory situation in this area. It has the support of the stakeholders.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Bill No. 477 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 488.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 976.

SUMMARY—~~[Authorizes the State Department of Agriculture to establish a program for the registration of]~~ Revises provisions relating to veterinary biologic products and commercial feed sold in Nevada. (BDR 50-1164)

AN ACT relating to animals; authorizing the State Department of Agriculture to establish by regulation requirements for the registration of certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes with the State Department of Agriculture; requiring the licensing of manufacturers, distributors and guarantors of commercial feed by the Department; requiring a licensee to submit certain fees and reports to the Department on an annual basis; creating the Commercial Feed Account in the State General Fund; authorizing the Department to conduct certain inspections and audits; establishing labeling requirements for commercial feed manufactured, distributed or guaranteed in this State; prohibiting the misbranding, adulteration or reuse of packaging of commercial feed; requiring the Department to publish certain information on an annual basis; making various other changes relating to commercial feed; requiring the Department to establish fees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ Sections 1-12 of this bill [authorizes] authorize the State Department of Agriculture to establish, by regulation, a program to carry out federal regulations concerning certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes. Section 8 of this bill requires the regulations to provide that any person wishing to sell certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes must register such products with the Department. Section 8 also requires the regulations to provide for: (1) certain application requirements for the registration of animal remedies, veterinary biologics and veterinary pharmaceuticals with the Department; and (2) a reasonable annual registration fee for each product. Section 10 of this bill requires any fee collected for the registration of such products to be deposited in the Livestock Inspection Account. Section 11 of this bill imposes a civil penalty on a person failing to register such products not to exceed: (1) \$250 for a first offense; (2) \$500 for a second offense; and (3) \$1,000 for each subsequent offense. Under section 11: (1) fifty percent of the penalties collected must be used to fund a program to provide loans to persons who are 21 years of age or less and who are engaged in agriculture; and (2) the other 50 percent of the penalties collected must be deposited in the Account for the Control of Weeds.

Existing law establishes certain requirements for the labeling of commercial feed for livestock in this State. (NRS 587.690) Sections 16-46 of this bill enact new provisions relating to the labeling of commercial feed.

Section 28 of this bill provides that it is unlawful for a person to manufacture, distribute or act as a guarantor of commercial feed in this State without a license issued by the State Department of Agriculture. Section 29 of this bill establishes certain requirements to obtain such a license.

Section 34 of this bill requires each licensee to submit to the Department on a quarterly basis certain fees and a report that includes a statement of the amount of commercial feed manufactured, distributed or guaranteed, as applicable, by the licensee in the immediately preceding calendar quarter.

Section 35 of this bill creates the Commercial Feed Account in the State General Fund and sets forth permissible uses of money in the Account.

Sections 36-38 of this bill authorize a representative of the Department to conduct certain inspections or audits related to commercial feed.

Section 39 of this bill sets forth requirements for labeling of commercial feed. Section 40 of this bill prohibits misbranding commercial feed and sets forth the circumstances in which commercial feed is deemed to be misbranded. Section 41 of this bill prohibits the adulteration of commercial feed and sets forth the circumstances in which commercial feed is deemed to be adulterated. Section 42 of this bill generally prohibits the reuse of packaging of commercial feed.

Section 43 of this bill imposes a civil penalty on a person who violates any provision of sections 16-46 of this bill and any regulations adopted pursuant thereto relating to commercial feed, in an amount not to exceed: (1) for a first offense, \$250; (2) for a second offense, \$500; and (3) for a third or subsequent offense, \$1,000.

Section 44 of this bill requires the Department to publish annually certain information relating to commercial feed.

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

Section 1. Title 50 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *"Department" means the State Department of Agriculture.*

Sec. 5. *"Director" means the Director of the Department.*

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. 1. *The Department may establish, by regulation, a program to implement the requirements of federal regulations concerning veterinary feed directives, as defined in 21 U.S.C. § 354, including, without limitation,*

requirements for the registration of any animal remedy, veterinary biologic or pharmaceutical, as those terms are defined in those federal regulations.

2. The regulations adopted by the Department pursuant to subsection 1 must provide that:

(a) Except as otherwise provided in this paragraph, no person shall sell, offer or expose for sale, or deliver to a user, an animal remedy, veterinary biologic or pharmaceutical, in package or in bulk, which has not been registered with the Department pursuant to this chapter and the regulations adopted pursuant thereto. Any product registered pursuant to NRS 586.010 to 586.450, inclusive, or under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq., is not subject to the provisions of this chapter and the regulations adopted pursuant thereto.

(b) Except as otherwise provided by law, the manufacturer of each brand of animal remedy, veterinary biologic and pharmaceutical to be sold in this State, whether in package or in bulk, shall register such products with the Department annually pursuant to this chapter and the regulations adopted pursuant thereto. The regulations may authorize a manufacturer who sells more than one animal remedy, veterinary biologic or pharmaceutical in this State to register all such products with one application.

(c) An application for registration of an animal remedy, veterinary biologic or pharmaceutical must be made on forms provided by the Department and must be accompanied by a reasonable annual registration fee established by the Department by regulation for each animal remedy, veterinary biologic and pharmaceutical.

(d) An application pursuant to paragraph (c) must:

(1) Be filed on or before July 1 of each year; and

(2) Include a list of all animal remedies, veterinary biologics and pharmaceuticals that the applicant intends to market in this State during the following fiscal year.

Sec. 9. (Deleted by amendment.)

Sec. 10. The Department shall deposit all fees collected pursuant to this chapter in the Livestock Inspection Account created by NRS 561.344.

Sec. 11. 1. Any person violating the provisions of this chapter is subject to a civil penalty not to exceed:

(a) For a first offense, \$250.

(b) For a second offense, \$500.

(c) For a third or subsequent offense, \$1,000.

2. Of the money collected by the Department from a civil penalty pursuant to subsection 1:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or less; and

(b) The remaining 50 percent must be deposited in the Account for the Control of Weeds created by NRS 555.035.

Sec. 12. *The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this chapter and the regulations adopted pursuant thereto.*

Sec. 13. (Deleted by amendment.)

Sec. 13.5. NRS 561.344 is hereby amended to read as follows:

561.344 1. The Livestock Inspection Account is hereby created in the State General Fund for the use of the Department.

2. The following special taxes, fees and other money must be deposited in the Livestock Inspection Account:

(a) All special taxes on livestock as provided by law.

(b) Fees and other money collected pursuant to the provisions of chapter 564 of NRS.

(c) Fees collected pursuant to the provisions of chapter 565 of NRS.

(d) *Fees collected pursuant to the provisions of sections 2 to 13, inclusive, of this act.*

(e) Unclaimed proceeds from the sale of estrays and feral livestock by the Department pursuant to NRS 569.005 to 569.130, inclusive, or proceeds required to be deposited in the Livestock Inspection Account pursuant to a cooperative agreement established pursuant to NRS 569.031 for the management, control, placement or disposition of estrays and feral livestock.

~~[(e)]~~ (f) Fees collected pursuant to the provisions of chapter 573 of NRS.

~~[(f)]~~ (g) Fees collected pursuant to the provisions of chapter 576 of NRS.

~~[(g)]~~ (h) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of animals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 571 of NRS.

3. Expenditures from the Livestock Inspection Account must be made only for carrying out the provisions of this chapter and chapters 564, 565, 569, 571, 573 and 576 of NRS ~~[-] and sections 2 to 13, inclusive, of this act.~~

4. The interest and income earned on the money in the Livestock Inspection Account, after deducting any applicable charges, must be credited to the Account.

Sec. 14. (Deleted by amendment.)

Sec. 15. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 46, inclusive, of this act.

Sec. 16. As used in sections 16 to 46, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 17 to 26, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 17. 1. "Commercial feed" means all materials or combinations of materials which are distributed or intended for distribution for use as feed or for mixing in feed. The term includes, without limitation, pet food, specialty pet food and mineral feed.

2. The term does not include:

(a) Unmixed whole seeds, including, without limitation, unmixed whole seeds which are physically altered, if such seeds are not chemically changed or adulterated.

(b) Commodities, including, without limitation, hay, straw, stover, silage, cobs, husks and hulls and individual chemical compounds and substances if those commodities, compounds or substances are not intermixed, mixed with other materials or adulterated.

Sec. 18. 1. "Distribute" means:

(a) To offer for sale, sell, exchange or barter commercial feed; or

(b) To supply, furnish or otherwise provide commercial feed to a contract feeder.

2. As used in this section, "contract feeder" has the meaning ascribed to it in section 27 of this act.

Sec. 19. "Drug" means any substance or article other than feed that is intended:

1. For use in the diagnosis, cure, mitigation, treatment or prevention of disease in an animal; or

2. To affect the structure or any function of an animal's body.

Sec. 20. "Guarantor" means the person who is indicated on the label of commercial feed as having verified the accuracy of the information contained on the label relating to the ingredients, substances and elements contained in the commercial feed.

Sec. 21. "Label" means any written, printed or graphic representation:

1. On or affixed to the container in which commercial feed is distributed;
or

2. On the invoice or delivery slip accompanying commercial feed.

Sec. 22. "Licensee" means a person who has obtained a license pursuant to section 28 of this act.

Sec. 23. "Manufacture" means to grind, mix, blend or further process commercial feed for distribution.

Sec. 24. "Mineral feed" means commercial feed primarily intended to supply mineral elements or inorganic nutrients.

Sec. 25. "Pet food" means any commercial feed prepared and distributed for consumption by domesticated dogs or cats.

Sec. 26. "Specialty pet food" means any commercial feed prepared and distributed for consumption by any domesticated animal kept primarily for personal enjoyment, other than a dog or cat.

Sec. 27. 1. The provisions of sections 16 to 46, inclusive, of this act do not apply to customer-formula feed, or a manufacturer, distributor or guarantor thereof, or a contract feeder.

2. As used in this section:

(a) "Contract feeder" means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby the commercial feed is supplied, furnished or otherwise provided to the person and whereby the person's remuneration is determined in whole or in part by feed consumption, mortality, profits or the amount or quality of the product.

(b) "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds or ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

Sec. 28. 1. Except as otherwise provided in subsection 2:

(a) It is unlawful for a person to manufacture, distribute or act as a guarantor of commercial feed in this State unless the person has been issued by the Department a license pursuant to section 30 of this act; and

(b) A person who manufactures, distributes or acts as a guarantor of commercial feed must obtain a license from the Department for each facility in this State:

(1) Where he or she intends to manufacture or distribute commercial feed.

(2) For which he or she is a guarantor of any or all of the commercial feed that is manufactured at or distributed from the facility.

2. A person is not required to obtain a license pursuant to subsection 1 if he or she conducts only retail sales of commercial feed and the packaging of the commercial feed includes a label indicating that the commercial feed is from a manufacturer or distributor who is licensed pursuant to subsection 1.

Sec. 29. 1. A person applying for a license to manufacture, distribute or be a guarantor of commercial feed must:

(a) File an application with the Department on a form prescribed and furnished by the Department; and

(b) Pay the fee for the issuance of a license established by the Department pursuant to subsection 2.

2. The Department shall establish a fee for the issuance and annual renewal of a license required by section 28 of this act in an amount not to exceed \$75.

3. A license expires on December 31 of each year. An application to renew a license must be received by the Department on or before December 31 of each year. If a licensee submits an application for renewal after December 31 of the year in which the license expires, the licensee must pay a late fee of \$20 in addition to the annual license fee established by the Department pursuant to subsection 2.

Sec. 30. 1. Except as otherwise provided in subsection 2 and section 31 of this act, the Department shall issue a license to or renew the license of an applicant who files with the Department a complete application and pays the fee established by the Department pursuant to section 29 of this act.

2. The Department may refuse to issue or renew or may suspend, revoke or place conditions on a license for a violation of any provision of sections 16 to 46, inclusive, of this act, but no license may be refused, suspended or revoked or have conditions imposed upon its issuance pursuant to this section until the Department has provided the applicant or licensee an opportunity for a hearing.

Sec. 31. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license required by section 28 of this act shall:

(a) Include the social security number of the applicant in the application submitted to the Department.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required by subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license must not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required by subsection 1; or

(b) Indicates on the statement that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 32. 1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a licensee, the Department shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 33. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license required by section 28 of this act must indicate in the application submitted to the Department whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A license may not be renewed by the Department if:

(a) The applicant fails to submit the information required by subsection 1;
or

(b) The State Controller has informed the Department pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 34. 1. Each licensee shall submit to the Department on or before the end of each calendar quarter:

(a) A report that includes, without limitation, a statement of the amount of commercial feed manufactured, distributed or guaranteed, as applicable, by the licensee in this State during the preceding calendar quarter; and

(b) The quarterly fee in the amount required pursuant to subsection 2.

2. Except as otherwise provided in subsection 3, the amount of the quarterly fee that a licensee must pay is the greater of:

(a) Five dollars; or

(b) The fee established by the Department by regulation to be paid per ton of commercial feed manufactured, distributed or guaranteed, as applicable, in this State, which may not exceed 15 cents per ton.

➤ If a licensee does not submit the amount required pursuant to this subsection on or before 15 days after the date on which it is due, the licensee must submit, in addition to that amount, a late fee in the amount of 50 percent of the amount due.

3. A licensee is not required to submit the fees required pursuant to subsection 2 for commercial feed if another licensee has submitted the required fees for the same commercial feed. The Department shall adopt regulations specifying the circumstances under which a licensee is not required to pay fees pursuant to this subsection.

4. Each licensee shall maintain records sufficient to verify that the information contained in a report submitted pursuant to subsection 1 is complete and accurate.

5. A report submitted pursuant to subsection 1 is a public record.

Sec. 35. 1. All fees received pursuant to sections 29 and 34 of this act must be deposited in the Commercial Feed Account, which is hereby created in the State General Fund. The Director shall administer the Account. The money in the Account must be expended only to pay for the costs to the Department for administering the provisions of sections 16 to 46, inclusive, of this act, including, without limitation, the costs of inspection, sampling and analysis of commercial feed.

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 36. 1. After showing proper credentials, a representative of the Department may, during normal business hours, enter and inspect:

(a) Any building, factory, warehouse or other facility in this State where commercial feed is manufactured, processed, packaged or held for distribution;

(b) Any records, equipment, materials, containers and labels located in a building, factory, warehouse or other facility in this State where commercial feed is manufactured, processed, packaged or held for distribution; and

(c) Any vehicle used to transport or hold commercial feed.

↪ for the purposes of determining compliance with sections 16 to 46, inclusive, of this act, and any regulations adopted by the Department pursuant thereto.

2. An inspection conducted pursuant to subsection 1 must be conducted and completed in a reasonable manner.

3. A representative of the Department who conducts an inspection pursuant to this section:

(a) May obtain samples of any commercial feed, ingredient, substance or element. If a representative obtains such a sample, the representative must provide the owner, operator or authorized agent of the building, factory, warehouse, facility or vehicle being inspected with a receipt describing all samples that were obtained.

(b) May enter any public or private part of the building, factory, warehouse, facility or vehicle being inspected.

(c) Must inform the owner, operator or authorized agent of the building, factory, warehouse, facility or vehicle being inspected when the inspection is completed.

4. Every sample obtained by a representative pursuant to subsection 3 must be tested in accordance with methods published by AOAC International, or its successor organization, or any other generally recognized method.

5. If the owner, operator or authorized agent refuses to allow an inspector of the Department to inspect the building, factory, warehouse,

facility or vehicle, as applicable, the Department may obtain a search warrant from any court of competent jurisdiction to enter the premises and conduct the inspection.

Sec. 37. The Department may:

1. Inspect or audit any licensee at the request of the licensee.

2. Establish a schedule of fees for the costs of the inspection or audit.

Sec. 38. 1. If the Director or a representative of the Department has reasonable cause to believe that any commercial feed does not comply with the provisions of sections 16 to 46, inclusive, of this act, the Director or a representative of the Department may issue an order that:

(a) Prohibits the licensee from disposing of the lot of commercial feed until written permission is provided by the Director; and

(b) Requires the licensee to allow the Director or a representative of the Department to inspect the commercial feed.

2. If the Director or representative of the Department determines that the commercial feed:

(a) Complies with the provisions of sections 16 to 46, inclusive, of this act, the Director or representative of the Department must immediately rescind the order issued pursuant to paragraph (a) of subsection 1.

(b) Does not comply with the provisions of sections 16 to 46, inclusive, of this act, the Director or representative of the Department must provide to the licensee an explanation of how the commercial feed does not comply with the provisions of sections 16 to 46, inclusive, of this act. If the licensee does not demonstrate compliance with the provisions of sections 16 to 46, inclusive, of this act within 30 days after receipt of the explanation, the Director must begin proceedings to condemn the lot of commercial feed pursuant to the requirements established by the Department.

Sec. 39. 1. Commercial feed must have a label which includes:

(a) The quantity of the commercial feed by weight, liquid measure or count.

(b) The product name and brand name, if any, under which the commercial feed is distributed.

(c) The analysis, in the form and manner prescribed by the Department, of substances and elements included in the commercial feed.

(d) An ingredient list with the common or usual name of each ingredient used in the commercial feed. The Department may:

(1) Provide for the use of a collective term on the ingredient list for a group of ingredients which perform a similar function.

(2) Exempt certain commercial feed from the requirement to include an ingredient list on the label if the Department determines that such a list is not necessary for the interests of consumers.

(e) The name and principal mailing address of the manufacturer and distributor of the commercial feed.

(f) If applicable, directions for the use of commercial feed that:

(1) Contains a drug; or

(2) Requires directions for the safe and effective use thereof.

(g) Any other statement that is required by the Department.

2. The Department may request that an applicant for a license or a licensee provide to the Department copies of any label for commercial feed which the person manufactures or distributes.

3. As used in this section:

(a) "Brand name" means any word, symbol or device, or any combination thereof, used to identify and distinguish the commercial feed of one manufacturer or distributor from another.

(b) "Product name" means the name which identifies the kind, class or specific use of commercial feed and distinguishes the commercial feed from other products bearing the same brand name.

Sec. 40. 1. It is unlawful for a person to misbrand commercial feed.

2. For the purposes of subsection 1, commercial feed is misbranded if:

(a) The label on the commercial feed does not meet the requirements set forth in section 39 of this act or is false or misleading;

(b) Any word, statement or other information required to appear on the label pursuant to section 39 of this act is:

(1) Not prominently or conspicuously displayed on the label; or

(2) Written in a way that is likely to be misunderstood by a person under the conditions of customary purchase and use; or

(c) The commercial feed is distributed under the name of a different commercial feed.

Sec. 41. 1. It is unlawful for a person to adulterate commercial feed.

2. For the purposes of subsection 1, commercial feed is adulterated if:

(a) It contains a poisonous or deleterious substance which may cause it to be injurious to the health of an animal;

(b) It contains a poisonous, deleterious or nonnutritive substance which is unsafe pursuant to section 406 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346;

(c) It contains a food additive which is unsafe pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;

(d) It is a raw agricultural commodity that contains a pesticide which is unsafe pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a, unless:

(1) The raw agricultural commodity has been processed using a method such as canning, cooking, freezing, dehydrating or milling;

(2) The residue of the pesticide has been removed to the extent possible through such a method;

(3) The concentration of the pesticide in the commercial feed is not greater than the tolerance prescribed for the raw agricultural commodity; and

(4) Feeding the commercial feed to an animal is not likely to result in a pesticide residue in any edible product of the animal which is unsafe within

the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a;

(e) It contains any color additive which is unsafe pursuant to section 721 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 379e;

(f) It contains an animal drug which is unsafe pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360b;

(g) It contains any filthy, putrid or decomposed substance or is for any other reason unfit to be used as commercial feed;

(h) It has been prepared, packaged or held under unsanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to the health of an animal;

(i) It contains the product of a diseased animal or an animal which has died in a manner which is unsafe within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 342;

(j) The container of the commercial feed is composed, in whole or in part, of any poisonous or deleterious substance which may render the commercial feed injurious to the health of an animal;

(k) It has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;

(l) Any valuable component of the commercial feed has been, in whole or in part, omitted or abstracted;

(m) The composition or quality of the commercial feed is below or differs from that which is listed on the label;

(n) It contains a drug and the methods, facilities or controls used to manufacture, process or package the commercial feed do not conform to current practices of good manufacturing, unless the Department determines that such a practice is not appropriate for use in this State; or

(o) It contains viable weed seeds in an amount which exceeds the limits established by the Department. As used in this paragraph, "weed seeds" has the meaning ascribed to it in NRS 587.073.

Sec. 42. It is unlawful for a person to reuse any packaging, including, without limitation, a bag or tote for commercial feed, unless the packaging is cleaned pursuant to the methods prescribed by the Department.

Sec. 43. 1. A person who violates the provisions of sections 16 to 46, inclusive, of this act, or any regulation adopted pursuant thereto, is subject to a civil penalty not to exceed:

(a) For a first offense, \$250.

(b) For a second offense, \$500.

(c) For a third or subsequent offense, \$1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds created by NRS 555.035.

Sec. 44. The Department shall publish annually:

1. Except as otherwise provided in this subsection, information concerning the sale of commercial feed and any data related to the production and use of commercial feed in this State. The Department shall not publish any information that discloses confidential or proprietary information regarding the operations of any manufacturer, distributor, guarantor or other person.

2. A report of the results of tests performed on samples of commercial feed obtained pursuant to section 36 of this act.

Sec. 45. The Department may cooperate with and enter into an agreement with any person or federal or state agency for the purposes of carrying out the provisions of sections 16 to 46, inclusive, of this act.

Sec. 46. The Department may adopt regulations to carry out the provisions of sections 16 to 46, inclusive, of this act.

~~{Sec. 15.}~~ ~~Sec. 47. {This act}~~

~~1. This section becomes effective~~

~~1. Upon~~ upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~{2.}~~ (b) On July 1, 2015, for all other purposes.

3. Sections 15 to 46, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

4. Sections 31 and 32 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

This amendment requires the licensing of manufacturers and distributors of animal feeds which is compliant with the Federal Food Safety Act.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 56.

The following Assembly amendments were read:

Amendment No. 789.

SUMMARY—Revises provisions governing graffiti. (BDR 15-479)

AN ACT relating to graffiti; revising the definition of "graffiti"; expanding the list of items that are considered graffiti implements which are unlawful to carry in certain places; clarifying that a governmental entity may bring a civil action for damages to public property; authorizing the governing body of a city to adopt ordinances to address covering and removing certain graffiti on residential and nonresidential property; revising provisions governing money in a city's graffiti reward and abatement fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to place graffiti on or otherwise deface the public or private property, real or personal, of another, without the permission of the owner. (NRS 206.330) Sections 5, 8.2 and 16 of this bill revise the definition of "graffiti" to: (1) clarify that estrays and livestock are included within the scope of property to which the offense of graffiti applies; and (2) exclude certain items which are affixed to property.

Existing law makes it a misdemeanor for a person to carry on his or her person, in certain public places, a graffiti implement with the intent to vandalize, place graffiti on or deface property. (NRS 206.335) Section 7 of this bill revises the definition of "graffiti implement" to include any item that may be used to etch or deface property.

Existing law requires a person who is ordered to pay restitution for placing graffiti on public property to pay the restitution to the governmental entity that has incurred expenses for abating the graffiti. (NRS 206.345) Section 8 of this bill authorizes the payment of restitution to a governmental entity for future expenses to abate the graffiti. Existing law also authorizes the owner of public or private property that has been damaged by graffiti to bring a civil action against the person who placed the graffiti and recover damages in an amount up to three times the amount of any loss in value to property and up to three times the cost of restoring the property plus attorney's fees and costs. (NRS 206.345) Section 8 clarifies that a governmental entity may also bring a civil action to recover such damages from a person who placed graffiti on property if the governmental entity owns or is otherwise responsible for the damaged property.

Existing law authorizes a board of county commissioners to provide by ordinance for the covering or removal of certain graffiti on certain types of property. (NRS 244.36935) Sections 8.4 and 8.6 of this bill revise provisions governing the covering or removal of certain graffiti that is placed on residential property. Section 14 of this bill authorizes the governing body of a city to similarly provide by ordinance for the covering or removal of certain graffiti on residential property.

Existing law authorizes a board of county commissioners to provide by ordinance procedures pursuant to which the board may order an owner of nonresidential property to cover or remove certain graffiti on the owner's property. (NRS 244.3694) Section 8.8 of this bill revises provisions governing the covering or removal of graffiti that is placed on nonresidential property. Section 15 of this bill similarly authorizes the governing body of a city to provide by ordinance procedures pursuant to which the governing body may order an owner of nonresidential property to cover or remove certain graffiti on the owner's property.

Existing law requires the governing body of each city to create a fund to pay, upon approval by the governing body of the city, a reward to certain persons who provide information which results in the identification, apprehension and conviction of a person who violated a city ordinance prohibiting graffiti or other defacement of property. (NRS 268.4085) Section 18 of this bill expands the authorized use of money in the fund: (1) to purchase supplies or pay for other graffiti abatement costs incurred by the city; (2) to be paid for information which results in the identification, apprehension or conviction of a person who is alleged to have violated a city ordinance that prohibits graffiti or defacement of property; and (3) to be paid upon approval of the city manager, the authorized designee of the city manager or, if the city does not have a city manager, the governing body of the city.

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

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 206.005 and sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Estray" means any livestock running at large upon public or private lands in this State whose owner is unknown in the section where the animal is found.*

Sec. 4. *"Livestock" has the meaning ascribed to it in NRS 205.219.*

Sec. 5. NRS 206.005 is hereby amended to read as follows:

206.005 ~~{As used in this chapter, "graffiti"}~~

1. *"Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, painted on or affixed to the public*

or private property, real or personal, of another, *including, without limitation, an estray or one or more head of livestock*, which defaces the property.

2. *The term does not include any item affixed to property which may be removed:*

(a) *By hand without defacing the property;*

(b) *Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or*

(c) *Without the use of a decal remover tool.*

3. *As used in this section, "decal remover tool" means any device using power or heat to remove an adhesive substance.*

Sec. 6. NRS 206.150 is hereby amended to read as follows:

206.150 1. Except as otherwise provided in subsections 2 and 3, any person who willfully and maliciously kills, maims or disfigures any animal belonging to another, or exposes any poison or noxious substance with intent that it should be taken by the animal is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.

2. Except as otherwise provided in NRS 205.220, a person who willfully and maliciously kills an estray or one or more head of livestock, without the authority to do so, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. The provisions of subsection 1 do not apply to any person who kills a dog pursuant to NRS 575.020.

~~4. As used in this section:~~

~~(a) "Estray" means any livestock running at large upon public or private lands in this state, whose owner is unknown in the section where the animal is found.~~

~~(b) "Livestock" has the meaning ascribed to it in NRS 205.219.]~~

Sec. 7. NRS 206.335 is hereby amended to read as follows:

206.335 1. Any person who carries on his or her person a graffiti implement with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:

(a) While on or under any overpass or bridge or in any flood channel;

(b) At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization; or

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

↪ is guilty of a misdemeanor unless the person has first received valid authorization from the governmental entity which has jurisdiction over the public area or other person who is designated to provide such authorization.

2. As used in this section:

(a) "Broad-tipped indelible marker" means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) "Graffiti implement" means any broad-tipped indelible marker, ~~for~~ aerosol paint container, *carbide-tipped instrument* or other item that may be used to ~~propel~~ :

(1) *Propel* or apply ~~fluid~~ any substance that is not soluble in water ~~[-]~~ ;
or

(2) *Etch or deface property.*

(c) "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) "Transportation facility" means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 8. NRS 206.345 is hereby amended to read as follows:

206.345 1. A court may, in addition to any other fine or penalty imposed, order a person who places graffiti on or otherwise defaces public or private property in violation of NRS 206.125 or 206.330 to participate in counseling, and if the person is less than 18 years of age, order the parent or legal guardian of the person to attend or participate in counseling pursuant to NRS 62E.290.

2. If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:

(a) The owner of the property which was affected by the violation; or

(b) If the violation involved the placing of graffiti on any public property, the governmental entity that incurred *or will incur* expenses for removing, covering or cleaning up the graffiti.

3. The owner of ~~public or private~~ the property that has been damaged by graffiti *or a governmental entity that is otherwise responsible for the property* may bring a civil action against the person who placed the graffiti on such property. The court may award to the *governmental entity or other* property owner damages in an amount up to three times the amount of any loss in value to the property and up to three times the cost of restoring the property plus attorney's fees and costs, which may be recovered from the offender or, if the offender is less than 18 years of age, from the parent or legal guardian of the offender.

Sec. 8.2. NRS 244.36915 is hereby amended to read as follows:

244.36915 1. "Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, ~~for~~ painted on *or affixed to* the public or private property, real or personal, of another, *including, without limitation, an estray or one or more head of livestock,* which defaces such property.

2. *The term does not include any item affixed to property which may be removed:*

- (a) *By hand without defacing the property;*
- (b) *Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or*
- (c) *Without the use of a decal remover tool.*

3. *As used in this section:*

(a) *"Decal remover tool" means any device using power or heat to remove an adhesive substance.*

(b) *"Estray" has the meaning ascribed to it in section 3 of this act.*

(c) *"Livestock" has the meaning ascribed to it in NRS 205.219.*

Sec. 8.4. NRS 244.3692 is hereby amended to read as follows:

244.3692 "Residential property" means a parcel of land, including all structures thereon, that is ~~{zoned for}~~ *an owner-occupied single-family residence.*

Sec. 8.6. NRS 244.36935 is hereby amended to read as follows:

244.36935 1. The board of county commissioners may adopt by ordinance procedures pursuant to which officers, employees or other designees of the county may cover or remove graffiti that is ~~{~~

~~(a) Placed} placed on {the exterior of a fence or wall located on the perimeter of} residential property . {; and~~

~~(b) Visible from a public right of way.}~~

2. An ordinance adopted pursuant to subsection 1 must provide that:

(a) Officers, employees or other designees of the county shall not cover or remove the graffiti unless:

(1) The owner of the residential property consents to the covering or removal of the graffiti; or

(2) If the board of county commissioners or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the board first provides the owner of the property with written notice that is:

(I) Sent by certified mail, return receipt requested; and

(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,

➡ at least 5 days before the officers, employees or other designees of the county cover or remove the graffiti.

(b) The county shall pay the cost of covering or removing the graffiti.

Sec. 8.8. NRS 244.3694 is hereby amended to read as follows:

244.3694 1. The board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of nonresidential property within the county to cover or remove graffiti that is ~~{~~

~~(a) Placed} placed on that nonresidential property {; and~~

~~(b) Visible from a public right of way,~~

➡} to protect the public health, safety and welfare of the residents of the county and to prevent blight upon the community.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and

(2) Afforded an opportunity for a hearing and an appeal before the board or its designee.

(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

3. The board or its designee may direct the county to cover or remove the graffiti and may recover the amount expended by the county for labor and materials used to cover or remove the graffiti if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or

(c) The board has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.

4. In addition to any other reasonable means of recovering money expended by the county to cover or remove the graffiti, the board may:

(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or

(b) Make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.

5. A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:

(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his or her last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and

(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.

6. A special assessment authorized pursuant to paragraph (b) of subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and

the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

7. As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.

Sec. 9. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 15, inclusive, of this act.

Sec. 10. *As used in NRS 268.4075 to 268.4085, inclusive, and sections 10 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 268.4075 and sections 11, 12 and 13 of this act have the meanings ascribed to them in those sections.*

Sec. 11. *"Estray" has the meaning ascribed to it in section 3 of this act.*

Sec. 12. *"Livestock" has the meaning ascribed to it in NRS 205.219.*

Sec. 13. *"Residential property" means a parcel of land, including all structures thereon, that is an owner-occupied single-family residence.*

Sec. 14. 1. *The governing body of a city may adopt by ordinance procedures pursuant to which officers, employees or other designees of the city may cover or remove graffiti that is placed on residential property.*

2. *An ordinance adopted pursuant to subsection 1 must provide that:*

(a) *Officers, employees or other designees of the city may not cover or remove the graffiti unless:*

(1) *The owner of the residential property consents to the covering or removal of the graffiti; or*

(2) *If the governing body of the city or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the governing body first provides the owner of the property with written notice that is:*

(I) *Sent by certified mail, return receipt requested; and*

(II) *Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,*

➡ *at least 5 days before the officers, employees or other designees of the city cover or remove the graffiti.*

(b) *The city shall pay the cost of covering or removing the graffiti.*

Sec. 15. 1. *The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of nonresidential property within the city to cover or remove graffiti that is placed on that nonresidential property to protect the public health, safety and welfare of the residents of the city and to prevent blight upon the community.*

2. *An ordinance adopted pursuant to subsection 1 must:*

(a) *Contain procedures pursuant to which the owner of the property is:*

(1) *Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and*

(2) Afforded an opportunity for a hearing and an appeal before the governing body of the city or its designee.

(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

3. The governing body of the city or its designee may direct the city to cover or remove the graffiti and may recover the amount expended by the city for labor and materials used to cover or remove the graffiti if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or

(c) The governing body has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.

4. In addition to any other reasonable means of recovering money expended by the city to cover or remove the graffiti, the governing body of the city may ~~±~~

~~—(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or~~

~~—(b) Make] make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.~~

5. ~~[A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:~~

~~—(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his or her last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and~~

~~—(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.~~

~~—6.] A special assessment authorized pursuant to [paragraph (b) of subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.~~

~~6.7.7~~ 6. *As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.*

Sec. 16. NRS 268.4075 is hereby amended to read as follows:

268.4075 ~~[As used in this section, NRS 268.408 and 268.4085, "graffiti"]~~

1. *"Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, ~~for~~ painted on or affixed to the public or private property, real or personal, of another, including, without limitation, an stray or one or more head of livestock, which defaces such property.*

2. *The term does not include any item affixed to property which may be removed:*

(a) *By hand without defacing the property;*

(b) *Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or*

(c) *Without the use of a decal remover tool.*

3. *As used in this section, "decal remover tool" means any device using power or heat to remove an adhesive substance.*

Sec. 17. NRS 268.408 is hereby amended to read as follows:

268.408 1. *The governing body of a city shall remove or cover all evidence that graffiti has been placed on any real or personal property which it owns or otherwise controls within 15 days after it discovers the graffiti or as soon as practicable.*

2. *The governing body of a city may bring an action against a person responsible for placing graffiti on the property of the city to recover a civil penalty and damages ~~[for the cost of removing or covering the graffiti placed on such property.]~~ pursuant to the provisions of NRS 206.345.*

Sec. 18. NRS 268.4085 is hereby amended to read as follows:

268.4085 1. *The governing body of each city shall create a graffiti reward and abatement fund. The money in the fund must be used to purchase supplies or pay for other costs incurred by the city which are directly related to graffiti abatement or to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension ~~[and]~~ or conviction of a person who is alleged to have violated or who violates a city ordinance that prohibits graffiti or other defacement of property.*

2. *When a defendant pleads or is found guilty or guilty but mentally ill of violating a city ordinance that prohibits graffiti or other defacement of property, the court shall include an administrative assessment of \$250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for credit to the graffiti reward and abatement fund.*

3. *If sufficient money is available in the graffiti reward and abatement fund, a law enforcement agency for the city may offer a reward, not to exceed \$1,000, for information leading to the identification, apprehension*

~~[and]~~ or conviction of a person who *is alleged to have violated or who* violates a city ordinance that prohibits graffiti or other defacement of property.

4. *The money to purchase supplies or pay for other costs incurred by the city which are directly related to graffiti abatement or to pay a reward must be paid out of the graffiti reward and abatement fund upon approval of the city manager, the authorized designee of the city manager or, if the city does not have a city manager, the governing body of the city.*

Sec. 19. Nothing in this act may be construed to limit the ability of a county or city to enforce any ordinance or regulation relating to the abatement of graffiti adopted before, on or after October 1, 2015.

Amendment No. 914.

SUMMARY—Revises provisions governing graffiti. (BDR 15-479)

AN ACT relating to graffiti; revising the definition of "graffiti"; expanding the list of items that are considered graffiti implements which are unlawful to carry in certain places; clarifying that a governmental entity may bring a civil action for damages to public property; authorizing the governing body of a city to adopt ordinances to address covering and removing certain graffiti on residential and nonresidential property; revising provisions governing money in a city's graffiti reward and abatement fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to place graffiti on or otherwise deface the public or private property, real or personal, of another, without the permission of the owner. (NRS 206.330) Sections 5, 8.2 and 16 of this bill revise the definition of "graffiti" to: (1) clarify that estrays and livestock are included within the scope of property to which the offense of graffiti applies; and (2) exclude certain items which are affixed to property.

Existing law makes it a misdemeanor for a person to carry on his or her person, in certain public places, a graffiti implement with the intent to vandalize, place graffiti on or deface property. (NRS 206.335) Section 7 of this bill revises the definition of "graffiti implement" to include any item that may be used to etch or deface property.

Existing law requires a person who is ordered to pay restitution for placing graffiti on public property to pay the restitution to the governmental entity that has incurred expenses for abating the graffiti. (NRS 206.345) Section 8 of this bill authorizes the payment of restitution to a governmental entity for future expenses to abate the graffiti. Existing law also authorizes the owner of public or private property that has been damaged by graffiti to bring a civil action against the person who placed the graffiti and recover damages in an amount up to three times the amount of any loss in value to property and up to three times the cost of restoring the property plus attorney's fees and costs. (NRS 206.345) Section 8 clarifies that a governmental entity may also bring a civil action to recover such damages from a person who placed graffiti on

property if the governmental entity owns or is otherwise responsible for the damaged property.

Existing law authorizes a board of county commissioners to provide by ordinance for the covering or removal of certain graffiti on certain types of property. (NRS 244.36935) Sections 8.4 and 8.6 of this bill revise provisions governing the covering or removal of certain graffiti that is placed on residential property. Section 14 of this bill authorizes the governing body of a city to similarly provide by ordinance for the covering or removal of certain graffiti on residential property.

Existing law authorizes a board of county commissioners to provide by ordinance procedures pursuant to which the board may order an owner of nonresidential property to cover or remove certain graffiti on the owner's property. (NRS 244.3694) Section 8.8 of this bill revises provisions governing the covering or removal of graffiti that is placed on nonresidential property. Section 15 of this bill similarly authorizes the governing body of a city to provide by ordinance procedures pursuant to which the governing body may order an owner of nonresidential property to cover or remove certain graffiti on the owner's property.

Existing law requires the governing body of each city to create a fund to pay, upon approval by the governing body of the city, a reward to certain persons who provide information which results in the identification, apprehension and conviction of a person who violated a city ordinance prohibiting graffiti or other defacement of property. (NRS 268.4085) Section 18 of this bill expands the authorized use of money in the fund: (1) to purchase supplies or pay for other graffiti abatement costs incurred by the city; (2) to be paid for information which results in the identification, apprehension or conviction of a person who is alleged to have violated a city ordinance that prohibits graffiti or defacement of property; and (3) to be paid upon approval of the city manager, the authorized designee of the city manager or, if the city does not have a city manager, the governing body of the city.

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

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 206.005 and sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Estray" means any livestock running at large upon public or private lands in this State whose owner is unknown in the section where the animal is found.*

Sec. 4. *"Livestock" has the meaning ascribed to it in NRS 205.219.*

Sec. 5. NRS 206.005 is hereby amended to read as follows:

206.005 ~~[As used in this chapter, "graffiti"]~~

1. *"Graffiti"* means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, painted on or affixed to the public or private property, real or personal, of another, *including, without limitation, an estray or one or more head of livestock*, which defaces the property.

2. *The term does not include any item affixed to property which may be removed:*

(a) *By hand without defacing the property;*

(b) *Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or*

(c) *Without the use of a decal remover tool.*

3. *As used in this section, "decal remover tool" means any device using power or heat to remove an adhesive substance.*

Sec. 6. NRS 206.150 is hereby amended to read as follows:

206.150 1. Except as otherwise provided in subsections 2 and 3, any person who willfully and maliciously kills, maims or disfigures any animal belonging to another, or exposes any poison or noxious substance with intent that it should be taken by the animal is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.

2. Except as otherwise provided in NRS 205.220, a person who willfully and maliciously kills an estray or one or more head of livestock, without the authority to do so, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. The provisions of subsection 1 do not apply to any person who kills a dog pursuant to NRS 575.020.

~~4. As used in this section:~~

~~(a) "Estray" means any livestock running at large upon public or private lands in this state, whose owner is unknown in the section where the animal is found.~~

~~(b) "Livestock" has the meaning ascribed to it in NRS 205.219.]~~

Sec. 7. NRS 206.335 is hereby amended to read as follows:

206.335 1. Any person who carries on his or her person a graffiti implement with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:

(a) While on or under any overpass or bridge or in any flood channel;

(b) At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization; or

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

↪ is guilty of a misdemeanor unless the person has first received valid authorization from the governmental entity which has jurisdiction over the public area or other person who is designated to provide such authorization.

2. As used in this section:

(a) "Broad-tipped indelible marker" means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) "Graffiti implement" means any broad-tipped indelible marker, ~~for~~ aerosol paint container, *carbide-tipped instrument* or other item that may be used to ~~propel~~ ~~propel~~:

(1) *Propel* or apply ~~fluid~~ any substance that is not soluble in water ~~[-]~~ ;
or

(2) *Etch or deface property.*

(c) "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) "Transportation facility" means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 8. NRS 206.345 is hereby amended to read as follows:

206.345 1. A court may, in addition to any other fine or penalty imposed, order a person who places graffiti on or otherwise defaces public or private property in violation of NRS 206.125 or 206.330 to participate in counseling, and if the person is less than 18 years of age, order the parent or legal guardian of the person to attend or participate in counseling pursuant to NRS 62E.290.

2. If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:

(a) The owner of the property which was affected by the violation; or

(b) If the violation involved the placing of graffiti on any public property, the governmental entity that incurred *or will incur* expenses for removing, covering or cleaning up the graffiti.

3. The owner of ~~public or private~~ the property that has been damaged by graffiti *or a governmental entity that is otherwise responsible for the property* may bring a civil action against the person who placed the graffiti on such property. The court may award to the *governmental entity or other* property owner damages in an amount up to three times the amount of any loss in value to the property and up to three times the cost of restoring the property plus attorney's fees and costs, which may be recovered from the offender or, if the offender is less than 18 years of age, from the parent or legal guardian of the offender.

Sec. 8.2. NRS 244.36915 is hereby amended to read as follows:

244.36915 1. "Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, ~~for~~ painted on *or*

affixed to the public or private property, real or personal, of another, including, without limitation, an estray or one or more head of livestock, which defaces such property.

2. *The term does not include any item affixed to property which may be removed:*

(a) *By hand without defacing the property;*

(b) *Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or*

(c) *Without the use of a decal remover tool.*

3. *As used in this section:*

(a) *"Decal remover tool" means any device using power or heat to remove an adhesive substance.*

(b) *"Estray" has the meaning ascribed to it in section 3 of this act.*

(c) *"Livestock" has the meaning ascribed to it in NRS 205.219.*

Sec. 8.4. NRS 244.3692 is hereby amended to read as follows:

244.3692 "Residential property" means a parcel of land, including all structures thereon, that is ~~zoned for~~ *an owner-occupied single-family residence.*

Sec. 8.6. NRS 244.36935 is hereby amended to read as follows:

244.36935 1. The board of county commissioners may adopt by ordinance procedures pursuant to which officers, employees or other designees of the county may cover or remove graffiti that is ~~[-~~

~~—(a) Placed] placed on [the exterior of a fence or wall located on the perimeter of] residential property . [- and~~

~~—(b) Visible from a public right of way.]~~

2. An ordinance adopted pursuant to subsection 1 must provide that:

(a) Officers, employees or other designees of the county shall not cover or remove the graffiti unless:

(1) The owner of the residential property consents to the covering or removal of the graffiti; or

(2) If the board of county commissioners or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the board first provides the owner of the property with written notice that is:

(I) Sent by certified mail, return receipt requested; and

(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,

↪ at least 5 days before the officers, employees or other designees of the county cover or remove the graffiti.

(b) The county shall pay the cost of covering or removing the graffiti.

Sec. 8.8. NRS 244.3694 is hereby amended to read as follows:

244.3694 1. The board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of nonresidential property within the county to cover or remove graffiti that is ~~[-~~

~~—(a) Placed] placed on that nonresidential property [- and~~

~~—(b) Visible from a public right of way;~~

→ to protect the public health, safety and welfare of the residents of the county and to prevent blight upon the community.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and

(2) Afforded an opportunity for a hearing and an appeal before the board or its designee.

(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

3. The board or its designee may direct the county to cover or remove the graffiti and may recover the amount expended by the county for labor and materials used to cover or remove the graffiti if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or

(c) The board has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.

4. In addition to any other reasonable means of recovering money expended by the county to cover or remove the graffiti, the board may:

(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or

(b) Make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.

5. A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:

(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his or her last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and

(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.

6. A special assessment authorized pursuant to paragraph (b) of subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

7. As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.

Sec. 9. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 15, inclusive, of this act.

Sec. 10. *As used in NRS 268.4075 to 268.4085, inclusive, and sections 10 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 268.4075 and sections 11, 12 and 13 of this act have the meanings ascribed to them in those sections.*

Sec. 11. *"Estray" has the meaning ascribed to it in section 3 of this act.*

Sec. 12. *"Livestock" has the meaning ascribed to it in NRS 205.219.*

Sec. 13. *"Residential property" means a parcel of land, including all structures thereon, that is an owner-occupied single-family residence.*

Sec. 14. 1. *The governing body of a city may adopt by ordinance procedures pursuant to which officers, employees or other designees of the city may cover or remove graffiti that is placed on residential property.*

2. *An ordinance adopted pursuant to subsection 1 must provide that:*

(a) *Officers, employees or other designees of the city may not cover or remove the graffiti unless:*

(1) *The owner of the residential property consents to the covering or removal of the graffiti; or*

(2) *If the governing body of the city or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the governing body first provides the owner of the property with written notice that is:*

(I) *Sent by certified mail, return receipt requested; and*

(II) *Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,*

➤ *at least 5 days before the officers, employees or other designees of the city cover or remove the graffiti.*

(b) *The city shall pay the cost of covering or removing the graffiti.*

Sec. 15. 1. *The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of nonresidential property within the city to cover or remove graffiti that is placed on that nonresidential property to protect the public health, safety and welfare of the residents of the city and to prevent blight upon the community.*

2. *An ordinance adopted pursuant to subsection 1 must:*

(a) *Contain procedures pursuant to which the owner of the property is:*

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and

(2) Afforded an opportunity for a hearing and an appeal before the governing body of the city or its designee.

(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

3. The governing body of the city or its designee may direct the city to cover or remove the graffiti and may recover the amount expended by the city for labor and materials used to cover or remove the graffiti if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or

(c) The governing body has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.

4. ~~In addition to any other reasonable means of recovering money expended by the city to cover or remove the graffiti, the governing body of the city may make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.~~

~~5. A special assessment authorized pursuant to subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.~~

~~6.~~ As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.

Sec. 16. NRS 268.4075 is hereby amended to read as follows:

268.4075 ~~[As used in this section, NRS 268.408 and 268.4085, "graffiti"]~~

1. "Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, ~~for~~ painted on or affixed to the public or private property, real or personal, of another, including, without limitation, an estray or one or more head of livestock, which defaces such property.

2. *The term does not include any item affixed to property which may be removed:*

- (a) By hand without defacing the property;*
- (b) Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or*
- (c) Without the use of a decal remover tool.*

3. *As used in this section, "decal remover tool" means any device using power or heat to remove an adhesive substance.*

Sec. 17. NRS 268.408 is hereby amended to read as follows:

268.408 1. The governing body of a city shall remove or cover all evidence that graffiti has been placed on any real or personal property which it owns or otherwise controls within 15 days after it discovers the graffiti or as soon as practicable.

2. The governing body of a city may bring an action against a person responsible for placing graffiti on the property of the city to recover a civil penalty and damages ~~[for the cost of removing or covering the graffiti placed on such property.]~~ pursuant to the provisions of NRS 206.345.

Sec. 18. NRS 268.4085 is hereby amended to read as follows:

268.4085 1. The governing body of each city shall create a graffiti reward and abatement fund. The money in the fund must be used *to purchase supplies or pay for other costs incurred by the city which are directly related to graffiti abatement or to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension ~~and~~ or conviction of a person who is alleged to have violated or who violates a city ordinance that prohibits graffiti or other defacement of property.*

2. When a defendant pleads or is found guilty or guilty but mentally ill of violating a city ordinance that prohibits graffiti or other defacement of property, the court shall include an administrative assessment of \$250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for credit to the graffiti reward and abatement fund.

3. If sufficient money is available in the graffiti reward and abatement fund, a law enforcement agency for the city may offer a reward, not to exceed \$1,000, for information leading to the identification, apprehension ~~and~~ or conviction of a person who *is alleged to have violated or who violates a city ordinance that prohibits graffiti or other defacement of property.*

4. *The money to purchase supplies or pay for other costs incurred by the city which are directly related to graffiti abatement or to pay a reward must be paid out of the graffiti reward and abatement fund upon approval of the city manager, the authorized designee of the city manager or, if the city does not have a city manager, the governing body of the city.*

Sec. 19. Nothing in this act may be construed to limit the ability of a county or city to enforce any ordinance or regulation relating to the abatement of graffiti adopted before, on or after October 1, 2015.

Senator Brower moved that the Senate concur in Assembly Amendments Nos. 789, 914 to Senate Bill No. 56.

Remarks by Senator Brower.

The stakeholders have agreed to the proposed amendment.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 137.

The following Assembly amendment was read:

Amendment No. 760.

SUMMARY—Enacts provisions governing stand-alone dental benefits and policies of health care. (BDR 57-575)

AN ACT relating to insurance; designating a stand-alone dental benefit as the primary policy for certain dental care; prohibiting a health insurer from denying certain claims on the basis that another health insurer has liability to pay the claim; ~~prohibiting a health insurer from requiring that a claim be submitted directly to a secondary health insurer under certain circumstances; requiring~~ authorizing the Commissioner of Insurance to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Certain procedures performed by ~~dentists~~ an oral and maxillofacial surgeon may be covered by both stand-alone dental benefits and policies of health insurance. Existing law regulates policies of health insurance and stand-alone dental benefits separately, but provides for no coordination of claims between the two. (Chapters 686C, 689A, 689B, 689C, 695A, 695B, 695C and 695D of NRS) This bill defines a "stand-alone dental benefit" to mean any policy of insurance which only pays for or reimburses the costs of certain dental care and which is ~~not embedded in or included as part of~~ offered or issued separately from any other policy of health insurance. This bill also requires that for an insurance claim for a procedure provided by ~~a dentist~~ an oral and maxillofacial surgeon which may be covered by both the patient's stand-alone dental benefit and policy of health insurance, the stand-alone dental benefit must provide primary coverage. This bill also prohibits a health insurer from ~~[(1)]~~ denying certain claims for which it has liability on the basis that another health insurer has liability. ~~[(2)] requiring a separate claim be filed with the other health insurer.~~ Finally, this bill ~~requires~~ authorizes the Commissioner of Insurance to adopt regulations necessary to carry out the provisions of this bill.

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

Section 1. Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The following provisions apply to a claim for payment submitted for services provided by ~~[a dentist]~~ an oral and maxillofacial surgeon which may be covered, in whole or in part, by a stand-alone dental benefit and a policy of health insurance:

(a) If a claimant is covered by a stand-alone dental benefit and a policy of health insurance, the stand-alone dental benefit is the primary policy and the claim must be first submitted to the health insurer that issued the stand-alone dental benefit. The issuer of the secondary policy may not reduce benefits based upon payments under the primary policy, except to avoid overpayment to the ~~[dentist]~~ oral and maxillofacial surgeon.

(b) Except as otherwise provided in paragraph (a), a health insurer may not deny a claim for which it has liability solely on the basis that another health insurer has liability to pay the claim.

~~[(c) A health insurer with partial liability for paying a claim may not require the claimant to file a separate claim directly with a secondary health insurer.]~~

2. The Commissioner ~~[shall]~~ may adopt regulations necessary to carry out the provisions of this section.

3. As used in this section:

(a) ~~["Health insurer" means a person who is the holder of a certificate of authority issued pursuant to chapter 680A, 695C, 695D or 695F of NRS or a corporation that is the holder of a certificate of authority issued pursuant to chapter 695B of NRS.]~~ "Oral and maxillofacial surgeon" means a dentist who has been issued a specialist's license to practice oral and maxillofacial surgery pursuant to NRS 631.250 and who provides any of the services described in paragraph (c) of subsection 1 of NRS 631.215.

(b) "Stand-alone dental benefit" means any policy which only pays for or reimburses any part of the cost of dental care, as defined in NRS 695D.030. ~~The term does not include such coverage embedded in or included as part of any other~~ , and is offered or issued separately from any policy of health insurance.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. ~~[The Commissioner of Insurance shall, on or before January 1, 2016, adopt regulations to carry out the amendatory provisions of this act.]~~
(Deleted by amendment.)

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Senator Settelmeyer moved that the Senate concur in Assembly Amendment No. 760 to Senate Bill No. 137.

Remarks by Senator Settelmeyer.

Amendment No. 760 to Senate Bill No. 137 changes the procedures required to be covered to those performed by oral and maxillofacial surgeons. It also specifies that a stand-alone dental benefit is one that is offered or issued separately from any other policy of health insurance.

Finally, the amendment allows the Commissioner of Insurance to adopt regulations to carry out the provisions of the bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 307.

The following Assembly amendment was read:

Amendment No. 796.

SUMMARY—Revises provisions relating to public officers and candidates for public office. (BDR 17-768)

AN ACT relating to public office; revising provisions relating to the lobbying of State Legislators; revising provisions regulating gifts to public officers and candidates for public office; revising provisions governing financial disclosure statements ~~and reports of campaign contributions and expenses~~ filed by such public officers and candidates; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in the Nevada Lobbying Disclosure Act (Lobbying Act) prohibits lobbyists from giving State Legislators or members of their immediate family or staff any gifts that exceed \$100 in value in the aggregate in any calendar year and prohibits those persons from soliciting or accepting any such gifts. (NRS 218H.930) In defining the term "gift," the Lobbying Act excludes the cost of entertainment, including the cost of food or beverages, so there is no limit on the amount of entertainment expenditures lobbyists may make for State Legislators or members of their immediate family or staff. (NRS 218H.060) If a lobbyist makes such expenditures, the lobbyist must disclose the expenditures by filing a report with the Director of the Legislative Counsel Bureau. (NRS 218H.400)

In addition to the disclosures required by the Lobbying Act, existing law, commonly referred to as the Financial Disclosure Act, requires State Legislators and other state and local public officers and candidates to disclose and report gifts received in excess of an aggregate value of \$200 from a donor during a calendar year on financial disclosure statements filed with the Secretary of State. (NRS 281.558-281.581) Unlike the Lobbying Act, the Financial Disclosure Act does not define the term "gift," but it excludes certain types of gifts from the reporting requirements. (NRS 281.571)

In 2007, when the Commission on Ethics had the statutory authority to interpret the Financial Disclosure Act, it determined that the law did not require a public officer from a jurisdiction near the proposed Yucca Mountain nuclear waste project to report on his financial disclosure statement that a nuclear fuel reprocessing company working as a contractor on the

project paid for certain travel, lodging and meal expenses for the public officer and his spouse to undertake an educational or informational trip to France to learn more about nuclear fuel reprocessing and nuclear emergency preparedness by touring reprocessing facilities operated by the company and meeting with French stakeholders, local leaders and emergency responders. The Commission found that the Legislature had not established what constitutes a gift for the purposes of existing law and that "[n]o evidence exists that the act of accepting an invitation from [the company], to visit its nuclear reprocessing facilities in France and traveling to Europe for that purpose, constitutes a gift." (*In re Phillips*, CEO 06-23 (June 15, 2007))

By contrast, in the 2014 Financial Disclosure Statement Guide produced by the Office of the Secretary of State, the Guide includes as an example of a reportable gift "[t]ravel, lodging, food or registration expenses as part of a 'fact-finding' trip, which is part of the official or unofficial duties of a public officer, unless the expenses are paid by the candidate, [the] public officer, or the governmental agency that employs the public officer." (Nev. Sec'y of State, *Financial Disclosure Statement Guide*, p. 5 (2014)) However, because this example in the Guide was not promulgated by the Office of the Secretary of State in a regulation adopted under the Nevada Administrative Procedure Act, it does not have the force and effect of law. (NRS 233B.040; *State Farm Mut. Auto. Ins. v. Comm'r of Ins.*, 114 Nev. 535, 543-44 (1998); *Labor Comm'r v. Littlefield*, 123 Nev. 35, 39-43 (2007))

Sections 9 and 19 of this bill revise the Lobbying Act and the Financial Disclosure Act to establish a definition for the term "gift" that is similar for both acts. Sections 4 and 17 of this bill also establish a definition for the term "educational or informational meeting, event or trip" that is similar for both acts. Under this bill, a gift does not include an educational or informational meeting, event or trip, but this bill requires the disclosure of such educational or informational meetings, events or trips. Specifically, under sections 4, 8 and 11 of this bill, lobbyists are required to disclose any expenditures made for educational or informational meetings, events or trips provided to State Legislators, and under sections 17, 20 and 27 of this bill, public officers and candidates are required to disclose on their financial disclosure statements any educational or informational meetings, events or trips provided by interested persons having a substantial interest in the legislative, administrative or political action of the public officer or the candidate if elected.

Sections 9 and 12 of this bill prohibit lobbyists from knowingly or willfully giving gifts in any amount to State Legislators or members of their immediate family or staff, whether or not the Legislature is in a regular or special session. Those sections also prohibit State Legislators or members of their immediate family or staff from knowingly or willfully soliciting or accepting gifts in any amount from lobbyists, whether or not the Legislature is in a regular or special session.

Sections 2, 3, 15, 16, 18 and 21-33 of this bill revise the Lobbying Act and the Financial Disclosure Act to update and modernize the statutory language, remove redundant provisions and promote consistency between the acts.

Finally, ~~existing law requires candidates and public officers to file reports with the Secretary of State disclosing contributions and campaign expenses greater than \$100 by statutorily scheduled dates during an election year and to file such reports annually after nonelection years. (NRS 294A.120, 294A.200) The reports also must disclose information concerning certain types of loans and forgiveness of loans, contribution commitments, legal expenses, legal defense funds and contributions in the form of goods and services. (NRS 294A.128, 294A.160, 294A.286, 294A.362) Sections 35-39 of this bill retain the requirement to file such reports annually after nonelection years but require such reports to be filed monthly during an election year, not later than 15 days after the end of each month.~~ section 41 of this bill provides that the provisions of this bill apply to public officers and candidates beginning on January 1, 2016. However, section 40 of this bill states that the provisions of this bill do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016. As a result, although most public officers will be required to file a financial disclosure statement on or before January 15, 2016, which must disclose information for the 2015 calendar year, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year. (NRS 281.559, 281.561)

By contrast, most candidates for a public office in 2016 will be required to file a financial disclosure statement, not later than the 10th day after the last day to qualify as a candidate for the office, which must disclose information for: (1) the 2015 calendar year; and (2) the period between January 1, 2016, and the last day to qualify as a candidate for the office. (NRS 281.561) For these candidates, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year but will apply to the information that must be disclosed for the period between January 1, 2016, and the last day to qualify as a candidate for the office.

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

Section 1. Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Domestic partner" means a person in a domestic partnership.*

Sec. 3. *"Domestic partnership" means:*

1. *A domestic partnership as defined in NRS 122A.040; or*
2. *A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.*

Sec. 4. 1. *"Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:*

(a) The Legislator or a member of the Legislator's household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and

(b) The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.

2. *The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.*

3. *The term does not include a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.*

4. *For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator or a member of the Legislator's household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator's household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator's household undertakes or attends the meeting, event or trip or during which the Legislator or a member of the Legislator's household travels to or from the meeting, event or trip.*

Sec. 5. *"Member of the Legislator's household" means a person who is a member of the Legislator's household for the purposes of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.*

Sec. 6. *"Registrant" means a person who is registered as a lobbyist pursuant to this chapter.*

Sec. 7. NRS 218H.030 is hereby amended to read as follows:

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.050 to 218H.100, inclusive, and sections 2 to 6, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 218H.050 is hereby amended to read as follows:

218H.050 1. *"Expenditure" means any ~~advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription~~ of the following acts by a lobbyist while the Legislature is in a regular or special session:*

(a) Any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value ~~including cost of entertainment, except the payment~~

~~of a membership fee otherwise exempted pursuant to NRS 218H.400, and any~~; or

(b) Any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any *such* expenditure . ~~[while the Legislature is in a regular or special session.]~~

2. The term includes, without limitation:

(a) Anything of value provided for an educational or informational meeting, event or trip.

(b) The cost of a party, meal, function or other social event to which every Legislator is invited.

3. The term does not include:

(a) A prohibited gift.

(b) A lobbyist's personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.

Sec. 9. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. "Gift" means ~~[a payment, subscription, advance,]~~ any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering ~~[or deposit]~~ of money, services or anything *else* of value , unless consideration of equal or greater value is received.

2. ~~["Gift"]~~ The term does not include:

(a) ~~[A]~~ Any political contribution of money or services related to a political campaign . ~~;~~

~~—(b) A]~~

(b) Any commercially reasonable loan made in the ordinary course of business . ~~;~~

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) The cost of ~~[entertainment,]~~ a party, meal, function or other social event to which every Legislator is invited, including , without limitation, the cost of food or beverages ~~;~~ or

~~—(d)]~~ provided at the party, meal, function or other social event.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from ~~;~~

~~—(1) A member of the recipient's immediate family; or~~

~~—(2) A relative of] a person who is:~~

(1) Related to the recipient , or ~~[relative of the recipient's]~~ to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or ~~[from the spouse of any such relative.]~~ affinity; or

(2) A member of the recipient's household.

Sec. 10. NRS 218H.210 is hereby amended to read as follows:

218H.210 The registration statement of a lobbyist must contain the following information:

1. The registrant's full name, permanent address, place of business and temporary address while lobbying.

2. The full name and complete address of each person, if any, by whom the registrant is retained or employed or on whose behalf the registrant appears.

3. A listing of any direct business associations or partnerships involving any current Legislator and the registrant or any person by whom the registrant is retained or employed. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a ~~[statement of]~~ financial disclosure *statement* made by a ~~[candidate for public office or a]~~ public officer *or candidate* pursuant to NRS 281.571.

4. The name of any current Legislator for whom:

(a) The registrant; or

(b) Any person by whom the registrant is retained or employed,

↪ has, in connection with a political campaign of the Legislator, provided consulting, advertising or other professional services since the beginning of the preceding regular session.

5. A description of the principal areas of interest on which the registrant expects to lobby.

6. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.

7. A declaration under penalty of perjury that none of the registrant's compensation or reimbursement is contingent, in whole or in part, upon the production of any legislative action.

Sec. 11. NRS 218H.400 is hereby amended to read as follows:

218H.400 1. Each registrant shall file with the Director:

(a) Within 30 days after the close of a regular or special session, a final report signed under penalty of perjury concerning the registrant's lobbying activities; and

(b) Between the 1st and 10th day of the month after each month that the Legislature is in a regular or special session, a report concerning the registrant's lobbying activities during the previous month, whether or not any expenditures were made.

2. Each report must:

(a) Be on a form prescribed by the Director; and

(b) Include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant.

3. Except as otherwise provided in subsection 6, the report:

(a) Must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made;

(b) Must be itemized with respect to each such Legislator and organization; and

(c) Does not have to include any expenditure made on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, unless the expenditure is made for the benefit of a Legislator or such an organization.

4. If expenditures made by or on behalf of a registrant during the previous month exceed \$50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission. ~~[, in the following categories:~~

~~—(a) Entertainment;~~

~~—(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;~~

~~—(c) Gifts and loans, including money, services and anything of value provided to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and~~

~~—(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.]~~

5. The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. If the Legislative Commission authorizes such an audit or investigation:

(a) A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation.

(b) The Legislative Auditor shall confine requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

6. A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a *party, meal, function or other social event* to which every Legislator was invited. ~~[For the purposes of this subsection, "function" means a party, meal or other social event.]~~

Sec. 12. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in his or her official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not *knowingly or willfully* give *any gift* to a member of the Legislative Branch or a member of his or her ~~staff or~~ immediate family ~~[gifts that exceed \$100 in value in the aggregate in any calendar year.]~~, *whether or not the Legislature is in a regular or special session.*

3. A member of the Legislative Branch or a member of his or her ~~staff or~~ immediate family shall not *knowingly or willfully* solicit ~~[anything of value from a registrant]~~ or accept any gift ~~[that exceeds \$100 in aggregate value in any calendar year.]~~ *from a lobbyist, whether or not the Legislature is in a regular or special session.*

4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session and ending 30 days after the final adjournment of a regular session;

(b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

Sec. 13. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 23, inclusive, of this act.

Sec. 14. *As used in NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 15 to 21, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 15. *"Domestic partner" means a person in a domestic partnership.*

Sec. 16. *"Domestic partnership" means:*

1. *A domestic partnership as defined in NRS 122A.040; or*

2. *A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.*

Sec. 17. 1. *"Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a public officer or candidate if, in connection with the meeting, event or trip:*

(a) The public officer or candidate or a member of the public officer's or candidate's household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and

(b) The public officer or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer or the candidate if elected.

2. *The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.*

3. *The term does not include a meeting, event or trip undertaken or attended by a public officer or candidate for personal reasons or for reasons relating to any professional or occupational license held by the public officer or candidate, unless the public officer or candidate participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.*

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate or a member of the public officer's or candidate's household or reimbursement for any such actual expenses paid by the public officer or candidate or a member of the public officer's or candidate's household, if the expenses are incurred on a day during which the public officer or candidate or a member of the public officer's or candidate's household undertakes or attends the meeting, event or trip or during which the public officer or candidate or a member of the public officer's or candidate's household travels to or from the meeting, event or trip.

Sec. 18. "Financial disclosure statement" or "statement" means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.

Sec. 19. 1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) Anything of value excluded from the term "gift" as defined in NRS 218H.060.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.

(f) Anything of value received from a person who is:

(1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the public officer's or candidate's household.

Sec. 20. 1. "Interested person" means a person who has a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected.

2. The term includes, without limitation:

(a) A lobbyist as defined in NRS 218H.080.

(b) A group of interested persons acting in concert, whether or not formally organized.

Sec. 21. 1. "Member of the public officer's or candidate's household" means:

~~{1.}~~ (a) The spouse or domestic partner of the public officer or candidate;
~~{2.}~~ (b) A relative who lives in the same home or dwelling as the public officer or candidate; or

(c) A person, whether or not a relative, who ~~{does}~~ :

(1) Lives in the same home or dwelling as the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;

(2) Does not live in the same home or dwelling as the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or

~~{3. A person who lived}~~

(3) Lived in the same home or dwelling as the public officer or candidate for 6 months or more ~~{in}~~ during the ~~{year}~~ immediately preceding ~~{the}~~ calendar year ~~{in}~~ or other period for which the public officer or candidate ~~{files a}~~ is filing the financial disclosure statement ~~{,}~~ and who was dependent on and receiving substantial support from the public officer or candidate during that period.

2. For the purposes of this section, "relative" means a person who is related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 22. 1. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure Internet website for the purpose of filing financial disclosure statements to each public officer or candidate who is required to file electronically with the Secretary of State a financial disclosure statement pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.

2. A financial disclosure statement that is filed electronically with the Secretary of State shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.

Sec. 23. The Secretary of State may adopt regulations necessary to carry out the provisions of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.

Sec. 24. NRS 281.558 is hereby amended to read as follows:

281.558 ~~{As used in NRS 281.558 to 281.581, inclusive, "candidate"}~~

1. "Candidate" means any person ~~{:~~

~~{1.}~~ who seeks to be elected to a public office and:

(a) Who files a declaration of candidacy;

~~{2.}~~ (b) Who files an acceptance of candidacy; or

~~{3.}~~ (c) Whose name appears on an official ballot at any election.

2. *The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.*

Sec. 25. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in ~~{subsections 2 and 3}~~ *this section* and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of \$6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a ~~{statement of}~~ financial disclosure ~~{}~~ *statement*, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a ~~{statement of}~~ financial disclosure *statement* within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a ~~{statement of}~~ financial disclosure *statement* on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➤ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a ~~{statement of}~~ financial disclosure *statement* pursuant to the requirements ~~{of Canon 4}~~ of the Nevada Code of Judicial Conduct. ~~{Such}~~ *To the extent practicable, such a statement* ~~{of financial disclosure}~~ must include, without limitation, all information required to be included in a ~~{statement of}~~ financial disclosure *statement* pursuant to NRS 281.571.

~~{4. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~5. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

Sec. 26. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in ~~{subsections 2 and 3}~~ *this section* and NRS 281.572, each candidate ~~{for public office}~~ who will be

entitled to receive annual compensation of \$6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and ~~[except as otherwise provided in subsection 3.]~~ each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a ~~[statement of]~~ financial disclosure ~~[.]~~ *statement*, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a ~~[statement of]~~ financial disclosure ~~[no]~~ *statement* not later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a ~~[statement of]~~ financial disclosure *statement* for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a ~~[statement of]~~ financial disclosure *statement* for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a ~~[statement of]~~ financial disclosure *statement* on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

↪ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate ~~[for public office]~~ is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a ~~[statement of]~~ financial disclosure *statement* for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a ~~[statement of]~~ financial disclosure *statement* relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a ~~[statement of]~~ financial disclosure *statement* pursuant to the requirements ~~[of Canon 4]~~ of the Nevada Code of Judicial Conduct. ~~[Such]~~ *To the extent practicable, such a statement [of financial disclosure] must include, without*

limitation, all information required to be included in a ~~[statement of]~~ financial disclosure *statement* pursuant to NRS 281.571.

~~[5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~—6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~—7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.]~~

Sec. 27. NRS 281.571 is hereby amended to read as follows:

281.571 ~~[1. Statements of]~~ Each financial disclosure ~~[, as approved pursuant to NRS 281A.350 or in such electronic form as the Secretary of State otherwise prescribes,]~~ *statement* must contain the following information concerning the ~~[candidate for public office or]~~ public officer ~~[-~~

~~—(a)] or candidate:~~

1. The ~~[candidate's or]~~ public officer's *or candidate's* length of residence in the State of Nevada and the district in which the ~~[candidate for public office or]~~ public officer *or candidate* is registered to vote.

~~[(b)]~~ 2. Each source of the ~~[candidate's or]~~ public officer's *or candidate's* income, or that of any member of the ~~[candidate's or]~~ public officer's *or candidate's* household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

~~[(c)]~~ 3. A list of the specific location and particular use of real estate, other than a personal residence:

~~[(1)]~~ (a) In which the ~~[candidate for public office or]~~ public officer *or candidate* or a member of the ~~[candidate's or]~~ public officer's *or candidate's* household has a legal or beneficial interest;

~~[(2)]~~ (b) Whose fair market value is \$2,500 or more; and

~~[(3)]~~ (c) That is located in this State or an adjacent state.

~~[(d)]~~ 4. The name of each creditor to whom the ~~[candidate for public office or]~~ public officer *or candidate* or a member of the ~~[candidate's or]~~ public officer's *or candidate's* household owes \$5,000 or more, except for:

~~[(1)]~~ (a) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to ~~[paragraph (c);]~~ *subsection 3*; and

~~[(2)]~~ (b) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

~~[(e)]~~ 5. *If the public officer or candidate has undertaken or attended any educational or informational meetings, events or trips during the immediately preceding ~~taxable~~ calendar year ~~f-1~~ or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such meetings, events or trips, including:*

(a) *The purpose and location of the meeting, event or trip and the name of the organization conducting, sponsoring, hosting or requesting the meeting, event or trip;*

(b) *The identity of each interested person providing anything of value to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip; and*

(c) *The aggregate value of everything provided by those interested persons to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip.*

6. If the ~~{candidate for public office or}~~ public officer or candidate has received any gifts in excess of an aggregate value of \$200 from a donor during the immediately preceding ~~{taxable}~~ calendar year ~~{,}~~ or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such gifts, including the identity of the donor and the value of each gift . ~~{, except:~~

~~— (1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~— (2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~{(f)}~~ 7. A list of each business entity with which the ~~{candidate for public office or}~~ public officer or candidate or a member of the ~~{candidate's or}~~ public officer's or candidate's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

~~{(g)}~~ 8. A list of all public offices presently held by the ~~{candidate for public office or}~~ public officer or candidate for which this ~~{statement of}~~ financial disclosure statement is required.

~~{2. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

~~— 3. As used in this section, "member of the candidate's or public officer's household" includes:~~

~~— (a) The spouse of the candidate for public office or public officer;~~

~~— (b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~— (c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.]~~

Sec. 28. NRS 281.572 is hereby amended to read as follows:

281.572 1. A ~~candidate or~~ public officer *or candidate* who is required to file a ~~statement of~~ financial disclosure *statement* with the Secretary of State pursuant to NRS 281.559 or 281.561 is not required to file the statement electronically if the ~~candidate or~~ public officer *or candidate* has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(a) The ~~candidate or~~ public officer *or candidate* does not own or have the ability to access the technology necessary to file electronically the ~~statement of~~ financial disclosure ~~[-] statement~~; and

(b) The ~~candidate or~~ public officer *or candidate* does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the ~~statement of~~ financial disclosure ~~[-] statement~~.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A ~~candidate or~~ public officer *or candidate* who signs the affidavit under an oath to God is subject to the same penalties as if the ~~candidate or~~ public officer *or candidate* had signed the affidavit under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the ~~statement of~~ financial disclosure *statement* is required to be filed.

3. A ~~candidate or~~ public officer *or candidate* who is not required to file the ~~statement of~~ financial disclosure *statement* electronically may file the ~~statement of~~ financial disclosure *statement* by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A ~~statement of~~ financial disclosure *statement* transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a ~~report~~ *financial disclosure statement* electronically.

Sec. 29. NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, ~~statements of~~ *each* financial disclosure *statement* required by the provisions of NRS 281.558 to 281.572, inclusive, *and sections 14 to 23, inclusive, of this act* must be retained by the Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last ~~statement of~~ financial disclosure *statement* for the last public office held.

Sec. 30. NRS 281.574 is hereby amended to read as follows:

281.574 1. A list of each public officer who is required to file a ~~statement of~~ financial disclosure *statement* must be submitted electronically

to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:

- (a) Each county clerk for all public officers of the county and other local governments within the county other than cities;
- (b) Each city clerk for all public officers of the city;
- (c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and
- (d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate ~~[for public office]~~ who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 31. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a ~~[candidate for public office or]~~ public officer *or candidate* willfully fails to file a ~~[statement of]~~ financial disclosure *statement* or willfully fails to file a ~~[statement of]~~ financial disclosure *statement* in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to ~~[that person or entity,]~~ *the public officer or candidate*, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a ~~[candidate for public office or]~~ public officer *or candidate* who willfully fails to file a ~~[statement of]~~ financial disclosure *statement* or willfully fails to file a ~~[statement of]~~ financial disclosure *statement* in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$2,000.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. As used in this section, "willfully" means intentionally and knowingly.

Sec. 32. NRS 281A.350 is hereby amended to read as follows:

281A.350 1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of ~~statements of~~ financial disclosure *statements* by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. The Secretary of State shall not approve the form unless the form contains all the information required to be included in a ~~statement of~~ financial disclosure *statement* pursuant to NRS 281.571.

2. The Secretary of State is not responsible for the costs of producing or distributing a form for filing a ~~statement of~~ financial disclosure *statement* pursuant to the provisions of subsection 1.

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

- (a) The public officer or employee acts in contravention of the opinion; or
- (b) The requester discloses the content of the opinion.

Sec. 33. NRS 293.186 is hereby amended to read as follows:

293.186 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate:

1. If the candidate is a candidate for judicial office, the form prescribed by the Administrative Office of the Courts for the making of a ~~{statement of}~~ financial disclosure ~~{;} statement~~;

2. If the candidate is not a candidate for judicial office and is required to file electronically the ~~{statement of}~~ financial disclosure ~~{;} statement~~, access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the ~~{statement of}~~ financial disclosure *statement* electronically and has submitted an affidavit to the Secretary of State pursuant to NRS 281.572, the form prescribed by the Secretary of State,
 ➔ accompanied by instructions on how to complete the form and the time by which it must be filed.

Sec. 34. ~~{Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.} (Deleted by amendment.)~~

Sec. 35. ~~["Election year" means, with regard to a candidate or public officer, the calendar year during which the primary election and general election will be held for the public office for which the candidate or public officer intends to seek election.] (Deleted by amendment.)~~

Sec. 36. ~~["Nonelection year" means, with regard to a candidate or public officer, each calendar year that is not an election year for the candidate or public officer.] (Deleted by amendment.)~~

Sec. 37. ~~{NRS 294A.002 is hereby amended to read as follows:
 — 294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, and sections 35 and 36 of this act have the meanings ascribed to them in those sections.} (Deleted by amendment.)~~

Sec. 38. ~~{NRS 294A.120 is hereby amended to read as follows:
 — 294A.120 1. The provisions of this subsection apply to every candidate for office at a primary election or general election beginning in the nonelection year immediately preceding the election year for that office and, if the candidate is elected to that office, continuing through the nonelection year immediately preceding the next election year for that office. Every candidate for office at a primary election or general election shall, not later than [January] 15 days after the end of each [year,] nonelection year for that office, for the period from January 1 [of the previous year] through December 31 of the [previous] nonelection year, report:~~

~~— (a) Each contribution in excess of \$100 received during the period;~~
~~— (b) Contributions received during the period from a contributor which cumulatively exceed \$100; and~~
~~— (c) The total of all contributions received during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b);~~
~~[→ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.]~~
~~— 2. Every candidate for office at a primary election or general election shall, not later than:~~
~~— (a) Twenty one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~
~~— (b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~
~~— (c) Twenty one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~
~~— (d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election;~~
~~→] 15 days after the end of each month of an election year for that office, for the period from the first day through the final day of the month, report each contribution described in subsection 1 received during the period.~~
~~— 3. Except as otherwise provided in subsections 4 and 5 and NRS 294A.223, every candidate for office at a special election shall, not later than:~~
~~— (a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;~~
~~— (b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~
~~— (c) Thirty days after the special election, for the remaining period through the date of the special election;~~
~~→ report each contribution described in subsection 1 received during the period.~~
~~— 4. Except as otherwise provided in subsection 5 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:~~
~~— (a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to~~

~~circulate the petition for recall is filed pursuant to NRS 206.015 through the 5 days before the beginning of early voting by personal appearance for the special election;~~

~~—(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~—(c) Thirty days after the special election, for the remaining period through the date of the special election;~~

~~—report each contribution described in subsection 1 received during the period.~~

~~—5. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 206.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in subsection 1 received during the period.~~

~~—6. Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.~~

~~—7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~—8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period. (Deleted by amendment.)~~

Sec. 39. ~~[NRS 294A.200 is hereby amended to read as follows:~~

~~—294A.200 1. The provisions of this subsection apply to every candidate for office at a primary election or general election beginning in the nonelection year immediately preceding the election year for that office and, if the candidate is elected to that office, continuing through the nonelection year immediately preceding the next election year for that office. Every candidate for office at a primary election or general election shall, not later than [January] 15 days after the end of each [year,] nonelection year for that office, for the period from January 1 [of the previous year] through December 31 of the [previous] nonelection year, report:~~

~~—(a) Each of the campaign expenses in excess of \$100 incurred during the period;~~

~~—(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;~~

~~—(c) The total of all campaign expenses incurred during the period which are \$100 or less; and~~

~~—(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are \$100 or less.~~

~~2. [The provisions of subsection 1 apply to the candidate:~~

~~— (a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and~~

~~— (b) Each year immediately succeeding a calendar year during which the] If a candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286 [.] in any calendar year for which the candidate is not required to file a report pursuant to the other provisions of this section, the candidate shall, not later than 15 days after the end of each such year, for the period from January 1 through December 31 of the year, report:~~

~~— (a) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period; and~~

~~— (b) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are \$100 or less.~~

~~3. Every candidate for office at a primary election or general election shall, not later than [:~~

~~— (a) Twenty one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~— (b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~— (c) Twenty one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~— (d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election;~~

~~→] 15 days after the end of each month of an election year for that office, for the period from the first day through the final day of the month, report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election shall, not later than:~~

~~— (a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~— (b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~— (c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~5. Except as otherwise provided in subsection 6 and NRS 294A.222, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election;~~

~~report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~6. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~7. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.~~

~~8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.] (Deleted by amendment.)~~

Sec. 40. The provisions of this act do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016.

Sec. 41. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Senator Roberson moved that the Senate concur in Assembly Amendment No. 796 to Senate Bill No. 307.

Remarks by Senator Roberson.

Amendment No. 796 to Senate Bill No. 307 deletes the proposed language to require candidates to file monthly financial disclosure reports in an election year.

It revises the definition of "member of the public officer's or candidate's household" to include individuals who live in the household and who are financially dependent on the public officer or candidate.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 341.

The following Assembly amendment was read:

Amendment No. 841.

SUMMARY—Revises provisions relating to dentists. (BDR 57-261)

AN ACT relating to dentists; ~~revising provisions relating to insurers who offer individual health insurance, insurers who offer group health insurance, nonprofit corporations for dental service, health maintenance organizations and organizations for dental care;~~ establishing requirements relating to ~~the use of a network of~~ contracts between dentists ~~by a third party;~~ and a medical discount plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who wishes to ~~provide coverage for dental care may obtain a certificate of authority from the Commissioner of Insurance and may contract with dentists to provide dental care. (NRS 695D.110, 695D.225)~~ Section 10 of this bill requires that an organization for dental care which enters into an agreement with a third party to provide access to dentists to comply with certain requirements. Section 11 of this bill requires the organization for dental care to provide the dentist with a notice containing certain information. Section 11 also requires such a third party to maintain a website or toll-free telephone number for dentists to obtain contact information for the person used by the third party to reimburse the dentist for covered services. Section 11 also prohibits the assignment or sale of a contract which includes a dentist that would hinder the ability of the dentist to manage his or her practice. Sections 1 and 2 of this bill apply similar provisions to an insurer who offers a policy of individual health insurance. Sections 4 and 5 of this bill apply similar provisions to an insurer who offers a policy of group health insurance. Sections 6 and 7 of this bill apply similar provisions to a nonprofit corporation for dental service. Sections 8 and 9 of this bill apply similar provisions to a health maintenance organization. offer, market, sell or engage in business as a medical discount plan in this State must be registered with the Commissioner of Insurance. (NRS 695H.080) This bill requires a medical discount plan that contracts directly with a dentist to: (1) notify the dentist whether the contract may be assigned to a third party; and (2) maintain a toll-free telephone number for the dentist to obtain information about the medical discount plan. This bill allows a contract between a medical discount plan and a dentist to be assigned only if the contract expressly authorizes the assignment of the contract. This bill also requires a medical discount plan to which a contract with a dentist is assigned to provide a notice of inclusion to the dentist and prohibits the medical discount plan from requiring the dentist to perform pursuant to the assigned contract unless such a notice is given.

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

Section 1. ~~[Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~For the purpose of the contract between an insurer and a dentist, a third party who enters into an agreement with an insurer to access dentists within a network of dentists maintained by the insurer shall comply with the provisions of NRS 689A.035.~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 689A.035 is hereby amended to read as follows:~~

~~689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.~~

~~2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~3. A contract between an insurer and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~5. If an insurer contracts with a dentist, the insurer shall, before entering into the contract and before executing an agreement with a third party to provide access to dentists within the network of dentists maintained by the insurer, provide the dentist with a notice. The notice must be in a form prescribed by the Commissioner and include, without limitation:~~

~~(a) The name of each third party to whom a contract which includes the dentist has been assigned or sold;~~

~~(b) Information about each policy of health insurance offered by a third party, including, without limitation, contact information for the third party and the procedure for submitting claims for payment to the third party; and~~

~~(c) The approximate number of members in each network of dentists or policy of health insurance, including any policy operated by a third party. If the actual number of members in a network of dentists or such a policy is not~~

~~available, the insurer or third party, as appropriate, shall estimate the number to the best of its ability.~~

~~6. A third party who enters into an agreement with an insurer to access dentists within a network of dentists maintained by the insurer shall maintain an Internet website or a toll free telephone number through which a dentist may obtain the name, address and telephone number of the person used by the third party to reimburse the dentist for covered services.~~

~~7. The assignment or sale of a contract which includes a dentist to a third party must not hinder the ability of the dentist to manage his or her practice, including, without limitation, his or her ability to schedule patients.~~

~~8. The provisions of this section do not require an insurer to provide a notice to a dentist when the insurer issues a policy to an insured.~~

~~9. As used in this section [, "provider"]:~~

~~(a) "Covered service" has the meaning ascribed to it in NRS 695D.227.~~

~~(b) "Provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 689A.330 is hereby amended to read as follows:~~

~~689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive [.] and section 1 of this act.] (Deleted by amendment.)~~

Sec. 4. ~~[Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~For the purpose of the contract between an insurer that issues a policy of group health insurance and a dentist, a third party who enters into an agreement with the insurer to access dentists within a network of dentists maintained by the insurer shall comply with the provisions of NRS 689B.015.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 689B.015 is hereby amended to read as follows:~~

~~689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.~~

~~2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~—(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~—4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:~~

~~—(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~—(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~—5. If an insurer specified in subsection 1 contracts with a dentist, the insurer shall, before entering into the contract and before executing an agreement with a third party to provide access to dentists within the network of dentists maintained by the insurer, provide the dentist with a notice. The notice must be in a form prescribed by the Commissioner and include, without limitation:~~

~~—(a) The name of each third party to whom a contract which includes the dentist has been assigned or sold;~~

~~—(b) Information about each policy of group health insurance offered by a third party, including, without limitation, contact information for the third party and the procedure for submitting claims for payment to the third party; and~~

~~—(c) The approximate number of members in each network of dentists or policy of group health insurance, including any policy operated by a third party. If the actual number of members in a network of dentists or such a policy is not available, the insurer or third party, as appropriate, shall estimate the number to the best of its ability.~~

~~—6. A third party who enters into an agreement with an insurer specified in subsection 1 to access dentists within a network of dentists maintained by the insurer shall maintain an Internet website or a toll free telephone number through which a dentist may obtain the name, address and telephone number of the person used by the third party to reimburse the dentist for covered services.~~

~~—7. The assignment or sale of a contract which includes a dentist to a third party must not hinder the ability of the dentist to manage his or her practice, including, without limitation, his or her ability to schedule patients.~~

~~8. The provisions of this section do not require an insurer specified in subsection 1 to provide a notice to a dentist when the insurer issues a policy to a group.~~

~~9. As used in this section [,"provider"]:~~

~~(a) "Covered service" has the meaning ascribed to it in NRS 695D.227.~~

~~(b) "Provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.] (Deleted by amendment.)~~

Sec. 6. ~~[Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~For the purpose of the contract between a corporation subject to the provisions of this chapter and a dentist, a third party who enters into an agreement with the corporation to access dentists within a network of dentists maintained by the corporation shall comply with the provisions of NRS 695B.025.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 695B.025 is hereby amended to read as follows:~~

~~695B.025 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.~~

~~2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes~~

to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

~~5. If a corporation specified in subsection 1 contracts with a dentist, the corporation shall, before entering into the contract and before executing an agreement with a third party to provide access to dentists within the network of dentists maintained by the corporation, provide the dentist with a notice. The notice must be in a form prescribed by the Commissioner and include, without limitation:~~

~~(a) The name of each third party to whom a contract which includes the dentist has been assigned or sold;~~

~~(b) Information about each contract for dental services offered by a third party, including, without limitation, contact information for the third party and the procedure for submitting claims for payment to the third party; and~~

~~(c) The approximate number of members in each network of dentists or contract for dental services, including any contract for dental services operated by a third party. If the actual number of members in a network of dentists or a contract for dental services is not available, the corporation or third party, as appropriate, shall estimate the number to the best of its ability.~~

~~6. A third party who enters into an agreement with a corporation specified in subsection 1 to access dentists within a network of dentists maintained by the corporation shall maintain an Internet website or a toll free telephone number through which a dentist may obtain the name, address and telephone number of the person used by the third party to reimburse the dentist for covered services.~~

~~7. The assignment or sale of a contract which includes a dentist to a third party must not hinder the ability of the dentist to manage his or her practice, including, without limitation, his or her ability to schedule patients.~~

~~8. The provisions of this section do not require a corporation specified in subsection 1 to provide a notice to a dentist when the corporation issues a contract for dental services to an insured or employer.~~

~~9. As used in this section ["provider"]:~~

~~(a) "Covered service" has the meaning ascribed to it in NRS 695D.227.~~

~~(b) "Provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.] (Deleted by amendment.)~~

Sec. 8. [Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

~~For the purpose of the contract between a health maintenance organization and a dentist, a third party who enters into an agreement with a health maintenance organization to access dentists within a network of dentists maintained by the health maintenance organization shall comply with the provisions of NRS 695C.125.] (Deleted by amendment.)~~

Sec. 9. [NRS 695C.125 is hereby amended to read as follows:

~~695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 620.095 to obtain any information related to the credentials of the provider of health care.~~

~~2. A contract between a health maintenance organization and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~4. If a health maintenance organization contracts with a dentist, the health maintenance organization shall, before entering into the contract and before executing an agreement with a third party to provide access to dentists within the network of dentists maintained by the health maintenance organization, provide the dentist with a notice. The notice must be in a form prescribed by the Commissioner and include, without limitation:~~

~~(a) The name of each third party to whom a contract which includes the dentist has been assigned or sold;~~

~~(b) Information about each health care plan offered by a third party, including, without limitation, contact information for the third party and the procedure for submitting claims for payment to the third party; and~~

~~(c) The approximate number of members in each network of dentists or health care plan, including any health care plans operated by a third party. If the actual number of members in a network of dentists or a health care plan is not available, the health maintenance organization or third party, as appropriate, shall estimate the number to the best of its ability.~~

~~5. A third party who enters into an agreement with a health maintenance organization to access dentists within a network of dentists maintained by the~~

~~health maintenance organization shall maintain an Internet website or a toll free telephone number through which a dentist may obtain the name, address and telephone number of the person used by the third party to reimburse the dentist for covered services.~~

~~6. The assignment or sale of a contract which includes a dentist to a third party must not hinder the ability of the dentist to manage his or her practice, including, without limitation, his or her ability to schedule patients.~~

~~7. The provisions of this section do not require a health maintenance organization to provide a notice to a dentist when the health maintenance organization issues a health care plan to an enrollee or employer.~~

~~8. As used in this section [, "provider"]:~~

~~(a) "Covered service" has the meaning ascribed to it in NRS 695D.227.~~

~~(b) "Provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.] (Deleted by amendment.)~~

Sec. 10. [Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:

~~For the purpose of the contract between an organization for dental care and a dentist, a third party who enters into an agreement with an organization for dental care to access dentists within a network of dentists maintained by the organization for dental care shall comply with the provisions of NRS 695D.225.] (Deleted by amendment.)~~

Sec. 11. [NRS 695D.225 is hereby amended to read as follows:

~~695D.225 1. Except as otherwise provided in NRS 695D.227, a contract between an organization for dental care and a dentist may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the organization for dental care upon giving to the dentist 45 days' written notice of the modification of the organization for dental care's schedule of payments, including any changes to the fee schedule applicable to the dentist's practice. If the dentist fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the dentist objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a):~~

~~2. If an organization for dental care contracts with a dentist, the organization for dental care shall:~~

~~(a) If requested by the dentist at the time the contract is made, submit to the dentist the schedule of payments applicable to the dentist; or~~

~~(b) If requested by the dentist at any other time, submit to the dentist the schedule of payments, including any changes to the fee schedule applicable to the dentist's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~3. If an organization for dental care contracts with a dentist, the organization for dental care shall, before entering into the contract and before executing an agreement with a third party to provide access to dentists within the network of dentists maintained by the organization for dental care, provide the dentist with a notice. The notice must be in a form prescribed by the Commissioner and include, without limitation:~~

~~(a) The name of each third party to whom a contract which includes the dentist has been assigned or sold;~~

~~(b) Information about each plan for dental care offered by a third party, including, without limitation, contact information for the third party and the procedure for submitting claims for payment to the third party; and~~

~~(c) The approximate number of members in each network of dentists or plan for dental care, including any plans for dental care operated by a third party. If the actual number of members in a network of dentists or a plan for dental care is not available, the organization for dental care or third party, as appropriate, shall estimate the number to the best of its ability.~~

~~4. A third party who enters into an agreement with an organization for dental care to access dentists within a network of dentists maintained by the organization for dental care shall maintain an Internet website or a toll-free telephone number through which a dentist may obtain the name, address and telephone number of the person used by the third party to reimburse the dentist for covered services.~~

~~5. The assignment or sale of a contract which includes a dentist to a third party must not hinder the ability of the dentist to manage his or her practice, including, without limitation, his or her ability to schedule patients.~~

~~6. The provisions of this section do not require an organization for dental care to provide a notice to a dentist when the organization for dental care issues a plan for dental care to a member or employer.~~

~~7. The provisions of this section do not apply to an organization for dental care that provides services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt an organization for dental care from any provision of this chapter for services provided pursuant to any other contract.~~

~~8. As used in this section, "covered service" has the meaning ascribed to it in NRS 695D.227.~~ (Deleted by amendment.)

Sec. 12. Chapter 695H of NRS is hereby amended by adding thereto a new section to read as follows:

1. A medical discount plan that contracts directly with a dentist:

(a) Shall notify the dentist in the contract if the contract may be assigned to a third party;

(b) May assign the contract with the dentist to a third party only if the contract expressly authorizes the medical discount plan to assign the contract; and

(c) Shall maintain a toll-free telephone number for the dentist to obtain information regarding the medical discount plan.

2. A medical discount plan to which a contract with a dentist is assigned shall issue a written notice of inclusion in the medical discount plan to the dentist within 30 days after the assignment of the contract. Such a notice must include:

(a) The approximate number of members in the medical discount plan;

(b) The corporate name of the person offering the medical discount plan;

(c) The location and address of each office for the medical discount plan;
and

(d) The telephone number where the dentist may obtain information regarding the medical discount plan.

3. A medical discount plan which fails to provide the notice required by subsection 2 to a dentist may not hold the dentist responsible for performance pursuant to the assigned contract.

Senator Settlemeyer moved that the Senate concur in Assembly Amendment No. 841 to Senate Bill No. 341.

Remarks by Senator Settlemeyer.

The amendment allows a contract between a medical discount plan and a dentist to be assigned only if expressly authorized by the contract; a dentist must be notified of inclusion in any contract that has been assigned.

This amendment also requires a medical discount plan that contracts directly with a dentist to: 1) notify the dentist whether the contract may be assigned to a third party; and 2) maintain a toll-free telephone number for the dentist to obtain information about the medical discount plan.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 395.

The following Assembly amendment was read:

Amendment No. 859.

SUMMARY—Revises provisions ~~[governing domestic relations.]~~ relating to marriage. (BDR 11-530)

AN ACT relating to ~~[domestic relations.]~~ marriage; revising provisions relating to fees charged and collected for the issuance of a marriage license; authorizing a board of county commissioners to adopt an ordinance imposing an additional fee for the issuance of a marriage license which must be used to promote marriage tourism in the county; authorizing a county to provide a space at certain county clerk offices for the display of informational brochures of certain persons who perform weddings; ~~[revising provisions relating to the division of community property and liabilities in certain domestic relations actions;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a county whose population is 100,000 or more (currently Clark and Washoe Counties) to provide a space outside each office and branch office of the county clerk in which a commercial wedding

chapel, a licensed business which operates principally for the performance of weddings in the county or a church or religious organization incorporated, organized or established in this State may place informational brochures for display.

~~[Under existing law, in granting a divorce, a court must, to the extent practicable, make an equal disposition of the community property of the parties, unless the action is contrary to a valid premarital agreement between the parties or the court makes written findings setting forth a compelling reason for making an unequal disposition of the community property. (NRS 125.150) The Nevada Supreme Court has held that under Rule 60(b) of the Nevada Rules of Civil Procedure, relief from a divorce decree dividing community property between the parties may be obtained by: (1) filing within 6 months after the final decree a motion for relief or modification from the decree because of mistake, newly discovered evidence or fraud; or (2) showing exceptional circumstances justifying equitable relief in an independent civil action. (Kramer v. Kramer, 96 Nev. 759, 762 (1980); Amie v. Amie, 106 Nev. 541, 542 (1990)) In Doan v. Willkerson, 130 Nev. Adv. Op. 48 (2014), the Nevada Supreme Court held that exceptional circumstances justifying equitable relief do not exist when a particular item of community property was disclosed and considered in a divorce action but omitted from the divorce decree. Section 27 of this bill provides that at any time, a party in an action for divorce, separate maintenance or annulment may file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree. Section 27 further provides that the court has continuing jurisdiction to hear such a motion and must make an equal disposition of the omitted community property or liability unless the court finds that certain exceptions apply.]~~

Under existing law, the county clerk is required to collect certain fees for the issuance of a marriage license. Sections 4 and 56 of this bill authorize a board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance imposing an additional fee of not more than \$14 for the issuance of a marriage license. Under section 56, if a board of county commissioners adopts such an ordinance, the fee must be deposited in a special revenue fund designated as the fund for the promotion of marriage tourism, and money in the fund must be used by the county clerk to promote marriage tourism in the county. Section 4 also specifically states that any administrative fee charged and collected by a county clerk's office, including, without limitation, a fee for providing a copy of a marriage license, is separate from any fee charged and collected for the issuance of a marriage license.

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

Section 1. Chapter 122 of NRS is hereby amended by adding thereto a new section to read as follows:

In each county whose population is 100,000 or more, the county may provide a space outside each office and branch office of the county clerk in which a commercial wedding chapel, a licensed business which operates principally for the performance of weddings in the county or a church or religious organization incorporated, organized or established in this State may place informational brochures for display.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 122.060 is hereby amended to read as follows:

122.060 1. The county clerk is entitled to receive as his or her fee for issuing a marriage license the sum of \$21.

2. The county clerk shall also at the time of issuing the marriage license:

(a) Collect the sum of \$10 and:

(1) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, deposit the sum into the county general fund pursuant to NRS 246.180 for filing the originally signed certificate of marriage described in NRS 122.120.

(2) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, pay it over to the county recorder as his or her fee for recording the originally signed certificate of marriage described in NRS 122.120.

(b) Collect the additional fee described in subsection 2 of NRS 246.180, if the board of county commissioners has adopted an ordinance authorizing the collection of such fee, and deposit the fee pursuant to NRS 246.190.

(c) *Collect the additional fee imposed pursuant to section 56 of this act, if the board of county commissioners has adopted an ordinance imposing the fee.*

3. The county clerk shall also at the time of issuing the marriage license collect the additional sum of \$4 for the State of Nevada. The fees collected for the State must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of the State General Fund. The county treasurer shall remit quarterly all such fees deposited by the county clerk to the State Controller for credit to the State General Fund.

4. The county clerk shall also at the time of issuing the marriage license collect the additional sum of \$25 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the county clerk to the State Controller for credit to that Account.

5. *Any fee charged and collected pursuant to this section is separate and distinct from any administrative fee charged and collected by a county clerk's*

office, including, without limitation, a fee for certifying a copy of a marriage license.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. ~~[NRS 125.150 is hereby amended to read as follows:~~

~~125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:~~

~~1. In granting a divorce, the court:~~

~~(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and~~

~~(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.~~

~~2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property~~

~~held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:~~

- ~~—(a) The intention of the parties in placing the property in joint tenancy;~~
- ~~—(b) The length of the marriage; and~~
- ~~—(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.~~

~~As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.~~

~~3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment. There is no limitation on the time in which a motion pursuant to this subsection may be filed. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:~~

~~—(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or~~

~~—(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.~~

~~4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.~~

~~[4.] 5. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.~~

~~[5.] 6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.~~

~~—[6.] 7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.~~

~~—[7.] 8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.~~

~~—[8.] 9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:~~

- ~~— (a) The financial condition of each spouse;~~
- ~~— (b) The nature and value of the respective property of each spouse;~~
- ~~— (c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;~~
- ~~— (d) The duration of the marriage;~~
- ~~— (e) The income, earning capacity, age and health of each spouse;~~
- ~~— (f) The standard of living during the marriage;~~
- ~~— (g) The career before the marriage of the spouse who would receive the alimony;~~
- ~~— (h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;~~
- ~~— (i) The contribution of either spouse as homemaker;~~
- ~~— (j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and~~
- ~~— (k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.~~

~~—[9.] 10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:~~

~~— (a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and~~

~~— (b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.~~

~~— [10.] 11. If the court determines that alimony should be awarded pursuant to the provisions of subsection [9.] 10:~~

~~— (a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.~~

~~— (b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.~~

~~— (c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:~~

~~— (1) Testing of the recipient's skills relating to a job, career or profession;~~

~~— (2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;~~

~~— (3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;~~

~~— (4) Subsidization of an employer's costs incurred in training the recipient;~~

~~— (5) Assisting the recipient to search for a job; or~~

~~— (6) Payment of the costs of tuition, books and fees for:~~

~~— (I) The equivalent of a high school diploma;~~

~~— (II) College courses which are directly applicable to the recipient's goals for his or her career; or~~

~~— (III) Courses of training in skills desirable for employment.~~

~~— [11.] 12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.] (Deleted by amendment.)~~

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. Chapter 246 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In a county whose population is 700,000 or more, the board of county commissioners may impose by ordinance an additional fee of not more than \$14 for the issuance of a marriage license.*

2. *An ordinance adopted pursuant to subsection 1 must include a provision creating a special revenue fund designated as the fund for the promotion of marriage tourism. Any money collected from a fee imposed pursuant to subsection 1 must be paid by the county clerk to the county treasurer, and the county treasurer shall deposit the money received in the fund.*

3. *Any interest earned on money in the fund, after deducting any applicable charges, must be credited to the fund.*

4. *Any money remaining in the fund at the end of a fiscal year must not revert to the county general fund, and the balance in the fund must be carried forward to the next fiscal year.*

5. *The money in the fund:*

(a) *Must be used by the county clerk only to promote wedding tourism in the county.*

(b) *Must not be used to replace or supplant any money available to fund the regular operations of the office of the county clerk.*

6. *If a board of county commissioners adopts an ordinance pursuant to subsection 1, on or before July 1 of each year, the county clerk shall submit to the board of county commissioners a report of the projected expenditures of the money in the fund for the following fiscal year.*

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)

Sec. 62. (Deleted by amendment.)

Sec. 63. (Deleted by amendment.)

Sec. 64. (Deleted by amendment.)

Sec. 65. This act becomes effective upon passage and approval.

Senator Brower moved that the Senate concur in Assembly Amendment No. 859 to Senate Bill No. 395.

Remarks by Senator Brower.

This amendment simply deletes a section that was added to the bill which became unnecessary with the passage of another Assembly bill covering the same topic. I want to thank our colleague from Senate District 10 for his cooperation and work on this bill and the issues within the bill throughout this Session and the Committee on Judiciary generally.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 406.

The following Assembly amendment was read:

Amendment No. 825.

SUMMARY—Revises provisions relating to public retirement systems. (BDR 23-1049)

AN ACT relating to public retirement systems; providing that certain members of public retirement systems who are convicted of or plead guilty or nolo contendere to certain felonies forfeit, with limited exceptions, all rights and benefits under the relevant system; amending the amount of postretirement increases for persons who become members of public retirement systems on or after July 1, 2015; providing an additional benefit option for a surviving spouse or survivor beneficiary of a police officer or firefighter killed in the line of duty or other member killed in the course of employment, judicial service or legislative service ~~on or after July 1, 2013;~~ amending the age of eligibility to receive retirement benefits for persons, other than police officers or firefighters, who become members of the Public Employees' Retirement System or Judicial Retirement Plan on or after July 1, 2015; revising provisions relating to the calculation of the years of service of certain members of the Public Employees' Retirement System, the Judicial Retirement Plan and the Legislators' Retirement System; providing, with ~~for~~ limited ~~exception,~~ exceptions, that the purchase of service credit cannot be used to reduce the number of years of service a member of each respective retirement system must earn to retire with an unreduced benefit; limiting the amount of compensation that may be used to determine retirement benefits for persons who become members of public retirement systems on or after July 1, 2015; revising the formula for calculating retirement allowances for persons who become members of certain public retirement systems on or after July 1, 2015; clarifying that the term "spouse" includes a domestic partner for purposes of eligibility for survivor benefits from a public retirement system; removing the expiration date of certain provisions relating to retired public employees who fill

positions for which there are critical labor shortages; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Retired public employees receive retirement allowances through membership in and contributions to the Public Employees' Retirement System. (Chapter 286 of NRS) ~~Retired~~ With certain exceptions, retired justices of the Supreme Court, judges of the Court of Appeals, district judges, justices of the peace and municipal judges receive retirement allowances through membership in and contributions to the Judicial Retirement Plan. (Chapter 1A of NRS) With certain exceptions, Legislators receive retirement allowances through membership in and contributions to the Legislators' Retirement System. (Chapter 218C of NRS) This bill makes a number of changes to these public retirement systems.

Sections 2, 17 and 26 of this bill provide that if a person becomes a member of the Public Employees' Retirement System, Judicial Retirement Plan or Legislators' Retirement System, respectively, on or after July 1, 2015, and that member is convicted of or pleads guilty or nolo contendere to certain felonies, the member forfeits, with limited exceptions, all rights and benefits under the relevant retirement system.

Existing law provides for postretirement increases for members of the Public Employees' Retirement System, Judicial Retirement Plan and Legislators' Retirement System. (NRS 1A.240, 286.571, 218C.510) Section 3 of this bill reduces the postretirement increases for retirees who become members of the retirement systems on or after July 1, 2015.

Existing law sets forth several benefit options for surviving spouses of deceased members of the Public Employees' Retirement System, the Judicial Retirement Plan and the Legislators' Retirement System. (NRS 1A.590-1A.610, 218C.580, 286.674-286.676) Existing law also sets forth several benefit options for survivor beneficiaries of deceased members of the Public Employees' Retirement System, the Judicial Retirement Plan and the Legislators' Retirement System if a member is unmarried on the date of the member's death. (NRS 1A.620-1A.650, 218C.580, 286.6767-286.6769) Sections 4, 16 and 27 of this bill provide an additional benefit option for the spouse of a member who is killed in the line of duty, the course of employment, the course of judicial service or the course of legislative service, as applicable. ~~It~~ on or after July 1, 2013. This additional option authorizes the surviving spouse to receive a benefit that is equivalent to the greater of: (1) fifty percent of the salary of the member on the date of the member's death; or (2) one hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member. Sections 4.5, 16.5 and 27.5 of this bill provide that this additional benefit option is available to a survivor beneficiary if the deceased member is unmarried on the date of the member's death. Section 29.7 of this bill provides a method for the spouse or survivor beneficiary of a member

who was killed in the line of duty, the course of employment, the course of judicial service or the course of legislative service during the period beginning on July 1, 2013, and ending on June 30, 2015, to select the additional benefit option set forth in section 4, 4.5, 16, 16.5, 27 or 27.5, as applicable.

Under existing law, a person who becomes a member of the Public Employees' Retirement System on or after January 1, 2010, other than a police officer or firefighter, is eligible to retire at 65 years of age if he or she has at least 5 years of service, at 62 years of age if he or she has at least 10 years of service and at any age if he or she has at least 30 years of service. (NRS 286.510) Section 5 of this bill provides that a person who becomes a member of the System on or after July 1, 2015, other than a police officer or firefighter, is eligible to retire at 65 years of age if he or she has at least 5 years of service, at 62 years of age if he or she has at least 10 years of service, at 55 years of age if he or she has at least 30 years of service, and at any age if he or she has at least 33 1/3 years of service. Section 20 of this bill makes the eligibility requirements for retirement relating to age and service consistent between public employees and justices of the Supreme Court, judges of the Court of Appeals, district judges, justices of the peace and municipal judges.

Sections 5, 20 and 28 of this bill provide, respectively, that for a member of the Public Employees' Retirement System, Judicial Retirement Plan or Legislators' Retirement System, the calculation of the member's years of service for the purpose of determining the age at which the member may retire with an unreduced benefit must not include any year or part of a year of service credit purchased by the member or in certain circumstances, on behalf of the member. Sections 5, 20 and 28 provide a limited exception if the member has a family medical emergency.

Under existing law, the amount of a member's monthly retirement benefit is based on the member's compensation while employed, subject to certain limitations. (NRS 1A.390, 1A.400, 1A.410, 286.535, 286.537, 286.551, 218C.520, 218C.530) Sections 6, 21 and 29 of this bill limit the amount of compensation used to determine the retirement benefit of a person who becomes a member of a public retirement system on or after July 1, 2015, to \$200,000, plus certain adjustments based on changes in the Consumer Price Index.

Under existing law, the monthly retirement allowance for a person who became a member of the Public Employees' Retirement System on or after January 1, 2010, is calculated by multiplying a member's average compensation, over the member's 36 consecutive months of highest compensation, by 2.5 percent for every year of service earned. (NRS 286.551) Section 7 of this bill provides that the monthly retirement allowance for each person who has an effective date of membership on or after July 1, 2015, other than a police officer or firefighter, will be determined by multiplying the member's average compensation by

2.25 percent for every year of service with the member's eligibility for service credit ceasing at 33 1/3 years of service.

Under existing law, members of the Judicial Retirement Plan do not pay contributions into the Plan. (NRS 1A.180) Section 15 of this bill requires members of the Plan who have an effective date of membership on or after July 1, 2015, to pay 50 percent of the required contributions to the Plan.

Under existing law, the monthly retirement allowance for a member of the Judicial Retirement Plan is calculated by multiplying a member's average compensation, over the member's 36 consecutive months of highest compensation, by 3.4091 percent for every year of service earned. (NRS 1A.440) Section 22 of this bill provides that the monthly retirement allowance for each person who has an effective date of membership on or after July 1, 2015, will be determined by multiplying the member's average compensation by 3.1591 percent for every year of service.

Sections 10, 14, 24 and 27 of this bill clarify that the term "spouse" includes a domestic partner for purposes of determining eligibility to receive survivor benefits from a public retirement system.

Existing law provides that a retired public employee who accepts employment or an independent contract with a public employer under the Public Employees' Retirement System is disqualified under certain circumstances from receiving allowances under the System for the duration of that employment or contract. (NRS 286.520) Existing law also provides an exception to this disqualification if the retired public employee fills a position for which there is a critical labor shortage. (NRS 286.523) This exception is scheduled to expire on June 30, 2015. (Chapter 346, Statutes of Nevada 2009, p. 1550) Sections 29.6 and 29.8 of this bill remove the expiration date of this exception.

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

Section 1. Chapter 286 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. 1. *Except as otherwise provided in subsections 2 and 3, a member who is convicted of or pleads guilty or nolo contendere to any felony involving:*

- (a) Accepting or giving, or offering to give, any bribe;*
- (b) Embezzlement of public money;*
- (c) Extortion or theft of public money;*
- (d) Perjury; or*
- (e) Conspiracy to commit any crime set forth in paragraphs (a) to (d), inclusive,*

➡ and arising directly out of his or her duties as an employee, forfeits all rights and benefits under the System.

2. *Upon a conviction described in subsection 1, the System must return to the member, without interest, all contributions which the member has made and which were credited to the member's individual account.*

3. The provisions of subsections 1 and 2 apply only to persons who become members of the System on or after July 1, 2015.

Sec. 3. 1. For a person who retires and who has an effective date of membership on or after July 1, 2015, allowances or benefits must be increased once each year on the first day of the month immediately following the anniversary date the person began receiving the allowance or benefit:

(a) By 2 percent following the 3rd, 4th and 5th anniversaries of the commencement of benefits.

(b) By 2.5 percent following the 6th, 7th and 8th anniversaries of the commencement of benefits.

(c) By the lesser of 3 percent or the increase, if any, in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year following the 9th anniversary of the commencement of benefits and each year thereafter.

2. The base from which the increase provided by this section must be calculated is the allowance or benefit in effect on the day before the increase becomes effective.

Sec. 4. 1. The spouse of a member who is a police officer or firefighter killed in the line of duty on or after July 1, 2013, or the spouse of any other member killed in the course of employment on or after July 1, 2013, is entitled to receive a monthly allowance equivalent to the greater of:

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid to the spouse for the remainder of the spouse's life.

3. The spouse may elect to receive the benefits provided by any one of the following only:

(a) This section;

(b) NRS 286.674;

(c) NRS 286.676;

(d) NRS 286.6765; or

(e) NRS 286.6766.

4. For the purposes of this section, the Board shall define by regulation "killed in the line of duty" and "killed in the course of employment."

Sec. 4.5. 1. Except as otherwise provided in subsection 2, the survivor beneficiary of a member who is a police officer or firefighter killed in the line of duty on or after July 1, 2013, or the survivor beneficiary of any other member killed in the course of employment on or after July 1, 2013, is entitled to receive a monthly allowance equivalent to the greater of:

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. If the member had designated one or more payees in addition to the survivor beneficiary pursuant to NRS 286.6767, the monthly allowance to which a survivor beneficiary is entitled pursuant to subsection 1 must be divided between the survivor beneficiary and any additional payees in the proportion designated by the member pursuant to NRS 286.6767.

3. The benefits provided by this section must be paid to the survivor beneficiary for the remainder of the survivor beneficiary's life.

4. The survivor beneficiary may elect to receive the benefits provided by any one of the following only:

(a) This section;

(b) NRS 286.67675;

(c) NRS 286.6768;

(d) NRS 286.67685; or

(e) NRS 286.6769.

5. For the purposes of this section, the Board shall define by regulation "killed in the line of duty" and "killed in the course of employment."

6. As used in this section, "survivor beneficiary" means a person designated pursuant to NRS 286.6767.

Sec. 5. NRS 286.510 is hereby amended to read as follows:

286.510 1. Except as otherwise provided in subsections 2 and 3, a member of the System:

(a) Who has an effective date of membership before January 1, 2010, is eligible to retire at age 65 if the member has at least 5 years of service, at age 60 if the member has at least 10 years of service and at any age if the member has at least 30 years of service.

(b) Who has an effective date of membership on or after January 1, 2010, and before July 1, 2015, is eligible to retire at age 65 if the member has at least 5 years of service, at age 62 if the member has at least 10 years of service and at any age if the member has at least 30 years of service.

(c) Who has an effective date of membership on or after July 1, 2015, is eligible to retire at age 65 if the member has at least 5 years of service, at age 62 if the member has at least 10 years of service, at age 55 if the member has at least 30 years of service and at any age if the member has at least 33 1/3 years of service. For the purposes of this paragraph, any year or part of a year of service purchased by a member pursuant to subsection 2 or 3 of NRS 286.300 or purchased on behalf of the member pursuant to subsection 4 of NRS 286.300 or as authorized by NRS 286.3005 and subsections 1 and 2 of NRS 286.3007 must not be considered in determining the number of years of service of a member unless the member has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical emergency" and set forth by regulation the circumstances in

which purchased service credit may be considered in determining the number of years of service of a member who has a family medical emergency.

2. A police officer or firefighter:

(a) Who has an effective date of membership before January 1, 2010, is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 55 if the police officer or firefighter has at least 10 years of service, at age 50 if the police officer or firefighter has at least 20 years of service and at any age if the police officer or firefighter has at least 25 years of service.

(b) Who has an effective date of membership on or after January 1, 2010, and before July 1, 2015, is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 60 if the police officer or firefighter has at least 10 years of service and at age 50 if the police officer or firefighter has at least 20 years of service.

(c) *Who has an effective date of membership on or after July 1, 2015, is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 60 if the police officer or firefighter has at least 10 years of service and at age 50 if the police officer or firefighter has at least 20 years of service. For the purposes of this paragraph, any year or part of a year of service purchased by a police officer or firefighter pursuant to subsection 2 or 3 of NRS 286.300 or subsection 7 of NRS 286.367 or purchased on behalf of the police officer or firefighter as authorized by NRS 286.3005 and subsections 1 and 2 of NRS 286.3007 must not be considered in determining the number of years of service of a police officer or firefighter unless the police officer or firefighter has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical emergency" and set forth by regulation the circumstances in which purchased service credit may be considered in determining the number of years of service of a police officer or firefighter who has a family medical emergency.*

➡ Only service performed in a position as a police officer or firefighter, established as such by statute or regulation, service performed pursuant to subsection 3 and credit for military service, may be counted toward eligibility for retirement pursuant to this subsection.

3. Except as otherwise provided in subsection 4, a police officer or firefighter who has at least 5 years of service as a police officer or firefighter and is otherwise eligible to apply for disability retirement pursuant to NRS 286.620 because of an injury arising out of and in the course of the police officer's or firefighter's employment remains eligible for retirement pursuant to subsection 2 if:

(a) The police officer or firefighter applies to the Board for disability retirement and the Board approves the police officer's or firefighter's application;

(b) In lieu of a disability retirement allowance, the police officer or firefighter accepts another position with the public employer with which the

police officer or firefighter was employed when the police officer or firefighter became disabled as soon as practicable but not later than 90 days after the Board approves the police officer's or firefighter's application for disability retirement;

(c) The police officer or firefighter remains continuously employed by that public employer until the police officer or firefighter becomes eligible for retirement pursuant to subsection 2; and

(d) After the police officer or firefighter accepts a position pursuant to paragraph (b), the police officer's or firefighter's contributions are paid at the rate that is actuarially determined for police officers and firefighters until the police officer or firefighter becomes eligible for retirement pursuant to subsection 2.

4. If a police officer or firefighter who accepted another position with the public employer with which the police officer or firefighter was employed when the police officer or firefighter became disabled pursuant to subsection 3 ceases to work for that public employer before becoming eligible to retire pursuant to subsection 2, the police officer or firefighter may begin to receive a disability retirement allowance without further approval by the Board by notifying the Board on a form prescribed by the Board.

5. Eligibility for retirement, as provided in this section, does not require the member to have been a participant in the System at the beginning of the police officer's or firefighter's credited service.

6. Any member who has the years of creditable service necessary to retire but has not attained the required age, if any, may retire at any age with a benefit actuarially reduced to the required retirement age. Except as otherwise required as a result of NRS 286.537, a retirement benefit pursuant to this subsection must be reduced:

(a) If the member has an effective date of membership before January 1, 2010, by 4 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.33 percent for each additional month that the member is under the appropriate retirement age.

(b) If the member has an effective date of membership on or after January 1, 2010, by 6 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.5 percent for each additional month that the member is under the appropriate retirement age.

➤ Any option selected pursuant to this subsection must be reduced by an amount proportionate to the reduction provided in this subsection for the unmodified benefit. The Board may adjust the actuarial reduction based upon an experience study of the System and recommendation by the actuary.

Sec. 6. NRS 286.535 is hereby amended to read as follows:

286.535 Notwithstanding any other provision of law, the amount of compensation used to determine the retirement benefit of a member of the System must not exceed:

1. For persons who first became members of the System before July 1, 1996, the limitation provided by section 401(a)(17) of the Internal Revenue Code (26 U.S.C. § 401(a)(17)), as that section existed on July 1, 1993.

2. For persons who first became members of the System on or after July 1, 1996, *and before July 1, 2015*, the limitation provided by section 401(a)(17) of the Internal Revenue Code (26 U.S.C. § 401(a)(17)), as that section existed on July 1, 1996.

3. *For persons who first became members of the System on or after July 1, 2015, the lesser of:*

(a) *The limitation provided by section 401(a)(17) of the Internal Revenue Code (26 U.S.C. § 401(a)(17)), as that section existed on July 1, 2015; or*

(b) *Two hundred thousand dollars. The limitation set forth in this paragraph must be adjusted by the Board every year by an amount equal to the average percentage increase in the Consumer Price Index (All Items) for the immediately preceding 3-year period.*

Sec. 7. NRS 286.551 is hereby amended to read as follows:

286.551 Except as otherwise required as a result of NRS 286.535 or 286.537:

1. Except as otherwise provided in subsection 2:

(a) For a member who has an effective date of membership before January 1, 2010, a monthly service retirement allowance must be determined by multiplying ~~fa~~ the member's average compensation by 2.5 percent for each year of service earned before July 1, 2001, and 2.67 percent for each year of service earned on or after July 1, 2001.

(b) *For a member who is a police officer or firefighter and who has an effective date of membership on or after January 1, 2010, a monthly service retirement allowance must be determined by multiplying the member's average compensation by 2.5 percent for each year of service earned.*

(c) For a member who *is not a police officer or firefighter and who* has an effective date of membership on or after January 1, 2010, *and before July 1, 2015*, a monthly service retirement allowance must be determined by multiplying ~~fa~~ the member's average compensation by 2.5 percent for each year of service earned.

(d) *For a member who is not a police officer or firefighter and who has an effective date of membership on or after July 1, 2015, a monthly service retirement allowance must be determined by multiplying the member's average compensation by 2.25 percent for each year of service earned.*

2. A member:

(a) *Who is not a police officer or firefighter and who has an effective date of membership on or after July 1, 2015, is entitled to a benefit of not more than 75 percent of the member's average compensation with the member's eligibility for service credit ceasing at 33 1/3 years of service.*

(b) *Who is not a police officer or firefighter and who has an effective date of membership on or after July 1, 1985, and before July 1, 2015, is entitled to*

a benefit of not more than 75 percent of the member's average compensation with the member's eligibility for service credit ceasing at 30 years of service.

~~[(b)]~~ (c) *Who is a police officer or firefighter and who has an effective date of membership on or after July 1, 1985, is entitled to a benefit of not more than 75 percent of the member's average compensation with the member's eligibility for service credit ceasing at 30 years.*

(d) Who has an effective date of membership before July 1, 1985, and retires on or after July 1, 1977, is entitled to a benefit of not more than 90 percent of the member's average compensation with the member's eligibility for service credit ceasing at 36 years of service.

➤ In no case may the service retirement allowance determined pursuant to this section be less than the allowance to which the retired employee would have been entitled pursuant to the provisions of this section which were in effect on the day before July 3, 1991.

3. For the purposes of this section, except as otherwise provided in subsections 4, 5 and 6, "average compensation" means the average of a member's 36 consecutive months of highest compensation as certified by the public employer.

4. Except as otherwise provided in subsection 5, for an employee who becomes a member of the System on or after January 1, 2010, the following limits must be observed when calculating the member's average compensation based on a 60-month period that commences 24 months immediately preceding the 36 consecutive months of highest compensation:

(a) The compensation for the 13th through the 24th months may not exceed the actual compensation amount for the 1st through the 12th months by more than 10 percent;

(b) The compensation for the 25th through the 36th months may not exceed by more than 10 percent the lesser of:

(1) The maximum compensation amount allowed pursuant to paragraph (a); or

(2) The actual compensation amount for the 13th through the 24th months;

(c) The compensation for the 37th through the 48th months may not exceed by more than 10 percent the lesser of:

(1) The maximum compensation amount allowed pursuant to paragraph (b); or

(2) The actual compensation amount for the 25th through the 36th months; and

(d) The compensation for the 49th through the 60th months may not exceed by more than 10 percent the lesser of:

(1) The maximum average compensation amount allowed pursuant to paragraph (c); or

(2) The actual compensation amount for the 37th through the 48th months.

5. Compensation attributable to a promotion and assignment-related compensation must be excluded when calculating the limits pursuant to subsection 4.

6. The average compensation of a member who has a break in service or partial months of compensation, or both, as a result of service as a Legislator during a regular or special session of the Nevada Legislature must be calculated on the basis of the average of the member's 36 consecutive months of highest compensation as certified by the member's public employer excluding each month during any part of which the Legislature was in session. This subsection does not affect the computation of years of service.

7. The retirement allowance for a regular part-time employee must be computed from the salary which the employee would have received as a full-time employee if it results in greater benefits for the employee. A regular part-time employee is a person who works half-time or more, but less than full-time:

(a) According to the regular schedule established by the employer for the employee's position; and

(b) Pursuant to an established agreement between the employer and the employee.

Sec. 8. NRS 286.571 is hereby amended to read as follows:

286.571 1. Except as otherwise provided in subsection 2, for a person who retires and who has an effective date of membership on or after January 1, 2010, *and before July 1, 2015*, allowances or benefits must be increased once each year on the first day of the month immediately following the anniversary of the date the person began receiving the allowance or benefit, by the lesser of:

(a) Two percent following the 3rd anniversary of the commencement of benefits, 3 percent following the 6th anniversary of the commencement of benefits, 3.5 percent following the 9th anniversary of the commencement of benefits, 4 percent following the 12th anniversary of the commencement of benefits and each year thereafter; or

(b) The average percentage of increase in the Consumer Price Index (All Items) for the 3 preceding years, unless a different index is substituted by the Board.

2. In any event, the allowance or benefit of a member must be increased by the percentages set forth in paragraph (a) of subsection 1 if the allowance or benefit of a member has not increased at a rate greater than or equal to the average of the Consumer Price Index (All Items), unless a different index is substituted by the Board, for the period between the date of the member's retirement and the date specified in subsection 1.

3. The Board may use a different index for the calculation made pursuant to paragraph (b) of subsection 1 if:

(a) The substituted index is compiled and published by the United States Department of Labor; and

(b) The Board determines that the substituted index represents a more accurate measurement of the cost of living for retired employees.

4. The base from which the increase provided by this section must be calculated is the allowance or benefit in effect on the day before the increase becomes effective.

Sec. 9. NRS 286.5756 is hereby amended to read as follows:

286.5756 1. ~~[A]~~ *Except as otherwise provided in NRS 286.571 and section 3 of this act, a person is entitled to the increase provided in this section if the person began receiving an allowance or benefit:*

(a) Before September 1, 1983, and has received the allowance or benefit for at least 6 continuous months in the 12 months preceding the effective date of the increase; or

(b) At least 3 years before the increase.

2. Except as otherwise provided in subsection 3, allowances or benefits increase once each year on the first day of the month immediately following the anniversary of the date the person began receiving the allowance or benefit, by the lesser of:

(a) Two percent following the 3rd anniversary of the commencement of benefits, 3 percent following the 6th anniversary of the commencement of benefits, 3.5 percent following the 9th anniversary of the commencement of benefits, 4 percent following the 12th anniversary of the commencement of benefits and 5 percent following the 14th anniversary of the commencement of benefits; or

(b) The average percentage of increase in the Consumer Price Index (All Items) for the 3 preceding years, unless a different index is substituted by the Board.

3. In any event, the allowance or benefit of a member must be increased by the percentages set forth in paragraph (a) of subsection 2 if the allowance or benefit of a member has not increased at a rate greater than or equal to the average of the Consumer Price Index (All Items), unless a different index is substituted by the Board, for the period between the date of the member's retirement and the date specified in subsection 2.

4. The Board may use a different index for the calculation made pursuant to paragraph (b) of subsection 2 if:

(a) The substituted index is compiled and published by the United States Department of Labor; and

(b) The Board determines that the substituted index represents a more accurate measurement of the cost of living for retired employees.

5. The base from which the increase provided by this section must be calculated is the allowance or benefit in effect on the day before the increase becomes effective.

Sec. 10. NRS 286.671 is hereby amended to read as follows:

286.671 As used in NRS 286.671 to 286.679, inclusive ~~[i]~~ , *and sections 4 and 4.5 of this act:*

1. "Child" means an unmarried person under 18 years of age who is the issue or legally adopted child of a deceased member. As used in this subsection, "issue" means the progeny or biological offspring of the deceased member.

2. "Dependent parent" means the surviving parent of a deceased member who was dependent upon the deceased member for at least 50 percent of the surviving parent's support for at least 6 months immediately preceding the death of the deceased member.

3. *"Domestic partner" means a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS, and that has not been terminated pursuant to that chapter.*

4. "Spouse" means the surviving husband or wife *or domestic partner* of a deceased member.

Sec. 11. NRS 286.672 is hereby amended to read as follows:

286.672 1. Except as otherwise provided in subsection 3 ~~and~~ *and sections 4 and 4.5 of this act*, if a deceased member had 2 years of accredited contributing service in the 2 1/2 years immediately preceding the member's death or was a regular, part-time employee who had 2 or more years of creditable contributing service before and at least 1 day of contributing service within 6 months immediately preceding the member's death, or if the employee had 10 or more years of accredited contributing service, certain of the deceased member's dependents are eligible for payments as provided in NRS 286.671 to 286.679, inclusive ~~and~~ *and sections 4 and 4.5 of this act*. If the death of the member resulted from a mental or physical condition which required the member to leave the employ of a participating public employer or go on leave without pay, eligibility pursuant to the provisions of this section extends for 18 months after the member's termination or commencement of leave without pay.

2. If the death of a member occurs while the member is on leave of absence granted by the member's employer for further training and if the member met the requirements of subsection 1 at the time the member's leave began, certain of the deceased member's dependents are eligible for payments as provided in subsection 1.

3. If the death of a member is caused by an occupational disease or an accident arising out of and in the course of the member's employment, no prior contributing service is required to make the deceased member's dependents eligible for payments pursuant to NRS 286.671 to 286.679, inclusive, *and sections 4 and 4.5 of this act*, except that this subsection does not apply to an accident occurring while the member is traveling between the member's home and the member's principal place of employment or to an accident or occupational disease arising out of employment for which no contribution is made.

4. As used in this section, "dependent" includes a survivor beneficiary designated pursuant to NRS 286.6767.

Sec. 12. NRS 286.679 is hereby amended to read as follows:

286.679 1. If payments to a beneficiary pursuant to NRS 286.671 to 286.679, inclusive, *and sections 4 and 4.5 of this act*, cease before the total contributions of a deceased member have been paid in benefits, and there is no person entitled to receive such benefits pursuant to any provision of this chapter, the surplus of such contributions over the benefits actually received may be paid in a lump sum to:

(a) The beneficiary whom the deceased member designated for this purpose in writing on a form approved by the System.

(b) If no such designation was made or the person designated is deceased, the beneficiary who previously received the payments.

(c) If no payment may be made pursuant to paragraphs (a) and (b), the persons entitled as heirs or residuary legatees to the estate of the deceased member.

2. A lump-sum payment made pursuant to this section fully discharges the obligations of the System.

Sec. 13. Chapter 1A of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 17, inclusive, of this act.

Sec. 14. *"Domestic partner" means a person who is in a domestic partnership which is registered pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.*

Sec. 15. *For members of the Judicial Retirement Plan who have an effective date of membership on or after July 1, 2015:*

1. *A member must pay 50 percent of the total contribution rate that is actuarially determined for members of the Judicial Retirement Plan pursuant to NRS 1A.180.*

2. *The amount described in subsection 1 must be deducted from each payroll during the period of the member's membership in the Judicial Retirement Plan and transmitted to the Board at intervals designated and upon forms prescribed by the Board. The contributions must be paid on compensation earned by a member from the member's first day of service.*

3. *The Judicial Retirement Plan shall guarantee to each member the return of at least the total contributions which the member has made and which were credited to the member's individual account. These contributions may be returned to the member, the member's estate or beneficiary or a combination thereof in monthly benefits, a lump-sum refund or both. The relevant provisions of NRS 286.430 apply to a member of the Judicial Retirement Plan who withdraws his or her contributions to the Plan pursuant to this section.*

Sec. 16. 1. *The spouse of a member killed in the course of judicial service on or after July 1, 2013, is entitled to receive a monthly allowance equivalent to the greater of:*

(a) *Fifty percent of the salary of the member on the date of the member's death; or*

(b) *One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.*

2. *The benefits provided by this section must be paid to the spouse for the remainder of the spouse's life.*

3. *The spouse may elect to receive the benefits by any one of the following only:*

(a) *This section;*

(b) *NRS 1A.590;*

(c) *NRS 1A.600; or*

(d) *NRS 1A.610.*

4. *For the purposes of this section, the Board shall define by regulation "killed in the course of judicial service."*

Sec. 16.5. 1. *Except as otherwise provided in subsection 2, the survivor beneficiary of a member of the Judicial Retirement Plan killed in the course of judicial service on or after July 1, 2013, is entitled to receive a monthly allowance equivalent to the greater of:*

(a) *Fifty percent of the salary of the member on the date of the member's death; or*

(b) *One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.*

2. *If the member had designated one or more payees in addition to the survivor beneficiary pursuant to NRS 1A.620, the monthly allowance to which a survivor beneficiary is entitled pursuant to subsection 1 must be divided between the survivor beneficiary and any additional payees in the proportion designated by the member pursuant to NRS 1A.620.*

3. *The benefits provided by this section must be paid to the survivor beneficiary for the remainder of the beneficiary's life.*

4. *The survivor beneficiary may elect to receive the benefits provided by any one of the following only:*

(a) *This section;*

(b) *NRS 1A.630;*

(c) *NRS 1A.640; or*

(d) *NRS 1A.650.*

5. *For the purposes of this section, the Board shall define by regulation "killed in the course of judicial service."*

6. *As used in this section, "survivor beneficiary" means a person designated pursuant to NRS 1A.620.*

Sec. 17. 1. *Except as otherwise provided in subsections 2 and 3, a member of the System who is convicted of or pleads guilty or nolo contendere to any felony involving:*

(a) *Accepting or giving, or offering to give, any bribe;*

(b) *Embezzlement of public money;*

(c) *Extortion or theft of public money;*

(d) *Perjury; or*

(e) *Conspiracy to commit any crime set forth in paragraphs (a) to (d), inclusive,*

➡ and arising directly out of his or her duties in judicial service, forfeits all rights and benefits under the System.

2. *Upon a conviction described in subsection 1, the System must return to the member, without interest, all contributions which the member has made and which were credited to the member's individual account.*

3. *The provisions of subsections 1 and 2 apply only to persons who become members of the System on or after July 1, 2015.*

Sec. 18. NRS 1A.160 is hereby amended to read as follows:

1A.160 1. The Judicial Retirement Fund is hereby established as a trust fund.

2. It is hereby declared to be the policy of the Legislature that the Judicial Retirement Fund is established to afford a degree of security to long-time justices of the Supreme Court, judges of the Court of Appeals, district judges, justices of the peace and municipal judges in this State. The money in the Fund must not be used or appropriated for any purpose incompatible with the provisions of this chapter or NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to 3.099, inclusive. The Fund must be invested and administered to ensure the highest return consistent with safety in accordance with accepted investment practices.

3. All money appropriated by the Legislature to the Judicial Retirement Fund, all money submitted to the System for deposit in the Fund pursuant to NRS 1A.180 and section 15 of this act, and all income accruing to the Fund from all other sources must be deposited in the Fund.

4. The interest and income earned on the money in the Judicial Retirement Fund, after deducting any applicable charges, must be credited to the Fund.

5. The System must pay all retirement allowances, benefits, optional settlements and other obligations or payments payable by the System pursuant to this chapter and NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, and 3.090 to 3.099, inclusive, from the Judicial Retirement Fund. The money in the Fund must be expended by the Board for the payment of expenses authorized by law to be paid from the Fund.

Sec. 19. NRS 1A.180 is hereby amended to read as follows:

1A.180 *Except as otherwise provided in section 15 of this act:*

1. The Court Administrator shall submit to the System for deposit in the Judicial Retirement Fund on behalf of each justice of the Supreme Court, judge of the Court of Appeals or district judge who is a member of the System the percentage of compensation of the member that is determined by the actuary of the System to be required to pay the normal cost incurred in making payments for such members pursuant to subsection 5 of NRS 1A.160 and the administrative expenses of the System that are attributable to such members. Such payments must be:

(a) Accompanied by payroll reports that include information deemed necessary by the Board to carry out its duties; and

(b) Received by the System not later than 15 days after the calendar month for which the compensation and service credits of members of the System are reported and certified by the Court Administrator. The compensation must be reported separately for each month that it is paid.

2. The State of Nevada shall make an appropriation to the Court Administrator and the Court Administrator shall pay to the System for deposit in the Judicial Retirement Fund from any fund created for the purpose of paying pension benefits to justices of the Supreme Court, judges of the Court of Appeals or district judges an amount as the contribution of the State of Nevada as employer which is actuarially determined to be sufficient to provide the System with enough money to pay the benefits for justices of the Supreme Court, judges of the Court of Appeals and district judges for which the System will be liable.

3. Upon the participation of a justice of the peace or municipal judge in the Judicial Retirement Plan pursuant to NRS 1A.285, the county or city shall submit to the System for deposit in the Judicial Retirement Fund on behalf of each justice of the peace or municipal judge who is a member of the System the percentage of compensation of the member that is determined by the actuary of the System to be required to pay the normal cost incurred in making payments for such members pursuant to subsection 5 of NRS 1A.160 and the administrative expenses of the System that are attributable to such members. Such payments must be:

(a) Accompanied by payroll reports that include information deemed necessary by the Board to carry out its duties; and

(b) Received by the System not later than 15 days after the calendar month for which the compensation and service credits of members of the System are reported and certified by the county or city. The compensation must be reported separately for each month that it is paid.

4. Upon the participation of a justice of the peace or municipal judge in the Judicial Retirement Plan pursuant to NRS 1A.285, the county or city shall pay to the System for deposit in the Judicial Retirement Fund an amount as the contribution of the county or city as employer which is actuarially determined to be sufficient to provide the System with enough money to pay the benefits for justices of the peace and municipal judges for which the System will be liable.

5. Except as otherwise provided in this subsection, the total contribution rate that is actuarially determined for members of the Judicial Retirement Plan must be adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report. The adjusted rate must be rounded to the nearest one-quarter of 1 percent. The total contribution rate must not be adjusted

pursuant to this subsection if the existing rate is within one-half of 1 percent of the actuarially determined rate.

Sec. 20. NRS 1A.350 is hereby amended to read as follows:

1A.350 1. A member of the Judicial Retirement Plan :

(a) *Who has an effective date of membership before July 1, 2015, is eligible to retire at the age of 65 years if the member has at least 5 years of service, at the age of 60 years if the member has at least 10 years of service and at any age if the member has at least 30 years of service.*

(b) *Who has an effective date of membership on or after July 1, 2015, is eligible to retire at the age of 65 years if the member has at least 5 years of service, at the age of 62 years if the member has at least 10 years of service, ~~and~~ at the age of 55 years if the member has at least 30 years of service and at any age if the member has at least 33 1/3 years of service. For the purposes of this paragraph, any year or part of a year of service purchased pursuant to NRS 1A.310 by a member of the Judicial Retirement Plan who has an effective date of membership on or after July 1, 2015, must not be considered in determining the number of years of service of the member unless the member has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical emergency" and set forth by regulation the circumstances in which purchased service credit may be considered in determining the number of years of service of a member who has a family medical emergency.*

2. Any member of the Judicial Retirement Plan who has the years of creditable service necessary to retire, but has not attained the required age, if any, may retire at any age with a benefit actuarially reduced to the required retirement age. Except as otherwise required as a result of NRS 1A.410, a retirement benefit pursuant to this subsection must be reduced by 4 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.33 percent for each additional month that the member is under the appropriate retirement age. Any option selected pursuant to this subsection must be reduced by an amount proportionate to the reduction provided in this subsection for the unmodified benefit. The Board may adjust the actuarial reduction based upon an experience study of the System and recommendation by the actuary.

Sec. 21. NRS 1A.400 is hereby amended to read as follows:

1A.400 Notwithstanding any other provision of law, the amount of compensation used to determine the retirement benefit of a member of the Judicial Retirement Plan must not exceed :

1. *If the member has an effective date of membership before July 1, 2015, the limitation provided by section 401(a)(17) of the Internal Revenue Code, 26 U.S.C. § 401(a)(17).*

2. *If the member has an effective date of membership on or after July 1, 2015, the lesser of:*

(a) *The limitation provided by section 401(a)(17) of the Internal Revenue Code, 26 U.S.C. § 401(a)(17); or*

(b) Two hundred thousand dollars. The limitation set forth in this paragraph must be adjusted by the Board every year by an amount equal to the average percentage increase in the Consumer Price Index (All Items) for the immediately preceding 3-year period.

Sec. 22. NRS 1A.440 is hereby amended to read as follows:

1A.440 Except as otherwise required as a result of NRS 1A.400 or 1A.410:

1. Except as otherwise provided in this subsection, a monthly service retirement allowance must be determined by multiplying a member of the Judicial Retirement Plan's average compensation ~~by~~:

(a) If the member has an effective date of membership before July 1, 2015, by 3.4091 percent for each year of service, except that a member of the Plan is entitled to a benefit of not more than 75 percent of the member's average compensation.

(b) If the member has an effective date of membership on or after July 1, 2015, by 3.1591 percent for each year of service, except that a member of the Plan is entitled to a benefit of not more than 75 percent of the member's average compensation.

2. For the purposes of this section, "average compensation" means the average of a member of the Plan's 36 consecutive months of highest compensation as certified by the Court Administrator if the member is a justice of the Supreme Court, a judge of the Court of Appeals or a district judge, by the county if the member is a justice of the peace or by the city if the member is a municipal judge.

Sec. 23. NRS 1A.530 is hereby amended to read as follows:

1A.530 As used in NRS 1A.530 to 1A.670, inclusive, *and sections 14, 16 and 16.5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 1A.540, 1A.550 and 1A.560 *and section 14 of this act* have the meanings ascribed to them in those sections.

Sec. 24. NRS 1A.560 is hereby amended to read as follows:

1A.560 "Spouse" means the surviving husband, ~~for~~ wife or domestic partner of a deceased member of the Judicial Retirement Plan.

Sec. 25. Chapter 218C of NRS is hereby amended by adding thereto the provisions set forth as sections 26, 27 and 27.5 of this act.

Sec. 26. 1. *Except as otherwise provided in subsections 2 and 3, a Legislator who is a member of the Legislators' Retirement System who is convicted of or pleads guilty or nolo contendere to any felony involving:*

(a) Accepting or giving, or offering to give, any bribe;

(b) Embezzlement of public money;

(c) Extortion or theft of public money;

(d) Perjury; or

(e) Conspiracy to commit any crime set forth in paragraphs (a) to (d), inclusive,

➡ and arising directly out of his or her duties in legislative service, forfeits all rights and benefits under the System.

2. Upon a conviction described in subsection 1, the Legislators' Retirement System must return to the member, without interest, all contributions which the member has made and which were credited to the member's individual account.

3. The provisions of subsections 1 and 2 apply only to Legislators who become members of the Legislators' Retirement System on or after July 1, 2015.

Sec. 27. 1. The spouse of a Legislator who is a member of the Legislators' Retirement System killed in the course of legislative service on or after July 1, 2013, is entitled to receive a monthly allowance equivalent to the greater of:

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid to the spouse for the remainder of the spouse's life.

3. The spouse may elect to receive the benefits by any one of the following only:

(a) This section; or

(b) NRS 218C.580.

4. For the purposes of this section, the Board shall define by regulation "killed in the course of legislative service."

5. As used in this section:

(a) "Domestic partner" means a person who is in a domestic partnership which is registered pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.

(b) "Spouse" means the surviving husband, wife or domestic partner of a Legislator killed in the course of legislative service.

Sec. 27.5. 1. If a Legislator who is a member of the Legislators' Retirement System is killed in the course of legislative service on or after July 1, 2013, and does not have at the time of his or her death a spouse, as that term is defined in section 27 of this act, the survivor of the member is entitled to receive a monthly allowance equivalent to the greater of:

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid to the survivor for the remainder of his or her life.

3. The survivor may elect to receive the benefits provided by any one of the following only:

(a) This section; or

(b) *NRS 218C.580.*

4. *For the purposes of this section, the Board shall define by regulation "killed in the course of legislative service."*

Sec. 28. NRS 218C.450 is hereby amended to read as follows:

218C.450 1. The minimum requirement for retirement is :

(a) *For a Legislator who has an effective date of membership before July 1, 2015, 10 years of accredited service ~~[-]~~ ; and*

(b) *For a Legislator who has an effective date of membership on or after July 1, 2015, 10 years of service. For the purposes of this paragraph, any year or part of a year of service purchased by a Legislator pursuant to NRS 218C.370 must not be considered in determining the number of years of service of the Legislator unless the Legislator has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical emergency" and set forth by regulation the circumstances in which purchased service credit may be considered in determining the number of years of service of a Legislator who has a family medical emergency.*

➡ A lapse in service as a Legislator does not operate to forfeit any retirement rights accrued before the lapse.

2. A Legislator who meets ~~[this requirement]~~ the requirements of subsection 1 may retire:

(a) At the age of 60 years or older with a full allowance.

(b) At any age less than 60 years with an allowance or benefit actuarially reduced to the age of 60 years. Except as otherwise required as a result of NRS 218C.340, an allowance or benefit under this paragraph must be reduced by 6 percent of the unmodified amount for each full year that the member is under the age of 60 years, and an additional 0.5 percent for each additional month that the member is under the age of 60 years. Any option selected must be reduced by an amount proportionate to the reduction provided in this subsection for the unmodified allowance or benefit. The Board may adjust the actuarial reduction based upon an experience study of the System and recommendation by the actuary.

Sec. 29. NRS 218C.530 is hereby amended to read as follows:

218C.530 Notwithstanding any other provision of law, the amount of compensation used to determine the retirement benefit of a member of the Legislators' Retirement System must not exceed :

1. *If the member has an effective date of membership before July 1, 2015, the limitation provided by section 401(a)(17) of the Internal Revenue Code, 26 U.S.C. § 401(a)(17).*

2. *If the member has an effective date of membership on or after July 1, 2015, the lesser of:*

(a) *The limitation provided by section 401(a)(17) of the Internal Revenue Code, 26 U.S.C. § 401(a)(17); or*

(b) *Two hundred thousand dollars. The limitation set forth in this paragraph must be adjusted by the Board every year by an amount equal to*

the average percentage increase in the Consumer Price Index (All Items) for the immediately preceding 3-year period.

Sec. 29.3. NRS 218C.580 is hereby amended to read as follows:

218C.580 1. The provisions of NRS 286.671 to 286.679, inclusive, *and sections 4 and 4.5 of this act*, except NRS 286.6775, relating to benefits for survivors pursuant to the Public Employees' Retirement System, are applicable to the dependents of a Legislator who is a member of the Legislators' Retirement System, and the benefits for the survivors must be paid by the Board following the death of the Legislator to the persons entitled thereto from the Legislators' Retirement Fund.

2. It is declared that of the contributions required by subsections 1 and 2 of NRS 218C.390, one-half of 1 percent must be regarded as costs incurred in benefits for survivors.

Sec. 29.6. Section 8 of chapter 346, Statutes of Nevada 2009, at page 1550, is hereby amended to read as follows:

Sec. 8. ~~{1.}~~ This section and sections 1 to 6, inclusive, of this act become effective upon passage and approval.

~~{2. Section 7 of this act becomes effective on June 30, 2015.}~~

Sec. 29.7. 1. If, during the period beginning on July 1, 2013, and ending on June 30, 2015, a police officer or firefighter was killed in the line of duty, any other member of the Public Employees' Retirement System was killed in the course of employment, a member of the Judicial Retirement Plan was killed in the course of judicial service or a member of the Legislators' Retirement System was killed in the course of legislative service, the spouse, survivor beneficiary or survivor of such person may elect to receive payments provided pursuant to section 4, 4.5, 16, 16.5, 27 or 27.5 of this act, as applicable. Such an election:

(a) Is not reversible; and

(b) Must be made on or before the date set forth by the Public Employees' Retirement Board. The date set forth by the Board must provide the spouse, survivor beneficiary or survivor a reasonable amount of time to make such an election.

2. If the spouse, surviving beneficiary or survivor makes an election pursuant to subsection 1 to receive payments provided pursuant to section 4, 4.5, 16, 16.5, 27 or 27.5 of this act, as applicable, the spouse, survivor beneficiary and any additional payee or survivor:

(a) Is eligible to receive the payments provided pursuant to section 4, 4.5, 16, 16.5, 27 or 27.5 of this act, as applicable, beginning on July 1, 2015. Except as otherwise provided in subparagraph (1) of paragraph (b), payments pursuant to section 4, 4.5, 16, 16.5, 27 or 27.5 of this act, as applicable, must be made retroactive to July 1, 2015.

(b) Is not eligible to:

(1) Continue to receive the payments provided pursuant to NRS 1A.590, 1A.600, 1A.610, 1A.630, 1A.640, 1A.650, 218C.580, 286.674, 286.676, 286.6765, 286.6766, 286.67675, 286.6768, 286.67685 or 286.6769,

as applicable. Any payment made pursuant to such provisions on or after July 1, 2015, must be credited against the amount of retroactive payment that the spouse, survivor beneficiary, additional payee or survivor receives pursuant to paragraph (a).

(2) Receive retroactive payment of the benefits provided pursuant to section 4, 4.5, 16, 16.5, 27 or 27.5 of this act, as applicable, for the period beginning on the date of the death of the police officer, firefighter or other member and ending on June 30, 2015.

3. Immediately upon the effective date of this section, the Public Employees' Retirement Board shall send notice of the provisions of this section by certified mail to the spouse, survivor beneficiary or survivor of each police officer or firefighter killed in the line of duty, any other member of the Public Employees' Retirement System killed in the course of employment, a member of the Judicial Retirement Plan killed in the course of judicial service or a member of the Legislators' Retirement System killed in the course of legislative service during the period beginning on July 1, 2013, and ending on June 30, 2015.

4. For purposes of this section, the Public Employees' Retirement Board shall define by regulation "killed in the line of duty," "killed in the course of employment," "killed in the course of judicial service" and "killed in the course of legislative service."

Sec. 29.8. Section 7 of chapter 346, Statutes of Nevada 2009, at page 1550, is hereby repealed.

Sec. 30. 1. This section and sections 29.6, ~~29.7~~ and 29.8 of this act become effective upon passage and approval.

2. Sections 4, 4.5, 16, 16.5, 27 and 27.5 of this act become effective:

(a) Upon passage and approval for purposes of adopting regulations and performing any other preparatory administrative tasks; and

(b) On July 1, 2015, for all other purposes.

3. Sections 1 ~~to 29.3, inclusive,~~ 2, 3, 5 to 15, inclusive, 17 to 26, inclusive, 28, 29 and 29.3 of this act become effective on July 1, 2015.

TEXT OF REPEALED SECTION

Section 7 of chapter 346, Statutes of Nevada 2009:

Sec. 7. NRS 286.523 is hereby repealed.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 825 to Senate Bill No. 406.

Remarks by Senator Goicoechea.

The amendment clarifies that service credit buyouts, purchased by the State for the purpose of work force reductions, can be used in the calculation of postretirement benefits, and the opt-in date for the additional survivor benefit option proposed in the bill is changed to June 1, 2013.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 411.

The following Assembly amendment was read:

Amendment No. 819.

SUMMARY—Allows the imposition of ~~[additional statutory]~~ certain taxes in a county to fund capital projects of the school district based on the recommendations of a Public Schools Overcrowding and Repair Needs Committee and voter approval. (BDR S-140)

AN ACT relating to taxation; authorizing the board of trustees of a school district under specified circumstances to adopt a resolution establishing the formation of a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of ~~[one or more statutory]~~ certain taxes to fund the capital projects of the school district; providing that if such a Committee is formed and submits its recommendations to the board of county commissioners within the time prescribed, the board of county commissioners is required to submit a question to the voters at the 2016 General Election asking whether the ~~[statutory tax or]~~ recommended taxes should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such ~~[statutory tax or]~~ taxes that are approved by the voters; providing for the use of the proceeds of such taxes for certain school purposes; providing for the prospective expiration of the authority of a board of trustees to establish such a Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ Section 1 of this bill authorizes the board of trustees of a school district to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of ~~[one or more statutory]~~ certain taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. ~~[This bill further requires that if]~~ Under this bill, a Committee may not be established by the board of trustees of a school district in a county in which there is imposed for the benefit of a school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property, or both (currently Clark County).

Sections 2 and 2.5 of this bill provide that if such a Committee is established ~~[and]~~, the Committee may recommend the imposition of one or more of the following taxes: (1) an additional tax on the gross receipts from the rental of transient lodging in the county; (2) a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county; (3) an additional tax on the transfer of real property in the county; (4) an additional sales and use tax in the county; and (5) an additional property tax in the county. The recommendations of the Committee must specify the rate or rates for each of the recommended taxes and may specify the period during which the recommended taxes will be imposed. If the Committee submits its recommendations to the board of county commissioners by April 2, 2016, the board of county commissioners is required to submit a question to the voters at the November 8, 2016, General Election asking whether any of the ~~[statutory tax or]~~ taxes

recommended by the Committee should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to ~~adopt an ordinance imposing~~ impose the approved ~~statutory tax or~~ taxes ~~and~~ at the rate specified in the question submitted to the voters. If a majority of the voters approve the imposition of an additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed \$3.64 on each \$100 of assessed valuation.

Section 3 of this bill provides that the proceeds resulting from the imposition of such ~~a tax or~~ taxes : (1) must be deposited in the fund for capital projects of the school district ~~the~~ ; and (2) may be pledged to the payment of the principal and interest on bonds or other obligations issued for certain school purposes.

Section 4 of this bill provides that the provisions of this bill authorizing the board of trustees of a school district to establish such a Public Schools Overcrowding and Repair Needs Committee expire by limitation on April 2, 2016.

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

Section 1. 1. The board of trustees of a school district, other than a school district located in a county in which there is imposed for the benefit of the school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property pursuant to chapter 375 of NRS, or both, may, by resolution, establish a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of ~~a statutory tax~~ one or more of the taxes described in section 2.5 of this act for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. If such a resolution is adopted, the Committee must be appointed consisting of:

(a) The superintendent of schools of the school district, who serves ex officio, or his or her designee.

(b) One Senator whose legislative district includes all or part the school district. If the legislative district of more than one Senator includes the school district, those Senators shall jointly appoint the member to serve.

(c) One member of the Assembly whose legislative district includes all or part of the school district. If the legislative district of more than one member of the Assembly includes the school district, those members of the Assembly shall jointly appoint the member to serve.

(d) One member who is a representative of the Nevada Association of Realtors, appointed by that Association.

(e) One member who is a representative of the Retail Association of Nevada, appointed by that Association.

(f) One member appointed by the board of county commissioners.

(g) If the county includes one or more cities, the mayor of each such city shall appoint a member to serve.

(h) If applicable to the county, one member of the oversight panel for school facilities established pursuant to NRS 393.092 or 393.096, appointed by the chair of the panel.

(i) One member who is a representative of a labor organization, appointed by the State of Nevada AFL-CIO.

(j) One member who is a representative of the largest organization of licensed educators in the county, appointed by that organization.

(k) One member of the general public, appointed by the parent-teacher association with the largest membership in the county.

(l) One member who represents economic development in the county, appointed by the regional development authority, as defined in NRS 231.009, for that county.

(m) One member who represents gaming, appointed by the gaming association with the largest membership in the county or, if there are no members of a gaming association in the county, the board of trustees.

(n) One member who represents business or commercial interests, other than gaming, appointed by the local chamber of commerce with the largest membership in the county or, if there is no local chamber of commerce in the county, the board of trustees.

(o) One member who represents homebuilders in the county, appointed by the association of homebuilders with the largest membership in the county or, if there are no members of an association of homebuilders in the county, the board of trustees.

2. The members appointed pursuant to paragraphs (d) to (o), inclusive, of subsection 1 must be residents of the county.

3. Any vacancy occurring in the appointed membership of a Committee established pursuant to subsection 1 must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. If a Committee is established pursuant to subsection 1, the Committee shall hold its first meeting upon the call of the superintendent of schools of the school district as soon as practicable after the appointments are made pursuant to subsection 1. At the first meeting of the Committee, the members of the Committee shall elect a chair.

5. A majority of a Committee established pursuant to subsection 1 constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

6. If a Committee is established pursuant to subsection 1, the superintendent of schools of the school district shall provide administrative support to the Committee.

Sec. 2. 1. If a Public Schools Overcrowding and Repair Needs Committee is established pursuant to subsection 1 of section 1 of this act, such a Committee shall, on or before April 2, 2016:

(a) Prepare recommendations for the imposition of one or more ~~statutory~~ of the taxes described in section 2.5 of this act in the county to provide

funding for the school district for the purposes set forth in subsection 1 of NRS 387.335 ~~, [; and]~~. The recommendations must specify the proposed rate or rates for each of the recommended taxes and may specify the period during which one or more of the recommended taxes will be imposed.

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners shall ~~[-]~~

~~—(a) At~~ , at the General Election on November 8, 2016, submit a question to the voters of the county asking whether any of the recommended ~~[statutory tax or]~~ taxes should be imposed in the county ~~, [-] and~~

~~—(b))~~ The question submitted to the voters of the county must specify the proposed rate or rates for each of the recommended taxes and the period during which each of the recommended taxes will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1. If the question submitted to the voters pursuant to this subsection asks the voters of the county whether to impose the tax described in subsection 5 of section 2.5 of this act, the question must state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question ~~, [-] adopt an ordinance imposing~~ :

(a) The board of county commissioners shall impose the recommended ~~[statutory] tax or taxes~~.

~~The ordinance must provide the same procedures for the administration and enforcement of the statutory tax or taxes as set forth in the statutory provisions governing that tax or taxes.~~ in accordance with the provisions of section 2.5 of this act and at the rate or rates specified in the question submitted to the voters pursuant to subsection 2.

(b) If the question recommended the imposition of the tax described in subsection 5 of section 2.5 of this act:

(1) Any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

(2) The provisions of NRS 361.453 do not apply to any such tax imposed.

(c) The ~~[statutory]~~ tax or taxes ~~[may]~~ shall be imposed notwithstanding the provisions of any specific statute to the contrary ~~, [-] and, except as otherwise specifically provided in sections 1 to 3, inclusive, of this act, such tax or taxes are not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax or taxes including, without limitation, any limitations on the maximum rate or rates which may be imposed or the duration of the period during which such taxes may be imposed.~~

Sec. 2.5. 1. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act

recommending the imposition of a tax on the gross receipts from the rental of transient lodging, in addition to all other taxes imposed on the revenue from the rental of transient lodging, the board of county commissioners shall impose a tax on the gross receipts from the rental of transient lodging at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be imposed throughout the county, including its incorporated cities, upon all persons in the business of providing transient lodging. The tax must be administered and enforced in the same manner as similar taxes imposed pursuant to chapter 244 of NRS on the revenue from the rental of transient lodging are administered and enforced.

2. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county, the board of county commissioners shall, in addition to any supplemental governmental services tax imposed pursuant to NRS 371.043 or 371.045, impose a supplemental governmental services tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each vehicle based in the county except:

(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

↪ The tax must be administered and enforced in the same manner as the taxes imposed pursuant NRS 371.043 and 371.045 are administered and enforced.

3. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on transfers of real property, in addition to all other taxes imposed on transfers of real property pursuant to chapter 375 of NRS, the board of county commissioners shall impose a tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds \$100. The amount of the tax must be computed on the basis of the value of the real property that is the subject of the transfer or land sale installment contract as declared pursuant to NRS 375.060. The county recorder shall collect the tax in the manner provided in NRS 375.030.

4. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county, the board of county commissioners shall

impose the tax at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the taxes imposed pursuant to chapter 374 of NRS are administered and enforced.

5. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending an increase in the rate of the tax levied in accordance with NRS 387.195, the board of county commissioners shall, in addition to any tax levied in accordance with NRS 387.195, levy a tax on the assessed valuation of taxable property within the county in the amount described in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the tax imposed pursuant to NRS 387.195 is administered and enforced.

Sec. 3. The proceeds of any ~~[statutory]~~ tax or taxes imposed ~~[under an ordinance adopted]~~ pursuant to ~~[section 2]~~ sections 2 and 2.5 of this act:

1. Must be deposited in the school district's fund for capital projects established pursuant to NRS 387.328, to be held and, except as otherwise provided in subsection 2, expended in the same manner as other money deposited in that fund. ~~[; and]~~

2. May be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

3. May not be used:

(a) To settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations; or

(b) To adjust the district-wide schedule of salaries and benefits of the employees of a school district.

Sec. 4. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on April 2, 2016.

Senator Roberson moved that the Senate concur in Assembly Amendment No. 819 to Senate Bill No. 411.

Remarks by Senator Roberson.

Assembly Amendment No. 819 to Senate Bill No. 411 makes several changes to the bill. First, a committee may not be formed in any county where a Real Property Transfer Tax or Room Tax rate is currently being imposed for the benefit of a school district. Under current law, this addition would exclude Clark County from the provisions of this bill.

Second, the taxes that may be recommended for imposition by a committee are limited to the Sales and Use Tax, Property Tax, Governmental Services Tax, Real Property Transfer Tax and the Room Tax. If the Property Tax is recommended and approved by voters, the rate is exempt from the partial abatements of taxes approved by the Legislature in the 2005 Session, as well as from the combined statutory limit for \$3.64 per \$100 of assessed value.

The proceeds from any taxes imposed may be used for the payment of principal or interest of bonds or other obligations.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 447.

The following Assembly amendments were read:

Amendment No. 860.

SUMMARY—Makes various changes relating to marijuana. (BDR 15-85)

AN ACT relating to marijuana; revising the crime of counterfeiting or forging a registry identification card for the medical use of marijuana; defining certain terms, including "concentrated cannabis"; revising the definition of marijuana for certain purposes; making it unlawful to extract concentrated cannabis; providing for the issuance of a letter of approval to certain children that allows such children to engage in the medical use of marijuana; revising certain exemptions from state prosecution for marijuana related offenses; revising provisions governing the return of seized marijuana, paraphernalia or related property from certain persons; providing that certain records created by the Division of Public and Behavioral Health of the Department of Health and Human Services relating to the medical use of marijuana are not confidential; authorizing the Division to issue a registry identification card; revising provisions relating to the location and operation of medical marijuana establishments; authorizing law enforcement agencies to adopt policies and procedures governing the medical use of marijuana by employees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime, punishable as a category E felony, for a person to counterfeit or forge or attempt to counterfeit or forge a registry identification card, which is the instrument that indicates a bearer is entitled to engage in the medical use of marijuana. (NRS 207.335) Section 1 of this bill makes it unlawful to: (1) counterfeit or forge or attempt to counterfeit or forge a letter of approval; or (2) possess with the intent to use any such counterfeit or forged registry identification card or letter of approval. Existing law defines marijuana for the purposes of the regulation of controlled substances. (NRS 453.096) Existing law also provides criminal penalties for various acts involving a schedule I controlled substance, including, without limitation, possession, manufacture, compounding, importation, distribution, sale, transfer, trafficking or driving under the influence. (NRS 453.316-453.348, 484C.110, 484C.120, 488.410) In addition to criminal penalties, existing law provides for civil penalties against a person who engages in certain acts involving the unlawful manufacture, distribution or sale of a schedule I controlled substance. (NRS 453.553-453.5533)

Sections 1.2-1.5 and 2 of this bill define certain terms, including "concentrated cannabis," and revise the definition of marijuana for the purposes of regulating controlled substances. Section 8 of this bill makes it

unlawful to knowingly or intentionally extract concentrated cannabis. A person who violates such a provision is guilty of a category C felony.

Existing law exempts a person who holds a valid registry identification card from state prosecution for possession, delivery and production of marijuana. (NRS 453A.200) The Division of Public and Behavioral Health of the Department of Health and Human Services may either issue a registry identification card that has been prepared by the Department of Motor Vehicles to a person who meets certain qualifications or designate the Department of Motor Vehicles to issue a registry identification card to such a person. (NRS 453A.210, 453A.220, 453A.740) A person under the age of 18 years can obtain a registry identification card if the custodial parent or legal guardian with responsibility for health care decisions for the person agrees to serve as the designated primary caregiver for the person and the person meets certain other requirements. (NRS 453A.210) Sections 17 and 18 of this bill require the Division to issue a letter of approval to an applicant who is under 10 years of age stating that the Division has approved the person's application to be exempted from state prosecution for engaging in the medical use of marijuana if the applicant meets these requirements instead of requiring the applicant to obtain a registry identification card that is prepared or issued by the Department. Section 18 also prescribes the required contents of a letter of approval.

Section 13.3 of this bill provides that: (1) an employee of the State Department of Agriculture who possesses, delivers or produces marijuana in the course of his or her duties is exempt from certain offenses relating to marijuana; and (2) no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana.

Section 13 of this bill provides that a person who obtains a letter of approval is exempt from certain offenses relating to the possession of marijuana or paraphernalia, but not offenses relating to the delivery and production of marijuana. Sections 17 and 22 of this bill require the custodial parent or legal guardian of a child under the age of 10 years who obtains a letter of approval to agree to serve as the designated primary caregiver for the child. Section 18 requires the Division to issue a registry identification card to the designated primary caregiver of the holder of a letter of approval. Sections 25-27 of this bill authorize a medical marijuana establishment to acquire marijuana from and dispense marijuana to the designated primary caregiver of a person who holds a letter of approval in the same manner as for a patient who holds a registry identification card.

Sections 19-23 of this bill make certain provisions concerning the revocation and expiration of a registry identification card, the designation of a primary caregiver and acts for which the holder of a registry identification card is not exempt from state prosecution applicable to the holder of a letter of approval. Sections 29 and 30 of this bill authorize a patient who holds a valid letter of approval and his or her designated primary caregiver to select

one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary. Sections 31-34 of this bill make certain rights and protections for persons who hold a registry identification card and persons who assist such persons in the medical use of marijuana applicable to a person who holds a letter of approval and a person who assists a person who holds a letter of approval as well.

Section 26.5 of this bill allows a medical marijuana establishment to move to a new location under the jurisdiction of the same local government if the local government approves the new location. Section 27 of this bill allows a medical marijuana establishment to use certain pesticides in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products. Section 36.7 of this bill requires the Division to revise its regulations to conform with the provisions of sections 26.5 and 27.

Section 27.5 of this bill allows a medical marijuana establishment to transport medical marijuana or enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment.

Existing law provides certain acts for which the holder of a registry identification card is not exempt from state prosecution for certain offenses relating to marijuana. (NRS 453A.300) Section 23 provides that such a person is not exempt from state prosecution for possessing marijuana or paraphernalia on school property.

The Nevada Constitution requires the Legislature to provide by law for protection of the plant of the genus *Cannabis* for medical purposes and property related to its use from forfeiture except upon conviction or plea of guilty or nolo contendere. (Nev. Const. Art. 4 § 38) Existing law requires a district attorney of the county in which marijuana, drug paraphernalia or other related property was seized, or the district attorney's designee, to make a determination that a person is engaging in or assisting in the medical use of marijuana under certain circumstances. (NRS 453A.400) Section 31 removes the requirement to make such a determination and instead requires law enforcement to return any usable marijuana, marijuana plants, drug paraphernalia and other related property that was seized upon: (1) a decision not to prosecute; (2) the dismissal of the charges; or (3) acquittal.

Section 34 also provides that the Division shall not disclose the contents of any tool used by the Division to evaluate an applicant or affiliate or certain other information regarding an applicant or affiliate.

Section 35 of this bill authorizes the Division to issue a registry identification card rather than requiring that the card be prepared by the Department of Motor Vehicles. Section 35 further provides that the Division will issue a letter of approval to a qualified person and authorizes a fee for providing an application and processing a letter of approval in the same amount as for a registry identification card.

Existing law does not require an employer to modify the job or working conditions of an employee who engages in the medical use of marijuana, but

does require that an employer must attempt to make reasonable accommodations for the employee under certain circumstances. (NRS 453A.800) Section 36 of this bill provides that a law enforcement agency is not prohibited from adopting policies or procedures that preclude an employee from engaging in the medical use of marijuana.

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

Section 1. NRS 207.335 is hereby amended to read as follows:

207.335 1. It is unlawful for any person to ~~counterfeit~~:

(a) *Counterfeit* or forge or attempt to counterfeit or forge a registry identification card ~~[-]~~ or letter of approval; or

(b) *Have in his or her possession with the intent to use any counterfeit or forged registry identification card or letter of approval.*

2. Any person who violates the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. As used in this section ~~[- "registry"]~~:

(a) *"Letter of approval" has the meaning ascribed to it in section 12 of this act.*

(b) *"Registry identification card" has the meaning ascribed to it in NRS 453A.140.*

Sec. 1.1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 1.5, inclusive, of this act.

Sec. 1.2. *"CBD" means cannabidiol, which is a primary phytocannabinoid compound found in marijuana.*

Sec. 1.3. *"Concentrated cannabis" means the extracted or separated resin, whether crude or purified, containing THC or CBD from marijuana.*

Sec. 1.4. *"Extraction" means the process or act of extracting THC or CBD from marijuana, including, without limitation, pushing, pulling or drawing out THC or CBD from marijuana.*

Sec. 1.5. *"THC" means:*

1. *Delta-9-tetrahydrocannabinol;*
2. *Delta-8-tetrahydrocannabinol; and*
3. *The optical isomers of such substances.*

Sec. 1.6. NRS 453.016 is hereby amended to read as follows:

453.016 As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, *and sections 1.2 to 1.5, inclusive, of this act* have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 2. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

- (a) All parts of any plant of the genus Cannabis, whether growing or not;
- (b) The seeds thereof;
- (c) The resin extracted from any part of the plant ~~[-]~~, *including concentrated cannabis; and*

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

2. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

→ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

→ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section : ~~[, "premises" means:]~~

(a) *"Marijuana" does not include concentrated cannabis.*

(b) *"Premises" means:*

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

~~[(b)]~~ (2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➡ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive ~~[,]~~, and sections 1.2 to 1.5, inclusive, of this act.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "*Marijuana*" does not include *concentrated cannabis*.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.3385 is hereby amended to read as follows:

453.3385 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, *and sections 1.2 to 1.5, inclusive, of this act*, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

~~{1-}~~ (a) Is 4 grams or more, but less than 14 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than \$50,000.

~~{2-}~~ (b) Is 14 grams or more, but less than 28 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$100,000.

~~{3-}~~ (c) Is 28 grams or more, for a category A felony by imprisonment in the state prison:

~~{(a)}~~ (1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

~~{(b)}~~ (2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➔ and by a fine of not more than \$500,000.

2. *As used in this section, "marijuana" does not include concentrated cannabis.*

Sec. 7. NRS 453.339 is hereby amended to read as follows:

453.339 1. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, *and sections 1.2 to 1.5, inclusive, of this act*, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of marijuana shall be punished, if the quantity involved:

(a) Is 100 pounds or more, but less than 2,000 pounds, for a category C felony as provided in NRS 193.130 and by a fine of not more than \$25,000.

(b) Is 2,000 pounds or more, but less than 10,000 pounds, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(c) Is 10,000 pounds or more, for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(2) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

➔ and by a fine of not more than \$200,000.

2. For the purposes of this section:

(a) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not. *The term does not include concentrated cannabis.*

(b) The weight of marijuana is its weight when seized or as soon as practicable thereafter.

Sec. 8. NRS 453.3393 is hereby amended to read as follows:

453.3393 1. A person shall not knowingly or intentionally manufacture, grow, plant, cultivate, harvest, dry, propagate or process marijuana, except as specifically authorized by the provisions of this chapter or chapter 453A of NRS.

2. Unless a greater penalty is provided in *subsection 3 or* NRS 453.339, a person who violates subsection 1, if the quantity involved is more than 12 marijuana plants, irrespective of whether the marijuana plants are mature or immature, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. *A person shall not knowingly or intentionally extract concentrated cannabis, except as specifically authorized by the provisions of chapter 453A*

of NRS. Unless a greater penalty is provided in NRS 453.339, a person who violates this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any punishment imposed pursuant to ~~[subsection 2,]~~ *this section*, the court shall order a person convicted of a violation of ~~[subsection 1]~~ *this section* to pay all costs associated with any necessary cleanup and disposal related to the manufacturing, growing, planting, cultivation, harvesting, drying, propagation or processing of the marijuana ~~[,]~~ *or the extraction of concentrated cannabis.*

Sec. 9. NRS 453.401 is hereby amended to read as follows:

453.401 1. Except as otherwise provided in subsections 3 and 4, if two or more persons conspire to commit an offense which is a felony under the Uniform Controlled Substances Act or conspire to defraud the State of Nevada or an agency of the State in connection with its enforcement of the Uniform Controlled Substances Act, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the conspirator has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or of any state, territory or district which if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(c) For a third or subsequent offense, or if the conspirator has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

2. Except as otherwise provided in subsection 3, if two or more persons conspire to commit an offense in violation of the Uniform Controlled Substances Act and the offense does not constitute a felony, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator shall be punished by imprisonment, or by imprisonment and fine, for not more than the maximum punishment provided for the offense which they conspired to commit.

3. If two or more persons conspire to possess more than 1 ounce of marijuana unlawfully, except for the purpose of sale, and one of the

conspirators does an act in furtherance of the conspiracy, each conspirator is guilty of a gross misdemeanor.

4. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, the persons so conspiring shall be punished in the manner provided in NRS 207.400.

5. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 1.

6. *As used in this section, "marijuana" does not include concentrated cannabis.*

Sec. 10. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed \$700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed \$1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed \$700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed \$700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed \$350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions

of NRS 453.324, 453.354, 453.355 or 453.357, to a civil penalty in an amount not to exceed \$250,000 for each violation.

6. *As used in this section, "marijuana" does not include concentrated cannabis.*

Sec. 11. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 ~~and 13~~ to 13.7, inclusive, of this act.

Sec. 12. *"Letter of approval" means a document issued by the Division to an applicant who is under 10 years of age pursuant to NRS 453A.220 which provides that the applicant is exempt from state prosecution for engaging in the medical use of marijuana.*

Sec. 13. 1. *Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid letter of approval issued pursuant to NRS 453A.220 is exempt from state prosecution for:*

- (a) Possession of marijuana;*
- (b) Possession of paraphernalia;*
- (c) Any combination of the acts described in paragraphs (a) and (b); and*
- (d) Any other criminal offense in which the possession of marijuana or paraphernalia is an element.*

2. *The exemption from state prosecution set forth in subsection 1 applies only to the extent that the person who holds a letter of approval:*

(a) Engages in the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Does not, at any one time, collectively possess with his or her designated primary caregiver an amount of marijuana for medical purposes that exceeds the limits set forth in NRS 453A.200.

3. *As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.*

Sec. 13.3. 1. *An employee of the State Department of Agriculture who, in the course of his or her duties:*

- (a) Possesses, delivers or produces marijuana;*
- (b) Aids and abets another in the possession, delivery or production of marijuana;*
- (c) Performs any combination of the acts described in paragraphs (a) and (b); or*
- (d) Performs any other criminal offense in which the possession, delivery or production of marijuana is an element.*

is exempt from state prosecution for the offense. The persons described in this subsection must ensure that the marijuana described in this subsection is safeguarded in an enclosed, secure location.

2. *In addition to the provisions of subsection 1, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.*

3. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 13.7. The Division may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.

Sec. 14. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, *and section 12 of this act* have the meanings ascribed to them in those sections.

Sec. 15. NRS 453A.116 is hereby amended to read as follows:

453A.116 "Medical marijuana establishment" means:

1. An independent testing laboratory;
2. A cultivation facility;
3. A facility for the production of edible marijuana products or marijuana-infused products; *or*
4. A medical marijuana dispensary. ~~}; or~~
- ~~5. A business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2, 3 and 4.~~

Sec. 16. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

- (a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the

symptoms or effects of ~~the~~ a person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess ~~it~~ with another who is authorized to possess, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➡ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card ~~for his or her~~, including, without limitation, a designated primary caregiver, ~~if any,~~ such ~~persons are~~ a person is not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card ~~for his or her designated primary caregiver, if any,~~ was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card ~~for his or her designated primary caregiver, if any,~~ close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card ~~and his or her designated primary caregiver, if any, are~~ is unable reasonably to travel to a medical marijuana dispensary; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 17. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Division shall establish and maintain a program for the issuance of registry identification cards *and letters of approval* to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) Valid, written documentation from the person's attending physician stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;

(b) The name, address, telephone number, social security number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending physician;

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address, telephone number and social security number of the designated primary caregiver; and

(2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is ~~under~~ *at least 10 years of age but less than 18 years of age or a letter of approval to a person who is less than 10 years of age* if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. The form prescribed by the Division to be used by a person applying for a registry identification card *or letter of approval* pursuant to this section must be a form that is in quintuplicate. Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute the other four copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any;

(3) One copy to the Central Repository for Nevada Records of Criminal History; and

(4) One copy to:

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.

➡ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 to:

(1) Establish the applicant's chronic or debilitating medical condition; or

(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

(e) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

(f) The Division has prohibited the applicant from obtaining or using a registry identification card *or letter of approval* pursuant to subsection 2 of NRS 453A.300;

(g) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card *or letter of approval* revoked pursuant to NRS 453A.225; or

(h) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card *or letter of approval* is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card *or letter of approval* pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card *or letter of approval* upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4.

9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 18. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a *letter of approval* or serially numbered registry identification card, *as applicable*, to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any;

(d) The name of the applicant's designated medical marijuana dispensary, if any;

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

3. *A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:*

(a) The name, address and date of birth of the applicant;

(b) *The date of issuance and date of expiration of the registry identification card of the designated primary caregiver;*

(c) *The name and address of the applicant's designated primary caregiver;*

(d) *The name of the applicant's designated medical marijuana dispensary, if any; and*

(e) *Any other information prescribed by regulation of the Division.*

4. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

~~{4.}~~ 5. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card *or letter of approval* issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.

Sec. 19. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the Division or its designee has issued a registry identification card *or letter of approval* to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division determines, on the basis of official documents or records or other credible evidence, that the person:

(a) Provided falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210; or

(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210,
➡ the Division shall immediately revoke the registry identification card *or letter of approval* issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

2. If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled

substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.

3. Upon the revocation of a registry identification card *or letter of approval* pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card *or letter of approval* has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card *or letter of approval* to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

4. The decision of the Division to revoke a registry identification card *or letter of approval* pursuant to this section is a final decision for the purposes of judicial review.

5. A person whose registry identification card *or letter of approval* has been revoked pursuant to this section may not reapply for a registry identification card *or letter of approval* pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 20. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the Division or its designee has issued a registry identification card *or letter of approval* pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending physician or designated primary caregiver, if any; and

(b) Submit annually to the Division:

(1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address, telephone number and social security number of the designated primary caregiver; and

(II) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card *or letter of approval* issued to the person shall be deemed expired. If the registry identification card *or letter of approval* of a person to whom the Division or its designee issued the card *or letter* pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card *or letter of approval* pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card *or letter of approval* has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card *or letter of approval* to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 21. NRS 453A.240 is hereby amended to read as follows:

453A.240 If a person to whom the Division or its designee has issued a registry identification card *or letter of approval* pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the person's attending physician as no longer having a chronic or debilitating medical condition, the person *shall return his or her registry identification card or letter of approval* and his or her designated primary caregiver, if any, shall return ~~their~~ *his or her* registry identification ~~cards~~ *card* to the Division within 7 days after notification of the diagnosis.

Sec. 22. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the Division for a registry identification card *or letter of approval* or to whom the Division or its designee has issued a registry identification card *or letter of approval* pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires *or is required* to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Division the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card *or letter of approval* to the person, submit to the Division the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card ~~[-]~~ *or letter of approval*, the Division or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

Sec. 23. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card *or letter of approval* issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566 ~~[-, -#]~~ :

(1) *If the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:*

~~[(1)]~~ (I) Any public place or in any place open to the public or exposed to public view; or

~~[(2)]~~ (II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders ~~[-]~~; *or*

(2) *If the possession of the marijuana or paraphernalia occurs on school property.*

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card *or letter of approval* issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card *or letter of approval* issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card *or letter of approval* for a period of up to 6 months.

3. *As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.*

Sec. 24. NRS 453A.310 is hereby amended to read as follows:

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending physician to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card *or letter of approval* issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

→ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

➔ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 25. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a ~~{patient}~~ *person* who holds a valid registry identification card ~~{or the}~~ , *including, without limitation, a designated primary caregiver . {of such a patient.}*

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment, a ~~{patient}~~ *person* who holds a valid registry identification card ~~{or the}~~ , *including, without, limitation, a designated primary caregiver . {of such a patient.}*

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

Sec. 26. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment ~~{,}~~ *or a {patient} person* who holds a valid registry identification card ~~{or the}~~ , *including ,without limitation, a designated primary caregiver . {of such a patient.}*

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 26.5. NRS 453A.350 is hereby amended to read as follows:

453A.350 1. Each medical marijuana establishment must:

~~{1.}~~ (a) Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

~~12.1~~ (b) Comply with all local ordinances and rules pertaining to zoning, land use and signage;

~~13.1~~ (c) Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

~~14.1~~ (d) Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the medical marijuana establishment at the new location has been approved by the local government.

Sec. 27. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➤ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; and

(b) Assist patients who possess valid registry identification cards *or letters of approval* by way of those patients' designated primary caregivers.

➤ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card *or letter of approval* if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents

who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a ~~{patient}~~ person who holds a valid registry identification card, ~~{or the}~~ , including, without limitation, a designated primary caregiver . ~~{of such a patient.}~~ Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, *or the designated primary caregiver of a person who holds a letter of approval* may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. *A medical marijuana establishment may use a pesticide in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products if the pesticide:*

(a) Is exempt from registration pursuant to 40 C.F.R. § 152.25 or allowed to be used on Crop Group 19, as defined in 40 C.F.R. § 180.41(c)26, hops or unspecified crops or plants;

(b) Has affixed a label which allows the pesticide to be used at the intended site of application; and

(c) Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.

7. *The State Department of Agriculture shall, in accordance with the provisions of subsection 1 and NRS 586.010 to 586.450, inclusive, establish and publish a list of pesticides allowed to be used on medical marijuana pursuant to this section and accept requests from pesticide manufacturers and medical marijuana establishments, or a representative thereof, to add pesticides to the list.*

8. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

~~{7.}~~ 9. Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

Sec. 27.5. NRS 453A.362 is hereby amended to read as follows:

453A.362 1. At each medical marijuana establishment, medical marijuana must be stored only in an enclosed, locked facility.

2. Except as otherwise provided in subsection 3, at each medical marijuana dispensary, medical marijuana must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected

by a lock or locking mechanism that meets at least the security rating established by Underwriters Laboratories for key locks.

3. At a medical marijuana dispensary, medical marijuana may be removed from the secure setting described in subsection 2:

- (a) Only for the purpose of dispensing the marijuana;
- (b) Only immediately before the marijuana is dispensed; and
- (c) Only by a medical marijuana establishment agent who is employed by or volunteers at the dispensary.

4. A medical marijuana establishment may:

(a) Transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment; and

(b) Enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment.

Sec. 28. NRS 453A.364 is hereby amended to read as follows:

453A.364 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and

(e) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

- (a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card ~~[]~~ *or letter of approval*, as determined by the Division.

Sec. 29. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A patient who holds a valid registry identification card *or letter of approval* and his or her designated primary caregiver, if any, may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Division.

(b) May change his or her designation not more than once in a 30-day period.

Sec. 29.5. NRS 453A.368 is hereby amended to read as follows:

453A.368 1. The Division shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) ~~Whether the tested material is organic or non-organic.~~

~~(c) The presence and identification of molds and fungus.~~

~~[(d)] (c) The presence and concentration of fertilizers and other nutrients.~~ composition of the tested material.

(d) The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

3. To obtain certification by the Division on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

Sec. 30. NRS 453A.370 is hereby amended to read as follows:

453A.370 The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the

confidentiality of the holders of registry identification cards ~~[]~~ and *letters of approval*.

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Division.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card *or letter of approval* has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:

(a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, ~~for the~~ *including, without limitation, a designated primary caregiver*, ~~of such a person,~~ in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and

certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer.

8. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The Division shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 31. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card *or letter of approval* issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, a medical marijuana establishment registration certificate issued to the person by the Division or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the Division or its designee pursuant to NRS 453A.332 does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) ~~Upon a determination by the district attorney of the county in which the marijuana, paraphernalia or other related property was seized, or the district attorney's designee, that the person from whom the marijuana, paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the~~ :

(1) *A decision not to prosecute;*

(2) *The dismissal of charges; or*

(3) *Acquittal,*

→ ~~the law enforcement agency shall immediately~~, to the extent permitted by law, return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized.

~~[↗]~~ The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

~~[3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be evidenced by:~~

- ~~—(a) A decision not to prosecute;~~
- ~~—(b) The dismissal of charges; or~~
- ~~—(c) Acquittal.]~~

Sec. 32. NRS 453A.500 is hereby amended to read as follows:

453A.500 The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. Advised a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:

- (a) About the possible risks and benefits of the medical use of marijuana; or
 - (b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,
- ↗ if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

2. Provided the written documentation required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card *or letter of approval* or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card ~~[↗]~~ *or letter of approval* if:

(a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

(b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 33. NRS 453A.510 is hereby amended to read as follows:

453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; or

2. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card *or letter of approval* issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.

Sec. 34. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division ~~[and any designee of the Division shall maintain the confidentiality of and]~~ shall not disclose:

(a) The contents of any ~~[applications, records or other written documentation that]~~ *tool used by the Division [or its designee creates or receives pursuant to the provisions of this chapter; or]* to evaluate an applicant or its affiliate.

(b) *Any information, documents or communications provided to the Division by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.*

(c) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card ~~[.]~~ *or letter of approval.*

➔ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card *or letter of approval* to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card *or letter of approval* issued to him or her pursuant to NRS 453A.220 or 453A.250.

Sec. 35. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will ~~[.]~~ *issue a registry identification card or letter of approval or*, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card *or letter of approval* to a qualified person ; ~~[after the card has been prepared by the Department of Motor Vehicles;]~~ or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. *That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.*

3. Fees for:

(a) Providing to an applicant an application for a registry identification card ~~[-]~~ or letter of approval, which fee must not exceed \$25; and

(b) Processing and issuing a registry identification card ~~[-]~~ or letter of approval, which fee must not exceed \$75.

Sec. 36. NRS 453A.800 is hereby amended to read as follows:

453A.800 The provisions of this chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

2. Require any employer to allow the medical use of marijuana in the workplace.

3. ~~Require~~ *Except as otherwise provided in subsection 4, require an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not:*

(a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or

(b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.

4. *Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the medical use of marijuana.*

5. *As used in this section, "law enforcement agency" means:*

(a) *The Office of the Attorney General, the office of a district attorney within this State or the State Gaming Control Board and any attorney, investigator, special investigator or employee who is acting in his or her professional or occupational capacity for such an office or the State Gaming Control Board; or*

(b) Any other law enforcement agency within this State and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.

Sec. 36.3. Section 26 of chapter 374, Statutes of Nevada 2013, at page 3729, is hereby amended to read as follows:

Sec. 26. 1. This section and section 25.5 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 22.35 to 24.7, inclusive, and 25 of this act become effective upon passage and approval for the purpose of adopting regulations and carrying out other preparatory administrative acts, and on April 1, 2014, for all other purposes.

3. Sections 22.3 and 24.9 of this act become effective on April 1, ~~[2016.]~~ 2018.

4. Sections 14 and 15 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

Sec. 36.7. 1. The provisions of any regulation adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services which conflict with the provisions of NRS 453A.350 or 453A.352, as amended by sections 26.5 and 27 of this act, are void and must not be given effect to the extent of the conflict.

2. The Division of Public and Behavioral Health shall amend or repeal any of its existing regulations that conflict or are inconsistent with the provisions of NRS 453A.350 and 453A.352, as amended by sections 26.5 and 27 of this act, as soon as practicable after July 1, 2015.

Sec. 37. This act becomes effective on July 1, 2015.

Amendment No. 953.

SUMMARY—Makes various changes relating to marijuana. (BDR 15-85)

AN ACT relating to marijuana; revising the crime of counterfeiting or forging a registry identification card for the medical use of marijuana; defining certain terms, including "concentrated cannabis"; revising the definition of marijuana for certain purposes; making it unlawful to extract concentrated cannabis; revising the provisions pertaining to trafficking in marijuana and concentrated cannabis; providing for the issuance of a letter of approval to certain children that allows such children to engage in the medical use of marijuana; revising certain exemptions from state prosecution for marijuana related offenses; revising provisions governing the return of

seized marijuana, paraphernalia or related property from certain persons; providing that certain records created by the Division of Public and Behavioral Health of the Department of Health and Human Services relating to the medical use of marijuana are not confidential; authorizing the Division to issue a registry identification card; revising provisions relating to the location and operation of medical marijuana establishments; authorizing law enforcement agencies to adopt policies and procedures governing the medical use of marijuana by employees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime, punishable as a category E felony, for a person to counterfeit or forge or attempt to counterfeit or forge a registry identification card, which is the instrument that indicates a bearer is entitled to engage in the medical use of marijuana. (NRS 207.335) Section 1 of this bill makes it unlawful to: (1) counterfeit or forge or attempt to counterfeit or forge a letter of approval; or (2) possess with the intent to use any such counterfeit or forged registry identification card or letter of approval. Existing law defines marijuana for the purposes of the regulation of controlled substances. (NRS 453.096) Existing law also provides criminal penalties for various acts involving a schedule I controlled substance, including, without limitation, possession, manufacture, compounding, importation, distribution, sale, transfer, trafficking or driving under the influence. (NRS 453.316-453.348, 484C.110, 484C.120, 488.410) In addition to criminal penalties, existing law provides for civil penalties against a person who engages in certain acts involving the unlawful manufacture, distribution or sale of a schedule I controlled substance. (NRS 453.553-453.5533)

Sections 1.2-1.5 and 2 of this bill define certain terms, including "concentrated cannabis," and revise the definition of marijuana for the purposes of regulating controlled substances. Section 7 of this bill revises the quantities of marijuana and concentrated cannabis for the purposes of the prohibition against trafficking. Section 8 of this bill makes it unlawful to knowingly or intentionally extract concentrated cannabis. A person who violates such a provision is guilty of a category C felony.

Existing law exempts a person who holds a valid registry identification card from state prosecution for possession, delivery and production of marijuana. (NRS 453A.200) The Division of Public and Behavioral Health of the Department of Health and Human Services may either issue a registry identification card that has been prepared by the Department of Motor Vehicles to a person who meets certain qualifications or designate the Department of Motor Vehicles to issue a registry identification card to such a person. (NRS 453A.210, 453A.220, 453A.740) A person under the age of 18 years can obtain a registry identification card if the custodial parent or legal guardian with responsibility for health care decisions for the person agrees to serve as the designated primary caregiver for the person and the

person meets certain other requirements. (NRS 453A.210) Sections 17 and 18 of this bill require the Division to issue a letter of approval to an applicant who is under 10 years of age stating that the Division has approved the person's application to be exempted from state prosecution for engaging in the medical use of marijuana if the applicant meets these requirements instead of requiring the applicant to obtain a registry identification card that is prepared or issued by the Department. Section 18 also prescribes the required contents of a letter of approval.

Section 13.3 of this bill provides that: (1) an employee of the State Department of Agriculture who possesses, delivers or produces marijuana in the course of his or her duties is exempt from certain offenses relating to marijuana; and (2) no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana.

Section 13 of this bill provides that a person who obtains a letter of approval is exempt from certain offenses relating to the possession of marijuana or paraphernalia, but not offenses relating to the delivery and production of marijuana. Sections 17 and 22 of this bill require the custodial parent or legal guardian of a child under the age of 10 years who obtains a letter of approval to agree to serve as the designated primary caregiver for the child. Section 18 requires the Division to issue a registry identification card to the designated primary caregiver of the holder of a letter of approval. Sections 25-27 of this bill authorize a medical marijuana establishment to acquire marijuana from and dispense marijuana to the designated primary caregiver of a person who holds a letter of approval in the same manner as for a patient who holds a registry identification card.

Sections 19-23 of this bill make certain provisions concerning the revocation and expiration of a registry identification card, the designation of a primary caregiver and acts for which the holder of a registry identification card is not exempt from state prosecution applicable to the holder of a letter of approval. Sections 29 and 30 of this bill authorize a patient who holds a valid letter of approval and his or her designated primary caregiver to select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary. Sections 31-34 of this bill make certain rights and protections for persons who hold a registry identification card and persons who assist such persons in the medical use of marijuana applicable to a person who holds a letter of approval and a person who assists a person who holds a letter of approval as well.

Section 26.5 of this bill allows a medical marijuana establishment to move to a new location under the jurisdiction of the same local government if the local government approves the new location. Section 27 of this bill allows a medical marijuana establishment to use certain pesticides in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products. Section 36.7 of this bill requires the Division to revise its regulations to conform with the provisions of sections 26.5 and 27.

Section 27.5 of this bill allows a medical marijuana establishment to transport medical marijuana or enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment.

Existing law provides certain acts for which the holder of a registry identification card is not exempt from state prosecution for certain offenses relating to marijuana. (NRS 453A.300) Section 23 provides that such a person is not exempt from state prosecution for possessing marijuana or paraphernalia on school property.

The Nevada Constitution requires the Legislature to provide by law for protection of the plant of the genus *Cannabis* for medical purposes and property related to its use from forfeiture except upon conviction or plea of guilty or nolo contendere. (Nev. Const. Art. 4 § 38) Existing law requires a district attorney of the county in which marijuana, drug paraphernalia or other related property was seized, or the district attorney's designee, to make a determination that a person is engaging in or assisting in the medical use of marijuana under certain circumstances. (NRS 453A.400) Section 31 removes the requirement to make such a determination and instead requires law enforcement to return any usable marijuana, marijuana plants, drug paraphernalia and other related property that was seized upon: (1) a decision not to prosecute; (2) the dismissal of the charges; or (3) acquittal.

Section 34 also provides that the Division shall not disclose the contents of any tool used by the Division to evaluate an applicant or affiliate or certain other information regarding an applicant or affiliate.

Section 35 of this bill authorizes the Division to issue a registry identification card rather than requiring that the card be prepared by the Department of Motor Vehicles. Section 35 further provides that the Division will issue a letter of approval to a qualified person and authorizes a fee for providing an application and processing a letter of approval in the same amount as for a registry identification card.

Existing law does not require an employer to modify the job or working conditions of an employee who engages in the medical use of marijuana, but does require that an employer must attempt to make reasonable accommodations for the employee under certain circumstances. (NRS 453A.800) Section 36 of this bill provides that a law enforcement agency is not prohibited from adopting policies or procedures that preclude an employee from engaging in the medical use of marijuana.

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

Section 1. NRS 207.335 is hereby amended to read as follows:

207.335 1. It is unlawful for any person to ~~counterfeit~~ :

(a) *Counterfeit* or forge or attempt to counterfeit or forge a registry identification card ~~[-]~~ or letter of approval; or

(b) *Have in his or her possession with the intent to use any counterfeit or forged registry identification card or letter of approval.*

2. Any person who violates the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. As used in this section ~~[-"registry"]~~ :

(a) *"Letter of approval" has the meaning ascribed to it in section 12 of this act.*

(b) *"Registry identification card" has the meaning ascribed to it in NRS 453A.140.*

Sec. 1.1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 1.5, inclusive, of this act.

Sec. 1.2. *"CBD" means cannabidiol, which is a primary phytocannabinoid compound found in marijuana.*

Sec. 1.3. *"Concentrated cannabis" means the extracted or separated resin, whether crude or purified, containing THC or CBD from marijuana.*

Sec. 1.4. *"Extraction" means the process or act of extracting THC or CBD from marijuana, including, without limitation, pushing, pulling or drawing out THC or CBD from marijuana.*

Sec. 1.5. *"THC" means:*

1. *Delta-9-tetrahydrocannabinol;*
2. *Delta-8-tetrahydrocannabinol; and*
3. *The optical isomers of such substances.*

Sec. 1.6. NRS 453.016 is hereby amended to read as follows:

453.016 As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, *and sections 1.2 to 1.5, inclusive, of this act* have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 2. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

- (a) All parts of any plant of the genus Cannabis, whether growing or not;
- (b) The seeds thereof;
- (c) The resin extracted from any part of the plant ~~[-]~~ , *including concentrated cannabis*; and
- (d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

2. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➡ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➡ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section : ~~[- "premises" means:]~~

(a) *"Marijuana" does not include concentrated cannabis.*

(b) *"Premises" means:*

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

~~[(b)]~~ (2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➡ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the

substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive ~~and~~, *and sections 1.2 to 1.5, inclusive, of this act.*

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "*Marijuana*" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.3385 is hereby amended to read as follows:

453.3385 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, *and sections 1.2 to 1.5, inclusive, of this act*, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

~~{1-}~~ (a) Is 4 grams or more, but less than 14 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than \$50,000.

~~{2-}~~ (b) Is 14 grams or more, but less than 28 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$100,000.

~~{3-}~~ (c) Is 28 grams or more, for a category A felony by imprisonment in the state prison:

~~{(a)}~~ (1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

~~{(b)}~~ (2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➤ and by a fine of not more than \$500,000.

2. As used in this section, "*marijuana*" does not include concentrated cannabis.

Sec. 7. NRS 453.339 is hereby amended to read as follows:

453.339 1. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, *and sections 1.2 to 1.5, inclusive, of this act*, a person who knowingly or intentionally sells, manufactures, delivers or brings into this

State or who is knowingly or intentionally in actual or constructive possession of marijuana or concentrated cannabis shall be punished, if the quantity involved:

(a) Is ~~[100]~~ 50 pounds or more, but less than ~~[2,000]~~ 1,000 pounds, of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis, for a category C felony as provided in NRS 193.130 and by a fine of not more than \$25,000.

(b) Is ~~[2,000]~~ 1,000 pounds or more, but less than ~~[10,000]~~ 5,000 pounds, of marijuana or 20 pounds or more, but less than 100 pounds, of concentrated cannabis, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(c) Is ~~[10,000]~~ 5,000 pounds or more ~~[1]~~ of marijuana or 100 pounds or more of concentrated cannabis, for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(2) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,
 ➔ and by a fine of not more than \$200,000.

2. For the purposes of this section:

(a) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not. *The term does not include concentrated cannabis.*

(b) The weight of marijuana or concentrated cannabis is its weight when seized or as soon as practicable thereafter. *If marijuana and concentrated cannabis are seized together, each must be weighed separately and treated as separate substances.*

Sec. 8. NRS 453.3393 is hereby amended to read as follows:

453.3393 1. A person shall not knowingly or intentionally manufacture, grow, plant, cultivate, harvest, dry, propagate or process marijuana, except as specifically authorized by the provisions of this chapter or chapter 453A of NRS.

2. Unless a greater penalty is provided in *subsection 3* or NRS 453.339, a person who violates subsection 1, if the quantity involved is more than 12 marijuana plants, irrespective of whether the marijuana plants are mature or immature, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. *A person shall not knowingly or intentionally extract concentrated cannabis, except as specifically authorized by the provisions of chapter 453A of NRS. Unless a greater penalty is provided in NRS 453.339, a person who violates this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

4. In addition to any punishment imposed pursuant to ~~[subsection 2,]~~ *this section*, the court shall order a person convicted of a violation of ~~[subsection 1]~~ *this section* to pay all costs associated with any necessary

cleanup and disposal related to the manufacturing, growing, planting, cultivation, harvesting, drying, propagation or processing of the marijuana ~~[-]~~ or the extraction of concentrated cannabis.

Sec. 9. NRS 453.401 is hereby amended to read as follows:

453.401 1. Except as otherwise provided in subsections 3 and 4, if two or more persons conspire to commit an offense which is a felony under the Uniform Controlled Substances Act or conspire to defraud the State of Nevada or an agency of the State in connection with its enforcement of the Uniform Controlled Substances Act, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the conspirator has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or of any state, territory or district which if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(c) For a third or subsequent offense, or if the conspirator has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

2. Except as otherwise provided in subsection 3, if two or more persons conspire to commit an offense in violation of the Uniform Controlled Substances Act and the offense does not constitute a felony, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator shall be punished by imprisonment, or by imprisonment and fine, for not more than the maximum punishment provided for the offense which they conspired to commit.

3. If two or more persons conspire to possess more than 1 ounce of marijuana unlawfully, except for the purpose of sale, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator is guilty of a gross misdemeanor.

4. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, the persons so conspiring shall be punished in the manner provided in NRS 207.400.

5. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 1.

6. *As used in this section, "marijuana" does not include concentrated cannabis.*

Sec. 10. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed \$700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed \$1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed \$700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed \$700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed \$350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.324, 453.354, 453.355 or 453.357, to a civil penalty in an amount not to exceed \$250,000 for each violation.

6. *As used in this section, "marijuana" does not include concentrated cannabis.*

Sec. 11. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 13.7, inclusive, of this act.

Sec. 12. *"Letter of approval" means a document issued by the Division to an applicant who is under 10 years of age pursuant to NRS 453A.220 which provides that the applicant is exempt from state prosecution for engaging in the medical use of marijuana.*

Sec. 13. 1. *Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid letter of approval issued pursuant to NRS 453A.220 is exempt from state prosecution for:*

- (a) Possession of marijuana;*
- (b) Possession of paraphernalia;*
- (c) Any combination of the acts described in paragraphs (a) and (b); and*
- (d) Any other criminal offense in which the possession of marijuana or paraphernalia is an element.*

2. *The exemption from state prosecution set forth in subsection 1 applies only to the extent that the person who holds a letter of approval:*

(a) Engages in the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Does not, at any one time, collectively possess with his or her designated primary caregiver an amount of marijuana for medical purposes that exceeds the limits set forth in NRS 453A.200.

3. *As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.*

Sec. 13.3. 1. *An employee of the State Department of Agriculture who, in the course of his or her duties:*

- (a) Possesses, delivers or produces marijuana;*
- (b) Aids and abets another in the possession, delivery or production of marijuana;*
- (c) Performs any combination of the acts described in paragraphs (a) and (b); or*
- (d) Performs any other criminal offense in which the possession, delivery or production of marijuana is an element,*

is exempt from state prosecution for the offense. The persons described in this subsection must ensure that the marijuana described in this subsection is safeguarded in an enclosed, secure location.

2. *In addition to the provisions of subsection 1, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.*

3. *As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.*

Sec. 13.7. *The Division may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.*

Sec. 14. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, *and section 12 of this act* have the meanings ascribed to them in those sections.

Sec. 15. NRS 453A.116 is hereby amended to read as follows:

453A.116 "Medical marijuana establishment" means:

1. An independent testing laboratory;
2. A cultivation facility;
3. A facility for the production of edible marijuana products or marijuana-infused products; *or*
4. A medical marijuana dispensary. ~~[-; or~~
- ~~5. A business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2, 3 and 4.]~~

Sec. 16. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of ~~the~~ a person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess ~~[-]~~ *with another who is authorized to possess, deliver or produce more than:*

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➔ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card ~~for his or her~~, *including, without limitation, a designated primary caregiver, if any,* such ~~persons are~~ *a person is* not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card ~~for his or her designated primary caregiver, if any,~~ was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card ~~for his or her designated primary caregiver, if any,~~ close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card ~~and his or her designated primary caregiver, if any, are~~ is unable reasonably to travel to a medical marijuana dispensary; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 17. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Division shall establish and maintain a program for the issuance of registry identification cards *and letters of approval* to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) Valid, written documentation from the person's attending physician stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;

(b) The name, address, telephone number, social security number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending physician;

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address, telephone number and social security number of the designated primary caregiver; and

(2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is ~~under~~ *at least 10 years of age but less than 18 years of age* or a letter of approval to a person who is less than 10 years of age if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. The form prescribed by the Division to be used by a person applying for a registry identification card *or letter of approval* pursuant to this section must be a form that is in quintuplicate. Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute the other four copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any;

(3) One copy to the Central Repository for Nevada Records of Criminal History; and

(4) One copy to:

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.

➡ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the

State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 to:

(1) Establish the applicant's chronic or debilitating medical condition; or

(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

(e) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

(f) The Division has prohibited the applicant from obtaining or using a registry identification card *or letter of approval* pursuant to subsection 2 of NRS 453A.300;

(g) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card *or letter of approval* revoked pursuant to NRS 453A.225; or

(h) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card *or letter of approval* is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was

arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card *or letter of approval* pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card *or letter of approval* upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4.

9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 18. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

- (a) Issue a *letter of approval* or serially numbered registry identification card, *as applicable*, to the applicant; and
- (b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

- (a) The name, address, photograph and date of birth of the applicant;
- (b) The date of issuance and date of expiration of the registry identification card;
- (c) The name and address of the applicant's designated primary caregiver, if any;
- (d) The name of the applicant's designated medical marijuana dispensary, if any;
- (e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and
- (f) Any other information prescribed by regulation of the Division.

3. *A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:*

- (a) The name, address and date of birth of the applicant;*
- (b) The date of issuance and date of expiration of the registry identification card of the designated primary caregiver;*
- (c) The name and address of the applicant's designated primary caregiver;*
- (d) The name of the applicant's designated medical marijuana dispensary, if any; and*
- (e) Any other information prescribed by regulation of the Division.*

4. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

~~{4-}~~ 5. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card *or letter of approval* issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.

Sec. 19. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the Division or its designee has issued a registry identification card *or letter of approval* to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division determines, on the basis of official documents or records or other credible evidence, that the person:

(a) Provided falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210; or

(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, ➡ the Division shall immediately revoke the registry identification card *or letter of approval* issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

2. If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.

3. Upon the revocation of a registry identification card *or letter of approval* pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card *or letter of approval*

has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card *or letter of approval* to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

4. The decision of the Division to revoke a registry identification card *or letter of approval* pursuant to this section is a final decision for the purposes of judicial review.

5. A person whose registry identification card *or letter of approval* has been revoked pursuant to this section may not reapply for a registry identification card *or letter of approval* pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 20. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the Division or its designee has issued a registry identification card *or letter of approval* pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending physician or designated primary caregiver, if any; and

(b) Submit annually to the Division:

(1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address, telephone number and social security number of the designated primary caregiver; and

(II) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card *or letter of approval* issued to the person shall be deemed expired. If the registry identification card *or letter of approval* of a person to whom the Division or its designee issued the card *or letter* pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card *or letter of approval* pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card *or letter of approval* has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card *or letter of approval* to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 21. NRS 453A.240 is hereby amended to read as follows:

453A.240 If a person to whom the Division or its designee has issued a registry identification card *or letter of approval* pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the person's attending physician as no longer having a chronic or debilitating medical condition, the person *shall return his or her registry identification card or letter of approval* and his or her designated primary caregiver, if any, shall return ~~their~~ *his or her* registry identification ~~cards~~ *card* to the Division within 7 days after notification of the diagnosis.

Sec. 22. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the Division for a registry identification card *or letter of approval* or to whom the Division or its designee has issued a registry identification card *or letter of approval* pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires *or is required* to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Division the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card *or letter of approval* to the person, submit to the Division the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card ~~+~~ *or letter of approval*, the Division or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry identification card to the

designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

Sec. 23. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card *or letter of approval* issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566 ~~[-, -if]~~ :

(1) *If the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:*

~~[(1)]~~ (I) Any public place or in any place open to the public or exposed to public view; or

~~[(2)]~~ (II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders ~~[-]~~ ; or

(2) *If the possession of the marijuana or paraphernalia occurs on school property.*

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card *or letter of approval* issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card *or letter of approval* issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card *or letter of approval* for a period of up to 6 months.

3. *As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.*

Sec. 24. NRS 453A.310 is hereby amended to read as follows:

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or any other criminal

offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending physician to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card *or letter of approval* issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

↪ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

↪ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 25. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a ~~{patient}~~ *person* who holds a valid registry identification card ~~{or the}~~ , *including, without limitation, a designated primary caregiver . {of such a patient.}*

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment, a ~~{patient}~~ *person* who holds a valid registry identification card ~~{or the}~~ , *including, without, limitation, a designated primary caregiver . {of such a patient.}*

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

Sec. 26. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment ~~{,}~~ *or a {patient} person* who holds a valid registry identification card ~~{or the}~~ , *including, without limitation, a designated primary caregiver . {of such a patient.}*

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 26.5. NRS 453A.350 is hereby amended to read as follows:

453A.350 *1.* Each medical marijuana establishment must:

~~{1-}~~ *(a)* Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

~~{2-}~~ *(b)* Comply with all local ordinances and rules pertaining to zoning, land use and signage;

~~{3-}~~ *(c)* Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

~~{4-}~~ *(d)* Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. *A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the medical marijuana establishment at the new location has been approved by the local government.*

Sec. 27. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

- (a) For the oversight of the medical marijuana establishment; and
- (b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➡ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; and

(b) Assist patients who possess valid registry identification cards *or letters of approval* by way of those patients' designated primary caregivers.

➡ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card *or letter of approval* if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a ~~{patient}~~ *person* who holds a valid registry identification card, ~~{or the}~~ , including, without limitation, a

designated primary caregiver . ~~{of such a patient.}~~ Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, *or the designated primary caregiver of a person who holds a letter of approval* may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. *A medical marijuana establishment may use a pesticide in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products if the pesticide:*

(a) *Is exempt from registration pursuant to 40 C.F.R. § 152.25 or allowed to be used on Crop Group 19, as defined in 40 C.F.R. § 180.41(c)26, hops or unspecified crops or plants;*

(b) *Has affixed a label which allows the pesticide to be used at the intended site of application; and*

(c) *Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.*

7. *The State Department of Agriculture shall, in accordance with the provisions of subsection 1 and NRS 586.010 to 586.450, inclusive, establish and publish a list of pesticides allowed to be used on medical marijuana pursuant to this section and accept requests from pesticide manufacturers and medical marijuana establishments, or a representative thereof, to add pesticides to the list.*

8. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

~~{7.}~~ 9. Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

Sec. 27.5. NRS 453A.362 is hereby amended to read as follows:

453A.362 1. At each medical marijuana establishment, medical marijuana must be stored only in an enclosed, locked facility.

2. Except as otherwise provided in subsection 3, at each medical marijuana dispensary, medical marijuana must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected by a lock or locking mechanism that meets at least the security rating established by Underwriters Laboratories for key locks.

3. At a medical marijuana dispensary, medical marijuana may be removed from the secure setting described in subsection 2:

(a) Only for the purpose of dispensing the marijuana;

(b) Only immediately before the marijuana is dispensed; and

(c) Only by a medical marijuana establishment agent who is employed by or volunteers at the dispensary.

4. *A medical marijuana establishment may:*

(a) *Transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment; and*

(b) *Enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment.*

Sec. 28. NRS 453A.364 is hereby amended to read as follows:

453A.364 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and

(e) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card ~~or~~ *or letter of approval*, as determined by the Division.

Sec. 29. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A patient who holds a valid registry identification card *or letter of approval* and his or her designated primary caregiver, if any, may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Division.

(b) May change his or her designation not more than once in a 30-day period.

Sec. 29.5. NRS 453A.368 is hereby amended to read as follows:

453A.368 1. The Division shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) ~~Whether the tested material is organic or non-organic.~~

~~(c) The presence and identification of molds and fungus.~~

~~[(d)] (c) The ~~presence and concentration of fertilizers and other nutrients.~~ composition of the tested material.~~

~~(d) The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.~~

3. To obtain certification by the Division on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

Sec. 30. NRS 453A.370 is hereby amended to read as follows:

453A.370 The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards ~~[-]~~ and letters of approval.

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Division.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card *or letter of approval* has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:

(a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, ~~for the~~ *including, without limitation, a designated primary caregiver ,* ~~[of such a person.]~~ in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer.

8. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The Division shall ensure that the contents

of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 31. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card *or letter of approval* issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, a medical marijuana establishment registration certificate issued to the person by the Division or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the Division or its designee pursuant to NRS 453A.332 does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) ~~Upon a determination by the district attorney of the county in which the marijuana, paraphernalia or other related property was seized, or the district attorney's designee, that the person from whom the marijuana, paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the~~ :

(1) *A decision not to prosecute;*

(2) *The dismissal of charges; or*

(3) *Acquittal,*

➡ ~~the law enforcement agency shall immediately~~ , to the extent permitted by law, return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized.

{➡} The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

~~{3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be evidenced by:~~

- ~~—(a) A decision not to prosecute;~~
- ~~—(b) The dismissal of charges; or~~
- ~~—(c) Acquittal.]~~

Sec. 32. NRS 453A.500 is hereby amended to read as follows:

453A.500 The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. Advised a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,
 ➔ if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

2. Provided the written documentation required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card *or letter of approval* or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card ~~+~~ *or letter of approval* if:

(a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

(b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 33. NRS 453A.510 is hereby amended to read as follows:

453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; or

2. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card *or letter of approval* issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.

Sec. 34. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division ~~[and any designee of the Division shall maintain the confidentiality of and]~~ shall not disclose:

(a) The contents of any ~~[applications, records or other written documentation that]~~ tool used by the Division ~~[for its designee creates or~~

~~receives pursuant to the provisions of this chapter; or] to evaluate an applicant or its affiliate.~~

(b) *Any information, documents or communications provided to the Division by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.*

(c) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card ~~[]~~ *or letter of approval.*

➔ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card *or letter of approval* to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card *or letter of approval* issued to him or her pursuant to NRS 453A.220 or 453A.250.

Sec. 35. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will ~~[]~~ *issue a registry identification card or letter of approval or*, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card *or letter of approval* to a qualified person ; ~~[after the card has been prepared by the Department of Motor Vehicles;]~~ or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the

Division has approved the issuance of a registry identification card to the person.

2. *That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.*

3. Fees for:

(a) Providing to an applicant an application for a registry identification card ~~[]~~ or letter of approval, which fee must not exceed \$25; and

(b) Processing and issuing a registry identification card ~~[]~~ or letter of approval, which fee must not exceed \$75.

Sec. 36. NRS 453A.800 is hereby amended to read as follows:

453A.800 The provisions of this chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

2. Require any employer to allow the medical use of marijuana in the workplace.

3. ~~[Require]~~ *Except as otherwise provided in subsection 4, require an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not:*

(a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or

(b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.

4. *Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the medical use of marijuana.*

5. *As used in this section, "law enforcement agency" means:*

(a) *The Office of the Attorney General, the office of a district attorney within this State or the State Gaming Control Board and any attorney, investigator, special investigator or employee who is acting in his or her professional or occupational capacity for such an office or the State Gaming Control Board; or*

(b) *Any other law enforcement agency within this State and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.*

Sec. 36.3. Section 26 of chapter 374, Statutes of Nevada 2013, at page 3729, is hereby amended to read as follows:

Sec. 26. 1. This section and section 25.5 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 22.35 to 24.7, inclusive, and 25 of this act become effective upon passage and approval for the purpose of adopting regulations and carrying out other preparatory administrative acts, and on April 1, 2014, for all other purposes.

3. Sections 22.3 and 24.9 of this act become effective on April 1, ~~[2016.]~~ 2018.

4. Sections 14 and 15 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

Sec. 36.7. 1. The provisions of any regulation adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services which conflict with the provisions of NRS 453A.350 or 453A.352, as amended by sections 26.5 and 27 of this act, are void and must not be given effect to the extent of the conflict.

2. The Division of Public and Behavioral Health shall amend or repeal any of its existing regulations that conflict or are inconsistent with the provisions of NRS 453A.350 and 453A.352, as amended by sections 26.5 and 27 of this act, as soon as practicable after July 1, 2015.

Sec. 37. This act becomes effective on July 1, 2015.

Senator Brower moved that the Senate concur in Assembly Amendments Nos. 860, 953 to Senate Bill No. 447.

Remarks by Senator Brower.

This is an omnibus bill you might say, that required a lot of work by various stakeholders over the last few months.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 463.

The following Assembly amendment was read:

Amendment No. 934.

SUMMARY—Revises provisions relating to education. (BDR 34-411)

AN ACT relating to education; requiring certain providers of electronic applications used for educational purposes to provide written disclosures concerning personally identifiable information that is collected; requiring such a provider to allow certain persons to review and correct personally identifiable information about a pupil maintained by the provider; limiting the circumstances under which such a provider may collect, use, allow access

to or transfer personally identifiable information concerning a pupil; requiring such a provider to establish and carry out a detailed plan for the security of data concerning pupils; requiring teachers and other licensed personnel employed by a school district or charter school to complete certain professional development; requiring certain disciplinary action against a teacher or administrator for willful breaches in security or confidentiality of certain examinations; providing a civil penalty for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1.25 of this bill declares that: (1) the educational records of a pupil, including the personally identifiable information contained in such records, belong to the pupil and his or her parent or legal guardian; and (2) it is the public policy of this State to protect such records and information; and (3) the provisions of this bill are intended to provide greater protection over such records and information.]~~

Section 5 of this bill requires a school service provider to provide to the board of trustees of a school district or the governing body of a school, as applicable, and a teacher who uses a school service, a written disclosure of: (1) the types of personally identifiable information collected by the school service provider; (2) the manner in which such information is used; (3) a description of the plan for security of data concerning pupils which has been established by the school service provider; and (4) any material change to such a plan. Section 3 of this bill defines the term "school service" to mean with certain exceptions, an Internet website, online service or mobile application that: (1) collects or maintains personally identifiable information concerning a pupil; (2) is used primarily for educational purposes; (3) is designed and marketed for use in public schools; and (4) is used at the direction of teachers and other educational personnel. Section 5 requires a school service provider to: (1) allow certain pupils or the parent or guardian of a pupil to review personally identifiable information about the pupil maintained by the school service provider; and (2) establish a process for making any corrections to such information.

Section 6 of this bill limits the circumstances under which a school service provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil. Section 6 requires a school service provider to delete personally identifiable information concerning a pupil at the request of the board of trustees of the school district or the governing body of the school, as applicable. Section 6 requires any agreement entered into by a school service provider that provides for the disclosure of personally identifiable information to limit the circumstances under which the person or governmental entity to whom the information is disclosed may collect, use or transfer such information to circumstances authorized by law. Section 6 also subjects any school service provider that violates these requirements to a civil penalty.

Section 7 of this bill requires a school service provider to establish and carry out a detailed plan for the security of any data concerning pupils that is collected or maintained by the school service provider. Section 8 of this bill requires each school district and the governing body of a charter school or university school for profoundly gifted pupils, as applicable, to annually provide professional development regarding the use of school service providers and the security of data concerning pupils. Section 8 also requires teachers and other licensed personnel employed by a school district or charter school to annually complete professional development regarding school service providers and the security of data concerning pupils.

Section 8.3 of this bill authorizes a school service provider to use and disclose information derived from personally identifiable information to demonstrate the effectiveness of the products or services of the school service provider. Section 8.5 of this bill prohibits a person or governmental entity from waiving or modifying any right, obligation or liability provided by the provisions of sections 1.5-8.5. Section 8.5 also provides that any condition, stipulation, or provision in a contract that conflicts with the provisions of sections 1.5-8.5 is void and unenforceable.

Existing law authorizes a teacher to be suspended, dismissed or not reemployed and an administrator to be demoted, suspended, dismissed or not reemployed for breaches in security or confidentiality of the questions and answers of certain examinations. (NRS 391.3127) Section 9 of this bill instead requires a teacher to be suspended, dismissed or not reemployed and an administrator to be demoted, suspended, dismissed or not reemployed ~~for such breaches.~~ if the teacher or administrator is found, through an investigation of a testing irregularity, to have willfully committed such a breach.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.25 to 8.5, inclusive, of this act.

Sec. 1.25. ~~{The Legislature hereby finds and declares that:~~

~~1. The educational records of a pupil, including, without limitation, the personally identifiable information of the pupil, belong to the pupil and his or her parent or legal guardian.~~

~~2. It is the public policy of this State to protect such records and information.~~

~~3. The provisions of sections 1.5 to 8.5, inclusive, of this act are intended to:~~

~~(a) Provide greater protection of such records and information;~~

~~(b) Limit and restrict the collection, transfer and maintenance of such information;~~

~~(c) Provide greater control of such information to pupils and their parents or guardians;~~

~~(d) Provide notification to persons and governmental entities regarding the types of personally identifiable information collected and how such information is kept secure;~~

~~(e) Establish a process for the correction or deletion of any personally identifiable information collected by a school service provider;~~

~~(f) Prohibit a school service provider from using personally identifiable information to target advertising to minors; and~~

~~(g) Ensure that teachers and other licensed educational personnel understand how to use school services in a manner that protects personally identifiable information concerning pupils.] (Deleted by amendment.)~~

Sec. 1.5. As used in sections 1.25 to 8.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 4.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2. "Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

Sec. 3. 1. "School service" means an Internet website, online service or mobile application that:

(a) Collects or maintains personally identifiable information concerning a pupil;

(b) Is used primarily for educational purposes; and

(c) Is designed and marketed for use in public schools and is used at the direction of teachers and other educational personnel.

2. The term does not include ~~any~~ :

(a) An Internet website, online service or mobile application that is designed or marketed for use by a general audience, even if the school service is also marketed to public schools ~~for~~ ;

(b) An internal database, system or program maintained or operated by a school district, charter school or university school for profoundly gifted pupils;

(c) A school service for which a school service provider has:

(1) Been designated by a school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department as a school official pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232(g);

(2) Entered into a contract with the school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department; and

(3) Agreed to comply with and be subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232(g), relating to personally identifiable information;

(d) Any examinations administered pursuant to NRS 389.550 and 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807; or

(e) Any instructional programs purchased by a school district, a charter school, the governing body of a university school for profoundly gifted pupils or the Department.

Sec. 4. "School service provider" means a person that operates a school service, to the extent the provider is operating in that capacity.

Sec. 4.5. "Targeted advertising" means presenting advertisements to a pupil where the advertisement is selected based on information obtained or inferred from the online behavior of a pupil, the use of applications by a pupil or personally identifiable information concerning a pupil. The term does not include advertising to a pupil at an online location based upon the current visit to the location by the pupil or a single search query without the collection and retention of the online activities of a pupil over time.

Sec. 5. 1. Before the persons or governmental entities described in subsection 3 begin using a school service, a school service provider must provide a written disclosure to such persons or governmental entities in language that is easy to understand, which includes, without limitation:

(a) The types of personally identifiable information collected by the school service provider and the manner in which such information is used; and

(b) A description of the plan for the security of data concerning pupils which has been established by the school service provider pursuant to section 7 of this act.

2. Before a school service provider makes a material change to the plan for the security of data concerning pupils established pursuant to section 7 of this act, the school service provider must provide notice to the persons or governmental entities set forth in subsection 3.

3. The disclosure or notice provided pursuant to subsection 1 or 2, as applicable, must be provided to:

(a) The board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, as applicable, that uses the school service of the school service provider; and

(b) Any teacher who uses the school service.

4. A school service provider shall:

(a) Allow a pupil who is at least ~~13~~ 18 years of age and the parent or legal guardian of any pupil to review personally identifiable information concerning the pupil that is maintained by the school service provider; and

(b) Establish a process, in accordance with any contract governing the activities of a school service provider and which is consistent with the provisions of sections 1.5 to 8.5, inclusive, of this act, for the correction of such information upon the request of:

(1) A pupil who is at least ~~13~~ 18 years of age or the parent or legal guardian of any pupil; or

(2) The teacher of the pupil or the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the

university school for profoundly gifted pupils that the pupil attends, as applicable.

Sec. 6. 1. Except as otherwise provided in ~~subsection~~ subsections 2 ~~1~~ and 5, a school service provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil only:

(a) For purposes inherent to the use of a school service by a teacher in a classroom or for the purposes authorized by the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable, so long as it is authorized by federal and state law;

(b) If required by federal or state law;

(c) In response to a subpoena issued by a court of competent jurisdiction;

(d) To protect the safety of a user of the school service; or

(e) With the consent of any person required in a policy of the school district, charter school or university school for profoundly gifted pupils, as applicable, or, if none, with the consent of the pupil, if the pupil is at least ~~13~~ 18 years of age, or the parent or legal guardian of the pupil ~~if the parent or legal guardian has requested to provide consent before any such action is taken or~~ if the pupil is less than ~~13~~ 18 years of age.

2. A school service provider may transfer personally identifiable information concerning a pupil to a third-party service provider if the school service provider provides notice to ~~the appropriate~~ any person ~~described~~ designated in ~~paragraph (e) of subsection 1~~ a policy of the school district, charter school or university school for profoundly gifted pupils, as applicable, to receive such notice or, if none, to the pupil, if the pupil is at least 18 years of age, or the parent or guardian of the pupil and:

(a) Contractually prohibits the third-party service provider from using any such information for any purpose other than providing the contracted school services to, or on behalf of, the school service provider;

(b) Prohibits the third-party service provider from disclosing any personally identifiable information concerning a pupil unless the disclosure is authorized pursuant to subsection 1; and

(c) Requires the third-party service provider to comply with the requirements of sections 1.5 to 8.5, inclusive, of this act.

3. A school service provider shall delete any personally identifiable information concerning a pupil that is collected or maintained by the school service provider and that is under the control of the school service provider within a reasonable time not to exceed 30 days after receiving a request from the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable. The board of trustees or the governing body, as applicable, must have a policy which allows a pupil who is at least 18 years of age or the parent or legal guardian of ~~the~~ any pupil to

review such information and request that such information about the pupil be deleted. The school service provider shall delete such information upon the request of the parent or legal guardian of a pupil if no such policy exists.

4. *Any agreement entered into by a school service provider that provides for the disclosure of personally identifiable information must require that the person or governmental entity to whom the information will be disclosed abide by the requirements imposed pursuant to this section.*

5. *A school service provider shall not:*

(a) *Use personally identifiable information to engage in targeted advertising.*

(b) *Except as otherwise provided in this paragraph, sell personally identifiable information concerning a pupil. A school service provider may ~~provide~~ transfer personally identifiable information concerning pupils to an entity that purchases, merges with or otherwise acquires the school service and the acquiring entity becomes subject to the requirements of sections 1.5 to 8.5, inclusive, of this act ~~and~~ and any contractual provisions between the school service provider and the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, as applicable, governing such information.*

(c) *Use personally identifiable information concerning a pupil to create a profile of the pupil for any purpose not related to the instruction of the pupil provided by the school without the consent of the appropriate person described in paragraph (e) of subsection 1. ~~For the purposes of this paragraph, "creating a profile" does not include collecting or retaining account registration records or information that remains under the control of the pupil if he or she is at least 13 years of age, the parent or legal guardian of any pupil, the teacher of the pupil or the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable.~~*

(d) *Use personally identifiable information concerning a pupil in a manner that is inconsistent with any contract governing the activities of the school service provider for the school service in effect at the time the information is collected or in a manner that violates any of the provisions of sections 1.5 to 8.5, inclusive, of this act.*

(e) *Knowingly retain, without the consent of the appropriate person described in paragraph (e) of subsection 1, personally identifiable information concerning a pupil beyond the period authorized by the contract governing the activities of the school service provider.*

6. *This section does not prohibit the use of personally identifiable information concerning a pupil that is collected or maintained by a school service provider for the purposes of:*

(a) *Adaptive learning or providing personalized or customized education;*

(b) Maintaining or improving the school service;
(c) Recommending additional content or services within a school service;
(d) Responding to a request for information by a pupil;
(e) Soliciting feedback regarding a school service; or
(f) Allowing a pupil who is at least ~~13~~ 18 years of age or the parent or legal guardian of any pupil to download, transfer, or otherwise maintain data concerning a pupil.

7. A school service provider that violates the provisions of this section is subject to a civil penalty in an amount not to exceed \$5,000 per violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 7. 1. A school service provider shall establish and carry out a detailed plan for the security of any data concerning pupils that is collected or maintained by the school service provider. The plan must include, without limitation:

(a) Procedures for protecting the security, privacy, confidentiality and integrity of personally identifiable information concerning a pupil; and

(b) Appropriate administrative, technological and physical safeguards to ensure the security of data concerning pupils.

2. A school service provider shall ensure that any successor entity understands that it is subject to the provisions of sections 1.5 to 8.5, inclusive, of this act and agrees to abide by all privacy and security commitments related to personally identifiable information concerning a pupil collected and maintained by the school service provider before allowing a successor entity to access such personally identifiable information.

Sec. 8. 1. Each school district and the governing body of a charter school or a university school for profoundly gifted pupils, as applicable, shall annually provide professional development regarding the use of school service providers and the security of data concerning pupils.

2. Teachers and other licensed educational personnel employed by a school district, charter school or university school for profoundly gifted pupils shall complete the professional development provided pursuant to subsection 1.

Sec. 8.3. A school service provider may use and disclose information derived from personally identifiable information concerning a pupil to demonstrate the effectiveness of the products or services of the school service provider, including, without limitation, for use in advertising or marketing regarding the school service so long as the information is aggregated or is presented in a manner which does not disclose the identity of the pupil about whom the information relates.

Sec. 8.5. A person or governmental entity may not waive or modify any right, obligation or liability set forth in sections 1.5 to 8.5, inclusive, of this act. Any condition, stipulation or provision in a contract which seeks to do so

or which in any way conflicts with the provisions of sections 1.5 to 8.5, inclusive, of this act is against public policy and is void and unenforceable.

Sec. 9. NRS 391.31297 is hereby amended to read as follows:

391.31297 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;
- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;
- (f) Physical or mental incapacity;
- (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
- (h) Conviction of a felony or of a crime involving moral turpitude;
- (i) Inadequate performance;
- (j) Evident unfitness for service;
- (k) Failure to comply with such reasonable requirements as a board may prescribe;
- (l) Failure to show normal improvement and evidence of professional training and growth;
- (m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
- (n) Any cause which constitutes grounds for the revocation of a teacher's license;
- (o) Willful neglect or failure to observe and carry out the requirements of this title;
- (p) Dishonesty;
- (q) ~~[(Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 389.550 or 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.~~
- ~~[(r)]~~ Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 389.616 or 389.620;
- ~~[(s)]~~ (r) An intentional violation of NRS 388.5265 or 388.527;
- ~~[(t)]~~ (s) Gross misconduct; or
- ~~[(u)]~~ (t) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. If a teacher or administrator ~~breaches~~ is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 389.550 or 389.805 or the college and career

readiness assessment administered pursuant to NRS 389.807, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:

- (a) Suspend, dismiss or fail to reemploy the teacher; or*
- (b) Demote, suspend, dismiss or fail to reemploy the administrator.*

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

~~{3.}~~ 4. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 10. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.31297, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➤ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.3197.

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p) and ~~{(t)}~~ (s) of subsection 1 of NRS 391.31297.

Sec. 11. NRS 391.3161 is hereby amended to read as follows:

391.3161 1. Each request for the appointment of a person to serve as a hearing officer must be submitted to the Superintendent of Public Instruction.

2. Within 10 days after receipt of such a request, the Superintendent of Public Instruction shall request that the Hearings Division of the Department of Administration appoint a hearing officer.

3. The State Board shall prescribe the procedures for exercising challenges to a hearing officer, including, without limitation, the number of challenges that may be exercised and the time limits in which the challenges must be exercised.

4. A hearing officer shall conduct hearings in cases of demotion, dismissal or a refusal to reemploy based on the grounds contained in ~~subsection~~ *subsections 1 and 2* of NRS 391.31297.

5. This section does not preclude the employee and the superintendent from mutually selecting an attorney who is a resident of this State, an arbitrator provided by the American Arbitration Association or a representative of an agency or organization that provides alternative dispute resolution services to serve as a hearing officer to conduct a particular hearing.

Sec. 12. The provisions of sections 1.5 to 8.5, inclusive, of this act:

1. Apply to any agreement entered into, extended or renewed on or after July 1, 2015, and any provision of the agreement that is in conflict with ~~that section~~ those sections is void.

2. Apply on July 1, 2018, to any agreement entered into before July 1, 2015.

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. This act becomes effective on July 1, 2015.

Senator Harris moved that the Senate concur in Assembly Amendment No. 934 to Senate Bill No. 463.

Remarks by Senator Harris.

The amendment deletes the legislative declaration in section 1.25. Subsection 2 of section 3 limits the definition of school service providers so that it does not include an internal database, system or program operated by a school district, sponsor of a charter school or the governing body of a university school for profoundly gifted pupils or a school service for which a school service provider has been designated as a "school official" pursuant to the Family Educational Rights and Privacy Act. The term does not include any state, district, college and career readiness, instructional programs purchased by the State or by the governing body of a school district or charter school.

Throughout, the bill increases the age from 16 to 18 years for a pupil to request the review and correction of personally identifiable information concerning the pupil; revises subsection 2 of section 6, to state that a school service provider may transfer personally identifiable information concerning a pupil to a third-party service provider if the provider provides notice to any person designated in a policy of a school district, charter school or university school for profoundly gifted pupils to receive such notice, or if none, to the pupil, if the pupil is at least 18 years of age, or the parent or guardian of a pupil. Subsection 3 of section 6 requires that the governing body of a school district or charter school must have a policy to allow for the process for reviewing and requesting the deletion of personally identifiable information; specifies that a

testing irregularity investigation must make a finding of a willful breach of security or confidentiality for the penalty in the remaining portion of subsection 2 to apply.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Joint Resolution No. 17.

The following Assembly amendment was read:

Amendment No. 834.

SUMMARY—Proposes to amend the Nevada Constitution to expand the rights guaranteed to victims of crime. (BDR C-952)

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to expand the rights guaranteed to victims of crime by adopting a victims' bill of rights.

Legislative Counsel's Digest:

Under the Nevada Constitution, the Legislature is required to provide by law for certain rights of the victims of crimes, in particular, the right to be informed of the status of criminal proceedings concerning those crimes, the right to be present at public hearings concerning those crimes and the right to be heard at all proceedings for the sentencing or release of persons convicted of those crimes. (Nev. Const. Art. 1, § 8)

This resolution proposes to amend the Nevada Constitution to eliminate the existing provisions of Article 1, section 8, concerning victims' rights and to add a new section that sets forth an expanded list of such rights in the form of a victims' bill of rights. The new section is modeled after the victims' bill of rights set forth in the California Constitution as it was amended in 2008 by what is commonly referred to as Marsy's Law. (Cal. Const. Art. 1, § 28)

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 23, be added to Article 1 of the Nevada Constitution to read as follows:

Sec. 23. 1. Each person who is the victim of a crime is entitled to the following rights:

(a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.

(b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.

(c) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.

(d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.

(e) To refuse an interview or deposition request, unless under court order ~~for subpoena~~ and to set reasonable conditions on the conduct of any such interview to which the victim consents.

(f) To reasonably confer with the prosecuting agency, upon request, regarding the case.

(g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.

(h) To be reasonably heard, upon request, ~~and at the discretion of the court,~~ at any public proceeding, including any delinquency proceeding, in any court involving a postarrest release decision, ~~release or sentencing, [postconviction release decision or any proceeding in which a right of the victim is at issue.]~~ and at any parole proceeding.

(i) To the timely disposition of the case following the arrest of the defendant.

(j) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

(k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.

(l) To full and timely restitution.

(m) To the prompt return of legal property when no longer needed as evidence.

(n) To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.

(o) To have the safety of the victim, the victim's family and the general public considered before any parole or other postjudgment release decision is made.

(p) To have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.

(q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

2. A victim has standing to assert the rights enumerated in this section in any court with jurisdiction over the case. The court shall promptly rule on a victim's request. A defendant does not have standing to assert the rights of his or her victim. This section does not alter the powers, duties or responsibilities of a prosecuting attorney. A victim does not have the status of a party in a criminal proceeding.

3. *Except as otherwise provided in subsection 4, no person may maintain an action against this State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of this section or any statute enacted by the Legislature pursuant thereto. No such violation authorizes setting aside a conviction.*

4. *A person may maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto.*

5. *The granting of these rights to victims must not be construed to deny or disparage other rights possessed by victims. A parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.*

6. *The Legislature shall by law provide any other measure necessary or useful to secure to victims of crime the benefit of the rights set forth in this section.*

7. *As used in this section, "victim" means any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim's estate, member of the victim's family or any other person who is appointed by the court to act on the victim's behalf, except that the court shall not appoint the defendant as such a person.*

~~8. This section is not intended and shall not be interpreted to infringe upon a right guaranteed to the defendant by the United States Constitution or the Nevada Constitution.~~

And be it further

RESOLVED, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. ~~[The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:~~

~~—(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;~~

~~—(b) Present at all public hearings involving the critical stages of a criminal proceeding; and~~

~~—(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.~~

~~—3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.~~

~~—4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.~~

~~—5.} No person shall be deprived of life, liberty, or property, without due process of law.~~

~~{6.} 3. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.~~

Senator Brower moved that the Senate concur in Assembly Amendment No. 834 to Senate Joint Resolution No. 17.

Remarks by Senator Brower.

This amendment reflects certain improvements to the language of the resolution, and I want to thank everyone who was involved in putting this in its final shape. That includes the prosecutors in our State, the criminal defense lawyers, the victim rights advocates, the chief sponsor of the resolution, the Judiciary Committee and everyone else who had a hand on this. I think this is finally ready procedurally to be considered by the next legislature to see if it agrees that this is the right language.

Motion carried by a constitutional majority.

Resolution ordered enrolled.

Senate Bill No. 95.

The following Assembly amendment was read.

Amendment No. 814.

SUMMARY—Revises provisions governing the publication of property tax rolls. (BDR 32-630)

AN ACT relating to property tax; revising provisions governing the publication of property tax rolls; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a county assessor is required to prepare and publish in a newspaper of general circulation in the county a list of all the taxpayers on the secured roll in the county and the total value of the property on which

they pay taxes or print and deliver or mail such a list and valuations to each taxpayer in the county. (NRS 361.300) This bill requires a board of county commissioners to direct the county assessor to publish this list and valuations on an Internet website maintained by the county assessor or the county. This bill also requires a board of county commissioners to direct the county assessor in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) to make not fewer than 10 copies of this list and valuations available to the public free of charge.

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

Section 1. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraph (b) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause , *on or before January 1 of the fiscal year in which assessment is made*, such list and valuations to be:

(1) Printed and delivered by the county assessor or mailed by him or her ~~{on or before January 1 of the fiscal year in which assessment is made}~~ to each taxpayer in the county; ~~{or}~~

(2) Published once ~~{on or before January 1 of the fiscal year in which assessment is made}~~ in a newspaper of general circulation in the county; or

(3) *Published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county;* and

(b) To cause , *on or before January 1 of the fiscal year in which assessment is made*, such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county;

(2) Posted at the office of the county assessor; and

(3) ~~Published~~ If the list and valuations are printed and delivered or mailed pursuant to subparagraph (1) of paragraph (a) or published in a newspaper of general circulation pursuant to subparagraph (2) of paragraph (a), published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county ~~[-]~~;

(c) In a county whose population is less than 100,000, to make not fewer than 10 copies of such list and valuations available to the public free of charge during normal business hours at the main administrative office of the county for at least 60 days after the date on which the list and valuations are made available to the public pursuant to paragraph (b); and

(d) If the county assessor publishes the list and valuations on an Internet website that is maintained by the county assessor or the county pursuant to subparagraph (3) of paragraph (a), to provide notice in a newspaper of general circulation in the county ~~[-, on or before January 1 of the fiscal year in which assessment is made,]~~ four times each year which:

(1) Indicates that the list and valuations have been made available to the public on the Internet website maintained by the county assessor or the county;

(2) Provides the address of the Internet website on which the list and valuations may be accessed or retrieved; ~~and~~

(3) Is displayed in the format used for advertisements and printed in at least 10-point bold type or font ~~[-]~~;

(4) Provides an explanation of how property tax rates are determined;

(5) Provides an explanation of how property tax abatements are applied and how tax relief may be obtained;

(6) Provides information on how often assessed values change;

(7) Provides information on how to file an appeal to the county board of equalization and the State Board of Equalization;

(8) Provides the due dates for payments;

(9) Provides an explanation of exemptions and how to apply for an exemption; and

(10) Includes a statement of certification by the assessor that the roll is complete and accurate.

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in subparagraph (1) of paragraph (a) of subsection 3, to taxpayers whose property is assessed at \$1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. A notice issued pursuant to this paragraph must include a statement that the secured tax roll ~~is~~ *will be* available for inspection *on or before January 1* as specified in paragraph (b) of subsection 3 ~~and~~ *and* subparagraph (3) of paragraph (a) of subsection 3, if applicable, and must specify the locations at which the secured tax roll will be available for inspection, including the address of the Internet website on which the secured tax role may be accessed or retrieved. If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 1.5. Section 1 of this act is hereby amended to read as follows:

Section 1. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraph (b) of subsection 3.

The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause, on or before January 1 of the fiscal year in which assessment is made, such list and valuations to be:

(1) Printed and delivered by the county assessor or mailed by him or her to each taxpayer in the county;

(2) Published once in a newspaper of general circulation in the county; or

(3) Published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county; and

(b) To cause, on or before January 1 of the fiscal year in which assessment is made, such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county;

(2) Posted at the office of the county assessor; and

(3) If the list and valuations are printed and delivered or mailed pursuant to subparagraph (1) of paragraph (a) or published in a newspaper of general circulation pursuant to subparagraph (2) of paragraph (a), published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county;

(c) In a county whose population is less than 100,000, to make not fewer than 10 copies of such list and valuations available to the public free of charge during normal business hours at the main administrative office of the county for at least 60 days after the date on which the list and valuations are made available to the public pursuant to paragraph (b); and

(d) If the county assessor publishes the list and valuations on an Internet website that is maintained by the county assessor or the county pursuant to subparagraph (3) of paragraph (a), to provide notice in a newspaper of general circulation in the county ~~four times each year~~.

on or before January 1 of the fiscal year in which assessment is made,
which:

(1) Indicates that the list and valuations have been made available to the public on the Internet website maintained by the county assessor or the county;

(2) Provides the address of the Internet website on which the list and valuations may be accessed or retrieved; *and*

(3) Is displayed in the format used for advertisements and printed in at least 10-point bold type or font ~~12~~ ¹⁴;

~~(4) Provides an explanation of how property tax rates are determined;~~

~~(5) Provides an explanation of how property tax abatements are applied and how tax relief may be obtained;~~

~~(6) Provides information on how often assessed values change;~~

~~(7) Provides information on how to file an appeal to the county board of equalization and the State Board of Equalization;~~

~~(8) Provides the due dates for payments;~~

~~(9) Provides an explanation of exemptions and how to apply for an exemption; and~~

~~(10) Includes a statement of certification by the assessor that the roll is complete and accurate.]~~

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in subparagraph (1) of paragraph (a) of subsection 3, to taxpayers whose property is assessed at \$1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. A notice issued pursuant to this paragraph must include a statement that the secured tax roll will be available for inspection on or before January 1 as specified in paragraph (b) of subsection 3 and subparagraph (3) of paragraph (a) of subsection 3, if applicable, and must specify the locations at which the secured tax roll will be available for inspection, including the address of the Internet website on which the secured tax role may be accessed or retrieved. If

such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 2. ~~[This]~~

1. This section and section 1 of this act ~~[becomes]~~ become effective on July 1, 2015.

2. Section 1.5 of this act becomes effective on July 1, 2017.

Senator Roberson moved that the Senate do not concur in Assembly Amendment No. 814 to Senate Bill No. 95.

Remarks by Senator Roberson.

I will simply say the sponsor of this bill does not support concurring in this amendment and neither do I.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 225.

The following Assembly amendment was read.

Amendment No. 928.

SUMMARY—Revises provisions relating to the sale and distribution of tobacco products, vapor products and alternative nicotine products. (BDR 15-796)

AN ACT relating to crimes; prohibiting a person from selling, distributing or offering to sell vapor products and alternative nicotine products to any child under the age of 18 years; requiring the owner of a retail establishment

to display a notice containing certain information whenever vapor products or alternative nicotine products are being sold or offered for sale at the establishment; prohibiting a retailer from selling vapor products or alternative nicotine products through the use of certain types of displays; requiring the Attorney General to conduct inspections at locations where vapor products or alternative nicotine products are sold, distributed or offered for sale as necessary to comply with any applicable federal law; imposing certain fines; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from selling, distributing or offering to sell cigarettes or smokeless products made or derived from tobacco in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. (NRS 202.2493) Section 2 of this bill applies such a prohibition to alternative nicotine products. Section 2 also defines the term "smokeless product made or derived from tobacco."

Existing law also prohibits a person from selling, distributing or offering to sell cigarettes, cigarette paper, tobacco or products made or derived from tobacco to any child under the age of 18 years. A person who violates such a provision must pay a fine of not more than \$500 and a civil penalty of not more than \$500. (NRS 202.2493) Section 2 prohibits a person from selling, distributing or offering to sell vapor products or alternative nicotine products to any child under the age of 18 years, and requires a person who violates such a provision to pay the same fine and civil penalty.

Existing law further requires the owner of a retail establishment to display a notice containing information relating to the prohibition against selling cigarettes and other tobacco products to minors whenever any product made or derived from tobacco is being sold or offered for sale at the establishment. A person who violates such a provision must pay a fine of not more than \$100. (NRS 202.2493) Section 2 requires the owner of a retail establishment to display a notice containing information relating to the prohibition against selling vapor products and alternative nicotine products to minors whenever vapor products or alternative nicotine products are being sold or offered for sale at the establishment, and requires a person who violates such a provision to pay the same fine.

Existing law generally prohibits a retailer from selling cigarettes through the use of any type of display: (1) which contains cigarettes and is located in any area to which customers are allowed access; and (2) from which cigarettes are readily accessible to a customer without the assistance of the retailer. A person who violates such a provision must pay a fine of not more than \$500. (NRS 202.2493) Section 2 additionally prohibits a retailer from selling vapor products and alternative nicotine products through the use of any such type of display which contains vapor products or alternative

nicotine products, and requires a person who violates such a provision to pay the same fine.

Additionally, existing law requires the Attorney General, as necessary to comply with applicable federal law, to conduct random, unannounced inspections at locations where tobacco and products made or derived from tobacco are sold, distributed or offered for sale to inspect for and enforce compliance with certain provisions of law, including the prohibition against selling such products to a child under the age of 18 years. (NRS 202.2493, 202.2496) Section 3 of this bill requires the Attorney General, as necessary to comply with any applicable federal law, to conduct such an inspection at locations where vapor products or alternative nicotine products are sold, distributed or offered for sale to inspect for and enforce compliance with certain provisions of law relating to the prohibition against selling vapor products and alternative nicotine products to a child under the age of 18 years, as set forth in section 2.

Section 1 of this bill defines the terms "vapor product" and "alternative nicotine product" for the purposes of sections 2 and 3.

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

Section 1. NRS 202.2485 is hereby amended to read as follows:

202.2485 As used in NRS 202.2485 to 202.2497, inclusive:

1. *"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. The term does not include:*

(a) A vapor product;

(b) A product made or derived from tobacco; or

(c) Any product regulated by the United States Food and Drug Administration ~~further~~ pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

2. "Distribute" includes furnishing, giving away or providing products made or derived from tobacco or samples thereof at no cost to promote the product, whether or not in combination with a sale.

~~{2-}~~ 3. "Health authority" means the district health officer in a district, or his or her designee, or, if none, the Chief Medical Officer, or his or her designee.

~~{3-}~~ 4. "Product made or derived from tobacco" does not include any product regulated by the United States Food and Drug Administration pursuant to ~~{Chapter}~~ Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

5. *"Vapor product":*

(a) Means any noncombustible product ~~containing nicotine~~ that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that

can be used to produce vapor ~~from nicotine~~ or aerosol in a solution or other form.

(b) Includes, without limitation:

(1) An electronic cigarette, cigar, cigarillo or pipe or a similar product or device; and

(2) A vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo or pipe or a similar product or device.

(c) Does not include any product regulated by the United States Food and Drug Administration pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

Sec. 2. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes , ~~for~~ any smokeless ~~products~~ product made or derived from tobacco or any alternative nicotine product in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of \$100 and a civil penalty of \$100. *As used in this subsection, "smokeless product made or derived from tobacco" means any product that consists of cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity.*

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description , ~~for~~ products made or derived from tobacco , vapor products or alternative nicotine products to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description , ~~for~~ products made or derived from tobacco, vapor products or alternative nicotine products, the person:

(a) Demands that the other person present a valid driver's license or other written or documentary evidence which shows that the other person is 18 years of age or older;

(b) Is presented a valid driver's license or other written or documentary evidence which shows that the other person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license or written or documentary evidence presented by the other person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco , ~~for~~ products made or derived from tobacco , vapor products or alternative nicotine products, in the course of the child's lawful employment, provide tobacco , ~~for~~ products made or derived from tobacco , vapor products or alternative nicotine products to the child.

5. With respect to any sale made by an employee of a retail establishment, the owner of the retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if the owner:

- (a) Had no actual knowledge of the sale; and
- (b) Establishes and carries out a continuing program of training for employees which is reasonably designed to prevent violations of subsection 2.

6. The owner of a retail establishment shall, whenever any product made or derived from tobacco , *vapor product or alternative nicotine product* is being sold or offered for sale at the establishment, display prominently at the point of sale:

- (a) A notice indicating that:

- (1) The sale of cigarettes , ~~{and}~~ other tobacco products , *vapor products and alternative nicotine products* to minors is prohibited by law; and

- (2) The retailer may ask for proof of age to comply with this prohibition; and

- (b) At least one sign that complies with the requirements of NRS 442.340.

↪ A person who violates this subsection shall be punished by a fine of not more than \$100.

7. It is unlawful for any retailer to sell cigarettes , *vapor products or alternative nicotine products* through the use of any type of display:

- (a) Which contains cigarettes , *vapor products or alternative nicotine products* and is located in any area to which customers are allowed access; and

- (b) From which cigarettes , *vapor products or alternative nicotine products* are readily accessible to a customer without the assistance of the retailer,

↪ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than \$500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

Sec. 3. NRS 202.2496 is hereby amended to read as follows:

202.2496 1. As necessary to comply with *any* applicable federal law, the Attorney General shall conduct random, unannounced inspections at locations where tobacco , ~~{and}~~ products made or derived from tobacco , *vapor products and alternative nicotine products* are sold, distributed or offered for sale to inspect for and enforce compliance with NRS 202.2493 and 202.2494 ~~{-}~~ , *as applicable*. For assistance in conducting any such inspection, the Attorney General may contract with:

- (a) Any sheriff's department;
- (b) Any police department; or

(c) Any other person who will, in the opinion of the Attorney General, perform the inspection in a fair and impartial manner.

2. If the inspector desires to enlist the assistance of a child under the age of 18 for such an inspection, the inspector shall obtain the written consent of the child's parent for such assistance.

3. A child assisting in an inspection pursuant to this section shall, if questioned about his or her age, state his or her true age and that he or she is under 18 years of age.

4. If a child is assisting in an inspection pursuant to this section, the person supervising the inspection shall:

(a) Refrain from altering or attempting to alter the child's appearance to make the child appear to be 18 years of age or older.

(b) Photograph the child immediately before the inspection is to occur and retain any photographs taken of the child pursuant to this paragraph.

5. The person supervising an inspection using the assistance of a child shall, within a reasonable time after the inspection is completed:

(a) Inform a representative of the business establishment from which the child attempted to purchase tobacco , ~~or~~ products made or derived from tobacco , *vapor products or alternative nicotine products* that an inspection has been performed and the results of that inspection.

(b) Prepare a report regarding the inspection. The report must include the following information:

(1) The name of the person who supervised the inspection and that person's position;

(2) The age and date of birth of the child who assisted in the inspection;

(3) The name and position of the person from whom the child attempted to purchase tobacco , ~~or~~ products made or derived from tobacco ~~or~~ , *vapor products or alternative nicotine products*;

(4) The name and address of the establishment at which the child attempted to purchase tobacco , ~~or~~ products made or derived from tobacco ~~or~~ , *vapor products or alternative nicotine products*;

(5) The date and time of the inspection; and

(6) The result of the inspection, including whether the inspection resulted in the sale, distribution or offering for sale of tobacco , ~~or~~ products made or derived from tobacco , *vapor products or alternative nicotine products* to the child.

6. No civil or criminal action based upon an alleged violation of NRS 202.2493 or 202.2494 may be brought as a result of an inspection for compliance in which the assistance of a child has been enlisted unless the inspection has been conducted in accordance with the provisions of this section.

Senator Brower moved that the Senate do not concur in Assembly Amendment No. 928 to Senate Bill No. 225.

Remarks by Senator Brower.

The sponsor of this bill is not comfortable with the language proposed by the Assembly. We are not quite sure what the genesis of that language was. We intend to find out, and in the meantime, not concur in this matter.

Motion carried.

Bill ordered transmitted to the Assembly.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 6, 15, 58, 67, 68, 110, 138, 148, 153, 160, 172, 194, 224, 233, 239, 250, 261, 262, 273, 305, 327, 330, 370, 404, 442, 458, 477; Assembly Bills Nos. 83, 121, 128, 141, 152, 205, 206, 242, 248, 307, 321, 385, 437, 451, 467; Assembly Joint Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the floor of the Senate Chamber for this day was extended to students from Hug High School: Stephanie Alcantar Morales, Gricelda Armenta Ramirez, Tresha Atienza, Alondra Ayala, Jensen Beltejar Agustin, Treci Blanton, Franklyn Blender, Bryan Bolanos, Edlin Bonilla, Roosevelt Calhoun, Javier Campos Salas, Antonio Cardenas Torres, Aylin Cardenas Torres, Odalys Casas, Nathanael Chavez Pulido, Alexa Cicoletzi, Lesly Corona Martinez, Yakera Dardy, Alexis Denton, Karla Dominguez, Angela Dunn, Leslie Estrada, Hepisipa Fifita, Israel Flores Mondragon, Amy Garcia, Michelle Garcia, Alexis Gonzalez, Jackeline Gonzalez, Tania Gonzalez Contreras, M. Guadalupe Reyes, Jocelin Guerrero, Stephanie Guzman Martinez, Nickolas Hampton, Heidi Herrera Delgado, Lesly Jasso Ponce, Juan Jimenez, Charlene Johnson, Jennifer Kilburne, Justin Lachendro, Xeant Laroza, Briana Lazo Rodriguez, Leslie Linares-Gutierrez, Leonardo Lopez, Yadira Lopez, Michelle Luna Barajas, Angelina Marquez Magallanes, Cynthia Martinez, Abigail Martinez Alcala, Diana Mendez, Claudia Meza Padilla, Ualeni Moala, Anna Monnier, Lelani Muao, Lesly Najera, Jasmin Palacios, Joel Paniagua Soto, Aminnah Parker, Dlonra Pasao, Carlos Perez, Joe Perez Alarcon, Kyra Phillips, Cristobal Porras, Devin Porter, Marilyn Portillo, Yaquelin Ramirez Olivares, Edwing Rangel, Yajaira Rios, Joshua Rivera, Deyonne Robertson, Steven Rubio, Priscila Salazar, Jennifer Scriver, Jennifer Segura, Sarah Sondergaard, Jaime Soto, Sierra Stevens, Rachelle Tau, Samantha Trejo Vea, Ricardo Trujillo, Zhane Williams and Elizabeth Whatley.

Senator Roberson moved that the Senate adjourn until Friday, May 29, 2015, at 12:00 p.m.

Motion carried.

Senate adjourned at 3:00 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate