

Amendment No. 649

Assembly Amendment to Senate Bill No. 122 First Reprint (BDR 40-630)

Proposed by: Assembly Committee on Health and Human Services

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/JWP



Date: 5/9/2017

S.B. No. 122—Establishes a program to provide grants for family planning services. (BDR 40-630)



SENATE BILL NO. 122—SENATORS CANCELA, RATTI;
CANNIZZARO, PARKS AND WOODHOUSE

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: ASSEMBLYMEN SPIEGEL AND SPRINKLE

Referred to Committee on Health and Human Services

SUMMARY—Establishes a program to provide grants for family planning services. (BDR 40-630)

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

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

AN ACT relating to family planning; establishing a program to award grants to local governmental entities and nonprofit organizations for the purpose of providing certain services relating to family planning; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services to: (1) conduct a family planning service in any county of this State; and (2) establish a policy of referral of certain persons for family planning services. (NRS 422.308) **Section 5** of this bill establishes the Account for Family Planning in the State General Fund and requires the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to administer the Account. **Section 5** requires the money in the Account to be expended to award grants of money to local governmental entities and nonprofit organizations to be used to provide certain services relating to family planning to persons who would otherwise have difficulty obtaining those services. **Section 5** authorizes a local government that is awarded a grant to provide such family planning services through a contract with another person or entity. **Section 6** of this bill authorizes the Administrator to accept gifts, grants and donations for the purpose of awarding such grants. **Section 7** of this bill requires the recipient of a grant to provide certain information to a person to whom the recipient provides ~~counseling~~ **education** that is funded by a grant. **Sections 7 and 9** of this bill provide that any personally identifiable information concerning a person to whom a grant recipient provides services is confidential. **Section 8** of this bill requires the State Board of Health to adopt regulations concerning the award of grants.

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

1 **Section 1.** Chapter 442 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 8, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 8, inclusive of this act, unless the context*
4 *otherwise requires, the words and terms defined in sections 3 and 4 of this act*
5 *have the meanings ascribed to them in those sections.*

6 **Sec. 3.** *“Account” means the Account for Family Planning created by*
7 *section 5 of this act.*

8 **Sec. 4.** *“Administrator” means the Administrator of the Division.*

9 **Sec. 5.** 1. *The Account for Family Planning is hereby created in the State*
10 *General Fund. The Administrator shall administer the Account.*

11 2. *Except as otherwise provided in subsection 5, the money in the Account*
12 *must be expended to award grants of money to local governmental entities and*
13 *nonprofit organizations to provide the family planning services described in this*
14 *section to persons who would otherwise have difficulty obtaining such services*
15 *because of poverty, lack of insurance or transportation or any other reason.*
16 *Grants of money awarded pursuant to this section may only be used to fund:*

17 (a) *The provision of ~~teounseling~~ education by trained personnel concerning*
18 *family planning;*

19 (b) *The distribution of information concerning family planning;*

20 (c) *The referral of persons to appropriate agencies, organizations and*
21 *providers of health care for consultation, examination, treatment, genetic*
22 *counseling and prescriptions for the purpose of family planning;*

23 (d) *The distribution of contraceptives, the installation of contraceptive*
24 *devices and the performance of contraceptive procedures approved by the United*
25 *States Food and Drug Administration, which must be limited to:*

26 (1) *Sterilization surgery for women;*

27 (2) *Surgical sterilization implants for women;*

28 (3) *Implantable rods;*

29 (4) *Copper intrauterine devices and intrauterine devices with progestin;*

30 (5) *Contraceptive injections and patches;*

31 (6) *Combined oral contraceptive pills, progestin only oral contraceptives*
32 *and oral contraceptives for extended or continuous use;*

33 (7) *Vaginal contraceptive rings;*

34 (8) *Diaphragms;*

35 (9) *Contraceptive sponges;*

36 (10) *Cervical caps;*

37 (11) *Female condoms;*

38 (12) *Spermicide; and*

39 (13) *Levonorgestrel and ulipristal acetate;*

40 (e) *The provision of or referral of persons for preconception health services*
41 *and assistance to achieve pregnancy; and*

42 (f) *The provision of or referral of persons for testing for and treatment of*
43 *sexually transmitted infections.*

44 3. *Family planning services funded by a local governmental entity using a*
45 *grant awarded pursuant to this section may be provided wholly or partially*
46 *through a contract between the local governmental entity and another local*
47 *governmental entity, an agency of the State, a community health nurse, a*
48 *consultant or any other person or entity.*

1 4. Family planning services funded using a grant awarded pursuant to this
2 section must be ~~provided,~~ made available to persons requesting such services:

3 (a) In a manner that protects the dignity of the recipient;

4 (b) Without regard to religion, race, color, national origin, physical or
5 mental disability, age, sex, gender identity or expression, sexual orientation,
6 number of previous pregnancies or marital status;

7 (c) In accordance with ~~+~~

8 ~~(1) Written~~ written clinical protocols that are in accordance with
9 nationally recognized standards of care;

10 ~~+~~ ~~(2) The provisions of 42 U.S.C. § 300(a) requiring a grantee to~~
11 ~~encourage family participation, to the extent practical, in family planning~~
12 ~~projects; and~~

13 ~~(3) The provisions of Program Policy Notice 2014-01 issued by the Office~~
14 ~~of Population Affairs of the United States Department of Health and Human~~
15 ~~Services on June 5, 2014, prohibiting a grantee from requiring the consent of~~
16 ~~parents or guardians for the provision of services to a minor or notifying the~~
17 ~~parent or guardian of a minor before or after the minor has requested or received~~
18 ~~family planning services, regardless of whether that Program Policy Notice is~~
19 ~~suspended or revoked;~~ and

20 (d) By persons who are required by NRS 432B.220 to report the abuse or
21 neglect of a child.

22 5. The Administrator may not use more than 10 percent of the money in the
23 Account to administer the Account.

24 6. The Administrator shall award grants of money from the Account based
25 entirely on the need for family planning services in the community served by the
26 local governmental entity or the nonprofit organization and the ability of the
27 local governmental entity or nonprofit organization to effectively deliver family
28 planning services.

29 7. The existence of the Account does not create a right in any local
30 government or nonprofit organization to receive money from the Account.

31 8. As used in this section, "preconception health services" means the
32 promotion of proper health practices, screenings and interventions conducted
33 before pregnancy to identify and modify biomedical, behavioral and social risks
34 to a woman's health or pregnancy outcome through prevention and
35 management.

36 Sec. 6. 1. The Administrator may apply for and accept any gift, donation,
37 bequest, grant or other source of money for the purpose of awarding grants
38 pursuant to section 5 of this act. Any money so received must be deposited in the
39 Account.

40 2. The interest and income earned on money in the Account from any gift,
41 donation or bequest, after deducting any applicable charges, must be credited to
42 the Account.

43 3. Money from any gift, donation or bequest that remains in the Account at
44 the end of the fiscal year does not revert to the State General Fund, and the
45 balance in the Account must be carried forward to the next fiscal year.

46 Sec. 7. 1. A local governmental entity or nonprofit organization that
47 receives a grant pursuant to section 5 of this act shall:

48 (a) Inform a person to whom the entity or organization provides ~~+~~
49 education concerning family planning which is funded by a grant of any methods
50 or procedures that may be used to assist the person to achieve his or her goals
51 concerning family planning. The information must include:

(1) A clear explanation of family planning services, procedures, prescriptions and devices available directly from the entity or organization and those for which referral is required;

(2) A description of any risks of the method or procedure, including possible negative outcomes and discomfort or pain that may result from using the method or procedure;

(3) A description of the likely outcome and benefits of using the method or procedure;

(4) A description of any alternative methods or procedures designed to accomplish the same goal; and

(5) Answers to any questions the person has concerning the method or procedure.

(b) Notify a person to whom the entity or organization provides ~~counseling~~ education concerning family planning which is funded by a grant that the person is free to refuse any method or procedure about which the entity or organization informs the person pursuant to paragraph (a).

2. Any personally identifiable information concerning a person to whom services funded by a grant pursuant to section 5 of this act are provided is confidential. A local governmental entity or nonprofit organization that receives such a grant shall comply with all laws concerning the privacy of information, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

Sec. 8. 1. The State Board of Health shall adopt any regulations necessary to carry out the provisions of sections 2 to 8, inclusive, of this act. The regulations must establish, without limitation:

(a) The manner in which a local governmental entity or nonprofit organization may apply for a grant pursuant to section 5 of this act; and

(b) A requirement that the recipient of a grant pursuant to section 5 of this act must submit any information that the State Board of Health determines is necessary for the Administrator to determine the purposes for which such a grant was used and evaluate the outcomes of services provided using such grants.

2. The regulations adopted pursuant to this section must not require a local governmental entity or nonprofit organization to apply for a grant pursuant to section 5 of this act.

Sec. 9. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105,

244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135,
293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044,
361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
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388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167,
394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
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453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
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633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
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645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
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676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285,
679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538,
692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320,
704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 7 of this act*,
sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
confidential, all public books and public records of a governmental entity must be
open at all times during office hours to inspection by any person, and may be fully
copied or an abstract or memorandum may be prepared from those public books
and public records. Any such copies, abstracts or memoranda may be used to
supply the general public with copies, abstracts or memoranda of the records or
may be used in any other way to the advantage of the governmental entity or of the
general public. This section does not supersede or in any manner affect the federal
laws governing copyrights or enlarge, diminish or affect in any other manner the
rights of a person in any written book or record which is copyrighted pursuant to
federal law.

2. A governmental entity may not reject a book or record which is
copyrighted solely because it is copyrighted.

1 3. A governmental entity that has legal custody or control of a public book or
2 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
3 receive a copy of a public book or record on the basis that the requested public
4 book or record contains information that is confidential if the governmental entity
5 can redact, delete, conceal or separate the confidential information from the
6 information included in the public book or record that is not otherwise confidential.

7 4. A person may request a copy of a public record in any medium in which
8 the public record is readily available. An officer, employee or agent of a
9 governmental entity who has legal custody or control of a public record:

10 (a) Shall not refuse to provide a copy of that public record in a readily
11 available medium because the officer, employee or agent has already prepared or
12 would prefer to provide the copy in a different medium.

13 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
14 the copy of the public record and shall not require the person who has requested the
15 copy to prepare the copy himself or herself.

16 **Sec. 10.** This act becomes effective upon passage and approval for the
17 purpose of adopting regulations and performing any other administrative tasks that
18 are necessary to carry out the provisions of this act and on January 1, 2018, for all
19 other purposes.