

Amendment No. 134

Senate Amendment to Senate Bill No. 94	(BDR 40-446)
<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	

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: 4/9/2019

S.B. No. 94—Revises provisions governing the Account for Family Planning.  
(BDR 40-446)





SENATE BILL NO. 94—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON HEALTH CARE)

PREFILED JANUARY 24, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the Account for Family Planning.  
(BDR 40-446)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Contains Appropriation not included in  
Executive Budget.

~

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

AN ACT relating to family planning; revising provisions governing expenditures  
from the Account for Family Planning; making an appropriation to the  
Account; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the Account for Family Planning for the purpose of awarding grants of money to local governmental entities and nonprofit organizations to provide certain family planning services, including the distribution of certain contraceptives, the installation of certain contraceptive devices and the performance of certain contraceptive procedures. The Account is administered by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 442.725) **Section 1** of this bill authorizes the Administrator to also use the money to pay for family planning services offered by providers of health care or for other services offered by a department or division of the Executive Department of State Government through a contract with the recipient of the grant money. **Section 1 also requires family planning services paid for with money from the Account to be made available to all persons who would otherwise have difficulty obtaining such services.**

**Existing law requires insurers to cover certain types of contraception. (NRS 689A.0417, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Section 1 revises the types of contraception for which money from the Account may be used to correspond to the types of contraceptives that insurers are required to cover. Section 1 additionally authorizes the use of money from the Account to pay for voluntary sterilization for men and certain federally recommended vaccinations. Section 1 also prohibits the Administrator or any entity that receives a grant from the Account or enters into a contract with the Administrator from discriminating against [the use of any specific type of contraceptive, contraceptive device or contraceptive procedure for which grant funding is authorized when awarding grants.] **a provider of family planning services.** Section 2 of this bill makes an appropriation to the Account for the purpose of providing family planning services during the 2019-2021 biennium.**

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

**Section 1.** NRS 442.725 is hereby amended to read as follows:

442.725 1. The Account for Family Planning is hereby created in the State General Fund. The Administrator shall administer the Account.

2. Except as otherwise provided in subsection ~~5.1~~ 6, the money in the Account must be expended to ~~award~~:

(a) ~~Award~~ grants of money to local governmental entities and nonprofit organizations to provide the family planning services described in ~~this section~~ subsection 3 to all persons who would otherwise have difficulty obtaining such services because of poverty, lack of insurance or transportation or any other reason ~~[- Grants of money awarded pursuant to this section]; or~~

(b) *Pay for family planning services described in subsection 3 which are provided by a department or division of the Executive Department of State Government or pursuant to a contract with such a department or division, which may include, without limitation, a contract with a community health nurse, a consultant or any other person or entity.*

3. Money in the Account may only be used to ~~fund~~ pay for:

(a) The provision of education by trained personnel concerning family planning;

(b) The distribution of information concerning family planning;

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

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

(1) ~~Sterilization surgery~~ Voluntary sterilization for men and women;

(2) Surgical sterilization implants for women;

(3) Implantable rods;

(4) ~~Copper~~ Copper-based intrauterine devices ~~and~~;

(5) Progesterone-based intrauterine devices; ~~with progestin;~~

~~(5) Contraceptive injections and patches;~~

(6) Injections;

(7) Combined ~~oral contraceptive pills, progestin-only oral contraceptives and oral contraceptives for extended or continuous use;~~

~~(7) estrogen- and progestin-based drugs;~~

(8) Progestin-based drugs;

(9) Extended- or continuous-regimen drugs;

(10) Estrogen- and progestin-based patches;

(11) Vaginal contraceptive rings;

~~(8) (12) Diaphragms;~~

~~(9) Contraceptive sponges;~~

~~(10) with spermicide;~~

(13) Sponges with spermicide;

(14) Cervical caps; ~~with~~

~~(11) with spermicide;~~

(15) Female condoms;

~~(12) (16) Spermicide; and~~

~~(13) Levonorgestrel and ulipristal]~~

(17) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(18) Ulipristal acetate ~~for~~ for emergency contraception;

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

(f) The provision of or referral of persons for testing for and treatment of sexually transmitted infections ~~;~~

~~— 3.1 ; and~~

(g) The provision of any vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

4. Family planning services funded by a local governmental entity using a grant awarded pursuant to ~~this section~~ paragraph (a) of subsection 2 may be provided wholly or partially through a contract between the local governmental entity and another local governmental entity, an agency of the State, a community health nurse, a consultant or any other person or entity.

~~4.1~~ 5. Family planning services ~~funded using a grant awarded~~ paid for pursuant to this section must be made available to all persons requesting such services:

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

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

(c) In accordance with written clinical protocols that are in accordance with nationally recognized standards of care; and

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

~~5.1~~ 6. The Administrator may not use more than 10 percent of the money in the Account to administer the Account.

~~6.1~~ 7. The Administrator shall award grants of money from the Account pursuant to paragraph (a) of subsection 2 based entirely on the need for family planning services in the community served by the local governmental entity or the nonprofit organization and the ability of the local governmental entity or nonprofit organization to effectively deliver family planning services.

~~7.1~~ 8. ~~(When making a determination about a grant or expenditure, the Administrator shall not give any preference based upon the type of contraceptive, contraceptive device or contraceptive procedure made available by the entity.)~~  
The Administrator or any entity that receives a grant or enters into a contract pursuant to subsection 2 shall not discriminate against any provider of family planning services in any manner, including, without limitation, by:

(a) Refusing to allow a provider of family planning services to provide family planning services paid with money from the Account; or

(b) Failing to provide timely or appropriate reimbursement for such family planning services.

9. The existence of the Account does not create a right in any local government or nonprofit organization or other entity to receive money from the Account.

~~8.1~~ 10. As used in this section, “preconception health services” means the promotion of proper health practices, screenings and interventions conducted before pregnancy to identify and modify biomedical, behavioral and social risks to a woman’s health or pregnancy outcome through prevention and management.

1       **Sec. 2.** 1. There is hereby appropriated from the State General Fund to the  
2 Account for Family Planning created by NRS 442.725 the sum of ~~[\$12,000,000]~~  
3 \$6,000,000 to carry out the purposes set forth in that section.

4       2. Any remaining balance of the appropriation made by subsection 1 must not  
5 be committed for expenditure after June 30, 2021, by the entity to which the  
6 appropriation is made or any entity to which money from the appropriation is  
7 granted or otherwise transferred in any manner, and any portion of the appropriated  
8 money remaining must not be spent for any purpose after September 17, 2021, by  
9 either the entity to which the money was appropriated or the entity to which the  
10 money was subsequently granted or transferred, and must be reverted to the State  
11 General Fund on or before September 17, 2021.

12       **Sec. 3.** This act becomes effective on July 1, 2019.