

Amendment No. 890

Senate Amendment to Assembly Bill No. 151	(BDR 38-457)
<b>Proposed by:</b> Senate Committee on Health and Human Services	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 151 (§ 15).
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ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>		Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>		Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>		Receded <input type="checkbox"/>	Not <input type="checkbox"/>

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/RBL



Date: 5/23/2019

A.B. No. 151—Provides for the protection of children who are victims of commercial sexual exploitation. (BDR 38-457)





ASSEMBLY BILL NO. 151—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON  
CHILD WELFARE AND JUVENILE JUSTICE)

FEBRUARY 15, 2019

Referred to Committee on Health and Human Services

SUMMARY—Provides for the protection of children who are victims of commercial sexual exploitation. (BDR 38-457)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 public welfare; requiring certain persons to report the commercial sexual exploitation of a child to an agency which provides child welfare services; requiring all persons to report the commercial sexual exploitation of a child to a law enforcement agency in certain circumstances; authorizing a fee for certain costs relating to information maintained by an agency which provides child welfare services; requiring an agency which provides child welfare services to adopt certain rules, policies or regulations; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires certain persons who, in their professional or occupational capacity, know or have reasonable cause to believe that a child has been abused or neglected to report the abuse or neglect to an agency which provides child welfare services or a law enforcement agency. (NRS 432B.220) **Section 12** of this bill requires any such person who is required to report the abuse or neglect of a child and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child is a commercially sexually exploited child, to report the commercial sexual exploitation to an agency which provides child welfare services as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child is a commercially sexually exploited child. **Section 12** provides that any person who knowingly and willfully violates such a requirement is guilty of a misdemeanor for the first violation and a gross misdemeanor for each subsequent violation. **Section 12** also requires any person who knows or has reasonable cause to believe that a child is a commercially sexually exploited child to immediately contact a law enforcement agency if an alleged perpetrator of the commercial sexual exploitation is or is alleged to be present with the child, or the child is otherwise in imminent danger to report the commercial sexual exploitation of the child.

The Nevada Rules of Professional Conduct generally prohibit an attorney from revealing information relating to the representation of a client unless the client consents to the disclosure or the disclosure is impliedly authorized to carry out the representation.

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20 However, the Rules require an attorney to reveal such information to the extent the  
21 attorney reasonably believes necessary to prevent a criminal act that is likely to result in  
22 reasonably certain death or substantial bodily harm. Additionally, the Rules authorize  
23 an attorney to reveal such information in certain other circumstances. (RPC 1.6) The  
24 Restatement (Third) of the Law Governing Lawyers states that serious bodily harm  
25 includes the consequences of child sexual abuse. (Restatement (Third) of the Law  
26 Governing Lawyers § 66 cmt. c (2000)) Section 12.5 of this bill: (1) prohibits an attorney  
27 from making a report pursuant to section 12 when prohibited by the Nevada Rules of  
28 Professional Conduct; and (2) requires an attorney to make a report pursuant to section  
29 12 when necessary to prevent further sex trafficking or sexual abuse of a child and in  
30 other circumstances when such reporting is authorized by the Nevada Rules of  
31 Professional Conduct.

32 **Section 13** of this bill requires an agency which provides child welfare services, upon  
33 receiving a report concerning the commercial sexual exploitation of a child, to: (1) conduct an  
34 initial screening; and (2) report the commercial sexual exploitation to the appropriate law  
35 enforcement agency. **Section 13** additionally authorizes such an agency to: (1) if the child  
36 resides in another jurisdiction, initiate contact with an agency which provides child welfare  
37 services in that jurisdiction; and (2) conduct an assessment relating to abuse or neglect of the  
38 child. **Section 13** further sets forth the actions that an agency which provides child welfare  
39 services is authorized to take if no abuse or neglect of the child is identified.

40 **Section 14** of this bill provides that information maintained pursuant to **sections 2-15** of  
41 this bill by an agency which provides child welfare services is confidential and any person  
42 who willfully releases or disseminates such information, except in certain authorized  
43 circumstances, is guilty of a misdemeanor.

44 **Section 15** of this bill establishes provisions relating to the authorized release of  
45 information maintained pursuant to **sections 2-15** by an agency which provides child welfare  
46 services. **Section 15** generally provides that any person to whom such information is provided  
47 who further disseminates the information or makes the information public is guilty of a gross  
48 misdemeanor. **Section 15** also: (1) authorizes an agency which provides child welfare services  
49 to charge a fee for processing costs necessary to prepare such information for authorized  
50 release; and (2) requires an agency which provides child welfare services to adopt rules,  
51 policies or regulations to carry out the provisions of law relating to the authorized release of  
52 such information.

53 Existing law provides that if a person reports to a law enforcement agency that another  
54 person has committed a violent or sexual offense against a child, and the violent or sexual  
55 offense would constitute abuse or neglect of a child, the report shall be deemed to be a report  
56 of the abuse or neglect of the child that is required by law. (NRS 202.894) **Section 16** of this  
57 bill provides that if the sexual or violent offense would constitute the commercial sexual  
58 exploitation of a child, the report shall be deemed to be a report of the commercial sexual  
59 exploitation of a child that is required by **section 12**.

60 **Sections 18 and 19** of this bill make certain provisions of law that apply to the duty of  
61 certain professionals to report the abuse or neglect of a child also apply to the duty of such  
62 professionals to report the commercial sexual exploitation of a child pursuant to **section 12**.

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

1 **Section 1.** Title 38 of NRS is hereby amended by adding thereto a new  
2 chapter to consist of the provisions set forth as sections 2 to 15, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise requires, the*  
5 *words and terms defined in sections 3 to 10, inclusive, of this act have the*  
6 *meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Agency which provides child welfare services” means:*

1           1. *In a county whose population is less than 100,000, the local office of the*  
2 *Division of Child and Family Services of the Department of Health and Human*  
3 *Services; or*

4           2. *In a county whose population is 100,000 or more, the agency of the*  
5 *county,*

6           ↳ *which provides or arranges for necessary child welfare services.*

7           Sec. 4. *“Child” means a person under the age of 18 years.*

8           Sec. 5. *“Child welfare services” has the meaning ascribed to it in NRS*  
9 *432B.044.*

10          Sec. 6. *“Commercial sexual exploitation” means the sex trafficking of a*  
11 *child in violation of NRS 201.300 or the sexual abuse or sexual exploitation of a*  
12 *child for the financial benefit of any person or in exchange for anything of value,*  
13 *including, without limitation, monetary or nonmonetary benefits given or*  
14 *received by any person.*

15          Sec. 7. *“Commercially sexually exploited child” means any child who is*  
16 *sex trafficked in violation of NRS 201.300, sexually abused or sexually exploited*  
17 *for the financial benefit of any person or in exchange for anything of value,*  
18 *including, without limitation, monetary or nonmonetary benefits given or*  
19 *received by any person.*

20          Sec. 8. *“Information maintained by an agency which provides child*  
21 *welfare services” means data or information concerning reports and assessments*  
22 *made pursuant to this chapter, including, without limitation, the name, address,*  
23 *date of birth, social security number and image or likeness of any child, family*  
24 *member of any child and reporting party or source, whether primary or*  
25 *collateral.*

26          Sec. 9. *“Sexual abuse” has the meaning ascribed to it in NRS 432B.100.*

27          Sec. 10. *“Sexual exploitation” has the meaning ascribed to it in NRS*  
28 *432B.110.*

29          Sec. 11. *For the purposes of this chapter, a person:*

30           1. *Has “reasonable cause to believe” if, in light of all the surrounding facts*  
31 *and circumstances which are known or which reasonably should be known to the*  
32 *person at the time, a reasonable person would believe, under those facts and*  
33 *circumstances, that an act, transaction, event, situation or condition exists, is*  
34 *occurring or has occurred.*

35           2. *Acts “as soon as reasonably practicable” if, in light of all the*  
36 *surrounding facts and circumstances which are known or which reasonably*  
37 *should be known to the person at the time, a reasonable person would act within*  
38 *approximately the same period under those facts and circumstances.*

39          Sec. 12. 1. *Except as otherwise provided in subsection 2 ~~ff~~ and section*  
40 *12.5 of this act, any person who knows or has reasonable cause to believe that a*  
41 *child is a commercially sexually exploited child may report the commercial*  
42 *sexual exploitation of the child to an agency which provides child welfare*  
43 *services.*

44           2. ~~Any~~ *Except as otherwise provided in section 12.5 of this act, any person*  
45 *who is required to make a report pursuant to NRS 432B.220 and who, in his or*  
46 *her professional capacity, knows or has reasonable cause to believe that a child is*  
47 *a commercially sexually exploited child shall:*

48           (a) *Report the commercial sexual exploitation of the child to an agency*  
49 *which provides child welfare services; and*

50           (b) *Make such a report as soon as reasonably practicable but not later than*  
51 *24 hours after the person knows or has reasonable cause to believe that the child*  
52 *is a commercially sexually exploited child.*

1           3. *If an alleged perpetrator of the commercial sexual exploitation of a child*  
2 *is or is alleged to be present with the child, or if the child is otherwise in*  
3 *imminent danger, any person who knows or has reasonable cause to believe that*  
4 *a child is a commercially sexually exploited child, including, without limitation, a*  
5 *person who is required to make a report pursuant to NRS 432B.220 shall*  
6 *immediately contact a law enforcement agency to report the commercial sexual*  
7 *exploitation of the child. Failure to make such a report is a misdemeanor.*

8           4. *Any person who knowingly and willfully violates the provisions of*  
9 *subsection 2 is guilty of:*

10           (a) *For the first violation, a misdemeanor.*

11           (b) *For each subsequent violation, a gross misdemeanor.*

12           Sec. 12.5. *1. An attorney shall not make a report of the commercial*  
13 *sexual exploitation of a child if such reporting conflicts with the ethical duties of*  
14 *attorneys as set forth in the Nevada Rules of Professional Conduct.*

15           *2. Nothing in this section shall be construed as relieving an attorney from*  
16 *the duty to report the commercial sexual exploitation of a child pursuant to*  
17 *section 12 of this act:*

18           *(a) To the extent the attorney reasonably believes necessary to prevent the*  
19 *further sex trafficking or sexual abuse of the child; or*

20           *(b) In any other circumstance for which such a report is authorized by the*  
21 *Nevada Rules of Professional Conduct.*

22           Sec. 13. *1. Upon the receipt of a report pursuant to section 12 of this act,*  
23 *an agency which provides child welfare services:*

24           (a) *Shall conduct an initial screening to determine whether there is*  
25 *reasonable cause to believe that the child is a victim of commercial sexual*  
26 *exploitation;*

27           (b) *Shall make a report to the appropriate law enforcement agency for the*  
28 *purpose of identifying the perpetrator of the commercial sexual exploitation;*

29           (c) *If the child resides in another jurisdiction, may initiate contact with an*  
30 *agency which provides child welfare services in the jurisdiction in which the child*  
31 *resides to provide notification of the circumstances surrounding the child's*  
32 *removal from the jurisdiction or placement in another location; and*

33           (d) *May conduct an assessment pursuant to chapter 432B of NRS.*

34           2. *If an agency which provides child welfare services conducts an*  
35 *assessment pursuant to chapter 432B of NRS and no abuse or neglect of a child*  
36 *is identified, the agency may:*

37           (a) *Conduct an assessment of the family of the child to determine which*  
38 *services, if any, the family needs or refer the family to a person or an*  
39 *organization that has entered into a written agreement with the agency to make*  
40 *such an assessment; and*

41           (b) *If appropriate, provide to the child and his or her family counseling,*  
42 *training or other services relating to commercial sexual exploitation or refer the*  
43 *child and his or her family to a person or an organization that has entered into*  
44 *an agreement with the agency to provide those services.*

45           3. *If an agency which provides child welfare services has entered into an*  
46 *agreement with a person or an organization to provide services to a child or his*  
47 *or her family and the person or organization will provide such services pursuant*  
48 *to subsection 2, the agency shall require the person or organization to notify the*  
49 *agency if:*

50           (a) *The child or his or her family refuses or fails to participate in such*  
51 *services; or*

52           (b) *The person or organization determines that there is a serious risk to the*  
53 *health or safety of the child.*

1           4. As used in this section, "abuse or neglect of a child" has the meaning  
2 ascribed to it in NRS 432B.020.

3           **Sec. 14. 1.** Except as otherwise provided in NRS 239.0115 and 439.538  
4 and except as otherwise authorized or required pursuant to section 15 of this act,  
5 information maintained by an agency which provides child welfare services,  
6 including, without limitation, reports and assessments made pursuant to this  
7 chapter, is confidential.

8           2. Any person, law enforcement agency or public agency, institution or  
9 facility who willfully releases or disseminates such information, except:

10           (a) Pursuant to a criminal prosecution relating to the commercial sexual  
11 exploitation of a child;

12           (b) As otherwise authorized or required pursuant to section 15 of this act; or

13           (c) As otherwise authorized or required pursuant to NRS 439.538,

14           ↪ is guilty of a misdemeanor.

15           **Sec. 15. 1.** Information maintained by an agency which provides child  
16 welfare services must be maintained by the agency which provides child welfare  
17 services as required by federal law as a condition of the allocation of federal  
18 money to this State.

19           2. Except as otherwise provided in this section, information maintained by  
20 an agency which provides child welfare services may, at the discretion of the  
21 agency which provides child welfare services, be made available only to:

22           (a) A physician, if the physician has before him or her a child who the  
23 physician has reasonable cause to believe is a commercially sexually exploited  
24 child;

25           (b) A person authorized to place a child in protective custody, if the person  
26 has before him or her a child who the person has reasonable cause to believe is a  
27 commercially sexually exploited child and the person requires the information to  
28 determine whether to place the child in protective custody;

29           (c) An agency, including, without limitation, an agency in another  
30 jurisdiction, responsible for or authorized to undertake the care, treatment or  
31 supervision of:

32           (1) The child; or

33           (2) The person responsible for the welfare of the child;

34           (d) A district attorney or other law enforcement officer who requires the  
35 information in connection with an investigation or prosecution of the commercial  
36 sexual exploitation of a child;

37           (e) A court other than a juvenile court, for in camera inspection only, unless  
38 the court determines that public disclosure of the information is necessary for the  
39 determination of an issue before it;

40           (f) A person engaged in bona fide research or an audit, but information  
41 identifying the subjects of a report must not be made available to the person;

42           (g) The attorney and the guardian ad litem of the child, if the information is  
43 reasonably necessary to promote the safety, permanency and well-being of the  
44 child;

45           (h) ~~(A)~~ Except as otherwise provided in subsection 4, a federal, state or local  
46 governmental entity, or an agency of such an entity, or a juvenile court, that  
47 needs access to the information to carry out its legal responsibilities to protect  
48 children from commercial sexual exploitation;

49           (i) A person or an organization that has entered into a written agreement  
50 with an agency which provides child welfare services to provide assessments or  
51 services and that has been trained to make such assessments or provide such  
52 services;

1 (j) A parent or legal guardian of the child and an attorney of a parent or  
2 guardian of the child, if the identity of the person responsible for reporting the  
3 commercial sexual exploitation of the child to a public agency is kept confidential  
4 and the information is reasonably necessary to promote the safety, permanency  
5 and well-being of the child and is limited to information concerning that parent  
6 or guardian;

7 (k) The persons or agent of the persons who are the subject of a report, if the  
8 information is reasonably necessary to promote the safety, permanency and well-  
9 being of the child and is limited to information concerning those persons; or

10 (l) Any person who is required pursuant to NRS 432B.220 to make a report  
11 to an agency which provides child welfare services or to a law enforcement  
12 agency.

13 3. Before releasing any information maintained by an agency which  
14 provides child welfare services pursuant to this section, an agency which provides  
15 child welfare services shall take whatever precautions it determines are  
16 reasonably necessary to protect the identity and safety of any person who reports  
17 that a child is a commercially sexually exploited child and to protect any other  
18 person if the agency which provides child welfare services reasonably believes  
19 that disclosure of the information would cause a specific and material harm to an  
20 investigation of the alleged commercial sexual exploitation of a child or the life  
21 or safety of any person.

22 4. An agency which provides child welfare services shall not provide  
23 information maintained by the agency which provides child welfare services to a  
24 juvenile court only to facilitate a determination by the court related to the  
25 adjudication of a child who is accused of:

26 (a) Sex trafficking a child in violation of NRS 201.300; or

27 (b) Facilitating sex trafficking of a child in violation of NRS 201.301.

28 5. The provisions of this section must not be construed to require an agency  
29 which provides child welfare services to disclose information maintained by the  
30 agency which provides child welfare services if, after consultation with the  
31 attorney who represents the agency, the agency determines that such disclosure  
32 would cause a specific and material harm to a criminal investigation.

33 ~~6.~~ 6. If an agency which provides child welfare services receives any  
34 information that is deemed confidential by law, the agency which provides child  
35 welfare services shall maintain the confidentiality of the information as  
36 prescribed by applicable law.

37 ~~7.~~ 7. Pursuant to this section, a person may authorize the release of  
38 information maintained by an agency which provides child welfare services about  
39 himself or herself, but may not waive the confidentiality of such information  
40 concerning any other person.

41 ~~8.~~ 8. Except as otherwise provided in this subsection, any person who is  
42 provided with information maintained by an agency which provides child welfare  
43 services and who further disseminates the information or makes the information  
44 public is guilty of a gross misdemeanor. This subsection does not apply to a  
45 district attorney or other law enforcement officer who uses the information solely  
46 for the purpose of initiating legal proceedings against any person alleged to be  
47 the perpetrator of the commercial sexual exploitation of a child.

48 ~~9.~~ 9. An agency which provides child welfare services may charge a fee  
49 for processing costs reasonably necessary to prepare information maintained by  
50 the agency which provides child welfare services for release pursuant to this  
51 section.

52 ~~10.~~ 10. An agency which provides child welfare services shall adopt rules,  
53 policies or regulations to carry out the provisions of this section.



~~107~~ **11.** *As used in this section, “parent” has the meaning ascribed to it in NRS 432B.080.*

**Sec. 16.** NRS 202.894 is hereby amended to read as follows:

202.894 If a person reports to a law enforcement agency that another person has committed a violent or sexual offense against a child, whether or not the person is required to make such a report pursuant to NRS 202.882, and the violent or sexual offense against the child would constitute abuse or neglect of a child, as defined in NRS 432B.020, *or the commercial sexual exploitation, as defined in section 6 of this act, of a child*, the report made by the person shall be deemed to be a report of the abuse or neglect of the child that has been made pursuant to NRS 432B.220 *or a report of the commercial sexual exploitation of a child that has been made pursuant to section 12 of this act, as applicable*, and:

1. The appropriate agencies shall act upon the report pursuant to chapter 432B of NRS ~~H~~ *or sections 2 to 15, inclusive, of this act, as applicable*; and

2. The report may be used in the same manner as other reports that are made pursuant to NRS 432B.220 ~~H~~ *or section 12 of this act*.

**Sec. 17.** 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, 3.2203, 41.071, 49.095, 49.293, 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, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 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, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 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, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610,

1 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846,  
2 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365,  
3 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,  
4 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040,  
5 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,  
6 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,  
7 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,  
8 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,  
9 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,  
10 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158,  
11 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
12 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760,  
13 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.110,  
14 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625,  
15 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,  
16 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,  
17 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105,  
18 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,  
19 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159,  
20 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,  
21 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,  
22 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,  
23 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480,  
24 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725,  
25 706A.230, 710.159, 711.600, *and sections 14 and 15 of this act*, sections 35, 38  
26 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,  
27 Statutes of Nevada 2013 and unless otherwise declared by law to be confidential,  
28 all public books and public records of a governmental entity must be open at all  
29 times during office hours to inspection by any person, and may be fully copied or  
30 an abstract or memorandum may be prepared from those public books and public  
31 records. Any such copies, abstracts or memoranda may be used to supply the  
32 general public with copies, abstracts or memoranda of the records or may be used  
33 in any other way to the advantage of the governmental entity or of the general  
34 public. This section does not supersede or in any manner affect the federal laws  
35 governing copyrights or enlarge, diminish or affect in any other manner the rights  
36 of a person in any written book or record which is copyrighted pursuant to federal  
37 law.

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

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

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

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

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

4 **Sec. 18.** NRS 629.550 is hereby amended to read as follows:

5 629.550 1. If a patient communicates to a mental health professional an  
6 explicit threat of imminent serious physical harm or death to a clearly identified or  
7 identifiable person and, in the judgment of the mental health professional, the  
8 patient has the intent and ability to carry out the threat, the mental health  
9 professional shall apply for the emergency admission of the patient to a mental  
10 health facility pursuant to NRS 433A.160 or make a reasonable effort to  
11 communicate the threat in a timely manner to:

12 (a) The person who is the subject of the threat;

13 (b) The law enforcement agency with the closest physical location to the  
14 residence of the person; and

15 (c) If the person is a minor, the parent or guardian of the person.

16 2. A mental health professional shall be deemed to have made a reasonable  
17 effort to communicate a threat pursuant to subsection 1 if:

18 (a) The mental health professional actually communicates the threat in a timely  
19 manner; or

20 (b) The mental health professional makes a good faith attempt to communicate  
21 the threat in a timely manner and the failure to actually communicate the threat in a  
22 timely manner does not result from the negligence or recklessness of the mental  
23 health professional.

24 3. A mental health professional who exercises reasonable care in determining  
25 that he or she:

26 (a) Has a duty to take an action described in subsection 1 is not subject to civil  
27 or criminal liability or disciplinary action by a professional licensing board for  
28 disclosing confidential or privileged information.

29 (b) Does not have a duty to take an action described in subsection 1 is not  
30 subject to civil or criminal liability or disciplinary action by a professional licensing  
31 board for any damages caused by the actions of a patient.

32 4. The provisions of this section do not:

33 (a) Limit or affect the duty of the mental health professional to report child  
34 abuse or neglect pursuant to NRS 432B.220 ~~§~~ *or the commercial sexual*  
35 *exploitation of a child pursuant to section 12 of this act;* or

36 (b) Modify any duty of a mental health professional to take precautions to  
37 prevent harm by a patient:

38 (1) Who is in the custody of a hospital or other facility where the mental  
39 health professional is employed; or

40 (2) Who is being discharged from such a facility.

41 5. As used in this section, "mental health professional" includes:

42 (a) A physician or psychiatrist licensed to practice medicine in this State  
43 pursuant to chapter 630 or 633 of NRS;

44 (b) A psychologist who is licensed to practice psychology pursuant to chapter  
45 641 of NRS or authorized to practice psychology in this State pursuant to the  
46 Psychology Interjurisdictional Compact enacted in NRS 641.227;

47 (c) A social worker who:

48 (1) Holds a master's degree in social work;

49 (2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS;

50 and

51 (3) Is employed by the Division of Public and Behavioral Health of the  
52 Department of Health and Human Services;

53 (d) A registered nurse who:

1 (1) Is licensed to practice professional nursing pursuant to chapter 632 of  
2 NRS; and

3 (2) Holds a master's degree in psychiatric nursing or a related field;

4 (e) A marriage and family therapist licensed pursuant to chapter 641A of NRS;

5 (f) A clinical professional counselor licensed pursuant to chapter 641A of  
6 NRS; and

7 (g) A person who is working in this State within the scope of his or her  
8 employment by the Federal Government, including, without limitation,  
9 employment with the Department of Veterans Affairs, the military or the Indian  
10 Health Service, and is:

11 (1) Licensed or certified as a physician, psychologist, marriage and family  
12 therapist, clinical professional counselor, alcohol and drug abuse counselor or  
13 clinical alcohol and drug abuse counselor in another state;

14 (2) Licensed as a social worker in another state and holds a master's degree  
15 in social work; or

16 (3) Licensed to practice professional nursing in another state and holds a  
17 master's degree in psychiatric nursing or a related field.

18 **Sec. 19.** NRS 640B.700 is hereby amended to read as follows:

19 640B.700 1. The Board may refuse to issue a license to an applicant or may  
20 take disciplinary action against a licensee if, after notice and a hearing as required  
21 by law, the Board determines that the applicant or licensee:

22 (a) Has submitted false or misleading information to the Board or any agency  
23 of this State, any other state, the Federal Government or the District of Columbia;

24 (b) Has violated any provision of this chapter or any regulation adopted  
25 pursuant thereto;

26 (c) Has been convicted of a felony, a crime relating to a controlled substance or  
27 a crime involving moral turpitude;

28 (d) Is addicted to alcohol or any controlled substance;

29 (e) Has violated the provisions of NRS 200.5093, 200.50935 or 432B.220 ~~or~~  
30 *or section 12 of this act*;

31 (f) Is guilty of gross negligence in his or her practice as an athletic trainer;

32 (g) Is not competent to engage in the practice of athletic training;

33 (h) Has failed to provide information requested by the Board within 60 days  
34 after receiving the request;

35 (i) Has engaged in unethical or unprofessional conduct as it relates to the  
36 practice of athletic training;

37 (j) Has been disciplined in another state, a territory or possession of the United  
38 States, or the District of Columbia for conduct that would be a violation of the  
39 provisions of this chapter or any regulations adopted pursuant thereto if the conduct  
40 were committed in this State;

41 (k) Has solicited or received compensation for services that he or she did not  
42 provide;

43 (l) If the licensee is on probation, has violated the terms of the probation;

44 (m) Has terminated professional services to a client in a manner that  
45 detrimentally affected that client; or

46 (n) Has operated a medical facility, as defined in NRS 449.0151, at any time  
47 during which:

48 (1) The license of the facility was suspended or revoked; or

49 (2) An act or omission which resulted in the suspension or  
50 revocation of the license pursuant to NRS 449.160.

51 **↳** This paragraph applies to an owner or other principal responsible for the  
52 operation of the facility.

1           2. The Board may, if it determines that an applicant for a license or a licensee  
2 has committed any of the acts set forth in subsection 1, after notice and a hearing as  
3 required by law:

4           (a) Refuse to issue a license to the applicant;

5           (b) Refuse to renew or restore the license of the licensee;

6           (c) Suspend or revoke the license of the licensee;

7           (d) Place the licensee on probation;

8           (e) Impose an administrative fine of not more than \$5,000;

9           (f) Require the applicant or licensee to pay the costs incurred by the Board to  
10 conduct the investigation and hearing; or

11           (g) Impose any combination of actions set forth in paragraphs (a) to (f),  
12 inclusive.

13           3. The Board shall not issue a private reprimand to a licensee.

14           4. An order that imposes discipline and the findings of fact and conclusions of  
15 law supporting that order are public records.