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FIRST REPRINT

S.B. 90

SENATE BILL NO. 90—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF LEGISLATIVE COMMITTEE
ON HEALTH CARE)

PREFILED JANUARY 24, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Making various changes relating to the health of
children. (BDR 40-448)

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 the health of children; revising requirements relating to the testing of children for lead; establishing the Diapering Resources Account and providing for the distribution of money from the Account to provide diapers and diapering supplies to low-income families; providing for grants to certain entities to promote healthy diet and exercise for children; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to encourage certain providers of health care or other services to perform a test to determine the amount of lead in the blood of each child receiving services from the provider at certain times. Existing law also requires: (1) certain tests that indicate an elevated amount of lead in the blood to be confirmed by a second test; and (2) each qualified laboratory that conducts a blood test for the presence of lead in a child to report the results to the appropriate health authority. (NRS 442.700) **Section 23** of this bill revises the conditions under which the results of a test are considered to indicate an elevated amount of lead in the blood. **Section 23** also requires offices of providers of health care or other services and medical facilities to report the results of tests of children for lead to the health authority and prescribes the required contents of such a report.

Existing law requires the Director of the Department of Health and Human Services to appoint a committee to research opportunities to increase the availability of diapers and diapering supplies to recipients of public assistance and other low-income families in this State. (NRS 422A.660) **Section 29.5** of this bill creates the Diapering Resources Account and requires the money in the Account to



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be expended to provide diapers and diapering supplies to such persons. **Section 29.5** requires the State Board of Health, upon the recommendation of the committee, to adopt regulations prescribing: (1) the criteria for determining whether a person qualifies for assistance from the Account; and (2) the procedure for distributing money from the Account. **Section 29.5** also requires the Division of Public and Behavioral Health of the Department to submit to the Legislature an annual report concerning the use of the money in the Account. **Section 30** of this bill appropriates money into the Account.

Section 31 of this bill appropriates money to the Division to award grants to nonprofit organizations to fund training and technical assistance concerning proper nutrition and physical activity for providers of child care. **Section 32** of this bill appropriates money to the Nevada Silver State Stars Quality Rating and Improvement System established by the Department of Education to award grants to providers of child care to improve facilities to facilitate a healthy diet and exercise for children.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 442.700 is hereby amended to read as follows:

442.700 1. The Department shall encourage each provider of health care or other services who:

(a) Is qualified to conduct blood tests during the course of his or her practice to perform, or cause to be performed, a test to determine



1 the amount of lead in the blood of each child receiving services
2 from the provider of health care or other services when the child:

3 (1) Reaches 12 and 24 months of age, respectively; or

4 (2) At least once before the child reaches 6 years of age.

5 (b) Provides early and periodic screening, diagnostic and
6 treatment services to a child in accordance with 42 U.S.C. §§ 1396
7 et seq. to conduct, or cause to be conducted, a screening for the
8 amount of lead in the blood of the child in accordance with
9 the guidelines of the Centers for Medicare and Medicaid Services of
10 the United States Department of Health and Human Services.

11 2. Any result of a blood test specified in subsection 1 which is
12 obtained by using a capillary specimen and which indicates an
13 amount of lead in the blood that is greater than ~~[10 ug/dL]~~ *the*
14 *amount designated by the Council of State and Territorial*
15 *Epidemiologists or, if that organization ceases to exist, an*
16 *organization designated by regulation of the State Board of*
17 *Health, as indicating an elevated amount of lead* must, as soon as
18 practicable after the result is obtained, be confirmed by a second test
19 using a sample of blood from a vein of the child.

20 3. Each qualified laboratory, *office of a provider of health*
21 *care or other services or medical facility* that conducts a blood test
22 for the presence of lead in a child who is under 18 years of age shall,
23 as soon as practicable after conducting the test, submit a report of
24 the results of the test to the appropriate health authority in
25 accordance with regulations adopted by the State Board of Health.
26 *The report must include, without limitation:*

27 (a) *The name, sex, race, ethnicity and date of birth of the*
28 *child;*

29 (b) *The address of the child, including, without limitation, the*
30 *county and zip code in which the child resides;*

31 (c) *The date on which the sample was collected;*

32 (d) *The type of sample that was collected; and*

33 (e) *The name and contact information of the provider of*
34 *health care who ordered the test.*

35 4. As used in this ~~[subsection, "health"]~~ *section:*

36 (a) *"Health authority"* has the meaning ascribed to it in
37 NRS 441A.050.

38 (b) *"Medical facility"* has the meaning ascribed to it in
39 *NRS 449.0151.*

40 **Sec. 24.** (Deleted by amendment.)

41 **Sec. 25.** (Deleted by amendment.)

42 **Sec. 26.** (Deleted by amendment.)

43 **Sec. 27.** (Deleted by amendment.)

44 **Sec. 28.** (Deleted by amendment.)

45 **Sec. 29.** (Deleted by amendment.)



Sec. 29.5. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Diapering Resources Account is hereby created in the State General Fund. The Administrator of the Division of Public and Behavioral Health of the Department shall administer the Account.

2. Except as otherwise provided in subsection 3, the money in the Account must be expended to provide diapers and diapering supplies to recipients of public assistance and other low-income families in this State. The State Board of Health shall, upon the recommendation of the committee established pursuant to NRS 422A.660, adopt regulations prescribing:

(a) The criteria for determining whether a person qualifies for assistance from the Account; and

(b) The procedure for distributing money from the Account.

3. The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose prescribed by subsection 2. Any money so received must be deposited in the Account.

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

5. Money in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. On or before December 31 of each year, the Division shall:

(a) Develop a report concerning the manner in which the money in the Account was distributed during the immediately preceding year, the persons to whom such money was distributed and the manner in which such money was used; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Interim Finance Committee; and

(2) In even-numbered years, the next regular session of the Legislature.

Sec. 30. 1. There is hereby appropriated from the State General Fund to the Diapering Resources Account created by section 29.5 of this act for expenditure in accordance with the provisions of that section the following sums:

For the Fiscal Year 2019-2020..... \$500,000

For the Fiscal Year 2020-2021..... \$500,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal



years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 31. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services to award grants to nonprofit organizations to pay for training and technical assistance concerning proper nutrition and physical activity for providers of child care the following sums:

For the Fiscal Year 2019-2020.....	\$50,000
For the Fiscal Year 2020-2021.....	\$50,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 32. 1. There is hereby appropriated from the State General Fund to the Nevada Silver State Stars Quality Rating and Improvement System established by the Department of Education to award grants to providers of child care that participate in the System for the purposes described in subsection 2 the following sums:

For the Fiscal Year 2019-2020.....	\$200,000
For the Fiscal Year 2020-2021.....	\$200,000

2. A provider of child care that receives a grant pursuant to subsection 1 shall use the grant to improve facilities to facilitate the provision of high-quality, nutritious food and ample physical activity for children.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise



1 transferred in any manner, and any portion of the appropriated
2 money remaining must not be spent for any purpose after
3 September 18, 2020, and September 17, 2021, respectively, by
4 either the entity to which the money was appropriated or the entity
5 to which the money was subsequently granted or transferred, and
6 must be reverted to the State General Fund on or before
7 September 18, 2020, and September 17, 2021, respectively.

8 **Sec. 33.** The provisions of subsection 1 of NRS 218D.380 do
9 not apply to any provision of this act which adds or revises a
10 requirement to submit a report to the Legislature.

11 **Sec. 34.** (Deleted by amendment.)

12 **Sec. 35.** This act becomes effective on July 1, 2019.

