

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Eightieth Session
May 15, 2019**

The Committee on Commerce and Labor was called to order by Chair Ellen B. Spiegel at 1:28 p.m. on Wednesday, May 15, 2019, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Ellen B. Spiegel, Chair
Assemblyman Jason Frierson, Vice Chair
Assemblywoman Maggie Carlton
Assemblyman Skip Daly
Assemblyman Chris Edwards
Assemblywoman Melissa Hardy
Assemblywoman Sandra Jauregui
Assemblyman Al Kramer
Assemblywoman Susie Martinez
Assemblyman William McCurdy II
Assemblywoman Dina Neal
Assemblywoman Jill Tolles
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

David R. Parks, Senate District No. 7
Senator Melanie Scheible, Senate District No. 9
Senator Pat Spearman, Senate District No. 1
Senator Joseph (Joe) P. Hardy, Senate District No. 12



STAFF MEMBERS PRESENT:

Patrick Ashton, Committee Policy Analyst
Wil Keane, Committee Counsel
Earlene Miller, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Ellis L. Antuñez, Executive Director, State Board of Landscape Architecture
Monica Engebretson, North American Campaign Manager, Cruelty Free International, Sacramento, California
Jeff Dixon, Nevada State Director, State Affairs, Humane Society of the United States
Alfredo Alonso, representing American Legal Finance Association
Kelly Gilroy, Executive Director, American Legal Finance Association, Washington, D.C.
Eric Schuller, President, Alliance for Responsible Consumer Legal Funding, Washington, D.C.
Keith L. Lee, representing Injury Care Solutions; and Board of Medical Examiners
David Goldwater, representing Preferred Capital Funding
Josh Griffin, representing Sierra Medical Services
Michael Brown, Director, Department of Business and Industry
Rickisha L. Hightower, Interim Commissioner, Division of Financial Institutions, Department of Business and Industry
Mary Young, Acting Deputy Commissioner, Division of Financial Institutions, Department of Business and Industry
Anna M. Durst, Chief Executive Officer, Nevada Society of Certified Public Accountants
Joan Hall, President, Nevada Rural Hospital Partners
Joanna Jacob, representing Dignity Health-St. Rose Dominican
Michael Hackett, representing Nevada Academy of Physician Assistants
Conner Cain, representing Touro University
Michael D. Hillerby, representing Nevada State Board of Accountancy
Gwen Braimoh, Owner, Expertise Cosmetology Institute, Las Vegas, Nevada
Hannah Brown, President Emeritas, Urban Chamber of Commerce
Jasmine K. Mehta, Deputy Executive Director, Board of Medical Examiners
Nancy Hathaway, Vice President, State Barbers' Health and Sanitation Board
Nicholas Fontanez, representing Cipriani's Barbershop, Carson City, Nevada
Nathaniel LaShore, President, State Barbers' Health and Sanitation Board
Shannon Hogan, representing Chiropractic Physicians' Board of Nevada
Marcus Allen, Chief Executive Officer/Instructor, Masterpiece Barber College, Las Vegas, Nevada
Raymon Green, Owner/Operator, Masterpiece Barber School, Las Vegas, Nevada
Johnnie Williams, Board Member, State Barber's Health and Sanitation Board

Jeremy Root-Ferguson, Owner, East 50 Barber Shop and Shave Parlor, Carson City, Nevada
Jonathon Matos, Private Citizen, Las Vegas, Nevada
Brittani-Ann Becker, Private Citizen, Las Vegas, Nevada
Cassandra Allen, Private Citizen, Las Vegas, Nevada
Andres Dominguez, Owner, Speakeasy Barbershop LV, Las Vegas, Nevada
James Nguyen, Private Citizen, Las Vegas, Nevada
Don Diehl, Owner, Paradise Park Barber Shop, Sparks, Nevada
Antinette Maestas, Secretary/Treasurer, State Barbers' Health and Sanitation Board
John Matos, Private Citizen, Henderson, Nevada
Joe White, Owner, All Starz Barber and Beauty Salon, Henderson, Nevada
Susan Fisher, representing State Board of Osteopathic Medicine
Jeanette K. Belz, representing State Board of Cosmetology
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada

Chair Spiegel:

[Roll was taken. Committee rules and protocols were explained.] We will begin with our work session.

Patrick Ashton, Committee Policy Analyst:

We will start with our Consent Calendar. The bills on a Consent Calendar are grouped together under one heading and considered for final action. They do not have proposed amendments, further discussion, or debate. If any member wishes to discuss, debate, or vote no on one or more bills on a Consent Calendar, the member may request that the item be removed from the Consent Calendar at this time with the Chair's approval. Those that are removed from the Consent Calendar may have further discussions and a separate vote.

The following measures will be on the Consent Calendar: Senate Bill 87 (1st Reprint), which revises provisions governing the Nevada Life and Health Insurance Guaranty Association; Senate Bill 365 (1st Reprint), which revises provisions relating to health insurance; Senate Bill 481 (1st Reprint), which revises provisions relating to health insurance; and Senate Bill 482 (1st Reprint), which revises provisions relating to health insurance.

Chair Spiegel:

Does anyone have any questions or comments on bills that are on the Consent Calendar? If so, we will take them off of the Consent Calendar.

Senate Bill 87 (1st Reprint): Revises provisions governing the Nevada Life and Health Insurance Guaranty Association. (BDR 57-219)

Patrick Ashton, Committee Policy Analyst:

Senate Bill 87 (1st Reprint) makes several changes concerning the Nevada Life and Health Insurance Guaranty Association ([Exhibit C](#)). Among other things, the bill:

- Requires that long-term care benefits added to a life insurance policy or annuity contract by a member of the Association are protected in the event that a member insurer becomes unable to meet its obligations;
- Clarifies the applicability of various provisions relating to the Association, including clarifying that the Association does not cover a policy or contract for Medicaid benefits;
- Requires health maintenance organizations that operate in this state to become members of the Association;
- Revises provisions related to actuarially justified rates and premium increases, as well as the calculation of assessments and the recoupment of assessments by member insurers;
- Provides that certain current limitations on the coverage obligations of the Association apply instead to health benefit plans; and
- Repeals provisions requiring a nonprofit corporation for hospital, medical, or dental service or a health maintenance organization to take certain measures to continue coverage for insureds or enrollees in case of insolvency, as those provisions become obsolete if such entities are required to participate in the Association.

There were no amendments.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
SENATE BILL 87 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN NEAL WAS ABSENT
FOR THE VOTE.)

Chair Spiegel:

I will assign the floor statement to Assemblyman Yeager.

**Senate Bill 365 (1st Reprint): Revises provisions relating to health insurance.
(BDR 57-684)**

Patrick Ashton, Committee Policy Analyst:

Senate Bill 365 (1st Reprint) provides that it is an unfair method of competition in the business of insurance to knowingly access or utilize a provider of health care's contractual discount without a contractual relationship with the provider of health care, health carrier, or contracted third party. A violation of these provisions is subject to payment of an administrative fine for each violation and/or suspension or revocation of a license. The bill

establishes a contractually protected system for health carriers to enter into contracts with third parties to give them access to certain provider network contracts and information about a provider of health care's services and discounts ([Exhibit D](#)).

The bill requires a health carrier to make certain disclosures of its provider network contracts and maintain an Internet website when granting third parties access to a network contract. Additionally, the bill authorizes a third party to enter into contracts with other third parties under their similar contract terms and conditions, and it requires a third party to establish a website identifying the entities it has granted access to provider network contracts. Finally, the bill requires that health carriers and third parties comply with the requirements for websites when submitting remittance advice and explanation of payments to providers of health care. There were no amendments.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
SENATE BILL 365 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN NEAL WAS ABSENT
FOR THE VOTE.)

Chair Spiegel:

I will assign the floor statement to Assemblywoman Martinez.

**Senate Bill 481 (1st Reprint): Revises provisions relating to health insurance.
(BDR 57-788)**

Patrick Ashton, Committee Policy Analyst:

Senate Bill 481 (1st Reprint) authorizes the commissioner of the Division of Insurance, Department of Business and Industry, to issue a certificate of authority to a self-funded multiple employer welfare arrangement that meets certain requirements. Additionally, the bill allows only one short-term health insurance policy with a 185-day maximum coverage limit to be sold in any 365-day period. This bill also requires a carrier that offers an individual health benefit plan to include on either its enrollment website or printed enrollment information a notice stating that a consumer may be eligible for certain financial benefits on the Silver State Health Insurance Exchange. However, such notice is not required if the federal financial assistance is unavailable. Finally, the bill authorizes the Exchange to allow individuals to purchase health insurance policies from outside the rating area where they reside ([Exhibit E](#)). There were no amendments.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
SENATE BILL 481 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN NEAL WAS ABSENT FOR THE VOTE.)

Chair Spiegel:

I will assign the floor statement to Assemblyman McCurdy.

Senate Bill 482 (1st Reprint): Revises provisions relating to health insurance. (BDR 57-531)

Patrick Ashton, Committee Policy Analyst:

Senate Bill 482 (1st Reprint) authorizes the commissioner of the Division of Insurance of the Department of Business and Industry, to enter into compacts with surrounding states and allows reciprocal licensing with neighboring states' health insurers to make certain that essential insurance is made available in this state. Additionally, the bill authorizes the commissioner to apply to the federal secretary of the United States Department of Health and Human Services, in accordance with provisions of the Patient Protection and Affordable Care Act, for a state innovation waiver with respect to health insurance coverage for a plan beginning on or after January 1, 2020. Finally, this bill eliminates provisions establishing requirements for any health benefit plan for individuals that is not purchased on the Silver State Health Insurance Exchange ([Exhibit F](#)). There were no amendments.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
SENATE BILL 482 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN NEAL WAS ABSENT FOR THE VOTE.)

Chair Spiegel:

I will assign the floor statement to Assemblyman Daly.

Senate Bill 125: Revises provisions relating to landscape architecture. (BDR 54-612)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit G](#)).] Senate Bill 125 expands the acceptable forms of payment that the State Board of Landscape Architecture may accept as payment for various fees prescribed by the Board to include credit cards, debit cards, and electronic transfers of money. The bill revises the fees collected by the Board and establishes separate fees associated with a landscape architect intern. Finally, the bill provides that the executive director, instead of the president of the Board or a person designated by the president, must consider a complaint that is filed with the Board to determine if further proceedings are warranted.

The Assembly Committee on Commerce and Labor proposes the following changes to S.B. 125:

1. Delete section 1 of the bill, which provides for payments for fees by credit card, debit card, or electronic transfer of money; and
2. In section 2 (page 3, line 14), decrease the application fee for a certificate to practice as a landscape architect intern from \$100 to \$50.

Chair Spiegel:

Does anyone have any questions or comments on the bill or the amendment?

Assemblywoman Carlton:

Are there enough reserves and is that enough money for the Board to function? Is it financially viable enough that if they ran into a court case, they could handle it?

Ellis L. Antuñez, Executive Director, State Board of Landscape Architecture:

The second amendment was proposed by Assemblyman Kramer when we presented this bill the first time. We feel we would have enough reserves with that reduction.

Assemblywoman Carlton:

If it does not work out, the Board will be struck with it for two years. We do not want to see a Board be put in a situation where it is struggling financially. In order to raise the fee again it would require a two-thirds vote, so we usually do not go backwards on fees. If they build up a reserve, they do an adjustment themselves. Because \$100 is the top and we will now be setting \$50 as the top, I have concerns about that.

Chair Spiegel:

This is for an intern. Approximately how many interns are there per year and what would be the scope?

Ellis Antuñez:

We currently have six landscape architect interns and we will receive about one to two per year as they go through the process to become fully registered.

Assemblywoman Carlton:

I have a hard time supporting fees going backwards since the Board has the opportunity to lower its fee within regulation. Since the \$100 is the top, I do not agree with changing this, so I will be a no vote.

Chair Spiegel:

Are there any other questions or comments from Committee members? With that, I will entertain a motion to amend and do pass Senate Bill 125.

ASSEMBLYMAN EDWARDS MADE A MOTION TO AMEND AND DO
PASS SENATE BILL 125.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED NO.
ASSEMBLYWOMAN NEAL WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Hardy.

Senate Bill 161 (1st Reprint): Revises provisions relating to certain financial businesses, products and services. (BDR 52-875)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit H](#)).] Senate Bill 161 (1st Reprint) requires the director of the Department of Business and Industry to establish and administer the Regulatory Experimentation Program for Product Innovation. Under the Program, a person could apply to obtain limited market access to test an innovative financial product in this state without applying or otherwise complying with certain licensing and regulatory requirements. These innovative financial products may include the use of a new or emerging technology or a novel use of an existing technology to provide a financial product or service that is determined by the director not to be widely available in this state.

The period of participation in the Program is limited to two years, at which time a participant must cease to offer or provide the product or service. A participant may request an extension of this period to apply for any license or other authorization otherwise required for the product or service. Additionally, the director must submit an annual report to the Legislature on the status of the Program.

Finally, the bill authorizes an Internet lender to obtain a license from the commissioner of the Division of Financial Institutions to engage in the business of lending in this state.

Senator Kieckhefer proposes the following amendments to S.B. 161 (R1):

1. Revises the definition of "applicable regulator" in section 3 of the bill to refer specifically to the persons and agencies with regulatory authority in the relevant chapters and titles of *Nevada Revised Statutes*;
2. Adds a new section 26.3 giving the director of the Department of Business and Industry additional enforcement powers relating to an existing participant in the Program;
3. Revises section 30 to require the director to also consult with the applicable regulator in adopting regulations that establish protections for consumers of financial products or services provided through the Program;

4. Makes conforming changes in sections 11, 20, and 37 through 46; and
5. Provides in section 47.3 for a phase-in of the Program by limiting the number of applications that may be granted.

Chair Spiegel:

Are there any questions or comments from the Committee on the bill or the amendments?

Assemblywoman Carlton:

I am concerned that I do not understand what this would actually do. If I do not understand something, I cannot vote for it. Something in here does not seem right when we want to work outside of the regulatory process on these types of issues. I know they are supposed to be sophisticated consumers, but I do not want to be in the shoes of legislators four years from now, sitting in this meeting and hearing horror stories about how people were abused by this pilot project. I will not be able to support it at this time until I get a much more thorough understanding of how this will actually impact the constituents in this state.

Chair Spiegel:

I shared a number of your concerns. In this amendment is the addition of section 26.3, subsection 1, which says that:

If the Director has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission that is inconsistent with the health, safety or welfare of consumers or the public generally, the Director may: (a) Proceed to adopt a regulation to address the issue pursuant to section 30 of this act; (b) Require the participant to comply with one or more provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto; (c) Remove the participant from the Program or order the participant to exit the Program; or (d) Take any combination of those actions.

Subsection 2 of section 26.3 states, "Any action taken by the Director pursuant to this section is final and not subject to administrative or judicial review." Additionally, we also put into this amendment a limitation on the number of participants so we can make sure there are controls in place. I wanted the record to be clear because I shared Assemblywoman Carlton's concerns and I feel they are addressed to my satisfaction by this amendment. Are there any additional questions or comments from the Committee? I will entertain a motion to amend and do pass Senate Bill 161 (1st Reprint).

ASSEMBLYMAN YEAGER MADE A MOTION TO AMEND AND DO
PASS SENATE BILL 161 (1ST REPRINT).

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED NO.
ASSEMBLYWOMAN NEAL WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Tolles.

Senate Bill 201 (2nd Reprint): Revises provisions governing loans. (BDR 52-568)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit I](#)).] Senate Bill 201 (2nd Reprint) adopts provisions from the federal Military Lending Act, which imposes limitations on the terms of consumer credit that is extended to active duty members of the Armed Forces of the United States and their dependents. The bill requires the commissioner of financial institutions of the Department of Business and Industry to develop, by contract with a vendor, a database to obtain certain information concerning all deferred deposit loans, title loans, and high-interest loans from licensees in this state. The commissioner is required to establish a fee, which the vendor must charge and collect from each licensee, to be used to pay for the administration and operation of the database.

Senate Bill 201 (2nd Reprint) additionally authorizes a person who operates a deferred deposit loan service, high-interest loan service, or title loan service to distribute information and materials provided by the Department of Health and Human Services concerning public assistance and services provided by public agencies. Finally, this bill provides that a person making a deferred deposit or high-interest loan is deemed to be in compliance with certain loan limitations only if the person receiving the loan presents evidence of his or her income, represents in writing that the loan does not violate these limitations, and the person making the loan utilizes the database to confirm that a loan is in compliance with the limitations. There were no amendments.

Chair Spiegel:

Are there any questions or comments from the Committee?

Assemblyman Edwards:

Does the bill cover the traditional installment institutions as well?

Chair Spiegel:

Yes, it does.

Assemblywoman Tolles:

There were amendments at the time of the hearing, but they are not included?

Chair Spiegel:

That is correct, they are not included.

Assemblyman Daly:

I will support the bill, but I hope there is room to make some changes.

Chair Spiegel:

I will entertain a motion to do pass Senate Bill 201 (2nd Reprint).

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
SENATE BILL 201 (2ND REPRINT).

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

Is there any discussion?

Assemblyman Edwards:

I was hoping there would be a carve-out by amendment. For now, I will be a no and maybe we can adjust it before it comes to a final vote.

Assemblywoman Tolles:

I had hoped both of the proposed amendments would be included. I will vote no.

Assemblywoman Hardy:

I will be a no.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS, HARDY,
KRAMER, AND TOLLES VOTED NO. ASSEMBLYWOMAN NEAL
WAS ABSENT FOR THE VOTE.)

I will give the floor statement to Assemblywoman Martinez.

Senate Bill 230 (1st Reprint): Revises provisions relating to certain real estate professions. (BDR 54-311)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit J](#)).] Senate Bill 230 (1st Reprint) requires the Real Estate Division of the Department of Business and Industry to establish by regulation the conditions and limitations under which a licensee may advertise under a nickname. The bill revises the provision requiring a real estate broker or owner-developer to prominently display the licenses of all real estate professionals who are associated or employed and instead requires the licenses to be kept in a secure manner and be made available upon request by the public

and the Division during usual business hours. Finally, the bill establishes pre- and post-licensing education requirements and exemptions from such requirements.

Rocky Finseth, President and CEO of the Carrara Group, proposes the following amendment to S.B. 230 (R1):

1. In section 5 (page 5, line 36), decrease the age limitation relating to a continuing education exemption from 70 years of age or older to 65 years of age or older.

The Nevada Association of Realtors proposes the following amendments to S.B. 230 (R1):

2. In subsection 3(b)(1) of section 5 (page 6, line 3), retain the deleted phrase "licensing of the person" and delete the amended language in lines 4 through 9;

Senator Denis proposes the following amendments to S.B. 230 (R1):

3. In section 6.5 (page 6, line 30) change the date from July 1, 2019, to January 1, 2020; and
4. In section 7, change the effective date of the bill, from July 1, 2019, so that: (1) section 3.5 is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks and on January 1, 2020, for all other purposes; and (2) all sections of the bill, other than section 3.5, become effective July 1, 2019.

Chair Spiegel:

Are there any questions or comments from the Committee? I will accept a motion for amend and do pass Senate Bill 230 (1st Reprint).

ASSEMBLYMAN EDWARDS MOVED TO AMEND AND DO PASS
SENATE BILL 230 (1ST REPRINT).

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN NEAL WAS ABSENT
FOR THE VOTE.)

I will give this floor statement to Assemblyman Edwards.

Senate Bill 311: Prohibits certain discriminatory practices against a person seeking credit. (BDR 52-1048)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit K](#)).] Senate Bill 311 expands the protection against discrimination of a person seeking credit to include color, creed, disability, gender identity or expression,

national origin or ancestry, race, religion, and sexual orientation. The bill requires the commissioner of the Division of Financial Institutions of the Department of Business and Industry to study the nature and extent of any discrimination of the expanded protections and to cooperate with and assist in programs to prevent or eliminate such discrimination.

Senators Harris and Parks and Assemblywoman Tolles propose the following amendments to S.B. 311:

1. Add a new section to NRS Chapter 598B governing equal opportunity for credit to require a creditor to deem the credit history of a credit applicant to be identical to the credit history of that person's spouse under certain circumstances outlined in the proposed conceptual amendment. A violation of this new requirement is deemed to be discrimination based on marital status;
2. Define "marital status" for NRS Chapter 598B governing equal opportunity for credit, which prohibits credit discrimination based on marital status, to include all states of being married or unmarried, and expressly include the states of being divorced, married, separated, single, or widowed. The intent is to clarify that discrimination based on any type of marital status is prohibited; and
3. Add Senator Harris as a primary cosponsor and Assembly Members Jauregui, McCurdy, Spiegel, and Tolles as primary joint sponsors.

Chair Spiegel:

Are there any questions or comments from the Committee?

Assemblywoman Tolles:

I want to thank the sponsors for considering and including the amendment regarding marital status on behalf of my mother-in-law and an entire generation of widows and others who should receive credit for the credit they shared during marriage.

ASSEMBLYWOMAN TOLLES MADE A MOTION TO AMEND AND DO
PASS SENATE BILL 311.

ASSEMBLYMAN EDWARDS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN NEAL WAS ABSENT
FOR THE VOTE.)

The floor statement goes to Assemblywoman Tolles.

**Senate Bill 345 (1st Reprint): Revises provisions governing estate distilleries.
(BDR 52-980)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit L](#)).] Senate Bill 345 (1st Reprint) removes provisions of current law that prohibit an estate distillery from manufacturing spirits derived from neutral or distilled spirits manufactured by another manufacturer. The bill provides that a brew pub and certain wineries are authorized to make bulk transfers of malt beverages and wine manufactured on the premises to an estate distillery for the purpose of distillation and blending. Furthermore, the bill authorizes an estate distillery to blend and distill wines or malt beverages if the estate distillery first notifies the Department of Taxation that it will receive such a shipment and provided that any such wine or malt beverage was manufactured by a licensed brew pub or winery in this state meeting certain requirements. Finally, the bill provides that such transfers are only taxable when the wine or malt beverages are bottled in original packages for sale and removed from the federally bonded premises of the estate distillery.

Alfredo Alonso, Southern Glazer's Wine and Spirits, proposes the following amendments to S.B. 345 (R1):

1. In section 1.5, revise subsection 3(a)(3) of *Nevada Revised Statutes* (NRS) 597.230 allowing a licensee to transfer malt beverages in bulk through a wholesaler to a person holding a valid license to operate an estate distillery. Add a subsection 3(a)(4) to say in the event a wholesaler is unable or unwilling to transfer under subsection (3)(a)(3), and after receiving a special permit for transportation, a licensee may transfer the malt beverages in bulk directly to the person holding a valid license to operate an estate distillery;
2. In section 2, retain deleted language in subsection 2(a) of NRS 597.237, that, except as otherwise provided in subsection 2(b), the person operating the estate distillery shall ensure that none of the spirits manufactured at the estate distillery are derived from neutral or distilled spirits manufactured by another manufacturer. In subsection 2(i), make a conforming change related to transfers through a wholesaler. Additionally, make the same changes of section 2 to section 2.3 of the bill;
3. In section 2.5 and section 2.7, make conforming changes related to transfers through a wholesaler; and
4. Add Assemblywoman Tolles as a primary joint sponsor to this bill.

Chair Spiegel:

Does the Committee have any questions on the bill or the proposed amendments? I will take a motion to amend and do pass Senate Bill 345 (1st Reprint).

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO AMEND AND DO PASS SENATE BILL 345 (1ST REPRINT).

ASSEMBLYMAN EDWARDS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN NEAL WAS ABSENT FOR THE VOTE.)

I will give this floor statement to Assemblyman Kramer.

Senate Bill 355 (2nd Reprint): Revises provisions relating to certain regulatory bodies which administer occupational licensing. (BDR 54-856)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit M](#)).] Senate Bill 355 (2nd Reprint) authorizes the State Board of Oriental Medicine to issue an endorsement to practice acupuncture point injection therapy to a doctor of Oriental medicine who meets certain requirements. The bill provides that the practice of Oriental medicine includes dry needling, as well as moxibustion and cupping, and eliminates various duties of the Board. The bill requires that a school or college of Oriental medicine be accredited by or have received at least candidacy status for accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine and hold a current license issued by the Commission on Postsecondary Education of the Department of Employment, Training and Rehabilitation.

Additionally, the bill revises certain requirements for licensure and provides that an applicant for licensure must hold a current certification in Oriental medicine from the National Certification Commission for Acupuncture and Oriental Medicine.

Finally, the bill authorizes the Nevada Physical Therapy Board to prescribe by regulation the scope of the use of dry needling by a physical therapist.

Senator Parks proposes the following amendments to S.B. 355 (R2) [page 5, ([Exhibit M](#))]:

1. In section 2, subsection 3, add "local anesthetics" to the list of substances that may be injected by a trained licensee who is issued an endorsement to practice acupuncture point injection therapy;
2. In subsection 1 of *Nevada Revised Statutes* (NRS) 634A.020, which defines "acupuncture," retain the phrase "the flow and balance of energy in the body and to" and delete subsection 1(c) of section 3 [page 5, ([Exhibit M](#))];
3. In section 3, subsection 7, delete the word "cupping" from the list of practices included in the definition of "Oriental medicine";

4. Delete section 3.5, which makes the chapter of NRS governing doctors of Oriental medicine not applicable to any other person authorized to practice any other healing art under Title 54 of NRS who does so within the scope of that authority;
5. Repeal NRS 634A.144 [page 13, ([Exhibit M](#))], which prohibits the State Board of Oriental Medicine from issuing or renewing a license unless an applicant attests to certain information related to safe and appropriate injection practices; and
6. Remove all provisions related to the chapter of NRS governing physical therapists, physical therapist assistants, and physical therapist technicians.

Chair Spiegel:

Are there any questions or comments from the Committee?

Assemblyman Kramer:

Was the amendment proposed by Senator Parks overridden by these amendments?

David R. Parks, Senate District No. 7:

The changes have been made in the mock-up. Section 3.5 has been deleted. The repeal of *Nevada Revised Statutes* Chapter 634A, which prohibited the State Board of Oriental Medicine from issuing or renewing a license unless the applicant attests to certain information has been deleted. It is referenced under the text of repealed sections on page 11 of the mock-up [page 13, ([Exhibit M](#))]. Removing all provisions relating to the chapter governing physical therapists, physical therapist assistants, and physical therapist technicians is handled in the deletion of section 13 and 14, which is on pages 12 and 13 ([Exhibit M](#)).

Chair Spiegel:

Are there additional questions or comments? [There were none.] I will take a motion.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
SENATE BILL 355 (2ND REPRINT).

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN NEAL WAS ABSENT
FOR THE VOTE.)

Assemblywoman Carlton will take the floor statement. We will now open the hearing on Senate Bill 197 (1st Reprint).

**Senate Bill 197 (1st Reprint): Revises provisions relating to trade practices.
(BDR 52-746)**

Senator Melanie Scheible, Senate District No. 9:

Senate Bill 197 (1st Reprint) prohibits the sale in the state of Nevada of cosmetics that have been tested on animals. As we have developed more humane testing alternatives over the years and have become more conscious of the safety concerns regarding products that we use in, on, and around our bodies, the time for animal testing has passed and is no longer necessary and certainly not necessary for cosmetics. Consumers overwhelmingly are starting to reject products tested on animals. Statistically, businesses that have eliminated their animal testing policies have been successful and profitable. On an anecdotal level, I can tell you that I have had dozens of people come to me since I introduced this bill and say, I only use products that are not tested on animals; I always check the label; and it is so hard to know if a product has been tested on animals. This is a bill for consumers and for our constituents who do not want to have to worry that when they purchase a make-up product it has been developed through cruel, inhumane, and unnecessary animal testing. We want consumers in Nevada to feel confident that wherever they go, they are not going to be a part of this unnecessary cruelty and that they can buy products in Nevada that were never tested on an animal.

**Monica Engebretson, North American Campaign Manager, Cruelty Free International,
Sacramento, California:**

The bill would only prohibit new animal testing. Animal testing that took place in the past is not impacted ([Exhibit N](#)). We are talking about new animal testing going forward. That leaves companies with hundreds of ingredients that have already been safety tested as well as all the new modern alternatives that are available to test the safety of cosmetic products that are often cheaper, faster, and more importantly, better at predicting human response than the animal tests they replaced. Fifty years ago, all we had were the animal tests and, frankly, they have never been very good at predicting human response. It was all that we had. Times have changed, and we have modern alternatives. Countries around the world have been moving to prohibit the sale of animal-tested cosmetics with the view that it is an unnecessary cruelty and it should not be allowed ([Exhibit O](#)).

Our largest trading partner, the European Union, prohibited the sale of animal-tested cosmetics six years ago. Following suit were Switzerland, India, Guatemala, and New Zealand. It is a trend. There are bills pending that have passed the senate in Canada and the upper house in Brazil; they will achieve the same things. In the U.S., there has been a move to do this in the 115th Congress—H.R. 2790, the Humane Cosmetics Act, would have ended the sale of animal-tested cosmetics. It had 186 bipartisan cosponsors, including three-fourths of the Nevada delegation. One of the primary cosponsors of an earlier bill, which was introduced in 2015, was Representative Joe Heck. What he said about the bill really sums up the essence of the need and the want for this bill. He said, "Cosmetic animal testing is inhumane and unnecessary. It is our obligation to pass this bipartisan legislation and protect the welfare of helpless animals. Countries across the world began banning animal testing years ago and it's time for the United States to join them."

Unfortunately the U.S. has been a little slow in advancing this bill, so state activity has happened and it is leading the way to show a pathway forward for the United States. California passed a ban last year that goes into effect in 2020. With the conversations we have had around Nevada and further conversation with the industry, we have been working really hard to address their concerns, and I believe we have done that. It is setting the stage for a way forward for federal legislation. The state of Nevada has an opportunity to lead the way.

Senator Scheible:

I have submitted a conceptual amendment and there is a mock-up of that on the Nevada Electronic Legislative Information System ([Exhibit P](#)). I would like you to look at the amendment and I will walk you through the bill. The first section sets out that it is going to be a manufacturer that is not allowed to sell or offer for sale a product in Nevada that has been tested on animals. The reason for that is so manufacturers have the data and information. We would not expect a retailer or a distributor to necessarily know whether or not a product was tested on an animal. It goes into effect in January 2020, so we are giving people notice that this is going to happen in eight months. Section 1, subsections 2 and 3, are exceptions to this and provide for using up stock of inventory that was already purchased that may have been tested on animals. It also notes that this is not for things that were previously tested on animals—this is for new animal testing. This describes how if a manufacturer has a product that was previously tested on animals and they have been producing it for 50 years, they can continue to sell that product in Nevada.

Section 1, subsection 2, paragraph (a), subparagraph (3), spells out when a manufacturer can still use animal testing. We do not want manufacturers to start using this as a loophole to test products that are intended for cosmetic use and have some secondary use to start this process all over again. We acknowledge that there are some cases in which an animal test has occurred separate and apart from the cosmetic production and we do not want to punish those people.

Section 1, subsections 4 through 8, are the new part in the amendment. That is the enforcement section. We struggled with the enforcement section because we do not have a clear office responsible for investigating these kinds of violations or for enforcing this kind of law. Other states have a business office or a regulatory commission for cosmetics or personal care items—we do not have that in Nevada. I took some time to speak with attorneys and the Legal Division of the Legislative Counsel Bureau who helped me come up with the idea to make sure that the penalties remain civil penalties and it is not a criminal violation. It would allow a case to be brought by any appropriate government agency of an individual. It gives the authority for whoever desires to take action against the manufacturer.

Section 1, subsection 9 says no other county or local jurisdiction can create a law that is different from this one so we have uniformity across the state. The remainder of the bill is definitions.

[Assemblywoman Jauregui assumed the Chair.]

Acting Chair Jauregui:

Does the Committee have any question?

Assemblyman Yeager:

At the beginning of the mock-up in section 1, subsection 1, the very first sentence indicates that this applies to a manufacturer who imports for profit, sell, or offer for sale. Why would we not include any manufacturer? I am thinking of a scenario where someone imports into the state and they are not selling, but they are giving products away. If the intent is to restrict the testing, that only makes sense based on if it is needed. We might want to broaden that definition.

Monica Engebretson:

In California, we had this discussion about whether it would include giveaways for promotions. The only reason a company would be giving away product in a promotion would be because they are advertising it to launch and sell the product. It was found that it was not something that would necessarily take place or it would be in coordination with the launch of the product.

Acting Chair Jauregui:

Does this include shampoo, body lotion, or conditioner?

Monica Engebretson:

The definition of cosmetics is the same definition used at the federal level and it does include shampoos, lotions, and other things. It does not include medical products or things that have medical ingredients in them. Sunscreens are considered an over-the-counter drug so it is not included.

Assemblywoman Neal:

In section 1, subsection 2, paragraph (a), subparagraph (1), it says the prohibition does not apply to the animal testing that is conducted if it cannot be replaced by another ingredient which is capable of performing a similar function. What would that be?

Monica Engebretson:

There is an exception to allow animal testing if three conditions are met—there is a documented human health threat; there is no alternative method available for determining the safety of the ingredient; and there is no available ingredient that is known to be safe and does not have a health concern that could easily replace that ingredient without those health concerns. Those three things would have to exist and the ingredient has to be in wide use. They are saying that if there was another ingredient that does not have a health concern that would perform the same function that the ingredient that has the health concern has, they would be asked to replace it with the safer ingredient rather than conduct the animal testing on the problematic ingredient if that was possible.

Assemblywoman Neal:

There now has been a shift to 3-D printing of skin instead of doing animal testing, but they are taking the skin of a donor and they are testing that. I am assuming that is falling in the exception for a cosmetic.

Monica Engebretson:

That would be considered a non-animal testing method. Those are approved alternative methods. They use human skin that is donated from plastic surgery and other such procedures. That would not be a violation to use that method. Human skin cells are one of the primary methods that are used to test many products now because they are hugely accurate.

Assemblyman Kramer:

When I buy products, it is not from a manufacturer, it is from a distributor or retailer. This looks like it has to be bought from the manufacturer. If a distributor buys it from a manufacturer, is it a violation? Is it aimed at wholesalers?

Senator Scheible:

The manufacturer in that case would be the company that was in violation by selling it to the distributor.

Assemblyman Kramer:

If your distributor is outside the country, how is this enforced?

Senator Scheible:

Do you mean the distributor or the manufacturer is out of the country?

Assemblyman Kramer:

If I am a retailer and I buy product electronically and it comes from outside the country, how is this enforced?

Senator Scheible:

It depends on the country it is coming from and how it gets here. If the manufacturer has an outlet in the United States and they have sufficient contacts with our jurisdiction, then Nevada would have the legal standing to bring a suit against them. I could imagine some unusual circumstance in which a manufacturer is able to sell products to the United States without our gaining jurisdiction. This gets to the majority of the cases—the usual cases—and the activity we are trying to prevent by holding the manufacturer responsible.

Wil Keane, Committee Counsel:

If you look in the mock-up on page 4, lines 12 through 14, it says " 'Manufacturer' means any person whose name appears on the label of a cosmetic pursuant to the requirements of 21 C.F.R. § 701.12." That *Code of Federal Regulations* section says the label has to include the name of the manufacturer, the packer, or the distributor who is transmitting it. In this case, the manufacturer would be the distributor because they are the name on the label.

Assemblyman Kramer:

How many are we talking about?

Senator Scheible:

Because the national and international trend is away from products tested on animals, companies who sell cosmetics are very aware of this kind of legislation and policy, so we expect they will be proactive in preventing their manufacturers and distributors from selling products that are no longer legally available for sale in Nevada. In terms of how many manufacturers there are, there are a lot.

Assemblyman Edwards:

What is the economic impact to our state? Are we going to be losing jobs, companies, market share? What are we faced with economically?

Monica Engebretson:

I do not expect there will be a huge impact. The multinational companies, the ones that would traditionally be using animal testing—which would typically be used in the development of a new product—these would be the larger companies that sell internationally. Currently, they have to comply with the laws of the European Union. It does not make a lot of sense for them to create a product that they cannot sell in the European Union. It should be easy for them to comply with the law in Nevada and to harmonize the law as we have been doing around the country. I would not imagine that they would stop selling in Nevada. They would comply with the law and make sure that they were not conducting any new animal testing on any cosmetic ingredient that was sold in Nevada or any other state that had passed similar legislation.

Assemblyman Edwards:

The countries you listed leave out the two most populous countries in the world, China and India. I do not agree that the international companies would stop producing simply because the European Union does not allow it. What is Nevada going to be faced with? What is the impact to us? How are we supposed to support something if we do not know if it is going to be harming our businesses?

Senator Scheible:

I vetted this policy with the Retail Association of Nevada and all of the chambers of commerce and had no pushback on it. I have not heard from a single company, retailer, or manufacturer who has suggested that they would reduce or stop their sales or operations in Nevada based on passage of this bill.

Assemblywoman Neal:

I have a question in the mock-up regarding the civil penalty. I do not understand how the consumer gets standing to sue and where the liability reaches.

Senator Scheible:

They achieve standing by virtue of this bill. The bill gives them standing. The case that we envision is most likely initiated by an individual consumer who has knowledge in this area. The bill provides warnings to the companies and an opportunity to cure the defect by not selling those products and clearing their inventory. I am not anticipating individuals are going to get rich off of finding a one-off eyeshadow palette in the back of their CVS Pharmacy that was tested on an animal. We envision if there is an ongoing problem, an individual consumer who is aware of a company that is selling products in Nevada that were tested on animals and that has been asked not to but continues to sell those products, that person—perhaps they are a competitor, a consumer of that product and they are unable to get a substitute because the market has been flooded with this product—could want to sue the manufacturer for violation of this law. There are a number of ways this pattern could play out. The enforcement piece of this legislation is new and I am happy to consider amendments.

Assemblywoman Neal:

To me, it is a private right of action. It is a consumer and you are not speaking at all to a class action lawsuit for consumers to join together and go after a manufacturer. Basically, they would be standing on state law. Is that what you are thinking?

Senator Scheible:

I would not anticipate a class action lawsuit under this statute, but I do not see anything prohibiting it.

Wil Keane, Committee Counsel:

As far as the private right of action, this is a statutory right of action given to a consumer. In the mock-up on page 3, line 13, it is a statutory right that is given to the consumer. That is how they achieve standing. Is it conceivable that someone could bring a class action lawsuit? It is conceivable, however, the damages would not be expanded. The damages would be up to \$2,500 for a first offense no matter how many plaintiffs there were. It is conceivable multiple people could band together to bring a lawsuit if they all fell under the terms of the statute, but the damages would still be the same.

Assemblywoman Tolles:

Is there a way to put in some warning language to ensure that the manufacturer knowingly violated the statute before we go straight to the penalty phase? Where did you get the model for that penalty structure?

Senator Scheible:

I would have to get back to you on adding language about a warning. In concept, that certainly makes sense. I am not sure exactly where we would put that, but I am willing to look at it. We got the language for the penalty structure from the Legislative Counsel Bureau.

Assemblywoman Tolles:

We can continue to talk about how to go about the new language.

Acting Chair Jauregui:

Is there any testimony in support of S.B. 197 (R1)?

Jeff Dixon, Nevada State Director, State Affairs, Humane Society of the United States:

We feel the "asks" of industry are very reasonable. It is evidenced in the continued efforts they put into accommodating any industry concerns as evidenced by the thousands of available products in this segment that you can have a safe and humane product for personal care. For those reasons, we are in support of the bill.

Acting Chair Jauregui:

Is there anyone to testify in opposition? Seeing no one, is there any testimony in neutral? Seeing none, are there any closing remarks? [There were none.]

[([Exhibit Q](#)), ([Exhibit R](#)), ([Exhibit S](#)), and ([Exhibit T](#)) were submitted but not discussed and are included as exhibits for the hearing.]

I will close the hearing on S.B. 197 (R1). We are in recess [at 2:30 p.m.]. [The meeting is reconvened at 2:35 p.m.] I will open the hearing on Senate Bill 432 (1st Reprint).

Senate Bill 432 (1st Reprint): Revises provisions relating to certain financial transactions. (BDR 52-1146)

Alfredo Alonso, representing American Legal Finance Association:

I will present the bill after a presentation from Kelly Gilroy.

Kelly Gilroy, Executive Director, American Legal Finance Association, Washington, D.C.:

The American Legal Finance Association (ALFA) is a trade association composed of companies who provide consumer litigation funding and is dedicated to ensuring fair and ethical standards in this industry. Consumer legal funding is a unique product that helps consumers who have a pending legal claim access funds to help them make ends meet while they wait for a resolution in their case. It is a unique product because it does not require credit checks, employment verification, or things that other traditional financial products require. It helps people who have been injured through no fault of their own. They have already filed a claim, hired an attorney, and they need help making ends meet. These are existing cases. The money is used for rent payments, car payments, groceries, utility bills, and basic life needs that allow people to continue working and making things work.

What sets this apart from some other products and makes it truly unique is the nonrecourse nature of this product. Companies are paid from the proceeds of a case and if there are not enough proceeds, the companies receive either a reduced amount or nothing. There is no fault to the consumer. People are never in a worse position after they have accessed this type

of funding. Even in the event that they lose their case, they still have that money to pay their rent or car payment. We do not garnish wages, impact their credit, and repossess their car or their home. It never sucks them into a cycle of debt that other products can do. This product serves to level the playing field between consumers and insurance companies. That way they are not feeling the financial pressure to settle a case when it is too early because they have to pay bills. This helps them hang on so that they can come to a real resolution with their attorney. The companies have no involvement in how this happens. We provide the money, the attorneys step back, the case proceeds, and they make that decision with their attorney and we have no involvement with it.

The bill we are talking about today would establish regulations that are specific to the unique nature of the product. It would standardize the contracts, making it easy for your constituents to compare multiple companies so they could find the best deal for themselves. It would prohibit referral fees between the companies, doctors, attorneys, or anyone else. It provides a right of rescission for people to return the money with no penalty to them. It makes it really clear that the companies may have no involvement in how the case proceeds. They cannot meddle in the settlement.

When there have been issues with this product in the past, it has been for a couple of reasons. It was because the attorney on the case was not aware that persons accessed this kind of fund or the terms were not clear. This bill addresses both of those issues by requiring attorneys to be made aware of the contract and making the terms very clear, in plain English, including how much they would be required to pay back when their case settles. It would remove any of the guesswork and make it simple for them. It is important to remember that this is a product that is an option for people. It is not for everyone with a case, it is not for everyone with a claim, but in certain circumstances it can be a lifesaver to help them bridge that gap while waiting for the case to settle.

Alfredo Alonso:

A lot of what is in this bill has been discussed over the last ten years in the Legislature. Many states have looked at it in various forms and now you are finally seeing some regulatory schemes being created around the country. I believe there are about eight of some sort and about five that are closer to this format. There are several states that are taking a look at this as well. We worked with the people at the Division of Financial Institutions (FID), Department of Business and Industry. Many of the provisions in here are not only the New York model, but are making sure that it comports with Nevada law. We are still working on a couple of amendments with Department of Business and Industry Director Michael L. Brown and the staff from FID that we hope to have tomorrow.

Most of the bill deals with disclosures and how the customer will be approached. You have to include an attorney; you cannot just do this like it has been happening. You have people going online and seeking out help, and the attorney is never included. There is no idea whether the case is appropriate or not; there is no additional discussion between counsel and the individual. That is one of the obvious concerns that I think we have under the current scheme. It is very important that the attorney be involved in every facet so they are able to

give the individual an idea of what this looks like and what they are getting into before they do it. We cap the interest rate at 40 percent annually so we are not talking about an uncapped product. This is making certain that within the contract, the individual knows exactly what he or she is getting. If the person loses the case, he or she does not pay anything. The risk is all on the litigation funding company where I think it should be.

Section 18 has basic provisions. It has to be written in layman's terms. The cumulative amount due is disclosed so the individual knows exactly what is going to be paid if the case settles. The funded amount is disclosed to the customer. The attorney cannot be paid on a contingency basis. That is a problem these days. In some unregulated areas contingencies with attorneys are not right, and we address that in this bill. Section 19 is about written disclosure. Section 19.7 is about cancelation of the contract. Section 20 states that a company cannot intentionally advertise false information. They can only refer a consumer to a lawyer referral service. They cannot knowingly provide funding to a consumer who has already assigned or sold a portion of the right of the consumer to another company unless agreed to in writing. They may not pay or offer court costs, filing fees, or attorney's fees. Two or more companies may provide funding only if the attorney is involved and, under certain circumstances, it has to be in writing.

Section 22 is a provision on making the contract void if the company is found to have willfully committed a deceptive and abusive violation of this chapter. In section 23, the proceeds can be assignable. A lien that is related to a legal claim of the consumer or a lien that is imposed by Medicare that is related to the legal claim of the consumer takes priority over a lien imposed by the litigation funding company. It puts them in a secondary position to some of the more important issues such as medical. We also put this section under Nevada law to make sure the Commissioner of Financial Institutions has full ability to go after these people if they are behaving badly. For any provisions of the law that are violated, there are fining provisions. Other discussions we had with Director Brown and his staff dealt with making sure that the assessments that are currently in law and all of the provisions that are currently in law with respect to loans, which this is not, are still in the applicable chapter so there is both consumer protection and enforcement attributes that FID would continue to have.

Acting Chair Jauregui:

Are there any questions from the Committee?

Assemblyman Yeager:

I appreciate having the attorney sign off on this. I do this kind of work and it can be very difficult in representing someone if you do not know about one of these loans. It makes the case exceedingly complex. I also understand there are injured individuals that through no fault of their own need money and need it quickly. There are laws that prevent the attorney from doing anything about that if you are representing them in a case. We heard Assemblyman Flores' bill, Assembly Bill 305 (1st Reprint), which dealt with this same kind of arrangement. I think the bill is in the Assembly Committee on Ways and Means. I wonder if you can tell us how this bill is different.

Alfredo Alonso:

Senate Bill 432 (1st Reprint) and Assembly Bill 305 (1st Reprint) try to get to the same place, but I believe this is a much more robust disclosure. There is no right of rescission in A.B. 305 (R1) and it treats those like loans, which could be required to be paid back. That is not the case here; that is a very important piece of this. These are not loans. Money is not being loaned to anybody under current lending statutes that would have a requirement to pay back the loan. Part of the problem that we are seeing across the country is that you have cases that go bad. In some cases these companies are requiring the person to pay back the loan anyway. This is not a loan. If you lose the case or the case settles for a smaller amount than the loan, the contract says a person contracted for this amount and the individual is not liable for any more than that. That is an important distinction between the two bills. The consumer protection in S.B. 432 (R1) is much stronger and the attorney has to be part of this equation. They were not in A.B. 305 (R1). If you do not have a brick-and-mortar establishment, you are still required to go through an attorney so it is both licenses—your FID license and your State Bar license. We believe that strengthens the ability for FID and the state to make certain everyone is doing this correctly.

Assemblyman Daly:

In section 6, it says the person has to be a resident of the state and have a pending legal claim. Can the claim be in this or any other state? If the claim were here and the person lived out of state, it would not apply to them?

Alfredo Alonso:

It should be someone who resides in Nevada and has a pending legal claim. This is not something a person can create. The person has a current legal claim, it is in the state of Nevada, he or she is domiciled here, and is in need of assistance. The best example would be if someone gets into a car accident and is unable to work. There may be a point in that case where the person needs to pay bills, so the person seeks out this help through one of our affiliates and perhaps they might be able to help. They may not be able to help. This is not a guarantee by any stretch, because we underwrite the case. If it is a bad case, the likelihood is that they may not do it because the risk is all on the company.

Assemblyman Daly:

I want to be sure who the consumer is and where the claim is. The claim could be in California, but the person lives in Nevada, so he could get that insurance. If the person lives in California and has a pending legal claim in Nevada, he is not a consumer.

Alfredo Alonso:

That is correct.

Assemblyman Daly:

Section 20, subsection 1, paragraph (e) is about the priority of the payments. What are we considering when you say "knowingly provide consumer litigation funding to a consumer who has previously assigned or sold a portion of the right of the consumer to proceeds from his or her legal claim to another company"? I understand that he cannot go to multiple

companies without disclosing to the others. Referring to a typical automobile accident where you have a medical claim and there is subrogation through medical insurance, are you counting that and where is that in the priority of the paybacks? Is that a previous assignment?

Alfredo Alonso:

I do not believe so. I think this simply allows these loans to be sold. You are not going to take a first position over anything dealing with Medicare, et cetera. Your contract is already set, and I think the average loan is about \$5,000 so we are not talking large numbers here. It is important to know that the only way this would ever work, and the only reason that section is in there, is you may have a company that might be purchasing these loans. I think this allows for that.

Assemblyman Daly:

So subrogation is not a previous assignment under your definition? When you sign a subrogation form, you are promising that you are going to pay back the cost of any medical services that were provided from the proceeds of that litigation with your insurance company. If there is not enough to pay everything, what are the priorities of who gets paid first? I know the attorneys, the medical claims, and this loan get paid; but there is no mention of the subrogation payment.

Alfredo Alonso:

We can check into that. I do not think that is part of this bill because the numbers of these loans are fairly limited. I will try to get you an answer as quickly as possible. I do not think it affects subrogation in any way.

Assemblyman Yeager:

In regard to Assemblyman Daly's question, that actually happens on occasion where there are different outstanding amounts, including a subrogation with an insurance company and maybe one of these loans and some other medical bills. There is simply not enough money that is recovered either in settlement or at trial. The attorney then starts negotiating with all of the different parties and then everybody has to agree to accept a certain amount. Whoever has the subrogation is going to ask, What are you paying everybody else? If they can get buy-in into that, that is how the money would be distributed. If they cannot get buy-in, they have to go to court and do an interpleader where they give the court the money and say these are the people who have claims on the money. They ask the court to make the decision. That is expensive to do, so the parties almost always are able to come to some kind of an agreement even if everybody is not happy, because nobody wants to go to court and argue over what usually is not much money. I think the fact that there is not a preference in here makes sense because that negotiation has to happen when you have all of the debts in front of you.

Acting Chair Jauregui:

Are there any other questions?

Assemblywoman Neal:

In section 18, subsection 3, what is the time lapse in order for this to be triggered for the contract to be void?

Alfredo Alonso:

We do not discuss the timing in the bill because we think that will probably be promulgated in the regulations. Anything we miss in the bill, FID will likely be doing regulations on and probably robust regulations that deal with everything on timing and anything else we leave out.

Assemblywoman Neal:

Section 30, subsection 5, is about the liability of the surety on the bond. Are sureties in a different contractual position where a violation of a contract term is no longer a remedy for them? Typically, misrepresentation or a breach of warranty in a contract could be a term in which you could find a remedy. In this case, you are saying the liability of the surety is not affected when misrepresentation or breach occurs. My question is why?

Alfredo Alonso:

I think we mimicked existing law in that section. I will have to find out why we put it in there for other loans as well because this is not new.

Assemblywoman Neal:

I am always concerned about when a contract term is triggered, and the inequity of different individuals. To me, contract law should have certainty that these remedies are available—if your X person is not available to you, but yet is available to the other person.

Wil Keane, Committee Counsel:

The bond being dealt with in section 30, subsection 5, is the bond that has to be given by the licensee to the Commissioner to assure payment. It is in addition to their other obligations to have assets. This bond is given to the Commissioner to ensure their payment in case the licensee does not have enough money to pay back something. The Commissioner could then go to the surety who has the bond and say, This licensee does not have enough money, you need to pay up to \$50,000 on this bond so that we can reimburse the borrowers. The reason it says the liability of a surety is not affected by misrepresentations, breach of warranty, or any other act or omission of the licensee is because the licensee is the one whose acts are being guaranteed. We would not want the licensee to be able to act badly and take away the amount of money available for the Commissioner to reimburse the borrower.

Assemblywoman Neal:

In section 32, subsection 3, it addresses liquid assets of at least \$50,000. That seems like a small number. I do not know what the traditional amount of assets are.

Alfredo Alonso:

A lot of the details will be left to the Commissioner. It gives the Commissioner and FID some flexibility. Most of these loans are in the range of \$5,000 on average. Some

companies have bigger ones, some smaller. That lets them allow a small company who may have an agreement with the Commissioner that they are not going over a certain amount. It is about flexibility for the Commissioner and the FID.

Assemblyman Daly:

In section 38.8, I like the language that says, if the consumer litigation funding contract is void the person does not have to pay. In section 22 it also talks about the contract being void. Why does that section not have the same language to be clear and consistent?

Alfredo Alonso:

It depends on why it is void. You are going to have various sections that deal with criminal behavior. That is dealt with in a certain way. You still have the authority of the Commissioner to fine, revoke the license, and do a myriad of things that does not even get to the criminal procedure. I think you have remedies throughout that protect the consumer and the state.

Acting Chair Jauregui:

In section 27, subsection 1, paragraph (a), subparagraph (1), who determines that the applicant has a good reputation for honesty, trustworthiness, and integrity?

Alfredo Alonso:

That is at the discretion of the Commissioner. That language comes out of an existing FID chapter. That is important because it is about the flexibility to allow the Commissioner to look at every licensee individually. There will be regulations written around this as well. It is going to be different for every applicant.

Acting Chair Jauregui:

Are the fees that were set for the application consistent with other application fees that are charged?

Alfredo Alonso:

Yes, they are consistent with the states that have started regulating. You will see in our amendment that we also deal with the assessments. Those assessments by FID will also be included in this bill. That is consistent with existing language. Under *Nevada Revised Statutes* (NRS) 658.098, there are levies on legal and accountant services. The Commissioner will be able to recoup those costs.

Acting Chair Jauregui:

Section 19.7 says, "If a consumer cancels a consumer litigation funding contract . . . the consumer litigation funding company shall promptly forward notice of the cancellation to the attorney" Is promptly defined?

Alfredo Alonso:

We see that as immediately. That is another thing that will be spelled out in regulations.

[Assemblywoman Spiegel reassumed the Chair.]

Chair Spiegel:

Are there other questions from the Committee? Seeing none, do we have anyone who wants to testify in support? [There was no one.] Is there anyone who wishes to testify in opposition?

Eric Schuller, President, Alliance for Responsible Consumer Legal Funding, Washington, D.C.:

Our opposition to the bill is minor. We would like to work with the sponsor and the Department of Business and Industry on the bill as it caps the rates at a solid 40 percent. The problem we see with that is you are going to limit the availability of the product to some of those fringe cases that currently will not be able to be funded under this concept. We are respectfully requesting what is done in other states, which is adding a document preparation fee to be allowed to be part of that. In one of the states it is clearly defined, and we are fine with it being added here. If the funding is less than \$5,000, a one-time document preparation fee of \$250 should be added, and/or if the funding is greater than \$5,000, a one-time documentation preparation fee not to exceed \$500 should be added. There is a lot of cost that is associated with putting these products together. You not only have to research what the cases are, but there are administrative fee costs involved with getting police reports and things like that. We are trying to help defer some of the costs so we can have a broader spectrum of companies available to come into the state to offer the product.

Chair Spiegel:

Is your proposal regardless of whether or not the person wins their case?

Eric Schuller:

No. This would still be within the whole scope of if the person loses their case, this would go away as well. This is going to be in addition to the 40 percent but would still be covered if the consumer loses their case, or if there are not sufficient funds to cover the costs at the end. It would all still be covered under the same provision. We are asking for assistance to help defer some of the costs of putting these products out for consumers and to help spread the availability of the product to a bigger, broad spectrum of companies.

Assemblyman Yeager:

When these kinds of cash advances are made against a potential settlement, is the interest rate that is applicable dependent on the case and the person lending, or is it typically one interest rate that is locked in and you either qualify or you do not?

Eric Schuller:

Most companies currently look at this as risk assessment. If the case is a riskier case, they are going to charge a higher rate. If it is a slam dunk case, they will charge a lot less. It also depends upon the relationship they have with the attorneys. Our concern is by limiting the rate structure as is, you are also limiting the availability on some of those cases that may be

on the fringe and companies may not be able to offer it because the risk is too great for them to take. We are trying to defer some of the risk.

Chair Spiegel:

Are there any other questions from the Committee? Seeing none, is there any other testimony in opposition?

Keith L. Lee, representing Injury Care Solutions:

You may recall I testified on behalf of Injury Care Solutions on Assembly Bill 305 (1st Reprint). We are a medical factoring company. We are different from litigation funding companies. With permission of the plaintiff and plaintiff's counsel, we deal directly with medical providers to see if we can make an arrangement to purchase outright some or all of the medical bills of the plaintiff and then we file a lien. We have talked with sponsors, Senator Cannizzaro, Mr. Alonso, and the people at the Department of Business and Industry. I think it is the intent that this bill does not apply to medical factoring companies, and we have reason to believe that the amendment you may see tomorrow will specifically exclude us.

Chair Spiegel:

Are there any questions from the Committee? [There were none.]

David Goldwater, representing Preferred Capital Funding:

This bill was put together rather quickly. We have not received a lot of information because there has been some turnover at the FID in the Department of Business and Industry. We are licensed through FID to conduct these advances today. We are coming in neutral because we have not seen anything from the proponent and we know he intends to propose an amendment. I do not want this to be a surprise to the Committee and we are awaiting the amendment.

Josh Griffin, representing Sierra Medical Services:

I echo the testimony of both Mr. Lee and Mr. Goldwater. We would like to receive the amendment when it is available and to work with the Department of Business and Industry. I believe there is merit to the amendment that was discussed and in the previous testimony about the application fee and how we can work with the Department to make sure the broadest number of these loans and products can be made.

Michael Brown, Director, Department of Business and Industry:

I want to thank Senator Cannizzaro for bringing this legislation forward, and the two trade associations that have been assisting us in understanding this new area. The Interim Commissioner of the FID, Rickisha Hightower, and Acting Deputy Commissioner Mary Young have provided our comments to the sponsor. This is a new area, and we expect a robust rulemaking. We will also have to work on transitioning the existing companies. This is now covered by the installment loan section of the NRS, which was first created in 1959. We are working with Legislative Counsel Brenda Erdoes to determine if this should be put into a separate section within the chapter. I would ask the Chair if it would be

possible for the professionals in the FID and the Legislative Counsel Bureau staff to collaborate closely.

Chair Spiegel:

That would absolutely be possible.

**Rickisha L. Hightower, Interim Commissioner, Division of Financial Institutions,
Department of Business and Industry:**

We are continuing to work with the sponsors of the bill with concerns the Division has regarding examination authority and other issues within the bill.

**Mary Young, Acting Deputy Commissioner, Division of Financial Institutions,
Department of Business and Industry:**

I am here to answer questions.

Chair Spiegel:

I look forward to being kept apprised of what is going on with the bill and meeting with the Division and stakeholders while keeping the Committee involved so we get an understanding. How was the 40 percent cap determined, and do you have any background on that?

Alfredo Alonso:

The 40 percent was arrived at by trying to get the equivalent to if it were a loan and it were being regulated and to make sure we had a cap similar to what the Division is currently using in that space. It is apples and oranges, so we wanted to make sure we got as close as we could.

Chair Spiegel:

Is there anyone else to testify? Seeing none, I will close the hearing on S.B. 432 (R1). We are recessed until the call of the chair [at 3:19 p.m.]. We are reconvened [at 3:57 p.m.]. I will open the hearing on Senate Bill 128 (2nd Reprint).

Senate Bill 128 (2nd Reprint): Revises provisions governing the administration of occupational licensing boards. (BDR 54-518)

Senator Pat Spearman, Senate District No. 1:

I will go through the proposed amendment ([Exhibit U](#)) to Senate Bill 128 (2nd Reprint). There is a chart on the Nevada Electronic Legislative Information System to assist in understanding the proposed amendment ([Exhibit V](#)). I will go through an abbreviated version of my presentation. In 2013, 2015, and 2017, we put in place legislation for reciprocity for a compact. Primarily it was because we have military members who are either retiring, leaving the service, or moving with spouses who cannot get licensed. Three weeks ago I was at the United States Department of Veterans Affairs hospital and spoke to a physician's assistant who said it took him almost a year to get licensed even though he had worked in combat hospitals; he was on the faculty at the University of Nevada, Reno. Those

sorts of things are wrong. That is the bulk of the bill. There are three sections of the bill. The section that causes the most discomfort is the part of the bill that authorizes the State Barbers' Health and Sanitation Board to set in place regulations that will allow for provisional licensing. Several of my constituents came to me and asked if I would consider expanding their scope of practice so they could shave customers.

For three years I have been working on Senate Bill 166 (1st Reprint) for pay parity for women. I have heard several reasons why expanding the cosmetologists' scope of practice would not be right. More often than not, what I have heard is that some people feel it will take business away from them. I look at some statistics—40 percent of the barbers in Nevada are women and 85 percent of the cosmetologists in Nevada are women. In my Senate District, I have 12,578 single, head of household women. All we are doing here is the same thing we have done with advanced practice registered nurses, physician assistants, and anybody else who asks to expand their scope of practice. We usually meet with the same resistance; they do not want competition. I do not think it is competition. It is especially allowing those women who are single and head of household to expand their practice so they can get more economic security. That is the crux of the bill. We want to make sure the boards act in a manner that comports with what we have passed in terms of reciprocity and in terms of compacts.

I had a conversation in January with one of the commanders at Nellis Air Force Base and talked to someone again this past Monday. The problem they are having is that they have spouses who come here and cannot get licensed. That is across the board. Every board that you see in the chart ([Exhibit V](#)), everyone, without exception, has had issues with their spouses trying to get licensed. The commander told me it is not just about limiting what the spouses can do, because they are following their military person around, but because the cost of living in Nevada is so high, it goes to economic security for them too, because they usually need two incomes.

In the proposed amendment, section 2 deals with all Title 54 [*Nevada Revised Statutes* Chapter 622] regulatory bodies and what we are asking them to do. Some of the bodies either do not have a website or the website has not been updated. For some boards, there are people who try to access the application but cannot get it. We are asking the boards to put everything online by 2022. If a regulatory body fails to submit required information to the Sunset Committee, they must appear before the Legislative Commission. Sections 4 and 39 deal with the open meeting law. That is a problem because some of the boards do not post their meetings or their meeting place is not accessible to people across the state. Sections 7 through 22 authorize the board to grant certified public accounting firms to do one or two things without having to get a full-blown license. It will require the boards to give a provisional license to an applicant who meets the requirements prescribed by the applicable board, and to provide for the issuance of simultaneous licenses by each board to a physician assistant who wishes to be licensed by both the Board of Medical Examiners and the State Board of Osteopathic Medicine.

Sections 28 and 74 impose certain requirements to the board relating to the renewal of a license as a physician assistant. Sections 30 and 70 authorize a physician assistant to provide medical services. Sections 31, 32, and 58 provide requirements governing the supervision of a physician assistant. Sections 34, 40, 53, and 62 require the Board to perform certain duties relating to the recruitment of physicians in this state. Sections 35 and 59 provide exemptions from licensure and regulation by the Board to certain federal employees. Sections 36 through 38, 60, 61, 78, and 98 add an additional member to the Board who is a licensed physician assistant in this state. Currently that does not happen, so when you have people who do not have the same perspective, the people who are being regulated do not get treated fairly.

Sections 46 through 49 and 67 through 69 of the proposed amendment ([Exhibit U](#)) make various changes relating to the licensure of physician assistants and eliminate the provisions that an applicant for a license by endorsement to practice as a physician assistant be certified in a specialty recognized by the American Board of Medical Specialties. Sections 51, 80, 81, and 92 provide that the record concerning applicants for licensure are not public records. That is a security risk. The board should keep the records but not publish the names and personal information online.

There is one part of the bill that is apparently causing a lot of the consternation. The rumor was that the cosmetologists were going to teach shaving and they were going to be the ones to license. That is not true. I have spoken to every barber who has called me that I have had time to get back to and I told them it is not true. Sections 84 and 89 of the amendment authorize the State Barbers' Health and Sanitation Board to issue a provisional license as a barber instructor to a person who meets certain requirements. Additionally, the bill prohibits an instructor from training more than two persons who each hold a provisional license as an instructor at the same time. Section 85 requires the State Barbers' Health and Sanitation Board to adopt regulations to issue a limited license to allow a licensed cosmetologist to render shaving services.

Section 87 revises the membership of the State Barbers' Health and Sanitation Board to add a new member who is an owner of a barbershop. Section 90 revises the membership of the State Board of Cosmetology to replace one of the four members who are cosmetologists with a member who is an owner of a cosmetologist establishment.

Everything in here is consistent with everything we have done. I understand that this is something that causes a lot of consternation. One reason I am sponsoring this bill is to prevent military members, veterans, and their spouses from having to wait unnecessarily to be able to practice their profession because licensing boards are not doing what is already in statute. I think that is wrong. Every board should be doing that and should have to submit a report which includes who applied, who was accepted, why people were not accepted, and how long did the process take. Those are some of the provisions which I know will directly impact our military families, spouses, and veterans. There is not one board that has complied fully with the reciprocity of the compact.

Senator Joseph (Joe) P. Hardy, Senate District No. 12:

The genesis of S.B. 128 (R2) from my perspective is the concept of access to care. We are in the middle of an opioid overdose crisis, and we only have so many practitioners who are thus qualified. I looked at the residents who are in training to see what they could do and how they could help us. There are about 200 per year for three years that are close to primary care who could be qualified for a waiver that would allow them to have another Drug Enforcement Administration (DEA) number and be able to treat people with buprenorphine, which has been shown to help substance abusers. Access to care generated five bills, the bulk of which are in S.B. 128 (R2).

On page 15 of S.B. 128 (R2), we talked about the Board of Medical Examiners being able to accept and appreciate the active duty military, veterans, and spouses that are needed in allowing us to help us with our commitment. The access to care is interesting because we have grown 25 percent from 2005 to 2015 as a state and our doctor population has grown 2 percent. We are short 2,500 doctors. In the world of doctors, we can educate a physician assistant in 28 months, a nurse practitioner in 18 months, a medical doctor plus one year of training in 60 months, and a doctor with two years of additional training in 72 months. You can see the concept of trying to get doctors is important for their training. ([Exhibit W](#)).

We tried to do this before and we thought we opened the gates for the armed forces people and their spouses and we got nothing. This is trying to put this in front of people again so they will be interested in coming here. When we are trying to do that, we also recognize that physician assistants are important, so we gave them a price break if they were certified by both the Board of Medical Examiners and State Board of Osteopathic Medicine. In looking at this, we found some things that the Board of Medical Examiners can do by themselves. They can look at their application and make it more friendly and less threatening. ([Exhibit X](#)). We are looking for an invitation for people to come to Nevada based on Governor Sisolak's letter which says he is delighted you have chosen the Silver State as your next adventure ([Exhibit Y](#)). That is the kind of message we are looking for the Governor to be able to write when we invite doctors into the state of Nevada, not just the veterans that are in S.B. 128 (R2).

Senator Spearman:

The proposal about expanding the scope of practice came to me from some constituents. I am trying to fight for the constituents who asked me to do this.

Senator Hardy:

In S.B. 128 (R2) there is the piece to include accountants to be able to help us with our jobs, and that is the first part of the bill that I think is important for what we are talking about.

Chair Spiegel:

Is there any other testimony?

Anna M. Durst, Chief Executive Officer, Nevada Society of Certified Public Accountants:

Senator Spearman asked that I present sections 7 through 22 in the proposed amendment ([Exhibit U](#)), regarding certified public accountants licensed in other states dealing with *Nevada Revised Statutes* Chapter 628. Shall I go through that now, or would you like to wait until you have questions?

Chair Spiegel:

Are there any questions from the Committee? Seeing none, we will move on to testimony in support of S. B. 128 (R2).

Joan Hall, President, Nevada Rural Hospital Partners:

This bill, especially the areas impacting NRS Chapters 630 and 633, is very important to our members. Access to care in rural Nevada is our mission. Currently, Nevada ranks forty-eighth in the nation for primary care providers per capita. From John Packham's 2018 *Nevada Rural and Frontier Health Data Book*, rural Nevada had 40 primary care providers per 100,000 population compared to urban Nevada that had 93. Recognizing the difficulties in recruiting providers to rural Nevada is especially distressing when licensing becomes a barrier. This bill streamlines some of these processes and provides efficiencies.

We believe the electronic system is very important. We have heard that doctors often do not send in a complete application and so that delays the whole process. If this were an online process, it could not be submitted without all of the information. The compact is very important. It has sped up the process but many people do not understand it. In sections 40 and 62 of the proposed amendment, it talks about promoting that. We think the issues with the physician assistants are very important. I know people will have some angst with the supervision of ten. In rural Nevada, we will have groups of doctors that rotate through three hospitals, so to supervise those physician assistants, it is not always at the same time, but at different times in different hospitals.

Joanna Jacob, representing Dignity Health-St. Rose Dominican:

On behalf of our seven licensed acute care hospitals as well as our seven Dignity Health Medical Group locations in southern Nevada, we are in support of the amended version of S.B. 128 (R2). A critical part of our mission is health care providers and advocating for improved access to care. We see this as an access to care issue. We think this is one of the most significant bills that we have had the opportunity to work on when we can have a real-world impact on access to care. There are access to care issues regardless of where you are in the state. Dignity Health currently has over 50 openings to be filled in our group. In reality, we are trying to fill these over the next five years. What we really feel we need in growing Clark County is 124 physicians. That is why we are here in support. One of the best recruiting tools in trying to recruit is a smooth licensing process without unreasonable delay and longer payment programs that help to recruit newer physicians to the community. We feel this bill will address the licensing process and make critical changes. We support the move to an online process for licensing and for submitting documentation. We also appreciate the efforts of the working group to adopt a provisional licensure process, which

will allow physicians from other states to come to Nevada and begin work while they complete their documentation, subject to the jurisdiction of the board.

Michael Hackett, representing Nevada Academy of Physician Assistants:

We, too, are here in support of the bill with Amendment No. 5873 that has been presented. We are in support of this bill, particularly within the context of access to care. We are very appreciative of the provisions in the bill that we feel are beneficial to physician assistants. We appreciate that the bill is proposing to provide uniformity between the two physician assistant licensing boards and the provision to provide dual licensure, and the fees that go along with that. We also appreciate modernizing the licensing processes for physician assistants and addressing issues that are important to us such as inactive licenses, who may hold oneself out as a physician assistant, and how a physician assistant can provide unsupervised emergency care. It also includes supervisory ratios, adding voting members to the licensing boards, reciprocity, licensure by endorsement, and other provisions. Nothing in the amendment that has been presented expands the scope of practice for physician assistants, nor does it remove the requirement that a physician assistant must have a supervising physician in order to practice in the state. There are some provisions in sections 31 and 32 of the amendment that we feel may require clarification.

Conner Cain, representing Touro University:

Touro University has the state's largest physician assistant program. I would like to echo Mr. Hackett's remarks. We believe sections 31 and 73, which relate to the number of physician assistants that can be supervised by physicians, will help with access to care issues. The issuance of simultaneous licenses by each board will help physician assistants and students as well as the community outreach that Touro University currently engages in. Touro has a couple of mobile health care clinics and partnerships with the Shade Tree Homes, Volunteers in Medicine, the City of Henderson, Catholic Charities of Southern Nevada, and Veterans Village. The provisions of this bill would help them with that outreach. We believe having physician assistants represented on both medical boards could help attract more physician assistants to the state.

Michael D. Hillerby, representing Nevada State Board of Accountancy:

We are here to support the sections of the bill that amend NRS Chapter 628 and the practice of accountancy. We have no position on the practice, act, and changes on other boards.

Anna Durst:

I am only here to discuss the sections relating to NRS Chapter 628. Currently a certified public accountant from another state can serve Nevada clients if they are doing tax, accounting, consulting, and a few other services. This amendment would allow them to also provide test services such as audit, compilations, and reviews without registering with the Nevada State Board of Accountancy or paying a fee. We call this no registration, no fee, but no escape. They are still subject to all disciplinary action from the Board of Accountancy. Their authority is not changed and they still have to comply with all provisions in our standards and regulations. Twenty-seven states have already adopted what we call firm mobility. About 5 more are in active legislation currently, and we think there will be at least

30 states by the end of this year. As a profession, there is so much uniformity and communication between the states that they feel the risk of finding someone who is not acting in the best interests of their client and within the ethical standards of the profession is low. The complaint process does not change nor do any of the disciplinary actions under this provision. The only thing that changes is they are not required to register.

Gwen Braimoh, Owner, Expertise Cosmetology Institute, Las Vegas, Nevada:

I am in support of the provisional licensing for barber instructors. I know there has been a lot of resistance to this particular program. The program has been around since June 1991. When I originally opened my cosmetology school, I was able to recruit instructors as being provisional licensed instructors. The program does not deviate from the curriculum, hours, or examination that the State Barbers' Health and Sanitation Board already has in place. This allows for a barber with three years of experience to go into a school to work as a provisional instructor under the supervision of a licensed barber instructor, which will help us create instructors. There is a lack of instructors in our state and when I opened my school a week and a half ago, I had to recruit from out of state. It is not fair business practice for us not to be able to recruit instructors in our own state. I am asking the Assembly Committee on Commerce and Labor for the support of section 4.05 of S.B. 128 (R2), which allows a licensed barber to work as a provisional instructor side by side with the instructor. There is a curriculum in place, but this does not have to affect the schools that do not want to hire a provisional instructor because a provisional instructor is a paid student instructor. I went before the State Barbers' Health and Sanitation Board in January and we were supposed to go into a closed session; we never went into a closed session. I am asking the Committee for support.

Hannah Brown, President Emeritas, Urban Chamber of Commerce:

I am here to speak in support of reciprocity for barber instructors. In addition to military personnel, we have barber instructors who have worked in their craft for the last 20 to 25 years that come through our city and they are forced to go back to classroom training. The laws we have now have been in place for decades and our population has doubled, if not tripled, in that time frame, which I think calls for a change. When we continue to limit growth, we deprive our families of the ability to support themselves and to make a decent living.

Chair Spiegel:

Is there anyone else to testify in support? Seeing none, is there anyone to testify in opposition?

[Chair Spiegel asked those in opposition to stand up to be recognized.]

Keith L. Lee, representing Board of Medical Examiners:

We will stand offline for any questions or further comments you wish from us. We are also preparing a rather detailed position paper on these new amendments. Until 24 hours ago, we remained neutral on this bill as it came out of the other house. We have been reviewing the mock-up amendment. We have been involved with stakeholder meetings since the first week

of the session. The Board of Medical Examiners has started to do some internal things to help make the application appear friendlier. We do not have a reciprocity licensing procedure in Nevada for allopathic physicians. We have licensure by endorsement in three separate sections of NRS Chapter 630 and we have a printable application form online. The compact we have had in existence for five years has become very robust. We now have 32 states participating in that compact. We have licensed about 300 physicians through the interstate licensing compact in the last year and a half. I would indicate that the doctor must take the first step. The doctor has to sign up for the license application. We understand there is an access to care issue, but we think the access to care should not be sacrificed by reducing the standards we have for licensure. We do not think the licensure process is the barrier. On average we license applications within 64 calendar days of receipt of an application. We always license within 24 to 48 hours of receipt of a full application.

Jasmine K. Mehta, Deputy Executive Director, Board of Medical Examiners:

We have a number of concerns with the proposed amendment. Section 34 seemingly removes or diminishes the public protection mandate of the Board. It creates some ambiguity as to what regulatory power the Board has. Section 34, in conjunction with section 40, changes our primary function from protection of the public to a recruiting tool. Those two duties—ensuring competent practitioners in Nevada and recruiting—are seemingly incongruent. Section 42 of the amendment also erodes transparency by not making public the name, education, and date of issuance or denial of the license. It also contravenes the statutory requirement that we have to provide a list of our licensees on our website because we cannot disclose the name. We do not provide a list of the applicants on our website, but we are mandated to provide a list of licensees. We anticipate this amendment will have a significant fiscal impact, and we are currently compiling the amount.

Nancy Hathaway, Vice President, State Barbers' Health and Sanitation Board:

I am in opposition to section 85 of the amendment because it seems like it is already in our regulations. It is already in our regulations for a cosmetologist to take a crossover course at a barber school and get their barber license to shave. You can be a cosmetologist and you can be a barber with 400 hours. That opens up the employment that that person can have because they can either work in a barbershop or a cosmetology shop. It gives them a lot of room to work with their dual licenses. I believe that section 85 is too loosely woven, although I appreciate the State Barbers' Health and Sanitation Board is given the responsibility of creating this specialty-limited license, but I believe we already have it in our regulations.

Nicholas Fontanez, representing Cipriani's Barbershop, Carson City, Nevada:

I am from Cipriani's Barbershop in Carson City ([Exhibit AA](#)). I wanted to touch on the fact that we need to pay careful attention to the shaving services. These are health and safety concerns to the general public. These are not safety razors and they are not clippers so there is potential to do harm if we do not pay attention to how we are going to administer these licenses and who is going to do it. This does not create any economic growth for the barbers. I would like to work with the Committee for economic growth. I would like to see more barbers in the state of Nevada as well as cosmetologists. I am looking for any of you to reach out to me in a way that we can have more barbers in Nevada.

Nathaniel LaShore, President, State Barbers' Health and Sanitation Board:

We are here in opposition to some of the sections that are in S.B. 128 (R2). We have about 1,448 barbers and 304 shops in the state of Nevada. We are continuing to grow. On our Board, we try to make sure the consumer is protected. I know the Legislature has a responsibility and at the end of the day, your responsibility and ours meet because Nevadans are important. We have about 168 veterans who are licensed barbers. I am a veteran myself. Nobody is turned down—veterans or not. We are here to do whatever we can to make things work.

Shannon Hogan, representing Chiropractic Physicians' Board of Nevada:

We are here in opposition to the teleconferencing requirement of the bill. We feel that it presents unforeseen costs that will be too difficult for our Board to manage.

Marcus Allen, Chief Executive Officer/Instructor, Masterpiece Barber College, Las Vegas, Nevada:

This bill is not about competition at all. It is about the health and sanitation of our public. We want to worry about the public and the people who we serve. We want to make sure they get the accurate shave and the procedure they need so they do not get a disease. I am passionate about barbering. We want to make sure it is regulated under the Board. In section 87 of the amendment it says one member of the Board has to be an owner of a barbershop. In NRS 643.020, it says you have to be a barber to be appointed by the Governor to be on the Board. This changes it to say be a shop owner. We have a lot of shop owners who are not qualified to be on the Board. They just open a shop and have a registered barber run the shop for them.

Chair Spiegel:

If you have additional testimony and you want to submit it to the Committee, we are happy to add it to the record.

Raymon Green, Owner/Operator, Masterpiece Barber School, Las Vegas, Nevada:

I was born and raised in Las Vegas. I am a licensed barber and have been licensed for 25 years. I have also been a licensed instructor for ten years. We get a lot of opinions about our profession, but none have been addressed by registered barbers or licensed instructors. Until 2008 Nevada had no barber school. The first barber school was opened in 2008 and Masterpiece Barber School was opened in 2015. Expertise Cosmetology Institute is opening a school in 2019. As far as economic growth, we have brought three barber schools to this state. We are also looking at opportunities in northern Nevada. The first thing we would like to do when we practice barbering is public safety and the sanitation of what we do. As far as anybody coming from another state to Nevada, they have never been rejected. They have only been asked to demonstrate and provide their skill set. Our state only requires an applicant who has had a license for five years and has been practicing to come and take the state examination, which is only 45 questions, 5 oral questions from the law, and a practical examination. That is easy for a licensed, skilled professional barber. There is no discrimination against anyone coming from another state. Nevada is asking that you be

skillful for our public, and that you have the knowledge and information you need to have with regard to diseases. We want to make sure that our public in the state of Nevada is always going to be safe and handled with care by skillful barbers.

Johnnie Williams, Board Member, State Barber's Health and Sanitation Board:

I am here to oppose reconfiguring the Board because of the lack of representatives of the state. One of the main things we are talking about is safety. The main thing is the safety with a razor because we are trying to protect people. Barbers have to have so many hours and they need more time to complete their training. We oppose this.

Jeremy Root-Ferguson, Owner, East 50 Barber Shop and Shave Parlor, Carson City, Nevada:

I was a cosmetologist and I have done the crossover program. It is not an unobtainable thing. It is a very obtainable thing that anybody can do. I did my 400 hours, got my license, and now I own a barbershop. I still work as a cosmetologist at times because I still have clients there. I had already had 1,800 hours of training in cosmetology school and understood disease and disorder. I understood how to cut hair. I had chemical processing down. The main focus of those 400 hours was the straight razor. I was required to do 25 shaves, but I did well over 100 shaves. It was what my instructor focused on—how to apply that razor, the pressure to the skin, and the safety and how you deal with that. I want to make sure everyone knows that the crossover program is obtainable. What the State Barber's Health and Sanitation Board has in place now is good and if you want it, you can get it.

Jonathon Matos, Private Citizen, Las Vegas, Nevada:

I oppose S.B. 128 (R2). The passing of this bill and the absorption of the Barber's Board by the Board of Cosmetology is an unnecessary passage of legislation. We recognize and acknowledge the few flaws of the current legislation, however S.B. 128 (R2) is not the best possible solution. I believe the best course of action would be to amend the current standings of the Barbers' Health and Sanitation Board under NRS Chapter 643 in order to maintain the rich history of the barber profession and the undeniable differences between cosmetology and barbering. I believe if a cosmetologist wants to provide shaving services, they should get a barber's license. I feel strongly about this issue because I am a student at Masterpiece Barber College to become a licensed barber. I believe by giving this Board to the Board of Cosmetology, allows them to adopt the sacred barber code. Please give us a chance to fix our current flaws before taking what we love and are here fighting to preserve.

Brittani-Ann Becker, Private Citizen, Las Vegas, Nevada:

I am here because I oppose sections 4.27, 4.28, and 4.29 of S.B. 128 (R2). I have been a cosmetologist for six years and I recently completed the crossover barber course at Masterpiece Barber College. I firmly believe that a straight razor should only be in the hands of those who are properly trained to wield it. If someone does not have proper training, they could cut someone or worse—transfer blood-borne pathogens. In the years I have been a cosmetologist, I was never comfortable picking up a straight razor. Only after intensive training was I comfortable and knowledgeable on how to properly use it. I was living in Utah at the time I obtained my cosmetology and barbers license. Even though I had a dual

license and was supposed to be taught to use the razor, I never did because school focused more on coloring and cutting. Even after the certification that I could use the razor, I did not because I knew nothing about it. I have seen firsthand a school not teach what they were supposed to for sanitation and use of a razor. The use of a razor requires hours of proper training. I really hope this bill does not pass because I would hate to see the accidents I saw in Utah occur here in Nevada.

Cassandra Allen, Private Citizen, Las Vegas, Nevada:

I have been a licensed cosmetologist for four years. I am almost done with my training at Masterpiece Barber College. With the training I have received, I feel much more comfortable using the razor than I did before. Without this training, I would have never felt comfortable performing shaves or other services with a razor. I urge you not to support this bill for the safety and sanitation of the people of Nevada.

Andres Dominguez, Owner, Speakeasy Barbershop LV, Las Vegas, Nevada:

I do not support someone who has not gone through the intense training of using that sharp blade on somebody's skin. I recently visited another state where the programs were merged together and saw multiple things that were not acceptable. I would hate to see something like that happen here in Las Vegas, especially with our dealing with clients coming in and out of the city from all over the world. That is why we need to be so strict on our health and sanitation. We could pass infections along so easily and if you do not know what to look for and how to properly take care of the tools, we are being naïve about what could be a huge epidemic.

James Nguyen, Private Citizen, Las Vegas, Nevada:

I oppose S.B. 128 (R2). I am a beauty school graduate. I attended school in 2016 and 2017. I looked on the menu board of services and noticed that haircuts are on the low end of prices—like \$8. I asked one of the students how I could make my service of more value. He said, the straight razor because barbers handle straight razors all day, every day. They know how to stretch the skin and do the whole procedure safely and calmly. I specialize in cutting hair. I used to work at a salon and they looked at me like an ATM machine because I am a commissioned serviceman. I am not a businessman and I do not know how to run my own business. I would always be rushed in every service. I think if I used a straight razor, management and owners would rush me. If a cosmetologist used the straight razor, they will rush. They do not respect the straight razor like a barber does. They think about it as a tool. We think about it as a symbol of who we are and what we do. If you see straight razor, you think of a barber.

Don Diehl, Owner, Paradise Park Barber Shop, Sparks, Nevada:

My family has over 250 years of combined barbering experience in the state of Nevada. Two uncles, a father, my three sons, and I have been barbers. I oppose S.B. 128(R2). I am also the inspector for northern Nevada barbershops. I inspect the razors and all of the tools a barber uses. I do that twice a year. It is a profession that is highly regarded in my family. I took on the role of inspector to help protect the profession. Two years ago the Legislature passed a bill to build a home for veterans in northern Nevada that is due to open in the next

couple of weeks. I will be the barber there to shave and cut hair on my fellow veterans. I have given a lot to the profession and I would like to keep it in the state that it is.

Antinette Maestas, Secretary/Treasurer, State Barbers' Health and Sanitation Board:

I am coming to you today as a licensed barber and a licensed cosmetologist. I am a crossover. We have not seen the amendment; I believe it deals with the shaving section. Why do we need to create a limited license when we already have a crossover license? It takes 400 hours. Everybody makes his own choice. I was a cosmetologist and I chose to go to barber school. I have been a barber for 29 years now and 37 years as a cosmetologist. I choose to work in a barbershop. The opportunity is there but why are we going to create a limited license? I do not understand that. I am opposed.

John Matos, Private Citizen, Henderson, Nevada:

I own a consulting company in Nevada and am a registered lobbyist. When my son came to me and told me he wanted to be a barber, I told him I would be behind him 100 percent. I asked him to do a book report on the history of barbers. If you go back and learn the history, you would understand that when you push a narrative on a bill or you are trying to put a bill together, there should be some research done before you put the bill together so you do not have mock-up bills all in one. These young people are dreaming to have their own barbershops and following the practice of barbers. I am very much in opposition to this bill because my son has done some research and talked to me about it and I did some research. I ask you to reconsider this bill, kill it, and come back with something better.

Joe White, Owner, All Starz Barber and Beauty Salon, Henderson, Nevada:

I have been a licensed barber for the past 18 years. My wife is a licensed cosmetologist in Nevada. When my wife was in cosmetology school, they would have me come to the school to show them precision cutting with clippers. I could not teach them about the razor, but a lot of them were interested in it. When it comes to the cosmetology side and the barber side when we are dealing with the razor, there is a very fine line. There are a lot of health and sanitation risks that can happen when you are dealing with a straight razor. From my experience in our profession for almost 20 years now, licensed cosmetologists know nothing about a straight razor and how to conduct proper services on the public. There are a lot of health and sanitation risks if you allow people who are not properly trained to provide services. It is dangerous and irresponsible for a bill to be considered in this manner because the public safety is at risk. This is not a good bill to pass, and I strongly oppose it.

Raymon Green:

I never opposed S.B. 128 (R2) and I want that to be on the record.

Chair Spiegel:

Is there anyone to testify in the neutral position?

Susan Fisher, representing State Board of Osteopathic Medicine:

We are neutral on S.B. 128 (R2) in its current version. We are opposed and have some concerns with the proposed amendment. Some of the proposals we already do, such as the

compact and streamlining processing for military personnel. We have electronic processing for applications that can get done quickly. The dual licensing and waiving the licensure fees for physician assistants is concerning for us. We have submitted an unsolicited fiscal note. They are requiring the medical boards to reduce the standards to get more providers licensed. It may sound good, but then what do you get? You get providers that are not as well qualified. I do not think that is what the goal of this bill is. It also has in the bill that physicians can supervise up to ten physician assistants. We think that is way too many. We are asking that you not lower the standards for licensees in Nevada.

Jeanette K. Belz, representing State Board of Cosmetology:

The State Board of Cosmetology is in neutral with regard to the amendment. The provisions that relate to Title 54 regulatory boards in general—we are already meeting those in terms of meetings, processing, and online availability. The Board is very concerned that licensees can get licensed quickly and have done many things recently in regards to technology in order to make that happen. In regard to section 90 of the amendment, which specifically has to do with the Board of Cosmetology revising the membership to replace one of the members with a cosmetology establishment owner, I am pleased to report that the Board already has two board members who own establishments.

Chair Spiegel:

Does anyone else wish to testify? Seeing no one, Senator Spearman, will you make your closing statement.

Senator Spearman:

I will reiterate what I said earlier. I had constituents come to me and ask for the limited license. Currently, if a barber wants to be a hair designer, they test before the State Board of Cosmetology. They do not take any additional hours. The people who asked for this are not asking not to take hours. I heard people say it is important to know what you are doing. It clearly says in section 85 of the proposed amendment, that it requires the State Barbers' Health and Sanitation Board to adopt regulations to issue limited licenses to allow licensed cosmetologists to render shaving services. Nowhere does it say cosmetologists are going to be the ones doing the teaching. It says barber instructors will be doing the teaching.

As in any other profession, if a student does not make the cut, they do not pass the class. It is a whole different conversation if you have instructors that cannot teach that. These are not cosmetologists; they are licensed barbers who will do the training. The State Barbers' Health and Sanitation Board decides whether or not they pass the test and can be issued a limited license. Barbers who want to become hair designers are not required to go through the whole cosmetology schooling; they test. I understand that dealing with a razor is different. If you have a licensed instructor and they are teaching, when the instructor does not feel that the student is ready, the instructor is the one that says you are not ready. You need more time.

There are some boards that are already dealing with reciprocity, but there are a lot of boards that are not. The provisions of this bill make it a uniform requirement that what we have

passed in the last decade, all boards are supposed to be complying with. That is the purpose for the rest of this bill.

Currently, there is no barber school in northern Nevada. I have been told that some students go to Sacramento for training. The cost of barber school is revenue that is going into California's economy. If licensed instructors, the same ones that teach in a barber college, are teaching people who are cosmetologists and all they want is a limited license, they are professions doing the same thing as other professions. A nail technician or an aesthetician has a limited license, so this is nothing new. If they feel that they have an instructor that cannot teach well enough to teach the students and the students are not ready for the test—do not pass them. Almost without exception, everyone said cosmetologists cannot handle a razor. That is why the State Barbers' Health and Sanitation Board is the one that develops the regulation to do the training, not the cosmetologists.

All of us understand how important it is for us to bring legislation that our constituents ask for. Our constituents cannot bring a bill so they usually ask us. The provisional licensing piece was something that one of our former colleagues was supposed to carry and I picked it up to try to get it across the finish line. Whatever board it is, if they have someone applying for a limited license and they cannot pass the test, do not pass them. I am not asking for cosmetologists to do this; the State Board of Cosmetology does this. It is clear and understandable language.

[[\(Exhibit Z\)](#), [\(Exhibit BB\)](#), [\(Exhibit CC\)](#), [\(Exhibit DD\)](#), [\(Exhibit EE\)](#), [\(Exhibit FF\)](#), and [\(Exhibit GG\)](#) were submitted but not discussed and are included as exhibits for the hearing.]

Chair Spiegel:

I will close the hearing on S.B. 128 (R2). We will open now for public comment. If anyone has additional thoughts on S.B. 128 (R2), you may email us.

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

This committee is about labor, and I want to talk about automation of labor and how much it is going to affect our society. Las Vegas is reported to be the hardest hit by changes of technology due to labor. This, I believe, will disproportionately affect immigration. Immigration has certainly had a large impact on elections we have had. Speaking of that, I hear there are proposals of sales tax and I was hoping that we would tax the money that they send abroad. As a result of these changes of labor, candidates like Tulsi Gabbard and Andrew Yang, who I have respect for believe it or not; Deferred Action for Childhood Arrivals (DACA) recipients do not. They propose basic income and it is not going to be given to noncitizens. I told Mr. Yang that maybe basic income where they tax Amazon should be given to foreign countries. I believe this will certainly have a large impact on migration and flow of immigrants. This will certainly change future election results, but ultimately this will put the monetary system in danger.

My ultimate solution in society is to get rid of money. It is a dirty system and we use it for ugly campaign donations. That is the way to save the world. I suggest you all look into a resource-based economy. I believe technology and great ideas is a way to solve society. Politics is just a matter of division. These technological changes of labor will really affect society and I think this will have a lot of inbound and outbound migration into our state. After all, a lot of these immigrants are coming here due to monetary gain. This is one of the reasons the state has a very high portion of immigrants. It is shocking that it is an inland state. Once these machines come in, I push a button, it builds a 3-D house, the game is over, and it will certainly have an impact on future elections. Thank you so much and I am very optimistic about the future. The future is bright.

Chair Spiegel:

Seeing no other public comment, we are adjourned [at 5:15 p.m.].

RESPECTFULLY SUBMITTED:

Earlene Miller
Committee Secretary

APPROVED BY:

Assemblywoman Ellen B. Spiegel, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Senate Bill 87 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Senate Bill 365 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Senate Bill 481 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Senate Bill 482 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Senate Bill 125](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Senate Bill 161 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Senate Bill 201 \(2nd Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Senate Bill 230 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Senate Bill 311](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Senate Bill 345 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Senate Bill 355 \(2nd Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is a letter dated April 29, 2019, in support of [Senate Bill 197 \(1st Reprint\)](#) to Chair Spiegel and members of the Assembly Committee on Commerce and Labor, authored and presented by Monica Engebretson, North American Campaign Manager, Cruelty Free International, Sacramento, California.

[Exhibit O](#) is copy of a table titled Standard Cosmetic Safety Tests: Animals vs. Alternatives-Time, Cost, Accuracy, submitted by Monica Engebretson, North American Campaign Manager, Cruelty Free International, Sacramento, California.

[Exhibit P](#) is Proposed Amendment 5890 to [Senate Bill 197 \(1st Reprint\)](#), presented by Senator Melanie Scheible, Senate District No. 9.

[Exhibit Q](#) is a letter dated May 10, 2019, in support of [Senate Bill 197 \(1st Reprint\)](#) to Chair Spiegel and the Assembly Committee on Commerce and Labor, authored by Gabriel De Santino, Gabriel Cosmetics, Inc., Redmond, Washington.

[Exhibit R](#) is a letter dated May 14, 2019, in support of [Senate Bill 197 \(1st Reprint\)](#) to Senator Scheible, authored by Andrea Blieden, General Manager, The Body Shop, US.

[Exhibit S](#) is a letter dated May 14, 2019, in support of [Senate Bill 197 \(1st Reprint\)](#) to Chair Spiegel and the Assembly Committee on Commerce and Labor, authored by Susan Curtis, Natural Health Director, Neal's Yard (Natural Remedies) Ltd.

[Exhibit T](#) is a letter dated May 16, 2019, in support of [Senate Bill 197 \(1st Reprint\)](#) to All Members of the Assembly Committee on Commerce and Labor, authored by René Johnson, Private Citizen, Sparks, Nevada.

[Exhibit U](#) is Proposed Amendment 5873 to [Senate Bill 128 \(2nd Reprint\)](#), presented by Senator Pat Spearman, Senate District No. 1.

[Exhibit V](#) is a chart titled "Proposed Amendment for Senate Bill 128 R2," dated May 15, 2019, submitted by Senator Pat Spearman, Senate District No. 1.

[Exhibit W](#) is a chart titled "Number of Years of Postgraduate Medical Training Required to Obtain a License as a Physician for states and their Compact status," regarding [Senate Bill 128 \(2nd Reprint\)](#), submitted by Senator Joseph (Joe) P. Hardy, Senate District No. 12.

[Exhibit X](#) is an application packet for the Nevada State Board of Medical Examiners regarding [Senate Bill 128 \(2nd Reprint\)](#) submitted by Senator Joseph (Joe) P. Hardy, Senate District No. 12.

[Exhibit Y](#) is an example letter from Governor Steve Sisolak regarding [Senate Bill 128 \(2nd Reprint\)](#), submitted by Senator Joseph (Joe) P. Hardy, Senate District No. 12.

[Exhibit Z](#) is a proposed amendment to [Senate Bill 128 \(2nd Reprint\)](#), submitted by Senator Joseph (Joe) P. Hardy, Senate District No. 12.

[Exhibit AA](#) is a statement dated April 15, 2019, in opposition to [Senate Bill 128 \(2nd Reprint\)](#), submitted Nicholas Fontanez, representing Cipriani's Barbershop, Carson City, Nevada.

[Exhibit BB](#) is a letter to members of the Assembly Committee on Commerce and Labor in support of [Senate Bill 128 \(2nd Reprint\)](#), authored by Kim Wallin, Private Citizen, Carson City, Nevada.

[Exhibit CC](#) is a document titled "Firm Mobility Points:" regarding [Senate Bill 128 \(2nd Reprint\)](#), submitted by Paul J. Enos, Chief Executive Officer, Nevada Trucking Association.

[Exhibit DD](#) is a document titled "SB128 CPA Firm Mobility: Increasing Consumer Choice" regarding [Senate Bill 128 \(2nd Reprint\)](#), submitted by Anna M. Durst, Chief Executive Officer, Nevada Society of Certified Public Accountants.

[Exhibit EE](#) is a document titled, "Introducing CPA Firm Mobility – Frequently Asked Questions" regarding [Senate Bill 128 \(2nd Reprint\)](#), submitted by Anna M. Durst, Chief Executive Officer, Nevada Society of Certified Public Accountants.

[Exhibit FF](#) is a map of "States with firm mobility," regarding [Senate Bill 128 \(2nd Reprint\)](#), submitted by Paul J. Enos, Chief Executive Officer, Nevada Trucking Association.

[Exhibit GG](#) is a letter dated May 15, 2019, in support of [Senate Bill 128 \(2nd Reprint\)](#) to Senator Pat Spearman, Senate District No. 1, from Victor Rodriguez, Director, Community Partnerships, Nellis Air Force Base, Nevada, containing a statement from Colonel Cavan K. Craddock, Installation Commander for Nellis Air Force Base, Nevada.