

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-ninth Session
April 12, 2017**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 1:19 p.m. on Wednesday, April 12, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Tick Segerblom, Chair
Senator Nicole J. Cannizzaro, Vice Chair
Senator Moises Denis
Senator Aaron D. Ford
Senator Don Gustavson
Senator Michael Roberson
Senator Becky Harris

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Eileen Church, Committee Secretary

OTHERS PRESENT:

Nadia Hojjat, Public Defender's Office, Clark County
Alex Ortiz, Assistant Director, Department of Administrative Services,
Clark County
Jacqueline R. Holloway, Director, Department of Business License, Clark County
Chuck Callaway, Las Vegas Metropolitan Police Department
Laurie A. Thom, Tribal Chairman, Yerington Paiute Tribe
Mona Lisa Samuelson
Allen Lichtenstein
Chris Jones, Starpoint Resort Group

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CHAIR SEGERBLOM:

I will open the hearing of the Senate Committee on Judiciary and resume the hearing on Senate Bill (S.B.) 488 from April 11.

SENATE BILL 488: Revises provisions relating to sexual offenses. (BDR 15-1086)

NADIA HOJJAT (Public Defender's Office, Clark County):

I am here today to testify against the revisions to *Nevada Revised Statutes* (NRS) 201.300, which revisions are outlined in S.B. 488.

Nevada Revised Statutes 201.300 delineates differences between pandering and sex trafficking. Sex trafficking involves use of force, threat of force or coercion. Sex trafficking is dealing with individuals who are being forced into prostitution against their will or being coerced into prostitution against their will. Whether or not a minor wishes to engage in prostitution, it is still considered sex trafficking under the bill.

In contrast to that, pandering as defined in NRS 201.300 subsection 1, involves individuals who are encouraging people to be prostitutes, encouraging the act of prostitution, encouraging someone to engage in prostitution but without the use of physical force or the immediate threat of physical force.

We are talking about two different categories of crime. One that is violent and one nonviolent. Coupled with the violence is anything having to do with children; that is per se considered sex trafficking.

The problem with the proposed revisions is that section 1, subsection 2, paragraph (a), subparagraph (4), sub-sub paragraph (l) is blurring that line. Subparagraph (4), sub-sub paragraph (l) talks about any individual who facilitates, arranges, provides or pays for the transportation of a person to or within the State for the purpose of causing the person to engage in prostitution. That individual would now be categorized as a sex trafficker.

In this case, if you draw your attention to section 1, subsection 2, paragraph (a), subparagraph (4), sub-subparagraph (l) says, a person who is "causing the person to engage in prostitution or to enter any place within this State in which prostitution is practiced," The "ors" are essentially creating new clauses. This revision is not very well drafted. It does not make good use of the "ors" or the commas and the result that we are looking at is breaking up

this subsection into two parts. The first part is everything before "or" and the second part is everything after "or." What we are looking at is if you facilitate or arrange or pay for the transportation of a person for the purpose of either causing the person to engage in prostitution or for the person to enter a place within the State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution, you would be in violation of subparagraphs (1), (2) or (3) of section 1, subsection 2, paragraph (a).

The second part of sub-sub paragraph (l) goes to the use of force when we are talking about sex trafficking as the statute currently is. However, the first part of the sub-subparagraph is now talking about pandering. There is no use of force necessary, there is no threat of force necessary here, and when we are looking at the language in statutes, especially in statutes that are creating crimes, the plain language of the statute is going to control. If this is passed as it is written, when we are talking about enforcement of the law, this is the way it is going to be enforced. This is the way the Nevada Supreme Court is going to look at it and the Justices are going to say there is an "or" there; these are two sub-subparagraphs, the Legislature passed this.

That "or" is incredibly problematic because it blurs what the Legislature has chosen to recognize as two very different crimes. As I talked about before, when we are talking about sex trafficking, if the person is going to be a sex trafficker that means a mandatory minimum three years in prison, nonprobationable offense, up to ten years in prison, and the person has to register as a sex offender. What this sub-subparagraph is saying is if you help a person come into the State or even travel in the State who is going to be engaging in prostitution, you are a sex trafficker whether or not you use force; whether or not this person wants to be a prostitute on his or her own.

That is incredibly problematic, it is overbroad, and as I said yesterday, the net is encompassing far more people than should be encompassed under this based on what this Legislature did in 2013 when this NRS was passed.

The bill is overbroad and vague. It is difficult to read; it requires multiple readings. We are all individuals who deal with the law on a daily basis, attorneys, legislators, senators. If it is difficult for us to parse out what this bill is saying, how can it possibly be held to the legal standard of putting the community on notice as to what is a crime? It simply does not rise to that level, which is why it is vague. However, in statutory interpretation the courts have

held over and over again if at some point a challenge is brought, the plain language is going to be what controls and the plain language here has an "or," which means that these are going to be read as two separate clauses, which means that nonviolent individuals are going to be sex traffickers under this sub-subparagraph.

CHAIR SEGERBLOM:

All right, I think we heard your argument. Do you have anything else?

Ms. HOJJAT:

I did. I have a couple more things. I did want to draw your attention to the fact that this is not just my reading. This is what the Legislative Counsel Digest also says this bill does. I draw your attention to the proposed revisions. If we look at the Legislative Counsel's Digest, lines 5 through 8, what they are saying this does and compare that to lines 10 through 11. The Legislative Council digest says, "Section 1 of this bill provides that a person is also guilty of sex trafficking if he or she facilitates, arranges, provides or pays for transportation of a person to or within this State for the purpose of causing that person to engage in unlawful sexual conduct or prostitution." They are not talking about force.

CHAIR SEGERBLOM:

Does this not specifically deal with children?

Ms. HOJJAT:

No. Subsection 2 is dealing with children. Sex trafficking has two components. There is the force component or there is the child component. To compare and contrast it, I would ask you look at lines 10 and 11 of the Legislative Digest. It states the person "advertises, sells or offers to sell travel services that include or facilitate travel of another person to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking." That is the difference. Even the Legislative Digest acknowledges the difference. One is if you are helping people travel for the purpose of prostitution. The other is if you are talking about victims of sex trafficking. That is the distinction that I was trying to draw, and that is what makes this bill overbroad and is going to extend this to individuals who are engaging in simple pandering, not sex trafficking.

CHAIR SEGERBLOM:

Anything else?

Ms. HOJJAT:

Yes. There are many problems that we wanted to bring to the Judiciary Committee's attention in regard to this proposed bill.

If we look at the proposed revisions, there is no specific intent language and there is no knowledge language. Nothing at all for section 1, subsection 2, paragraph (a), subparagraphs (4) and (5), and in subparagraph (6), the knowledge language is in the wrong place. What does that mean in terms of application? It means that if you are a person who is advertising, selling or offering to sell travel services and facilitate the travel of another person to this State, you do not have to know that this person is coming for sex trafficking purposes. That was what I was going to say yesterday before we ran out of time.

It was kind of ironic the airlines were here testifying in support of this bill, but the reality is if you look very closely at the language of this bill, the airlines can get wrapped up in this. We are talking about airlines falling under the culpability here: trains, bus drivers, anybody who is transporting people whether or not they know that this person is being transported for the purpose of sex trafficking. If they are being transported, these people are now liable because there is no specific intent language and there is no knowledge language contained anywhere in subparagraphs (4) or (5).

Subparagraph (6) has the knowledge language and says, "Travels, attempts to travel or knowingly causes another person to travel." So the only thing that you have to knowingly do is cause the other person to travel. Nowhere else in these revisions does it say the word "knowingly." In addition, nowhere does it say with a specific intent.

This is going to ensnare many people, theoretically, looking at these revisions the way they are written right now. Let us talk about taxi drivers, let us talk about Uber drivers: plenty of times they know the individuals in the back of their car and what they are doing.

CHAIR SEGERBLOM:

We get it. We want to make sure that we do not ensnare people. We really appreciate you pointing these things out. Now that we know, we can go back, revisit this, and try to make those corrections. My understanding it was intended to deal with children, and we would not want to include people like

bus drivers or flight attendants. You would want to include people who knowingly were involved in it.

SENATOR CANNIZZARO:

I have a couple of comments. First, I would note that a Legislative Counsel's Digest is not the law, it is a digest. It is there so that people can read it easily. I would also note that the digest does include that it is a victim of sex trafficking or certain acts relating to pornography involving minors, which is exactly what I was talking about in terms of section 1 yesterday as it relates to subparagraphs (1), (2) or (3), which talk about sex trafficking.

The idea that this is going to ensnare innocent Uber drivers who may or may not think that they are driving someone for the purpose of prostitution is completely outside the realm of the language that is in this bill. I do not think that because there is an "or" in the middle of a sentence that all of a sudden that means that we are trying to criminalize one small portion of this particular subsection. No other law reads like that. The other portions of NRS 201.300 do not read like that.

I understand that expanding sex trafficking can be disconcerting because it is a serious crime, but in the same respect I would note that this Committee heard testimony yesterday that the current sex trafficking laws are not capturing everyone who is committing this crime. If you read any statistics, especially about Clark County, especially about Las Vegas, it is a place where this occurs on a regular basis. It is incumbent upon this Legislature and this Committee specifically to try to address those. I apologize that I am sort of grandstanding a little, but it is a topic that I feel passionately about.

The testimony we heard yesterday absolutely speaks to why we should be extending sex trafficking to include these other acts that are not currently covered under the statute because there are victims who do fall afoul of this without any recourse whatsoever. I think that is what this Committee is here to do. When we are talking about criminal justice reform and we are talking about whom we should be holding accountable in our court systems and whom we should not, I think this is a group of individuals that we should be focusing on.

CHAIR SEGERBLOM:

We will look at the language just to make sure we are not doing something we do not intend to do. We really appreciate your involvement and bringing things to us and your read on it because that is what we are here for.

Seeing no more people wanting to testify, I will close the hearing on S.B. 488 and open the work session on S.B. 236.

SENATE BILL 236: Requires a license or permit issued by a local government to operate certain businesses in which the use of marijuana is allowed or to allow the use of marijuana at certain events. (BDR 20-43)

PATRICK GUINAN (Policy Analyst):

The work session document ([Exhibit C](#)) summarizes S.B. 236 and the proposed amendments. We inadvertently included a proposed amendment from Clark County and that is not up for consideration today. At the end of the amendment from Senator Segerblom, you will see Proposed Amendment 3730 to Senate Bill 236 and that is what is under consideration as an amendment for the Committee today.

CHAIR SEGERBLOM:

Mr. Ortiz, have you seen the amendment? Are you okay with the amendment?

ALEX ORTIZ (Assistant Director, Department of Administrative Services, Clark County):

Down south, we should have Jacqueline Holloway that can address that issue for us.

JACQUELINE R. HOLLOWAY (Director, Department of Business License, Clark County):

If I could have it restated. It sounded like Clark County's amendments are not a part of this package today?

MR. GUINAN:

That is right. The Clark County amendment was included in the work session document inadvertently. There is a new amendment that was proposed by Senator Segerblom that is under consideration.

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CHAIR SEGERBLOM:
I think we had agreed.

MR. GUINAN:
Yes. If you want to add the Clark County amendment that is fine.

CHAIR SEGERBLOM:
Yes. There is an April 3 amendment, Ms. Holloway. Is that correct?

MS. HOLLOWAY:
That is correct.

CHAIR SEGERBLOM:
That was agreed to.

MR. GUINAN:
In that case, Mr. Chair, if the Committee needs to discuss it, then both amendments are up for consideration. The motion would be to amend and do pass with the amendment from Clark County and Proposed Amendment 3730.

CHAIR SEGERBLOM:
Mr. Callaway, we took out the section that you were concerned about.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):
To confirm, the exemptions from prosecution are removed from the bill and then with the County's amendments, the County would have total control of regulating those businesses within their jurisdiction. Correct?

CHAIR SEGERBLOM:
That is correct.

MR. CALLAWAY:
I will be neutral on the bill.

CHAIR SEGERBLOM:
Ms. Holloway, are you okay?

MS. HOLLOWAY:
Yes, we will support the bill with our amendments.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 236.

SENATOR DENIS SECONDED THE MOTION.

SENATOR HARRIS:

My question stems from my comments during the actual hearing of the bill. I see in the Clark County amendment there is a special event definition that says that a special event is an event that is held no more than three times a year and restricts attendance to people who are 21 years or older. It does not allow the viewing of the use of marijuana from a public place, but the term does not include a temporary event held at a location which is designed to host concerts, sporting events, conventions, trade shows or other similar events. Is it intended that there will be the ability to use marijuana at these events?

CHAIR SEGERBLOM:

When you say "these events?"

SENATOR HARRIS:

Not a special event but the temporary events like a concert or a sporting event. Are we going to have a separate tented area like what was discussed in the hearing for marijuana use at concerts and other places, or does that just fall under general recreational use?

CHAIR SEGERBLOM:

Ms. Holloway, if you could answer that. I think the answer is they do not know, but that would be an option.

MS. HOLLOWAY:

That is correct. That allows us to consider it as an option. We did not want promoters to have excessive special events and then start to look like they are retail establishments. Therefore, that is why we limited the number of special events.

THE MOTION CARRIED. (SENATORS GUSTAVSON, HARRIS AND
ROBERSON VOTED NO.)

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CHAIR SEGERBLOM:

We will close the work session on S.B. 236 and open the work session on S.B. 277.

SENATE BILL 277: Revises provisions relating to criminal justice information.
(BDR 14-1004)

MR. GUINAN:

The work session document ([Exhibit D](#)) summarizes S.B. 277. There are no formal amendments proposed for the bill, but there was discussion of conforming the provisions of this bill with those that are contained in S.B. 35, which this Committee passed and is now in the Assembly. That bill contains provisions on working groups and adds a representative of the Criminal Repository to the Advisory Commission on the Administration of Justice. There has not been a formal amendment; it was just a discussion that was had.

SENATE BILL 35: Creates the Subcommittee on Criminal Justice Information Sharing of the Advisory Commission on the Administration of Justice.
(BDR 14-261)

CHAIR SEGERBLOM:

Julie Butler had proposed that from the Central Repository for Nevada Records of Criminal History.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 277 TO CONFORM TO S.B. 35.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 277 and open the work session on S.B. 280.

SENATE BILL 280: Makes changes relating to programs for the treatment of veterans and members of the military. (BDR 14-150)

MR. GUINAN:

The work session document ([Exhibit E](#)) summarizes S.B. 280, and there are no amendments proposed for the bill.

CHAIR SEGERBLOM:

For the record, this would be a policy decision. The testimony by Municipal Judge Mark Stevens from Henderson was he felt he needed this kind of ability to allow people to plead to a lesser crime so that people would come into the treatment program. It is for veterans who arguably would be entitled to special treatment because of their service. It is a policy decision.

SENATOR CANNIZZARO:

In reviewing S.B. 280, I would also note that this Committee did already pass S.B. 29. Senate Bill 29 is a bill that Keith Lee was here on behalf of the Nevada Judges of Limited Jurisdiction. We heard from another couple of justice court judges in the nearby vicinities. Senate Bill 29 would allow for the transfer of a misdemeanor case for a defendant to any program of treatment including a district court program of treatment so long as it was part of a plea negotiation and/or a part of the sentencing decision on part of the judge. I think in light of S.B. 29, S.B. 280 is superfluous in that regard because if it concerned a veteran, the veteran could apply for treatment in a district court or a veteran's court with the provisions of S.B. 29.

SENATE BILL 29: Provides for the transfer of a criminal case from one justice court or municipal court to another such court or a district court in certain circumstances. (BDR 1-396)

Secondarily, I think there are a number of similar bills this Session. One is coming out of Committee that allows for additional jurisdiction for courts of limited jurisdiction, municipal and justice courts, to operate their own programs of treatment for veterans. One of the bills that we have in this Committee for which there is an amendment, addresses battery domestic violence and DUI offenses. We heard quite a bit of testimony about allowing those cases to be dismissed upon completion of a treatment program, so long as certain conditions were made.

My only note on this bill is that I think with S.B. 29 and with the bill that would pass either out of the Assembly or out of this Committee for justice and

municipal court veterans court, that this bill is a bit superfluous because it is doing those same things. That is part one.

Part two, and this is my only concern with this bill, was that we did hear from the Department of Parole and Probation. This bill would provide for the Department of Parole and Probation to actually supervise misdemeanants and that is not, and I do not want to overstate their testimony, not a very feasible option for the Parole and Probation to continue to supervise these individuals.

I think with the passage of S.B. 29 and with the veterans court jurisdictional fix, this bill can be addressed in those vehicles.

CHAIR SEGERBLOM:

Does anyone disagree or should we just kill it and move on? It is dead. Move on please. We will close the work session on S.B. 280 and open the work session on S.B. 329.

SENATE BILL 329: Revises various provisions relating to marijuana concerning health and regulation. (BDR 40-361)

MR. GUINAN:

Senate Bill 329 is described in the work session document ([Exhibit F](#)) with several amendments from Senator Segerblom. The amendments remove provisions from hemp, remove provisions on nonprofits, define an "attending provider of health care," remove the increased amount of marijuana that a person may hold, require at least one cultivation facility and production facility in each county in the State and several other deleted provisions.

There is a second amendment that requires the Department of Taxation to collect and compile certain information on provisions relating to race, ethnicity, and gender to the bill and applies pesticide provisions to recreational marijuana in the same manner that they are applied to medical marijuana.

CHAIR SEGERBLOM:

This bill was an omnibus bill. We have taken out all of the provisions that there were concerns about. We also have removed hemp and made a separate bill on hemp. We do have some important things that are necessary for the industry to go forward, and we also have some stuff for Las Vegas Metropolitan Police Department (LVMPD) dealing with their access to video equipment. In addition,

we have added a part dealing with diversity, which will encourage diversity as the industry goes forward. One of the problems has been a predominately upper class financial aspect, and we are trying to bring in other people.

I was just informed that we received a fiscal note on the bill, so either way it is going to go to the Senate Committee on Finance. I should not say either way; if it dies, it would not go anywhere. However, if it passes, it will go to Finance.

SENATOR FORD:

This was a big bill. I do not remember who all opposed it. So those who opposed it, are you able to confirm or maybe have them come up and either voice their concurrence on the bill for our edification?

CHAIR SEGERBLOM:

I do not see anyone coming forward to oppose it, but one of the problems is that we just got the amendments today. Hold it for another day and let people see the conceptual amendments.

MS. HOLLOWAY:

As you may recall, the local governments had a concern about section 58 of the bill. Was that amended or corrected? That particular section removed or limited the local government's authority to impose fees, to require licensure and permits, and to oppose only general applicable requirements.

CHAIR SEGERBLOM:

Yes. Those were deleted.

MS. HOLLOWAY:

Thank you for that clarification.

SENATOR FORD:

I wonder if you might entertain, since it has a fiscal note, a motion to rerefer with no recommendation?

CHAIR SEGERBLOM:

Absolutely.

SENATOR FORD:

To Finance.

CHAIR SEGERBLOM:

Yes. Because that way it will be—I just wanted to move it out. The way it is now it is a good bill, but I would like everyone to see it.

SENATOR HARRIS:

I would like a little more clarification on section 15, subsection 1, the new definition of "attending provider of health care." As I read the amendment, it says that it is "a person who is licensed or certified to practice a profession which authorizes the person to write a prescription." So are we talking about optometrists, podiatrists, and nurse practitioners in addition to physicians? Alternatively, is the intention to expand the scope of who may write for medical marijuana?

NICK ANTHONY (Counsel):

I believe this was discussed at the meeting, and it was brought up in a number of other bills. This would just clarify that it is limited to a person that is licensed or certified to practice a profession.

SENATOR HARRIS:

So as long as you have script-writing ability, you can write for medical marijuana according to this definition?

MR. ANTHONY:

If you have script-writing ability to write for medication, correct.

CHAIR SEGERBLOM:

All right. So there is a motion to rerefer to Finance?

SENATOR FORD:

With no recommendation.

CHAIR SEGERBLOM:

No recommendation.

SENATOR FORD MOVED TO REREFER S.B. 329 TO THE SENATE COMMITTEE ON FINANCE WITH NO RECOMMENDATION.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 329 and open the work session on S.B. 341.

SENATE BILL 341: Revises provisions relating to marijuana establishments and medical marijuana establishments. (BDR 40-1110)

MR. GUINAN:

This bill is jointly sponsored by Senators Patricia Farley and Segerblom, and the work session document ([Exhibit G](#)) summarizes S.B. 341. There were several amendments proposed for the bill at the initial hearings. The sponsors have incorporated amendments they have approved and the proposed amendment in conceptual form is attached. The amendment authorizes medical marijuana research facilities and removes sections 8 through 11 of the bill that related to local government regulations and prohibitions.

CHAIR SEGERBLOM:

Does this include the University of Nevada, Las Vegas, Medical School? In addition, we deleted the sections dealing with local government and any limitations on them. The thought was to convert this bill to what we are calling a research bill, so we just deal with medical marijuana and the ability to do research.

I recognize that these are substantial amendment changes. If anyone wants more time to consider it we can roll them. Let us roll this one.

We will close the work session on S.B. 341 and open the work session on S.B. 344.

SENATE BILL 344: Revises various provisions relating to the labeling, packaging and advertising of marijuana. (BDR 40-451)

MR. GUINAN:

This bill is jointly sponsored by Senators Farley and Segerblom, and the work session document ([Exhibit H](#)) summarizes S.B. 344. There are several

amendments. Senator Farley proposed three amendments that are attached for the Committee's review. The amendments add a definition of candy for the purpose of regulating the production and sales of edible marijuana products in order not to appeal to children, reduce the single serving amount of edible marijuana from 25 mg to 10 mg of THC, and makes changes regarding how retail stores are to handle edible products and prohibits local governments from enacting ordinances regulating marijuana products.

SENATOR ROBERSON MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 344.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 344 and open the work session on S.B. 374.

SENATE BILL 374: Prohibits certain entities from taking action against persons who engage in certain lawful activities relating to marijuana. (BDR 40-185)

MR. GUINAN:

Senate Bill 374 is described in the work session document ([Exhibit I](#)) with a conceptual amendment that was proposed by Senator Segerblom. That amendment would add opioid addiction as a chronic debilitating health condition and prohibits certain disciplinary actions on behalf of boards. It also deletes section 3 of the bill, which relates to expressing an opinion about marijuana. It authorizes marijuana-infused products for certain purposes and exempts providers of health care or massage therapists from disciplinary action by a licensing board in relation to their work.

CHAIR SEGERBLOM:

There is a section in there that said you could not be fired for expressing your opinion about marijuana, section 3. That has been deleted.

We took some of Senator Pat Spearman's bill and put it into this bill dealing with professions.

SENATOR HARRIS:

My only concern is the same concern I voiced when Senator Spearman was here with her bill. I want to make sure that there are protections for the massage therapists in the case that someone is bringing home-concocted marijuana items to have them applied to their skin. I am concerned about reactions or other types of issues that might happen to the massage therapist to the extent that they are willing to apply the products. I thought that was section 4 of the amendment.

CHAIR SEGERBLOM:

I do not know how someone could bring something and ask a masseuse to put it on you.

SENATOR HARRIS:

It is my understanding based on my personal experience, masseuses do not typically take items from the general public to administer during a massage. They provide the product to the person seeking the massage and this changes that interaction by allowing somebody to bring something into the masseuse, and so that is why the liability concerns arise for me.

CHAIR SEGERBLOM:

If you bought it at a dispensary, obviously it would have the packaging and all that, but I do not know how you would regulate if somebody brought something in and said put this on me. If you have an idea I would be happy to consider it.

SENATOR DENIS:

Do massage therapists currently have some kind of regulations or laws that prohibit them from using home-concocted anything?

CHAIR SEGERBLOM:

The laws say they cannot put anything on.

MR. ANTHONY:

I would have to take a look at NRS 629.

CHAIR SEGERBLOM:
If it is an issue?

SENATOR FORD:
Could the issue be restated so I can understand it?

SENATOR HARRIS:
My concern is that somebody could concoct his or her own marijuana cream, if you will, or oil. We do not know what the potency is. We do not know what the other ingredients that might go into the concoction are and it may cause an adverse reaction to a massage therapist who may be willing to apply it. What kind of redress would therapists have if they have a reaction or a health problem because they administered somebody's home remedy during a massage? My concern is about packaging and purity and making sure that there are some workplace protections.

CHAIR SEGERBLOM:
Chief Laurie Thom was here, and she used to be a massage therapist. She is from the Yerington Paiute Tribe.

LAURIE A. THOM (Tribal Chairman, Yerington Paiute Tribe):
I do have my massage therapy license on hold while I am serving as chair at this time. I actually had my own business. I am still on the Board with my license. If you have your own private business and a client brings something in, you are allowed within your business protocol to use it. You would have to clear that with your liability insurance carrier to make sure you are covered medically in case it does have an adverse effect.

CHAIR SEGERBLOM:
Does that answer your question?

SENATOR HARRIS:
It does.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 374.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GUSTAVSON, HARRIS AND ROBERSON VOTED NO.)

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CHAIR SEGERBLOM:

We will close the work session on S.B. 374 and open the work session on S.B. 375.

SENATE BILL 375: Authorizes agreements between the Governor and Indian tribes in this State relating to the regulation of the use of marijuana. (BDR 40-321)

MR. GUINAN:

Senate Bill 375 is described in the work session document ([Exhibit J](#)) with a conceptual amendment that was proposed by Senator Segerblom. The amendment moves the new provisions from NRS 453A to NRS 223, which more closely aligns with the powers of the Governor, and extends the bill's provision to recreational marijuana establishments.

CHAIR SEGERBLOM:

Let me just say for the record that there has been some concern by the existing marijuana businesses that this was not specific as to what the tribes could or could not do. I have been told this is a sovereign issue and we cannot specify in this bill what they can do. When the Governor enters into these compacts, he or she would do it based upon the rules we have set forth here. Obviously, he or she would want to make sure that tribes do not sell anything on the reservations that would be different from what we have in our regular program.

SENATOR HARRIS:

I just want to clarify because I think you are actually addressing my concerns. You are saying that it is our legislative intent to ensure with regard to marijuana on tribal government properties that they would have to adopt laws that are at least as restrictive as what we have at the State so that there is not a disparity between the State and Indian sovereign governance for marijuana.

CHAIR SEGERBLOM:

Exactly.

Ms. THOM:

The tribes are passing ordinances, our own laws, and we have to do that to match the laws that the State has now changed to allow marijuana medically and recreationally. We do have to address that no matter what. The ordinances that we are passing are basically mirroring NRS language. Those are very clear. We have all our attorneys looking through it because we do not want to be in any type of violation.

SENATOR ROBERSON MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 375.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 375 and open the work session on S.B. 396.

SENATE BILL 396: Revises provisions relating to the medical use of marijuana or industrial hemp. (BDR 54-53)

MR. GUINAN:

Senate Bill 396 is described in the work session document ([Exhibit K](#)) with a conceptual amendment that was proposed by Senator Spearman. The amendment clarifies that the products addressed in the bill must be for topical use on human skin. It allows a health care provider or massage therapist to keep these products in stock and revises the prohibitions against licensing board disciplinary action to exclude all marijuana registry cardholders and persons engaging in lawful activity related to a licensed marijuana establishment.

Senator Segerblom has proposed an additional conceptual amendment. The amendment adds a program for the growth and cultivation of industrial hemp, authorizes the use of hemp in the production of edible marijuana products, and authorizes dispensaries to sell industrial hemp.

CHAIR SEGERBLOM:

For the record, we had several bills that had hemp in them. We have tried to combine them all here, and we have worked with Lynn Hettrick at the Department of Agriculture to improve this language. There is an issue in how you deal with hemp, but we currently have a hemp program. This would just allow the people who grow that hemp under that Department of Agriculture program to sell their product through the marijuana industry, which they cannot do currently.

We are going to roll this one so that everybody can have a chance to see it.

We will close the work session on S.B. 396 and open the work session on S.B. 416.

SENATE BILL 416: Authorizes the formation of apprenticeship programs for medical marijuana establishment agents. (BDR 40-1140)

MR. GUINAN:

Senate Bill 416 is described in the work session document ([Exhibit L](#)) with an amendment that was presented at the initial hearing from the United Food and Commercial Workers Western States Council and has been approved by Senator Segerblom. The amendment would add a labor organization or its representative to the list of those who can enter into apprenticeship agreements under the provisions of this bill.

CHAIR SEGERBLOM:

This would be strictly discretionary, and apprentices would not have to join the union in Nevada. It would be an apprenticeship program where people could work in the industry and be trained at the same time. It matches the other apprenticeship programs that we have for electrical workers and others. It is strongly supported by the AFL/CIO.

SENATOR FORD:

Why is it necessary that we pass a law that says they can do an apprenticeship program?

CHAIR SEGERBLOM:

My understanding is that there are certain federal grants and state aid programs that would apply to this. If you want, we can have some people talk to us.

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We are going to roll this one. You can see that some of our lobbyists have some work to do.

We will close the work session on S.B. 416 and open the work session on S.B. 438.

SENATE BILL 438: Revises provisions relating to time shares. (BDR 10-992)

MR. GUINAN:

Senate Bill 438 is described in the work session document ([Exhibit M](#)) with an amendment that was approved by Senator Farley to change the word "sales" on page 3, line 38, of the bill to "inducement or solicitation" as is consistent with statute.

CHAIR SEGERBLOM:

This bill is supported by the LVMPD because they have an issue on The Strip of people trying to sell time shares.

SENATOR ROBERSON MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 438.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 438 and open the work session on S.B. 449.

SENATE BILL 449: Authorizes justice courts and municipal courts to establish programs for the treatment of certain offenders who are veterans or members of the military. (BDR 14-1059)

MR. GUINAN:

Senate Bill 449 is described in the work session document ([Exhibit N](#)) with a conceptual amendment that was proposed by Senator Cannizzaro to: 1) Amend section 2 to include victims of military sexual assault to the definition of an

"eligible defendant"; 2) Clarify that a defendant accused of a misdemeanor battery constituting domestic violence or a misdemeanor offense of driving while under the influence may elect to participate in veterans court so long as the defendant is adjudicated of the offense prior to admission to a veterans court; and 3) Upon completion of veterans court by such a defendant, the court may dismiss the case; however, the defendant may not seal his or her records until after seven years, and any case dismissed pursuant to this section may be used for enhancement or bail purposes in the future and prior to the records being sealed.

SENATOR CANNIZZARO:

The concerns that we heard were that there was some concern over battery domestic violence cases and driving under the influence cases, which are currently enhanceable offenses. This would allow for that case to be dismissed and defendants could not seal their records so it would still show up on their records for law enforcement purposes as an arrest and a case that was dismissed. Obviously, if they should pick up a second offense, then it would be treated the same way that it would now. This program would still be eligible to defendants if they want to complete it again. This would allow for those statutes to currently operate as an enhancement if that were the case but would allow for this program of treatment to also apply to those offenses. I think it is a compromise to ensure that we are helping our veterans get into these programs even if they are committing these offenses while at the same time recognizing that they are slightly more serious than other misdemeanor offenses and obviously still getting the benefit of allowing them to dismiss the case at the end.

That was my thinking in my conversations with concerned individuals that had expressed some reservations about what types of cases would be referred to veteran court programs in municipal and justice court.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 449.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 449 and open the work session on S.B. 470.

SENATE BILL 470: Revises provisions governing the release of information relating to children. (BDR 5-347)

MR. GUINAN:

The work session document ([Exhibit O](#)) summarizes S.B. 470. There are no amendments proposed for the bill.

CHAIR SEGERBLOM:

As I recall, there was no opposition.

SENATOR FORD MOVED TO DO PASS S.B. 470.

SENATOR DENIS SECONDED THE MOTION.

SENATOR GUSTAVSON:

I have a problem with the collection and type of data that might be collected from the schools. For that purpose I am going to vote no.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR SEGERBLOM:

We will close the work session on S.B. 470 and open the work session on S.B. 472.

SENATE BILL 472: Revises provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses. (BDR 5-345)

MR. GUINAN:

The work session document ([Exhibit P](#)) summarizes S.B. 472. The Committee will remember this includes the same elements of S.B. No. 99 of the 78th Session that dealt with juveniles. That bill was vetoed for unrelated reasons, so these provisions were brought back in this bill at the

recommendation of the Nevada Supreme Court's Juvenile Justice Reform Commission.

The Clark County District Attorney's office, Juvenile Division, noticed that there is a problem with the bill. The office has proposed to amend it by restoring statutory language that is stricken in section 17, subsection 2, of the bill. The restoration is necessary to clarify that the language relating to a "conviction" applies to juveniles who are 14 years of age or older at the time of their offenses and so may face community notification requirements. It does not apply to children under 14 years of age.

SENATOR FORD:

Is that what was contemplated when S.B. No. 99 of the 78th Session was sent to the Governor's office?

CHAIR SEGERBLOM:

I do not understand what this amendment does to the bill, but I am assuming it is good because of everything else we have.

MR. GUINAN:

I received a couple of emails today from two different members of the Clark County District Attorney's office, Juvenile Division, and their point was just that they think it was an inadvertent striking of language that would make this conviction apply to children under 14 years of age, which was never the intent of S.B. No. 99 of the 78th Session language or this language. It is a technical cleanup.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 472.

SENATOR CANNIZZARO:

I will be voting yes today but reserve my right on this. I think I still have some questions about the bill.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 472 and open the work session on S.B. 473.

SENATE BILL 473: Excludes juveniles from increased penalties for certain sexual offenses. (BDR 15-346)

MR. GUINAN:

The work session document ([Exhibit Q](#)) summarizes S.B. 473. There are no amendments proposed for the bill. This is similar to the amendment that we discussed on the last bill. This was a piece of language that was inadvertently included in a bill from last Session, and this is to clean it up and make it work properly.

SENATOR FORD MOVED TO DO PASS S.B. 473.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will close the work session on S.B. 473 and open up for any public comment.

MONA LISA SAMUELSON:

I am a medical marijuana patient advocate and community activist. I did not speak too much on Senate Bill 329 when it came out on Wednesday because my one directive was to keep it brief. Today, I want to make a point here as a medical marijuana patient. We just heard you on several bills giving provisions for industry and LVMPD and calling for diversity and even including the tribes. What you have not kept in mind, I hope that you do, is that your most vulnerable medical patients cannot be criminalized. We cannot be pushed out of a medical marijuana program that allows us to grow. Therefore, I am here to speak in support of section 118.

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CHAIR SEGERBLOM:

The bill we are hopefully going to pass allows anyone who currently is a medical grower can still grow forever. There is no limitation.

Ms. SAMUELSON:

You did not remove section 118?

CHAIR SEGERBLOM:

Right.

Ms. SAMUELSON:

Thank you very much.

ALLEN LICHTENSTEIN:

We are talking about S.B. 438. As I read through it, I see certain problems in the language that I do not know have been addressed or thought of. I would like to direct your attention to sections that seem incompatible. One is that the representative, who is someone just talking, whether you use the words marketing, solicitation, enticement or whatever, which are all covered under free speech. There are no sales, so we are looking at free speech on The Strip, which has been a contentious issue for a while.

If representatives are dealing with more than one developer at the same time, how can they be operating out of one place when they are representing different people? I am a little surprised that LVMPD is in favor of this because if you have employees working for one company, that company can better control their employees or independent contractors. If you have someone who is representing all sorts of different companies at the same time, one developer cannot control someone who is partly representing someone else. The opportunity for misconduct when you do not have that relationship of employee to the developer—it is just free-floating for a bunch of them—is lost. That will create more problems rather than less problems even if the language is cleared up that you cannot be operating out of one place when you are representing other places and operating out of all of them. That is something that really needs to be looked at because it does not really make any sense in terms of the language itself.

CHAIR SEGERBLOM:

I apologize. Obviously you were not here for the hearing, so we did not get that input. This is an ongoing process. It passes out of the Senate and then it will go to the Assembly for another hearing. I would urge you to speak to Mr. Callaway or whomever you know at LVMPD and explain this to them and maybe they misunderstood and appreciate what you are talking about. For our purposes, the bill did pass. I can understand what your concern is, and there are plenty of places to keep arguing that. It is just not in this Committee.

MR. LICHTENSTEIN:

The place I want to keep it out of is court.

CHAIR SEGERBLOM:

We do too. This is just the first step of the process, the Senate Committee. Then it goes to the Senate Floor, and then it goes to the Assembly Committee, so there are many opportunities to keep raising that issue.

CHRIS JONES (Starpoint Resort Group):

Our concern with the whole scheme being proposed is the accountability of these people. Currently, it falls within the hierarchy of the real estate regulations where a broker/developer is responsible for the sales agents and responsible for the time share representatives. They sign off on an application for this registration verifying that these people are of good moral character. They also represent that they are going to be managing these people, and I think Mr. Lichtenstein's point is that you cannot have a number of different masters with one of these time share representatives. They are the least educated and least experienced of anybody on the real estate chain in the time share business. They need to be managed more than probably anybody else. That is one of the reasons we are opposed to this, and we will do whatever we can to get this killed or amended.

CHAIR SEGERBLOM:

We passed the bill out of our Committee, so we have done all that we can do, but do not give up. Mr. Callaway is here and he heard what you said.

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CHAIR SEGERBLOM:

Seeing no further public comment, I will close the hearing of the Senate Committee on Judiciary at 2:47 p.m.

RESPECTFULLY SUBMITTED:

Eileen Church,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	3		Agenda
	B	8		Attendance Roster
S.B. 236	C	17	Patrick Guinan	Work Session Document
S.B. 277	D	1	Patrick Guinan	Work Session Document
S.B. 280	E	1	Patrick Guinan	Work Session Document
S.B. 329	F	5	Patrick Guinan	Work Session Document
S.B. 341	G	6	Patrick Guinan	Work Session Document
S.B. 344	H	7	Patrick Guinan	Work Session Document
S.B. 374	I	2	Patrick Guinan	Work Session Document
S.B. 375	J	6	Patrick Guinan	Work Session Document
S.B. 396	K	8	Patrick Guinan	Work Session Document
S.B. 416	L	3	Patrick Guinan	Work Session Document
S.B. 438	M	1	Patrick Guinan	Work Session Document
S.B. 449	N	1	Patrick Guinan	Work Session Document
S.B. 470	O	1	Patrick Guinan	Work Session Document
S.B. 472	P	1	Patrick Guinan	Work Session Document
S.B. 473	Q	1	Patrick Guinan	Work Session Document