

Amendment No. 668

|                                                                              |              |
|------------------------------------------------------------------------------|--------------|
| Senate Amendment to Senate Bill No. 94 Second Reprint                        | (BDR 40-446) |
| Proposed by: Senator Ratti                                                   |              |
| Amends: 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: 5/8/2019

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.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.AN ACT relating to family planning; revising provisions governing the Account for  
Family Planning; 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. Existing law authorizes the Administrator to use not more than 10 percent of the money in the Account to administer the Account. (NRS 442.725) **Section 1.2** of this bill transfers the duty to administer the Account from the Administrator to the Director of the Department of Health and Human Services or his or her designee. Additionally, **section 1.2** authorizes the Director or his or her designee 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. Further, **section 1.2** decreases from 10 percent to 5 percent the amount of money in the Account that is authorized to be used to administer the Account. **Section 1.2** 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.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) **Section 1.2** 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 1.2** additionally authorizes the use of money from the Account to pay for voluntary sterilization for men **male condoms** and certain federally recommended vaccinations. **Section 1.2** also prohibits the Director or his or her designee or any entity that receives a grant from the Account or enters into a contract with the Director or his or her designee from discriminating against a provider of family planning services.

27           Sections 1, 1.3 and 1.4 of this bill make conforming changes.

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

**Section 1.** NRS 442.720 is hereby amended to read as follows:

442.720 ~~["Administrator"]~~ **"Director"** means the ~~["Administrator of the Division"]~~ **Director of the Department of Health and Human Services.**

**Sec. 1.2.** 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"]~~ **Director or his or her designee** shall administer the Account.

2. Except as otherwise provided in subsection ~~["5"]~~ **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;~~ *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 ~~and~~  
~~3. ; 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.~~ 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.~~ 6. The ~~Administrator~~ *Director or his or her designee* may not use more than ~~10~~ 5 percent of the money in the Account to administer the Account.

~~6.~~ 7. The ~~Administrator~~ *Director or his or her designee* 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.~~ 8. *The Director or his or her designee 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.

1       ~~[8.]~~ 10. As used in this section, “preconception health services” means the  
2 promotion of proper health practices, screenings and interventions conducted before  
3 pregnancy to identify and modify biomedical, behavioral and social risks to a  
4 woman’s health or pregnancy outcome through prevention and management.

5       **Sec. 1.3.** NRS 442.730 is hereby amended to read as follows:

6       442.730 1. The ~~[Administrator]~~ *Director or his or her designee* may apply  
7 for and accept any gift, donation, bequest, grant or other source of money for the  
8 purpose of awarding grants pursuant to NRS 442.725. Any money so received must  
9 be deposited in the Account.

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

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

16       **Sec. 1.4.** NRS 442.745 is hereby amended to read as follows:

17       442.745 1. The State Board of Health shall adopt any regulations necessary  
18 to carry out the provisions of NRS 442.710 to 442.745, inclusive. The regulations  
19 must establish, without limitation:

20       (a) The manner in which a local governmental entity or nonprofit organization  
21 may apply for a grant pursuant to NRS 442.725; and

22       (b) A requirement that the recipient of a grant pursuant to NRS 442.725 must  
23 submit any information that the State Board of Health determines is necessary for  
24 the ~~[Administrator]~~ *Director or his or her designee* to determine the purposes for  
25 which such a grant was used and evaluate the outcomes of services provided using  
26 such grants.

27       2. The regulations adopted pursuant to this section must not require a local  
28 governmental entity or nonprofit organization to apply for a grant pursuant to NRS  
29 442.725.

30       **Sec. 2.** (Deleted by amendment.)

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