

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

**Eightieth Session
March 27, 2019**

The Committee on Commerce and Labor was called to order by Chair Ellen B. Spiegel at 1:32 p.m. on Wednesday, March 27, 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:

Assemblywoman Michelle Gorelow, Assembly District No. 35
Assemblywoman Selena Torres, Assembly District No. 3

STAFF MEMBERS PRESENT:

Patrick Ashton, Committee Policy Analyst
Wil Keane, Committee Counsel
Karen Easton, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Elizabeth MacMenamin, Vice President of Government Affairs, Retail Association of Nevada
Bobby Davis, Vice President, Surescripts
J. David Wuest, Deputy Secretary, State Board of Pharmacy
Joan Hall, President, Nevada Rural Hospital Partners
Tyre L. Gray, representing CVS Health; and Las Vegas Metro Chamber of Commerce
Tray Abney, representing America's Health Insurance Plans
Paul Young, representing Pharmaceutical Care Management Association
Lea Tauchen, representing Recovery Advocacy Project, Inc.
Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Jeanette K. Belz, representing Nevada Psychiatric Association
Andrew Pasternak, Co-Chair, Government Affairs, Nevada State Medical Association
Catherine M. O'Mara, Executive Director, Nevada State Medical Association
Brian Reeder, representing Nevada Dental Association
Lindsay D. Knox, representing Nevada Orthopaedic Society
Molly Rose Lewis, Northern Nevada Organizing Coordinator, NARAL Pro-Choice America
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Jennifer Jeans, representing Washoe Legal Services; Southern Nevada Senior Law Program; Volunteer Attorneys for Rural Nevada; and Legal Aid Center of Southern Nevada
Elisa Cafferata, representing Planned Parenthood Votes Nevada
Mackenzie Baysinger, representing Human Services Network
Laura Cadot, Private Citizen, Minden, Nevada
Briana Escamilla, Nevada State Director, Human Rights Campaign
Isabel Youngs, representing Nevada Women's Lobby
Sherrie Scaffidi, Director & Advocate, Transgender Allies Group
James Kemp, representing Nevada Justice Association
Bryan Wachter, Senior Vice President, Government Affairs, Retail Association of Nevada
Randi Thompson, representing National Federation of Independent Business
Nick Vander Poel, representing Reno Sparks Chamber of Commerce
Hugh Anderson, representing Las Vegas Metro Chamber of Commerce
Jenny Reese, representing Henderson Chamber of Commerce

Jaron S. Hildebrand, Manager of Government Affairs, Nevada Trucking Association
Alexis Motarex, Government Affairs Manager, Nevada Chapter, The Associated
General Contractors of America, Inc.

Scott W. Youngs, Project Coordinator, ADA and AT Projects, Nevada Center for
Excellence in Disabilities, College of Education, University of Nevada, Reno

Michael J. Baltz, Chief Compliance Investigator, Nevada Equal Rights Commission,
Department of Employment, Training and Rehabilitation

Dennis A. Perea, Deputy Director, Department of Employment, Training and
Rehabilitation

Shelley Berkley, CEO and Senior Provost, Touro University, Western Division

Kate Martin, Associate Dean for Graduate Medical Education, University of Nevada,
Las Vegas School of Medicine

Chen K. Young, President, Nevada State Board of Optometry

Mariah L. Smith, Member, Nevada State Board of Optometry

Caren C. Jenkins, Executive Director, Nevada State Board of Optometry

Michael D. Hillerby, representing Nevada Optometric Association

Mark Meyers, Jr., Secretary, Board of Dispensing Opticians

K. Neena Laxalt, representing Board of Dispensing Opticians

Corinne Sedran, Executive Director, Board of Dispensing Opticians

Marilyn Brainard, Member, Board of Dispensing Opticians

Mayra Salinas-Menjivar, University Legal Services Fellow, William S. Boyd School
of Law, University of Nevada, Las Vegas

Marlene Lockard, representing Service Employees International Union, Local 1107

Miranda Hoover, representing Board of Examiners for Social Workers

John Sande, IV, Private Citizen, Reno, Nevada

Mike Draper, representing Fingerprinting Express

Marco Rauda, Private Citizen, Las Vegas, Nevada

Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada

Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition

Caleb L. Green, Private Citizen, Las Vegas, Nevada

Jose Rivera, Extern, Nevada Hispanic Legislative Caucus

Kimberly Estrada, Co-Director, Nevada Student Power

Ana Olivas, Private Citizen, Las Vegas, Nevada

Mary Reyes, President, Federacion Ciudad de Mexico Las Vegas

Ronald Najarro, Coalitions Director, The LIBRE Initiative

Linda Overbey, Private Citizen, Las Vegas, Nevada

Cecia Alvarado, Nevada State Director, Mi Familia Vota; and representing Nevada
Immigration Coalition

Audrey Peral, Economic Justice Organizer, Make the Road Nevada

Erika Castro, Organizing Manager, Progressive Leadership Alliance of Nevada

Susan L. Fisher, representing State Board of Oriental Medicine; State Board of
Professional Engineers and Land Surveyors; and State Board of Osteopathic
Medicine

Misty Grimmer, representing State Contractors' Board

Deanna Leivas, Secretary/Treasurer, United Food and Commercial Workers Union,
Local 711
Jassy Grewal, Legislative Advocate, United Food and Commercial Workers Union
Western States Council
Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO

Chair Spiegel:

[Roll was called. Committee rules were explained.] We will open the hearing on Assembly Bill 310.

Assembly Bill 310: Revises provisions regarding the manner in which prescriptions are given to pharmacies. (BDR 54-885)

Assemblyman Jason Frierson, Assembly District No. 8:

Assembly Bill 310 revises provisions regarding the manner in which prescriptions are given to pharmacies. I believe this bill represents a key tool in combating the opioid epidemic. In 2017 more than one Nevadan died from an opioid-related overdose every day. That same year, there were 831 emergency room visits and 537 hospital patient admissions, all due to opioid-related poisonings. While these numbers include opioid poisoning from opium, heroin, methadone, and prescription opiates, according to the Department of Health and Human Services, most of the poisonings were from prescription drugs.

Many steps have been taken to address this epidemic, but there is still a lot to be done. Assembly Bill 310 is taking a step in that direction; it requires prescription drugs be sent to pharmacies through electronic transmission. This practice is commonly known as electronic prescribing, or e-prescribing. E-prescribing is a technology that allows physicians to electronically send prescriptions to a participating pharmacy of the patient's choice, instead of handwriting, faxing, or calling them in. I believe this is not only more efficient, but it will benefit both patients and practitioners throughout the state in several ways. Studies show electronic prescriptions are less prone to errors compared to handwritten prescriptions. This technology also allows prescribers to track how often a prescription is refilled. In addition, it can reduce forged prescriptions since e-prescriptions cannot be copied or altered. It essentially gets paper prescriptions off the streets. We have a crisis in Clark County where people are shopping around with blank prescriptions and turning them in to various pharmacies—this would put an end to that practice. I believe it will reduce doctor shopping, prescription fraud, and drug diversion, all of which contribute to the opioid epidemic.

This bill is not new; we are not reinventing the wheel. Many practitioners and pharmacies already issue prescriptions electronically on a regular basis. The difference is that this requires, absent some circumstances and exceptions, the prescriptions be transmitted electronically. The exceptions are outlined in section 7 of the bill, and include: prescriptions issued by a veterinarian; certain situations where an electronic prescription is not practical or feasible or is prohibited by federal law; when a prescription is not issued to a specific person; and pursuant to a waiver granted by the State Board of Pharmacy. The bill provides that a practitioner who fails to comply with these requirements is guilty of a misdemeanor and also may be subject to

professional discipline. Before I turn it over to my copresenters, I would like to note that mandating the use of e-prescriptions is actually becoming quite common throughout the nation. At least 17 states have already passed mandatory e-prescription laws.

Elizabeth MacMenamin, Vice President of Government Affairs, Retail Association of Nevada:

The pharmacy community is committed to finding policy solutions for the current opioid crisis; we believe that electronic prescribing is a critical policy solution. Other states have shown how effective it is. Electronic prescribing does not allow you to alter your prescriptions. As a patient receiving an electronic prescription, you will not be waiting in line, you are more likely to adhere to medications, and pharmacies will be sending reminder calls to you. The technology has been there since 2001—and we have been working in this direction. We have seen that it helps in the pharmacy, and there are fewer human errors with the electronic prescribing. There are fewer instances where a prescription is interpreted incorrectly.

New York State was one of the first states to adopt legislation to require all prescriptions be electronically prescribed. They showed a 70 percent reduction in the loss of stolen prescriptions and a 7.7 percent reduction in doctor shopping.

We are looking at this bill as a way to move forward. We need to work with the prescribers to see what needs to be done in the health care community to address the opioid crisis. The Retail Association of Nevada has been involved in this for quite some time. We have had discussions with the American Medical Association (AMA), and some of the amendments on A.B. 310 [([Exhibit C](#)) and ([Exhibit D](#))] were from those discussions. The original bill required electronic prescribing for all prescriptions. In section 7, subsection 1, we were asked to amend it and limit this to controlled substances only. We agree with the AMA on this proposed amendment ([Exhibit C](#)). In section 7, subsection 3, their concern was you could no longer write a paper prescription. At subsection 3, paragraph (b), where it says, "Indirectly by means of an order" we added in "or written prescription." There will be instances where a person will want a paper script; I do not know why, but that is fine. We do not want a patient to be inconvenienced if it is their choice. The original bill came out with an effective date of January 1, 2020. We would like to bring this bill into compliance with federal law, which is mandating January 1, 2021, when all Medicare Part D prescriptions will have to be electronically prescribed for controlled substances.

I have a subject matter expert here from Surescripts, which is one of the vendors of the electronic prescribing, who has been working with the state and us for years. In 2003, Governor Kenny Guinn received an accolade as one of the top states to implement electronic prescribing at that time. We were at the top of the list; now we are more towards the bottom.

Bobby Davis, Vice President, Surescripts:

Surescripts is the largest health information network in the country. We serve providers and patients in all 50 states. In the state of Nevada, we serve over 5,400 providers and 444 pharmacies. We enable the secure transmission of about 3,600 electronic prescriptions every minute in this country. The majority of prescriptions today are done electronically, with

the exception of controlled substances—and there is a large gap there. We recommend the Committee pass A.B. 310 to help close that gap and bring e-prescribing of controlled substances closer in step with the rest of the prescriptions in the country.

An electronic prescription is a more secure, informed, and efficient way of sending a prescription to a pharmacy. As it stands today, 98 percent of Nevada pharmacies can already receive electronic prescriptions; 95 percent of those pharmacies can receive electronic prescriptions for controlled substances. Nevada prescribers have a long way to go before we close that gap. If we look at the legislation enacted in the state of New York, there is a big improvement in that area. That particular legislation was enacted in March of 2016, and at the end of September, before the mandate went into effect, only 43 percent of New York providers were e-prescribing, and only 16 percent could do controlled substances. When the mandate took affect six months later, 77 percent of those providers were e-prescribing and 58 percent were able to transmit prescriptions for controlled substances. Three years later, 93 percent of all providers in the state of New York are e-prescribing, and 78 percent can send prescriptions for controlled substances.

Assemblyman Kramer:

In section 7, subsection 1, paragraph (b)(2), there is an exemption for someone who is getting a prescription filled out of state. I presume that would be if you are going someplace and your doctor knows that, so he writes you a paper prescription. When you get to where you are going, you can take that prescription to a pharmacy and get it filled. Will a pharmacist in this state honor a written prescription from somewhere else?

Liz MacMenamin:

This is just for controlled substances. We have now amended this bill where it only deals with controlled substances. You will not be able to take a controlled substance prescription outside the state of Nevada and have it filled by someone in Texas—that is against the law.

Bobby Davis:

I am not a subject matter expert on pharmacy law, so I cannot answer that question.

Assemblyman Kramer:

I am familiar with a person here who had to go to his mother's house in Ohio. He had pain medication that he could only get once a month. It was midway through the month, and he ended up spending more than a month in Ohio. What remedy would there be for this situation?

Bobby Davis:

With the legislation in various states that we have seen so far, the onus is not for the pharmacist to determine whether they can dispense this prescription or not. If they receive a paper prescription, there is no liability—legal or otherwise—that disallows them from dispensing this prescription and withholding patient care. To answer your original question, yes. They should have a green light to dispense that with no problem.

Assemblyman Frierson:

I would also point to section 7, subsection 1, paragraph (i), which says, "Issued under circumstances in which the practitioner determines that: (1) The patient is unable to obtain the drug in a timely manner if the prescription is given by electronic transmission; and (2) Delay will adversely affect the patient's medical condition."

J. David Wuest, Deputy Secretary, State Board of Pharmacy:

A doctor here could give a patient a prescription and they could get it filled in Texas; that is not against either federal or state law in Nevada. Each state has their own law; most states do allow it. California is talking about not allowing it. If the patient needed to take a written prescription with them, they would be allowed to do that.

Assemblywoman Carlton:

My concern is that I do not want to be charged for a paper prescription. The doctor's office charges to fill out forms. I want to make sure we get something on the record that says if I do ask for a paper prescription, the doctor cannot charge me for that paper prescription.

Dave Wuest:

I can certainly provide you the legal analysis for this. A doctor would not be able to charge for a prescription. There are several things that would prevent that in the law.

Liz MacMenamin:

It was never our intent to come between the patient and the doctor, or create something that would create a hardship for the patient. I have never heard of being charged for a paper prescription. In Section 7, subsection 3, paragraph (b), "Indirectly by means of an order signed by the practitioner;" would typically clarify that for you.

Assemblyman Edwards:

Is there a software program?

Bobby Davis:

Surescripts is a network, and the network enables the connectivity of many different electronic health records (EHR). There are 500 to 600 EHRs on the market, and 60 to 70 pharmacy dispensing systems on the market—they all connect to the Surescripts network through a fairly regular certification process to prove they can meet the requirements to operate on the network. We are not the software, we are the network that enables the software to communicate via an industry standard that is named by the Office of the National Coordinator for Health Information Technology.

Assemblyman Edwards:

What is the cost to the doctor to install the device, the software, and the network?

Bobby Davis:

It will be strictly up to the vendor that provides the electronic health record software.

Assemblywoman Tolles:

Could this be extended to the Department of Corrections?

Dave Wuest:

This bill refers to prescriptions; most correctional facilities use chart orders. Correctional facilities could do this if they choose to, but it would be a chart order, not a prescription.

Liz MacMenamin:

The health care providers have worked with the Retail Association of Nevada, and I have provided some of the exemptions and exceptions they had concerns with. The State Board of Pharmacy is willing to look at this legislation and work on the exemptions and exceptions during the interim. Retail Association of Nevada pledges to work with them to make sure they are part of the regulatory process going forward.

Assemblywoman Neal:

In *Nevada Revised Statutes* 639.2357 there is a provision regarding pharmacists not being liable for any error or omission. Will that remain untouched?

Dave Wuest:

In my analysis, that would stay untouched.

Chair Spiegel:

My question pertains to page 11, line 45. What does it mean when you would have a prescription written that is not for a specific patient?

Dave Wuest:

The two circumstances that come to mind are: 1) expedited treatment for a partner in a sexually transmitted disease; or 2) in some type of an emergency. This would occur where drugs are moving very quickly, they do not know who the patient is, but they are giving drugs. In the second instance, we would ultimately go back and try to figure out who they went to, but an urgent need would cause that to happen.

Chair Spiegel:

Is there anyone to testify in support of Assembly Bill 310?

Joan Hall, President, Nevada Rural Hospital Partners:

In answer to Assemblyman Edwards' question, we thought this would be a stumbling block for many rural hospitals. The cost of the software can be between \$5,000 to \$10,000; and \$50 to \$250 per month, per provider, to be able to do the electronic prescribing. Even with that, my membership is in support of this bill with the amendments, with the understanding that paper scripts would still be allowed and there are waivers for technological or economic issues.

Tyre L. Gray, representing CVS Health:

This is a commonsense bill. I believe that e-prescribing is really a low-hanging fruit when it comes to combating the opioid crisis. As you have heard from the presenters, other states have considered this both for controlled and sometimes for noncontrolled substances.

Tray Abney, representing America's Health Insurance Plans:

America's Health Insurance Plans believes that electronic prescribing will help reduce prescribing errors, increase efficiency, improve medication adherence, and ultimately save on health care costs.

Paul Young, representing Pharmaceutical Care Management Association:

We are here in support of this bill for the multiple reasons mentioned. This helps contain doctor shopping, it is less prone to errors, less likely to be forged, as well as many other things that have been described.

Lea Tauchen, representing Recovery Advocacy Project, Inc.:

We are also in support. We are supportive of any measure that we believe will help address the opioid abuse crisis. We also believe e-prescribing will help reduce doctor shopping and prescription fraud.

**Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

I am here for the reasons stated. It will reduce the theft and fraudulent use of the paper prescriptions.

Chair Spiegel:

Is there anyone who wishes to testify in opposition to [Assembly Bill 310](#)?

Jeanette K. Belz, representing Nevada Psychiatric Association:

We submitted a letter on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit E](#)). We are in support of the amendment which changes the bill to say controlled substances only. However, we do ask for two additional changes. First, in psychiatry there are a lot of solo practitioners who have not even thought about going to an electronic system. Although there are some opportunities for asking for a waiver, I think that would be more layers. We were wondering if there could be a waiver for solo practitioners to be able to write paper scripts? The other is a practical issue about not getting in the way of a patient getting a script. For example, someone gets an electronic prescription and it goes to Walmart. They go to Walmart and find the pharmacy does not have that script that day—that happens a lot. They are told it will be there tomorrow—but you might not be able to wait until tomorrow. Now you have a script that has already been sent to that pharmacy, and you do not have anything in your hand to go somewhere else to see if they have it. You also cannot do a price check where you might be able to get it cheaper somewhere else. I talked with Liz MacMenamin a little about that. She said there was going to be an effort to look into adding a regulation that would allow pharmacies to transfer prescriptions to other pharmacies.

Chair Spiegel:

There was a discussion at the beginning of the hearing regarding a proposed amendment to change the implementation date to January 2021, which I believe was to help meet up with compliance deadlines for federal law. Is there a similar exemption for sole practitioners in federal law?

Jeanette Belz:

My understanding is that it is for Medicare only. I do not know if that would apply to payers in general, or just to Medicare.

Chair Spiegel:

If a practitioner would have to be in compliance with federal law, even if is just for Medicare, then they would have to have the technology set up.

Jeanette Belz:

That is true, but not all providers take Medicare.

Assemblywoman Jauregui:

You mentioned you were hoping to come up with an amendment that would allow pharmacies to transfer prescriptions. Doctors can easily call other pharmacies as well—it does not have to be a pharmacy-to-pharmacy transfer. Is that correct?

Jeanette Belz:

Yes. I believe you can call, but you may not be able to get them to do that right away. Going back to the solo practitioner, they do not have the staff who might be able to do that. I have been told that the pharmacy-to-pharmacy transfer is an issue, and that would have to be changed in the regulation.

Chair Spiegel:

Is there anyone to testify in the neutral position?

Andrew Pasternak, Co-Chair, Government Affairs, Nevada State Medical Association:

I have been e-prescribing for 14 years and prescribing controlled substances for about the past 2 or 3 years. While I love e-prescribing and think there are a lot of advantages to it, I have a couple of concerns with this bill. First, as much as I e-prescribe, I still have a lot of patients who want that paper prescription.

Chair Spiegel:

Are you testifying in the neutral position? It sounds like you are in opposition.

Andrew Pasternak:

I am neutral with the amendment. I just want to bring up some of the concerns about the bill. I want to make sure we have patient protections in there so patients still have the ability to get a paper prescription.

The second issue I have is that we need to make sure this is for all controlled prescriptions. We are constantly focusing on narcotics, which are an important thing, but this bill will also affect things like our ability to prescribe benzodiazepines, stimulants for kids, sleep medications, and medications such as testosterone. A lot of those medications may not be on a formulary, so it is nice to have the prescription on paper so a patient can look for the best price.

Catherine M. O'Mara, Executive Director, Nevada State Medical Association:

We are neutral on the bill with the adoption of the second revised amendment that is on NELIS ([Exhibit D](#)) and the written amendment made on the record, which would add to section 7, subsection 3, paragraph (b), the ability to have a written prescription under one of the exceptions. I do want to clarify that there is nothing in this bill or the amendment that allows a patient to request a paper prescription. They have to qualify under one of the exemptions.

There are some cases where patients want paper prescriptions for completely non-nefarious reasons, such as wanting to shop around for the best price and convenience. There are issues such as emergency room doctors treating patients in Las Vegas who might be from out of town, and would not know which pharmacy they want to go to—that can cause some issues. The transfer from pharmacy to pharmacy is an issue. We have determined that one of the holdups is at the regulatory level and we will be working on that in the regulations. We would like to require pharmacies to transfer to another pharmacy upon request by the patient, or if the first receiving pharmacy does not have the medication available, we would like them to transfer to a pharmacy that does have the medication available.

There is a letter from the American Medical Association that has looked at this at the national level ([Exhibit F](#)). They have looked to see what some of the implementation problems are from other states. We are looking specifically to New York—they have had the most experience with this. In addition to the exemptions in the bill, there are ten other exceptions they had to come up with in order to smooth out this process. The Retail Association of Nevada has agreed to look at those ten exceptions and some waivers in the regulatory process. We would just like the record to reflect that we are asking to have those exceptions, as well as an exception for hospice and palliative care.

You asked how the federal and state laws will work together—we think the first best step is to mirror the federal law. The federal law only applies to Medicare medications, so not all of our prescribers fall under the federal law. The idea is to match Nevada law to the federal law so everyone is on the same page. There are some controlled substances that Nevada state law deems controlled substances that are not federally controlled substances. We are willing to work with whatever the State Board of Pharmacy determines. We are asking that if you qualify for a waiver under federal law it would automatically apply to Nevada.

In the second revised amendment ([Exhibit D](#)), section 7, subsection 4, the new addition of (b) does not require a prescriber to indicate the circumstance of the exception on the written or oral prescription. That is important because we do not want to put pharmacists in the position of having to police the doctors. We want the patients to be able to go to the pharmacy and get

their medications filled. If the physician has done something wrong, then that should go through the complaint process, not hold up the care to the patient.

Brian Reeder, representing Nevada Dental Association:

The Nevada Dental Association (NDA) was in opposition to the bill, but is in neutral with the proposed amendment. Limiting the application to controlled substances and delaying the implementation date will help NDA members. We think it is important for the Committee to know that dentists prescribe controlled substances at a lower volume than large medical groups and facilities. Almost always, it is for the management of acute short-term pain and typically following a major dental procedure. Because of the nature of treating dental pain, these prescriptions are often at weird hours—weekends, holidays, and nights—times when the patient might not be able to make it to an open pharmacy of their choice. This is an instance where a written prescription would be necessary. The NDA is not against technology, but we did survey our members and found, of those that responded, only 20 percent were currently e-prescribing. The NDA has always worked with our members to ensure we comply with all prescribing laws and we will do the same for this bill.

Lindsay D. Knox, representing Nevada Orthopaedic Society:

We are glad this has gone to controlled substances only. Some of my older physicians are close to retirement, so I could not get full support from my group. I look forward to working with everyone in the interim to hopefully waive those physicians.

Liz MacMenamin:

Thank you for the opportunity to present this bill. I would also like to thank Ms. O'Mara for getting on the record the information regarding pharmacists not inquiring about a prescription, or whether there is a reason why the doctor is sending a paper prescription. I believe this does address our prescription drug abuse issues.

Chair Spiegel:

We will now close the hearing on Assembly Bill 310 and open the hearing on Assembly Bill 251.

Assembly Bill 251: Expands the employers subject to provisions prohibiting certain unlawful employment practices. (BDR 53-1046)

Assemblywoman Michelle Gorelow, Assembly District No. 35:

I am pleased to present Assembly Bill 251 for your consideration. I am proud to carry this bill, as it was carried in 2003 by former Senator Joe Neal [Senate Bill 22 of the 72nd Session].

Assembly Bill 251 changes the definition of "employer" in section 2 of *Nevada Revised Statutes* (NRS) 613.310, from those who employ 15 or more to those who employ 5 or more. Under current law, those who work for firms with fewer than 15 employees have no remedy for discrimination of any kind. Businesses with fewer than 15 employees are not subject to sexual discrimination laws; racial discrimination laws; religious discrimination laws; age discrimination laws; or any discrimination laws whatsoever. No one in this room today

would say that any business should have a right to discriminate, yet this is the current state of affairs under Nevada law.

This is about women who are getting paid less than the men they supervise. It is about persons of color who get fired because they cannot take a joke. This is about the victims of sexual harassment of all orientations who quit their jobs to save their mental health.

In the current, polarized, post-Me Too climate, discriminatory behavior is taking many forms in many workplaces—discrimination against both those who wear "Make America Great Again" hats and those who wear dreadlocks. I am not talking hypothetically. There are actual people with these stories who are coming forth and are having problems getting remedies. For example, we have Anastasia, a lab technician who accepted the salary offered to her upon being hired. She soon found that men with less experience were being paid more than she was. She had a bachelor's degree in physics yet was paid less than a man in the same position who was a college dropout. Beth, a banker, was handed a letter informing her of her bonus, but quickly noticed it was actually for a colleague named Ryan. Ryan, despite being in the same job with less experience, had received a larger bonus. When Beth pointed out the discrepancy, her manager simply handed her a letter with her name on it, and a much smaller bonus. Margaret, a waitress, compared her paycheck to a fellow waiter's and discovered a \$1.50 per hour difference. She mentioned this to her boss, who was unmoved and insisted that he just thought men should be paid more.

All this applies to Nevada law. There have been actual cases where discrimination verifiably occurred; yet the employees were too few in number to be able to sue the employer. In *Chavez v. Sievers*, [43P. 3d 1022 (2002)] the Nevada Supreme Court held that the employee who sought redress for racial harassment had no cause for action because the Legislature had provided a remedy for racial discrimination in employment only to those who work for employers with 15 or more employees. Again, this is the current law.

I am presenting a remedy for workers who have been left out thus far. It is incumbent upon the Legislature to continue the unfinished work of eradicating discrimination in employment. I have consulted with representatives of affected businesses and I have heard their concerns. Do we need a different standard than the federal government?

My response to that is as follows: First, the reason that the federal limit is 15 is that Congress is empowered to regulate commerce across state lines—only businesses of a reasonable size fall under federal jurisdiction. States are free to employ a lower floor, and per the National Conference of State Legislatures, as of July 2015, 36 states do—with 19 having a minimum of only one employee. The states include Arizona, Colorado, Minnesota, Montana, Oregon, and South Dakota. This bill settles on five as a minimum in order to leave aside the smallest partnerships and family-owned and operated enterprises.

Second, Nevada is an at-will employment state, which means that employers can hire and fire for arbitrary reasons, including not liking someone's vibe. With all the discretion that employers enjoy over whom they hire and fire, only the most outrageous instances of

discrimination will face litigation. Furthermore, there is no application for punitive damages in Nevada, and damages are limited to two years of back pay, so attorneys will be unmotivated to take cases based on shaky facts. Under the current law, it is easy to disguise discrimination; only the strongest cases will proceed to trial.

Third, even accounting for other legislation that is adopted this session, the costs of compliance would only be excessive to businesses that were trying to get away with discrimination to begin with. With regard to record keeping requirements, we would be short-changing the technological capabilities that most companies possess.

There is no fiscal note attached to this bill; when it was carried in 2003, there was. The Nevada Equal Rights Commission (NERC), at that time, anticipated two to three new investigators. Based on that analysis and our growth in the intervening time, we anticipate they would need to hire four to five investigators. Again, based on the testimony in 2003, I would anticipate the fiscal note to be around \$700,000.

The Nevada statutory framework ensures that claims with merit will take priority; the NERC helps filter out cases that can be amicably settled. We can set aside overblown fears of burdening employers and take this step to strengthen antidiscrimination laws for thousands of Nevadans who are unprotected right now.

Chair Spiegel:

As an owner of a microbusiness, business owners who fall into this category would most likely need to be purchasing employment practices liability insurance. Do you have a sense of what the premiums are for a company that is in the size of 5 to 14 employees?

Assemblywoman Gorelow:

No, I do not, but I will look for that information.

Assemblywoman Tolles:

I know larger companies can hire a human resources (HR) specialist or consulting firm to help them educate managers and employees. How do you envision that working with those microbusinesses?

Assemblywoman Gorelow:

I had a conversation with the chambers of commerce and they mentioned to me that they do offer HR training, and they are available as a resource for those kinds of questions.

Assemblyman Kramer:

Why would you stop at five and not go to two?

Assemblywoman Gorelow:

We could go to two, or we could go to one. There are several states that do have one. I believe there is one that states anyone with a business license is included in the antidiscrimination laws

for their state. We just went to five so some of the small family-owned businesses would not be included.

Assemblyman Edwards:

How many business that have between 5 and 15 employees have you actually talked to about this? What were their concerns?

Assemblywoman Gorelow:

We have not talked to any business owners. We have been talking with the chambers of commerce to find out how this affects them—we are still in discussions. Some of them are concerned with not having an HR department, but they do offer the HR through the chambers, and I believe NERC also offers education for those employers.

Assemblyman Edwards:

So they would have to be members of the chamber to get those benefits?

Assemblywoman Gorelow:

They could also get those benefits through NERC.

Chair Spiegel:

Is there any testimony in support of [A.B. 251](#)?

Molly Rose Lewis, Northern Nevada Organizing Coordinator, NARAL Pro-Choice America:

On behalf of the NARAL Pro-Choice America and our 45,000 members statewide, we support this bill because we know that economic equality is very important for reproductive freedom.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

Discrimination can happen in any office, no matter the number of employees. By passing [A.B. 251](#) and lowering the threshold, the state will guarantee more workers protection and put Nevada in line with the policies of our neighboring states.

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:

Employment discrimination claims are one of the major complaints we receive. Oftentimes we refer those individuals to the Nevada Equal Rights Commission. The largest barrier experienced by many of those individuals is the employee threshold. Employers get very creative in their approach—sometimes they hire 14 employees to circumvent the laws. Often times they will keep 6 to 7 employees on, and only hire more than 15 employees at certain times, again, to get around these important statutes; they can discriminate in a variety of different ways. That is why we agree limiting the number to five is very critical to giving people relief when they are discriminated against.

Jennifer Jeans, representing Washoe Legal Services; Southern Nevada Senior Law Program; Volunteer Attorneys for Rural Nevada; and Legal Aid Center of Southern Nevada:

We represent low-income individuals and individuals with disabilities. Our clients are more likely to be among the classes of individuals that are subject to discrimination by their employers. The National Conference of State Legislatures surveyed state statutes in 2015. They found that 35 states have prohibited discrimination by employers with less than 15 employees, and 17 states have prohibited discrimination by employers with any employees. I think it is time for Nevada to join the majority of these states and remove this license to discriminate from employers who have more than five employees. Policy reasons for prohibiting discrimination apply regardless of how many employees an employer has. The discrimination and the loss are no less meaningful or impactful for those employees who work for smaller businesses.

You may hear that the implication for small businesses outweighs extending these protections. I think it is important to know that these are the same claims we heard prior to the passage of the Americans with Disabilities Act almost 30 years ago. In short, the fears of huge costs and businesses shutting their doors have not been realized. Reasonable accommodations are just that—they are reasonable. They are only necessary for otherwise qualified individuals with a disability that can perform the essential functions of their job and must not constitute an undue burden for the employer, both economically and financially. The U.S. Department of Labor, Office of Disability Employment Policy, found that two-thirds of accommodations cost less than \$500, with nearly a quarter costing nothing at all. More than half of the employers surveyed said that each accommodation benefited their organization an average of \$5,000. I think it is also important to note that our state antidiscrimination statute, which we are seeking to change today, does not provide for large awards against employers. There is no provision for compensatory damages, damages for emotional pain and suffering, or punitive damages. They are limited to two years of back pay and other fringe benefits.

Elisa Cafferata, representing Planned Parenthood Votes Nevada:

I just want to add our support for the protections in this bill.

Mackenzie Baysinger, representing Human Services Network:

I would like to follow the other speakers and say we support this measure, not only to ensure a safer and more inclusive community, but where our laws do not allow for discrimination of Nevadans.

Laura Cadot, Private Citizen, Minden, Nevada:

As a woman who was discriminated against in this state, I support this bill. I worked for two law enforcement agencies as a public safety dispatcher. In both jobs, I was forced to do jail duty, with no extra pay, which was outside of my job classification. The first agency I worked at had a male dispatcher who made more money than I and was not required to do jail duty.

Briana Escamilla, Nevada State Director, Human Rights Campaign:

We support A.B. 251 and any other measures that expand protections against workplace discrimination.

Isabel Youngs, representing Nevada Women's Lobby:

We are also in support of the bill.

Sherrie Scaffidi, Director & Advocate, Transgender Allies Group:

We support this bill.

James Kemp, representing Nevada Justice Association:

We are in full support of A.B. 251 and as Assemblywoman Gorelow mentioned, in the *Chavez v. Sievers* case from 2002, the court felt helpless. We think it is important for the Legislature to do what the court mentioned, lower the number, and make the antidiscrimination laws in Nevada more inclusive. I echo what all the others have said.

Chair Spiegel:

Is there anyone to testify in opposition of Assembly Bill 251?

Bryan Wachter, Senior Vice President, Government Affairs, Retail Association of Nevada:

According to the U.S. Small Business Administration, 30 percent of all small businesses will close in the first year. Sixty percent of them are unlikely to make it past five years. Of the approximately 639,000 small businesses opened in the United States last year, 598,000 closed.

We believe that discrimination is wrong; we have been at the table in this building several times with that testimony. We are working with the Senate to address more discrimination issues. We do believe there should be some flexibility for a small business that is just starting. We think there should be other considerations. While we think that discrimination is wrong, we believe that small businesses should be given the opportunity to grow, and to become successful members of Nevada's business community. I would like to reiterate that there seems to be a misunderstanding or confusion that businesses in general are circumventing our employment laws by not hiring a fifteenth employee so that they are suddenly not subject to these employment laws. I would argue that when a business decides to hire that fifteenth employee, it is because they are doing well, they have customers, there is a product or service that the market is enjoying, and there is success. I assure you that decision is going to be a monumental one based on resources and the amount of capital that they have; not based on some idea to circumvent employment discrimination laws.

Assemblywoman Carlton:

I really hope that I am not hearing that small businesses should be allowed to skirt the law and discriminate. In essence, you are saying, in order to be able to grow they should be able to have a little more latitude in how they manage their business. I believe discrimination is wrong no matter how you look at it. Being an executive director of a small nonprofit, I have six employees—this bill would apply to me. If we are going to have a level playing field for

everybody, we should all have to play by the same rules. You may want to clarify your previous statement.

Bryan Wachter:

It is certainly not what I meant. I think the policy discussion is not about whether or not we believe discrimination should be happening or whether it is okay; the answer is absolutely not. I would hope that the market would recognize that any level of business discrimination is wrong, and that is the direction we should be moving. This bill opens up the amount of financial liability that you would be exposed to. You probably do not have an entire HR department and your legal staff may be on an ad hoc basis. You really lack the resources to be able to affectively deal with a lot of the regulations that this Legislature puts on small businesses. The policy consideration is what the fiscal impact will be on small businesses who are already struggling to make it and their ability to hire more people—I think there is a middle ground there.

Assemblywoman Carlton:

As a responsible business person, I should be doing those things anyway. If I have not been doing those, shame on me. If I have anyone in my employment, or whom I am signing a paycheck for, I need to make sure that those people are all protected, even if there is only three of them. Every responsible business owner should be making sure all procedures are appropriately followed.

Bryan Wachter:

We would be interested to see if this additional mandate is a response to a particular situation, or if it is just something we feel we should be doing without taking into consideration the impact on small business.

Randi Thompson, representing National Federation of Independent Business:

I represent over 2,000 independent businesses statewide, and on average they have about 12 employees. Of the 220,000 businesses in Nevada, 15 percent have 20 or fewer employees. A business that has at least one employee is subject to the Equal Pay Act of 1963 to provide equal pay for equal work. The Fair Labor Standards Act applies to almost all businesses related to overtime. I have provided my testimony on the record as well ([Exhibit G](#)).

Small businesses generally do not have the financial resources for HR help—many of these are microbusinesses. Many are start-ups and funded by investor dollars; they are not generating revenue. A lawsuit brought by an employee would likely kill the business before it even has a product that goes to market. Companies in America have a 10 percent chance of facing an employment lawsuit; however, in Nevada an employer is 55 percent more likely to be hit with a lawsuit than in any other state. I have provided a report from Hiscox for your review ([Exhibit H](#)). We are ranked number one with Delaware for having the most employer-ranked lawsuits. That is our biggest concern—what kind of lawsuits can come from this kind of activity. An average small business earning \$1 million spends \$20,000 a year on lawsuits. Lowering the standard is not only going to potentially increase lawsuits for small companies, but it also conflicts with federal and other state laws. We worked with the

Committee on Assembly Bill 13 of the 79th Session which required an employer with 50 or more employees to make reasonable accommodations for a nursing mother. We also worked with Senator Cannizzaro on Senate Bill 253 of the 79th Session to codify into state regulations the federal Pregnancy Discrimination Act. We spent time talking about the ramifications of these bills on small businesses.

Assemblywoman Neal:

For the last three sessions I have been focused on small business resources and trying to help businesses grow. One thing I know is that the Small Business Development Center offers resources around workplace laws and training. I also know that the Office of Economic Development within the Office of the Governor has been specifically offering classes to strengthen businesses and allows them free resources. For more than five years there has been a consortium of organizations that have been moving in this direction. I know there are good, free resources that small businesses can use; businesses that are making \$50,000 or less a year are using them.

Randi Thompson:

You are right. The small business development centers, even NERC, are reaching out to small businesses. The challenge is incentivizing business owners to understand those resources are available and educating them. It is a matter of getting to business owners and making them aware that these resources are available. A lot of times their hiring practices are just that they know a guy who does this and they are hiring them. It is more out of ignorance than it is out of true discrimination.

Assemblyman Edwards:

Do you know how many cases are brought forth for discrimination that are found to be without merit?

Randi Thompson:

I do not.

Assemblyman Edwards:

What is the state's capacity to provide the free services?

Randi Thompson:

I know the Nevada small business development centers in Las Vegas, Reno, and Elko are a great resource—it is through the university systems. The Governor's Office of Economic Development has been doing some programs, but it is more university-based. It is educating the business owners that those resources are available, and that really comes down to how do we get to small towns like Eureka and Austin to let them know those are available. There is also a lot of information online. The lawsuits are really our biggest concern.

Nick Vander Poel, representing Reno Sparks Chamber of Commerce:

I echo much of what my colleagues said. We can agree that discrimination is wrong. The way the Reno Sparks Chamber of Commerce looks at it, it is the unintended consequences, as well

as the financial side of what comes to the small business that is trying to employ, grow, and contribute to their community.

Hugh Anderson, representing Las Vegas Metro Chamber of Commerce:

I am representing the Las Vegas Metro Chamber of Commerce, but I am also here as a small business owner. We have heard about the resources available to all businesses, but I am here representing our smaller business owners that do not have the luxury of being here to defend themselves when good intention public policy comes up that could negatively impact them. I would like to thank Assemblywoman Gorelow for meeting with us and discussing her intent on the bill, and her willingness to continue the dialog about how we may come to a resolution regarding A.B. 251.

We are trying to create a bifurcated regulatory system in which microbusinesses in Nevada would be in compliance with federal law but not with state law. The Chamber abhors discrimination in all its forms; however, we believe the existing state law of 15 employees or less is appropriate because of the size of these microbusinesses and the limited resources they have. This change would bring confusion for microbusiness in Nevada that could prove quite costly. We believe the proposed revision from 15 employees to 5 is too small and agree with the existing federal standard of 15. This change would cause a hardship for microbusinesses because they do not have the organizational structure for human resource departments and attorneys on retainer for legal guidance. Most times an owner or entrepreneur of a microbusiness wears all the hats. The reality is that their goal every day is to keep their doors open, pay their employees, and maybe get paid themselves.

The competition for good employees is fierce in our economy. The bad actors who do discriminate against their employees should be found out, regardless of the size, but we recognize that our best resources are good employees, and to keep them happy and keep them on our payroll is vitally important by treating them well. Microbusinesses are typically family-owned. It is on their behalf that I would urge you to maintain Nevada's existing law at this time.

Jenny Reese, representing Henderson Chamber of Commerce:

We just want to get our opposition to A.B. 251 on the record. We appreciate the bill sponsor meeting with us, and echo the Las Vegas Metro Chamber of Commerce's comments.

Jaron S. Hildebrand, Manager of Government Affairs, Nevada Trucking Association:

We would just like to echo the comments made by the Las Vegas Metro Chamber of Commerce.

Alexis Motarex, Government Affairs Manager, Nevada Chapter, The Associated General Contractors of America, Inc.:

We, too, for the reasons already stated, are here in opposition to A.B. 251.

Chair Spiegel:

Do we have anyone who wishes to testify in the neutral position?

Scott W. Youngs, Project Coordinator, ADA and AT Projects, Nevada Center for Excellence in Disabilities, College of Education, University of Nevada, Reno:

I am one of the resources people are looking for to fill the gap that people are testifying to today. I am a professional with a disability and I have been at this for as long as the Americans with Disabilities Act (ADA) has been in enforcement. I have been in the trenches trying to improve the lives and the quality of life for people with disabilities. The ADA celebrates its twenty-ninth anniversary in July.

We have had a lot of discussions about proclamations and things that we are doing with the state and complying with the federal law—we still have a long way to go. People with disabilities are still continuing to fight for their rights in these areas, as well as many other areas under other laws. Since the signing of the ADA, people are still struggling with employment, and 80 percent of people with disabilities still remain unemployed. There have been discussions regarding burdens on small businesses. Title 3 of the ADA already covers small businesses, regardless of the number of employees. [Mr. Youngs submitted written testimony ([Exhibit I](#)).]

Michael J. Baltz, Chief Compliance Investigator, Nevada Equal Rights Commission, Department of Employment, Training and Rehabilitation:

I am here on behalf of the Administrator, Kara Jenkins, to testify neutral on this bill. The Nevada Equal Rights Commission would need to add an unsolicited fiscal note and friendly amendment to NRS Chapter 233 in order to ensure we have sufficient mediators, investigators, and staff to anticipate double the amount of filings should our jurisdiction expand to cover almost every employer in the state.

Assemblywoman Tolles:

Could you give us more clarification on the training? Do you have statistics on how many small businesses currently file claims?

Michael Baltz:

We offer training to anyone who requests it, whether it be employers or an employee group. Our training is tailored to the request of the specific training. As far as data, I would like to defer that question to the Deputy Director of the Department of Employment, Training and Rehabilitation, Dennis Perea.

Dennis A. Perea, Deputy Director, Department of Employment, Training and Rehabilitation:

Historically, the Equal Rights Commission finds cause in about 10 percent of cases that come before it. That does not mean that the rest of them did not have merit—that is just what could be proven for the probable cause standard. The Equal Rights Commission routinely turns away people that belong to employers with 15 or less employees. We do not have those statistics, but we can try to gather them.

Assemblywoman Tolles:

That would be wonderful to have that information. Do you have any statistics on how many requests for training you get?

Michael Baltz:

Yes, we keep statistics.

Chair Spiegel:

I will now ask the bill sponsor for any final comments.

Assemblywoman Gorelow:

I would like to clarify my testimony where I mentioned there were 36 states. I accidentally included Puerto Rico in my number—so it is actually 35 states.

Chair Spiegel:

We will close the hearing on Assembly Bill 251, and we will open the hearing on Assembly Bill 361.

Assembly Bill 361: Revises provisions relating to the practice of medicine. (BDR 54-839)

Assemblywoman Maggie Carlton, Assembly District No. 14:

I am pleased to present Assembly Bill 361. This bill places in statute the enforcement mechanism for Senate Bill 172 of the 78th Session. In many conversations with the Committee on Commerce and Labor over the years, we have discussed access to health care. We know having medical students in this state, if they do their residencies in this state, they will stay. If they can do their rotations here in the state for their third and fourth years, then they will more than likely stay for their residencies too. I do believe this bill will address those third- and fourth-year rotations. I would like to turn it over to Shelley Berkley, who has been a friend for a very long time.

Shelley Berkley, CEO and Senior Provost, Touro University, Western Division:

I am here to testify in favor of Assembly Bill 361, a bill that adds teeth to a bill that was passed by both houses of the Legislature in 2015. The original law was passed to ensure that there will be an adequate number of rotations available for Nevada medical students in their third and fourth years of medical school. The law prohibits doctors in Nevada from providing rotations to foreign students from unaccredited, offshore medical schools. The state of Nevada has a critical shortage of physicians. The Governor and the Legislature have worked hard to remedy this situation by investing substantial resources in two medical schools in the state—University of Nevada, Reno (UNR) and University of Nevada, Las Vegas (UNLV)—to create a pipeline for future doctors who will be trained and, hopefully, practice in Nevada.

Touro University has recently expanded our medical school program from 135 students to 181. Roseman University of Health Sciences in Henderson, Nevada, is working to begin its medical

school in the next few years. [Letter in support of Assembly Bill 361 from Roseman University of Health Sciences was submitted ([Exhibit J](#)).]

In addition to the state investing in medical schools, the Legislature has funded graduate medical education (GME), which are residency programs, to complete the medical education cycle. National statistics show that 70 percent of doctors end up practicing where they do their residencies. Recognizing that, the Legislature has funded GME to train and keep future doctors in Nevada. Third- and fourth-year medical students are out in the field working with doctors to get the training they need to complete their studies. If local doctors are training foreign students from unaccredited, offshore medical schools, they are not training Nevada medical students.

After four years of monitoring this law, we have learned that some Nevada doctors are still offering rotations to foreign students. We believe most of them do not know there is a law in Nevada that prohibits this. Our intent with A.B. 361 is to educate our Nevada doctors about the restriction from providing rotations to foreign students. This bill is not intended to punish doctors for engaging in the practice, but to educate them and encourage them to train third- and fourth-year medical students attending Nevada medical schools. With UNR's 60-plus medical students in each class, UNLV's 60 students, Touro's 181 students, and Roseman's future students, we have an ample number of students enrolled in Nevada medical schools. We must have the rotations necessary to train the third- and fourth-year students to prepare them for their residencies, and ultimately to be the best trained medical professionals possible to serve the needs of the people of our great state. We urge you to pass this bill to ensure that students attending medical schools in Nevada have the opportunity to train with Nevada doctors.

Assemblywoman Carlton:

I would like to recognize the medical students here today.

Chair Spiegel:

Is there any testimony in support of A.B. 361?

**Kate Martin, Associate Dean for Graduate Medical Education, University of Nevada,
Las Vegas School of Medicine:**

We are in support of A.B. 361. We support the supervision of students from accredited medical schools so that the limited amount of clinical opportunities available to our local students will not be compromised by students from institutions that do not meet these accreditation standards. We want to offer them the best opportunities for their third-year clerkships and fourth-year clinical elective opportunities.

Chair Spiegel:

Is there anyone to testify in opposition? [There was no one.] Is there anyone to testify in neutral? [There was no one.] We will close the hearing on A.B. 361 and open the hearing on Assembly Bill 77.

Assembly Bill 77: Makes various changes to provisions governing the practice of optometry. (BDR 54-366)

Chen K. Young, President, Nevada State Board of Optometry:

Assembly Bill 77 is a much-needed update of *Nevada Revised Statutes* (NRS) Chapter 636. The Nevada State Board of Optometry is requesting changes to better regulate its licensees and prevent the unlicensed practice of optometry. Dr. Mariah Smith will now present A.B. 77 and the proposed amendments.

Mariah L. Smith, Member, Nevada State Board of Optometry:

We appreciate the opportunity to address the challenges we had with the format of our amendments, as well as taking the time to propose changes to address questions and issues we have received since the last hearing. We have reached out to all members of the Committee and were happy to get some positive feedback. We have three documents to consider today: the original bill; our mock-up to the bill with proposed amendments ([Exhibit K](#)); and our explanations and rationale for each proposed change ([Exhibit L](#)). I will address input from our meetings with Committee members and stakeholders. We have four areas to discuss: (1) requiring a valid prescription to create glasses; (2) the Board's fees; (3) the remaining clean up and updates; and (4) the fiscal note.

Regarding the first item of requiring a valid prescription to create glasses, in section 10 of the bill, and section 72 of the mock-up of the amendments, licensed dispensing opticians may provide glasses to individuals only with a valid, nonexpired prescription signed by a doctor of optometry or ophthalmology. There is no restriction on the number of glasses an optician may sell with a valid, nonexpired prescription. Additionally, opticians can provide glasses without a valid prescription if an individual has an urgent or an exigent circumstance, to be defined by the Board of Dispensing Opticians in their regulations. A patient's self-perceived good eyesight may be misleading. I have seen many patients come through thinking they see great, only for me to tell them they would not have passed the Department of Motor Vehicles' criteria for safe driving with their current vision. The ability to duplicate old lenses without any assessment of vision or eye health can be a delay in the identification of health conditions in their early stages when education and treatment would have been beneficial. Diabetic eye disease and glaucoma have no symptoms in the early stages. Late detection leads to increased health care costs, a higher chance of irreversible damage, and vision loss. We have a responsibility to decrease the likelihood of these outcomes and improve public health with low-cost preventative care.

The Nevada State Board of Optometry's purpose is the protection of public health; we cannot advocate for anything less. At the last hearing, Committee members asked me for some examples of extraordinary circumstances that might allow for the duplication of lenses. The first thing that should happen is that the optician should reach out to the optometrist if they have an invalid prescription, an expired prescription, or cannot tell with a broken pair of glasses if there is a valid prescription. That would open the communication so the doctor has the opportunity to be in the loop with their patient. The exigent circumstances needing duplication might be for safe driving or a kid taking a test that day in school; the unavailability of an

appointment with the optometrist right away; or if the optometrist is nonresponsive to a request to verify or extend the prescription. We also added provisions to address the opticians' concerns regarding warranties on glasses—to allow duplication within one year of initial fabrication, if done under the warranty.

For the second issue with regard to Board fees, the amendment provides a maximum limit for our licensees for applications, renewals, certificates, and other fees. Because we are moving to a biennial renewal instead of annual, most of the fee caps reflect a doubling of our existing upper limits. Because the application fee is a one-time fee, we would like to actually propose altering our mock-up to have the application fee specifically not be doubled and being a max \$600—this is in section 20 [page 17 ([Exhibit K](#))].

The remaining changes come from a thorough review of NRS Chapter 636 by the Board, staff, and stakeholders, including ophthalmology, optometry, opticians, and others, to bring the statute up to date, and to clarify current permissions and limits. Most of the changes are procedural, but some were offered by the Nevada Academy of Ophthalmology and other health care providers. The Office of the Attorney General added a number of amendments to bring our chapter in compliance with numerous legislative changes that have occurred since NRS Chapter 636 was last revised. There were two minor adjustments since submitting the mock-up: one in section 49, where it currently says employees and the owner-optometrists would need to get a fictitious name certificate; this should only apply to the owners, not their employees. In section 10, subsection 1, paragraph (i), removal of a foreign body can be with forceps only; this should actually have been added to paragraph (j) for eyelashes.

Regarding the fiscal note, the Board was asked to produce a fiscal note when this measure was first prepared. The Board is reconsidering the fiscal impact of this measure to be a net positive of \$2,900 per year. The Board can absorb the impact of any new cost to implement the chapter and asks the Committee to remove the fiscal note. This Committee has the authority to remove the fiscal note, thus allowing the Board to be relieved of petitioning the Office of Finance within the Office of the Governor and the Legislative Counsel Bureau.

Assemblywoman Jauregui:

I am always skeptical of what is being removed from the bill. Why are you removing your fees from statute? Why are you removing your right to penalize from statute?

Mariah Smith:

In the amendment, we are adding it and the ability to follow up and penalize back in. We are following the Attorney General's recommendations in the amendments.

Assemblywoman Jauregui:

Are sections 20 and 21 going back in?

Mariah Smith:

That is correct.

Assemblywoman Jauregui:

We previously talked about the treasury bills in section 16; it was mentioned these were also in the statute for some other boards and we were not able to find them. Can you tell me where you got this example?

Mariah Smith:

Based on comments we received at the last hearing, we are recommending removing that language.

Assemblywoman Carlton:

I am looking at the fiscal note. Because you are self-funded, there are no State General Fund dollars. This is just the actual impact of the bill—what your fees would need to be adjusted to, to compensate for the impacts. Am I understanding that correctly?

Caren C. Jenkins, Executive Director, Nevada State Board of Optometry:

When the measure was first created as a bill draft request, the Board was asked to respond to what the fiscal impacts would be, rather than what the burden or the benefit to the State General Fund would be. The information provided is what you see in the fiscal note. With the net impact being so nominal and no additional funds being required to implement the changes by this bill, we ask that the fiscal note be removed. We would be removing fees that would have been received for additional practice locations and replacing them with a mobile optometry license as proposed in the measure.

Assemblywoman Carlton:

There was a provision about not allowing nonprofits to do mobile vans. Is that still applicable?

Mariah Smith:

The mobile optometry clinic provision is there; however, it has been decided in the stakeholder meetings that the mobile clinic needs to be optometrist-owned and operated, so we know whose jurisdiction it falls under if there were to be a problem with it. They can work in conjunction with those people, but the mobile clinic needs to be optometrist-owned and operated.

Assemblywoman Carlton:

The problem with that is some of those mobile vans are owned by the nonprofit; then they go out and ask doctors to give up their time to treat the underserved. If this went through, there would be no optometrist in the rural areas; I cannot see an optometrist buying the van. I am not sure they realize how much it costs to put one of those vans on the road. I would not want to see the service not be available simply because of the perceived issue that the optometrist does not have latitude to do their own. I believe there is a way to do a partnership with a nonprofit. We would not want to limit access to care in the rural areas for that. So I hope those conversations will still continue.

Mariah Smith:

I have seen mobile optometry clinics fully furnished; they are not actually super expensive—I think an owner-optometrist could own and operate one and serve rural communities. Our

regulations allow for fill-in days for optometrists; they would not need a mobile optometry license to practice in an outreach clinic.

Assemblywoman Carlton:

I want to reach out to the Lions Club, Kiwanis, and all those people who do this type of work in rural areas. We need to tell them we will not be putting them out of business so an optometrist can have all the business himself.

Assemblywoman Neal:

Are you accepting the Board of Dispensing Opticians' amendment in section 10?

Mariah Smith:

Are you referring to the document submitted by the Board of Dispensing Opticians on March 26, 2019 ([Exhibit M](#))?

Assemblywoman Neal:

Yes.

Mariah Smith:

Our amendments do not accept their proposed amendments in the document I have.

Assemblywoman Neal:

What are you accepting for section 10?

Mariah Smith:

We are saying that a prescription can be filled when there is a valid prescription. We are removing the part that says it can be duplicated in extreme circumstances. The Board of Dispensing Opticians suggested it would be more appropriate in their statute.

Assemblyman Edwards:

Is there any reason why people would not want to get an eye exam? Is there a reason why the optometrists would not want to be sure they have a valid prescription to make sure they are giving the right glasses?

Mariah Smith:

I do not see why they would not want to, at least for not understanding the benefit. I could see a patient saying they do not have enough time to come in and see us, but it is really doing a disservice to the health of the patient, and the public's health, if they are driving with poorer vision than they need to.

Assemblyman Edwards:

I have learned, through my own experience, you really cannot detect things like glaucoma, diabetes, and high cholesterol. The ophthalmologist and optometrist can, which actually would help everyone if they would just get the eye exams every year or every other year.

Assemblywoman Tolles:

In section 47 it says that a complaint must be made in writing. Originally it looked like complaints could be made anonymously, and the Board had a right to reject that complaint if the anonymity interfered with their process of being able to investigate. Now it requires people to have to sign and it can no longer be anonymous. Where does that report go?

Caren Jenkins:

The recommendation to require a sworn and verified complaint causes two beneficial effects: (1) people cannot just complain and be anonymous—we get a lot of complaints that say someone was rude but the complaint is not signed; and (2) we have had an experience where a number of licensees made complaints about their colleagues but want their identity protected—for no other reason than they do not want to be seen as a pariah among optometrists. We have received a number of anonymous complaints, and if the sender does not tell us who they are, we cannot follow up to find out the information we need to even begin the investigation. The Board can always propose regulations to withhold the name of the complainant if it is not an anonymous complaint when it is submitted.

Assemblywoman Tolles:

I would like to see more clarification in the language. I think it is an important step not to completely remove and add back in some protections. I think there are times where that would be appropriate.

Mariah Smith:

I think that is a valid issue to bring up; I think we can work on that.

Chair Spiegel:

Is there any testimony in support?

Michael D. Hillerby, representing Nevada Optometric Association:

We are in support of the bill and appreciate the Committee's willingness to have a second hearing. Our association and members participated in the updated amendments. We divided the bill into two areas: 1) the internal Board operations, and the things they would like to do to modernize and improve their own operations; and 2) others that directly affect the profession, and particularly those areas in section 3, subsections 2 and 3 dealing with optometric assistants. Those assistants are a very important part of the health care delivery system; they operate under the supervision and auspices of the optometrist's license. The optometrist is answerable to the Board for their activities, just as he or she is for their own.

Sections 39 through 41 that modernize the references to therapeutic pharmaceutical agents, for example, prescription drugs and glaucoma certification, the kinds of education, the uniformity of education and examinations that optometrists now undergo since we changed and have become more uniform since those laws were originally passed in 1995 and 1999—we would support those. The main area of contention with the bill, with outside parties who were opposed from the Board of Dispensing Opticians, seems to be the issue of having a valid prescription for lenses; we do support that. The Board of Dispensing Opticians statute

explicitly exempts optometrists, ophthalmologists, and assistants who are under their direct supervision from the provisions of those chapters. One of the arguments made was, should people be doing the initial fitting of contact lenses if they are not an optometrist, an optician, or an ophthalmologist? *Nevada Revised Statutes* 636.387—and similar language exists in Chapters 630 and 632—requires that the initial fitting of a contact lens only be done by an optometrist or ophthalmologist.

Nevada Revised Statutes 637.175 expressly addresses the issue of the expiration date of a prescription. If no other expiration date is listed on the prescription, it is assumed to be two years. It already requires a prescription to dispense glasses. We think that is appropriate to the extent that we may need to work on some other versions of this language. We are happy to work with the Committee to find a way to make sure that is clear and follows existing law. Regarding the key issue with mobile vans, as long as the independence of the medical judgment of that optometrist is maintained, we will be happy to work to find ways to be sure that those nonprofits and others are able to do that. They are certainly able to do it now, and we would not want to do anything that would prohibit them from continuing to do that and having opticians, ophthalmologists, and optometrists, all be part of providing that care in underserved areas.

Chair Spiegel:

Is there anyone to testify in opposition to A.B. 77?

Mark Meyers, Jr., Secretary, Board of Dispensing Opticians:

I did have a prepared comment, but most of it revolves around the Board of Optometry reaching to enforce an act on another board. It is going to impact the Nevada opticians and the businesses that employ those opticians. We do not duplicate prescriptions on every single person, it is a case-by-case situation. By removing it, anytime I have to do a warranty beyond the prescription date, I need to get an extension from a doctor who may not be reachable. Not only are we limiting businesses' ability to function in support of any offerings that they give, they are putting, through their statutes, a burden on our Board. While we have been willing to come to the table, it is hard to keep up with the language. I would ask the Committee to consider the amendments to A.B. 77 as proposed by the Board of Dispensing Opticians ([Exhibit M](#)).

K. Neena Laxalt, representing Board of Dispensing Opticians:

To my right is Corinne Sedran, Executive Director, Board of Dispensing Opticians, and Marilyn Brainard, board member. I would like to talk about the process we have been through. This has sort of been after-the-fact on everything. They did bring in a lobbyist which was very helpful. The language has changed every time we turn around. We are lost in the process of what is current. We were asked to submit what we would like ([Exhibit M](#)). None of our suggestions were taken into consideration. That is where we stand. There are a lot of concerns from the Board of Dispensing Opticians. Although we were brought into the process through the lobbying efforts, there have been a lot of issues that have not meshed well.

Corinne Sedran, Executive Director, Board of Dispensing Opticians:

There are a couple of items I want to point out. These section numbers have changed since the last time we saw them. When I sent the letter, we were working off the section numbers that were posted to the Board of Optometry website on March 5—so when I refer to section 3.1, it looks like it is just section 3 under the amendments you have received. We want to point out they have removed the provision that requires direct supervision—they actually called it "personal supervision"—for a whole slew of optometric services that would be provided by unlicensed employees called assistants. Some of those services fall directly under the purview of dispensing, which would be fitting the lenses.

Our statute, while it does exempt their Board, is not a full-blanket exemption. What it actually says is that the ophthalmic dispensing by an employee of a licensed physician, surgeon, or optometrist may be done only under the direct supervision of that doctor, and only as an assistant to the licensed physician, surgeon, or optometrist. We take that to mean there does need to be direct supervision of these unlicensed employees while they are performing these services. That would be consistent with what our laws require with respect to our own apprentice dispensing opticians who are currently in school, going through extensive training, to be able to do this service on their own. It does not make sense to us to allow these unlicensed assistants to be able to do ophthalmic dispensing without any onsite supervision by the optometrist.

Regarding section 10, that goes along with what we refer to in the letter as section 72, which are proposed amendments to our statute. Theirs are just at the end of what they sent for today—it does not say section 72 any longer. We are not theoretically opposed to what they are suggesting in terms of putting certain requirements on top of our ability to reproduce lenses. However, the manner in which they are proposing it makes our statute incongruent. They have the legal authority to duplicate lenses, and then under unlawful acts it says, no, they do not—in certain circumstances. We would just like to present our own amendment ([Exhibit M](#)) to our own statute that we feel represents the best interests of both boards. [([Exhibit N](#)), ([Exhibit O](#)), and ([Exhibit P](#)) were submitted but not discussed.]

Marilyn Brainard, Member, Board of Dispensing Opticians:

The Board of Dispensing Opticians was established in 1913 when the Board of Examiners was appointed. An act to regulate the practice of dispensing opticians was passed in 1951. The Board is authorized to adopt rules and regulations to carry out the provisions of NRS Chapter 637. In 2015, the Legislative Commission's Sunset Subcommittee reviewed the need for continuance of the Board of Dispensing Opticians; they felt we were providing important services and there was still a need for our Board.

[Letters in opposition to [A.B. 77](#) were submitted but not discussed ([Exhibit Q](#)), ([Exhibit R](#)), and ([Exhibit S](#)).]

Chair Spiegel:

Is there anyone to testify in the neutral position? Seeing no one, I will call the sponsor back to wrap up.

Mariah Smith:

We are happy to continue working with the Board of Dispensing Opticians, and apologize for any hardship we might have created in this process.

Chair Spiegel:

We will close the hearing on Assembly Bill 77. We will now open the hearing on Assembly Bill 275.

Assembly Bill 275: Makes various changes relating to professional and occupational licensing. (BDR 54-676)

Assemblywoman Selena Torres, Assembly District No. 3:

I am here to present Assembly Bill 275, which makes various changes relating to professional and occupational licensing. I have provided you with a copy of the proposed amendments to A.B. 275 (Exhibit T). Currently, there are many professional and occupational licensing boards that require applicants to provide social security numbers for the issuance of a license, thereby limiting who may apply and obtain a professional license in Nevada. Assembly Bill 275 allows for individuals to apply for a professional or occupational license with an alternative number. For example, you might use your individual taxpayer identification number (ITIN), which is a tax processing number issued by the Internal Revenue Service, to ensure that people pay taxes—even if they do not have a social security number, and regardless of their immigration status.

The purpose of this bill is to ensure people who are in the process of obtaining a social security card can apply for a professional occupational license and work immediately upon receipt of their social security number. Professional licenses demonstrate competency; they do not demonstrate your ability to work in this country. Your social security number determines whether or not you are federally eligible to work in this country. However, a professional occupational license demonstrates that you are competent to practice or perform that profession. For example, an individual enters the country lawfully, they overstay their visa, marry a U.S. citizen, and they are eligible to apply for residency per our federal statutes. The process towards getting a green card or social security card is going to take a long time. While the individual is in the process of applying for these things, that individual would be able to apply for their license. Immediately upon receipt of their social security card, they would be able to apply for jobs and start working.

This bill does not give undocumented Nevadans the ability to work. This bill gives Nevadans the ability to obtain a professional occupational license. All federal regulations and laws are still in place.

In my meeting with stakeholders, there was one large concern that this bill will limit their ability to conduct background checks. That is not the case. We are still able to conduct a background check without a social security number. For any background check, you would complete a fingerprinting form (Exhibit U). We want to make sure that individual still meets every single requirement of that board. This bill does not alter any other requirements of the

licensing. I would now like to turn it over to Mayra Salinas-Menjivar from the University of Nevada, Las Vegas Legal Services Fellowship Program. [Also submitted was a copy of a fingerprint background waiver form ([Exhibit V](#)).]

Mayra Salinas-Menjivar, University Legal Services Fellow, William S. Boyd School of Law, University of Nevada, Las Vegas:

I am here to serve as a resource should you have any questions. This bill does not circumvent any federal laws that are already in existence. I am also here with Caleb Green, who can also provide answers with regard to this bill.

Assemblywoman Torres:

Could you please address Title 8 of the United States Code (U.S.C.)?

Mayra Salinas-Menjivar:

Under this bill we are invoking 8 U.S.C. § 1621(d) which allows a state to provide a state benefit, including occupational licensing, to a person who is a noncitizen. They may do so only through the enactment of legislation that was enacted after 1996. In order for our state to take this step, we are required by federal law to enact the legislation.

Assemblywoman Carlton:

Does this not change any individual qualifications that any board has towards any of its licensees? Are the boards still able to do all of their due diligence to make sure the public is protected by the licensees that they grant licenses to?

Assemblywoman Torres:

That is correct.

Assemblywoman Tolles:

Have other states enacted this legislation?

Mayra Salinas-Menjivar:

Yes. There have been several other states that have enacted this legislation. Professional licensing is often comprised under different statutes, some states have done it in a piecemeal fashion. The only example we have of a state that has done a holistic approach has been California. They addressed every licensing scheme in their state. There have been various other states including New York, Florida, Illinois, and Nebraska that have changed their licensing scheme in certain professions.

Assemblywoman Neal:

You stated they are not allowed to work if they get the license. How do you know that they are not actually using the license to try to work?

Assemblywoman Torres:

The license is separate from their eligibility to work. If you were to apply for a position, an employer would still have the responsibility to check to see if you have authorization to work.

Assemblywoman Neal:

I am thinking of a different scenario. A person puts up a shingle and tells the community that they have a license to do X, and now they are performing services around one of these license associations. How do you prevent that?

Assemblywoman Torres:

There would still be other regulations in place that would control that. This is simply dealing with licensing. The licensing is saying that we have been able to determine that they are competent in that practice, not to work.

Assemblyman Daly:

In section 2 there appears to be a word missing. Why do we need to amend all of the rest of the sections after that?

Mayra Salinas-Menjivar:

I believe the section you are describing is section 2, subsection 3, of the amendment ([Exhibit T](#)). All of those citations to the chapters are references to the requirement to have a social security number. Under each of those chapters and licensing schemes, it would allow a person to submit their other personal identifying number, such as an ITIN, in lieu of the social security number. That portion would be required because, currently, only a social security number is in statute.

Assemblyman Daly:

Why does that language have to be removed in section 2, subsection 1?

Assemblywoman Torres:

In my conversations with the Legal Division of the Legislative Counsel Bureau, it was their suggestion that we open every single chapter and clean up the language so it was clear what the legislation was, to make it simple. Otherwise we would have some language that would require it, some language that would not—you would have a lot of contradictions.

Assemblyman Edwards:

How do we make sure this does not become a way for illegal immigrants, who may have had a work visa but overstayed that visa, are not actually fulfilling the requirements of the law?

Assemblywoman Torres:

They still have to meet the federal requirements to be eligible to work; that is the duty of employers. If they are not doing so, then our government has a duty to enforce those regulations with those employers. We are talking about professional occupational licensing, which determines competency and not their eligibility to work.

Assemblyman Edwards:

I guess I am looking for a little more proactive way to prevent that from happening. If a person has a visa for one job, yet tries to obtain a professional license for another, that means there would be abuse of the system.

Mayra Salinas-Menjivar:

I do not believe there exists any visa that limits what professions you can enter.

Assemblyman Edwards:

Someone who comes here on a B1 visa that says you are going to be working in critical area of services that we need is only allowed to work in that area. Therefore, if you try to divert into anything else, your visa is invalid.

Mayra Salinas-Menjivar:

Right, but that is to be able to maintain the visa itself. My clarification was to say that there is no visa that particularly never allows you to change professions. You can reapply for a visa under a different profession, but you are allowed to change it. It is still the employer's responsibility to ensure the person they employ has the right to work and has current work authorization by the federal government.

Assemblyman Edwards:

Is it not ultimately a burden on the businesses?

Assemblywoman Torres:

That has always been the burden of the businesses.

Chair Spiegel:

If somebody obtained their license to practice as a homeopathic physician, but they did not have immigration status and they say to one of their neighbors, I am licensed as a homeopathic physician, I could help you, and I will charge you less than somebody who has a storefront, and I can do it out of my house, what would happen if that person got caught? Would it threaten their permanent residency or citizenship status?

Assemblywoman Torres:

I think there would be a variety of other laws that were upheld, besides just practicing a profession. If you wanted to volunteer at a law clinic, you had your law degree, and you were undocumented, that would still be possible with this piece of legislation because you would have your license. However, if you were not operating under our other business codes, under the other regulations, that would be a violation of other laws and regulations that we have.

Mayra Salinas-Menjivar:

It sounds like a violation of the license, and perhaps it would be a violation of other regulations of the licensing body, which does not necessarily constitute a crime under our *Nevada Revised Statutes*; so if that is not, in fact, a crime, that should not affect their immigration process.

Assemblywoman Tolles:

This body passed Assembly Bill 27 of the 78th Session which was similar in the sense that it offered the ability to get a teaching license if you were a Deferred Action for Childhood Arrivals (DACA) recipient. How has that program worked? Have there been any difficulties since?

Assemblywoman Torres:

To my knowledge, there has been no issue with that. In fact, it has been positive for school districts. When we look at Clark County, we always have the need for educators. One way this will positively impact education in our state is when we look at substitute teachers. Although we affect the teachers, we did not say that substitute teachers could be DACA recipients, or otherwise have a work authorization card, so that is one area where we still continue to have that need across the state of Nevada.

Assemblyman McCurdy:

Would it be incumbent upon the employer to make sure that employee is supposed to be working?

Assemblywoman Torres:

That is correct. To be clear, there are a lot of occupations that do not require a license. If I wanted to get a job working retail, I am not required to have an occupational professional license. Yet the employer still has that burden to ensure that I am eligible to work in this country.

Assemblyman McCurdy:

Is it also true that if someone is practicing outside of their scope, there would be a penalty or fine assessed?

Assemblywoman Torres:

Yes, that is correct.

Chair Spiegel:

Is there anyone to testify in support of Assembly Bill 275?

Marlene Lockard, representing Service Employees International Union, Local 1107:

This bill will allow regulatory bodies to issue occupational licenses to any qualified candidate, regardless of their residency status. This will ensure that workers who want to make an investment in Nevada will be able to do so—adding to our economy and to our workforce. We support this measure.

Miranda Hoover, representing Board of Examiners for Social Workers:

We are here in full support of A.B. 275 with the conceptual amendment. We would like to thank the bill sponsor for meeting with us and addressing some of our concerns. We believe that this bill expands the possibility for our workforce, especially with social workers being in such dire need in this state.

Chair Spiegel:

Does the amendment we have incorporate the remedies to your concerns?

Miranda Hoover:

Yes.

John Sande, IV, Private Citizen, Reno, Nevada:

My wife is from Iran, and I went through the immigration process with her. We were able to get her green card and go through the process—if we had waited a couple of years, she would have had an issue getting her physician's assistant certificate to be able to work. Her sister was able to get to the United States on a student visa as well. She is studying finance and accounting and has had a hard time; even getting internships is hard with her student visa, with the hours they are allowed to work under federal law. When she graduates, she will have progressed to the point where she would be able to apply for those professional licenses. I offer my support to A.B. 275.

Mike Draper, representing Fingerprinting Express:

Fingerprinting Express has stores all over Nevada. We use all live scan fingerprints. We have worked with people who had social security numbers, did not have social security numbers, and had other issues. Because of the difference of a fingerprint background check and a name and birthdate background check, we are matching biometric data so there is no need for a social security number. We very much support this bill.

Marco Rauda, Private Citizen, Las Vegas, Nevada:

As a naturalized citizen who was brought to this great country without documentation when I was six years old and someone who knows a lot of DACA recipients, I support this bill.

Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada:

We are in support of this bill. It does not remove any burdens or break any laws that are currently in place. It allows Nevadans who are authorized to work and have met every requirement to obtain professional and occupational licenses—and it helps economic development.

Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition:

My experience has been that the licensure body is very careful when they are issuing occupational licenses to those individuals who may not have a social security number, but still have legal immigration status. The Nevada Immigration Coalition is in strong support of this bill—Nevada immigrants and refugees are striving members of our community. There are people who already contribute economically and culturally to our communities, but they want to do more. Nevada has the power to remove barriers to productive work lives, and that is exactly what this bill does.

Caleb L. Green, Private Citizen, Las Vegas, Nevada:

As a student attorney, I have had the opportunity to represent several immigrants and their families through our clinic program. Our clients experience a range of problems in pursuing their livelihood in Nevada. In removing an unnecessary obstacle through this amendment, this allows these families to be economically sufficient and less reliant on private and public services. Amending this bill to remove the immigration status also allows us to protect many of our highly skilled temporary workers. It also helps Nevada retain a lot of our talented, skilled college students who are currently being educated in our state. Many of these students are undocumented but have gone to our Nevada high schools and colleges, and many of them

have even gotten a Millennium Scholarship. It behooves us to ensure that the talent that we have invested in can stay here, can work here, and are welcome here.

Assemblywoman Neal:

I am a sponsor on this bill. I am in full support of this bill.

Chair Spiegel:

I would like to say "ditto." I would ask Assemblywoman Torres to add me as a sponsor.

Jose Rivera, Extern, Nevada Hispanic Legislative Caucus:

We are in support of this bill. Assembly Bill 275 will guarantee that Nevadans that are authorized to work and have met the requirements can obtain a professional or occupational license. It allows everyone who has been granted the ability to work the opportunity to work.

Kimberly Estrada, Co-Director, Nevada Student Power:

We are a statewide, student-led nonprofit dedicated to improving the lives of marginalized students through civic engagement and financial literacy. I am here to show Nevada Student Power's support of A.B. 275. While I am not a DACA student, many of our leaders are. These students are working very hard—they are juggling work, school, and family in the hopes of finding employment after graduation and further contributing to our society. These students want what many of us take for granted—the chance to succeed in their chosen fields. Assembly Bill 275 will simply give the power to professional licensing agencies to decide whether these students can receive professional licenses. This bill would not place a burden on businesses, because businesses can still choose who they hire.

Ana Olivas, Private Citizen, Las Vegas, Nevada:

Professional licenses authorize practitioners to work in a specific field when the requirements are met. Assembly Bill 275 will ensure DACA recipients graduating from our higher education institutions are not limited by occupational license barriers and can actively contribute to our economy. It will also benefit Nevada by allowing talent to stay here and work in their local community; we already lose so much talent to other states with better wages.

Mary Reyes, President, Federacion Ciudad de Mexico Las Vegas:

While I lived in San Diego, I was able to have my cosmetology license. This allowed me to have financial stability and helped me invest in the future of my family. Unfortunately, because of the barriers of a professional license, I have not been able to continue my work in Nevada. Assembly Bill 275 will allow me to obtain my cosmetology license and put me on a path to open my own business.

Ronald Najarro, Coalition Director, The LIBRE Initiative:

We are an organization that empowers the Hispanic community with the tools they need to break down barriers so that they are able to thrive and contribute to a more prosperous America. On behalf of all our activists in Nevada, I urge you to support A.B. 275, which would allow Nevadans to use individual taxpayer identification numbers when applying for occupational licensing, opening the door to many of our state's immigrant and undocumented population to

obtain the work they are authorized to do. Erecting artificial and costly barriers around trades is bad enough, but depriving a group of the opportunity to get licensed is even worse.

Nevada is behind the nation on licensing reform. According to the Institute for Justice, our state has the fourth-highest share of lower-income occupations licensed. Every year this system is costing Nevada 35,000 jobs, \$96 million in lost output, and \$3.6 billion in misallocated resources. We hope you will follow the lead of other states in removing barriers to opportunity. The failure to do so disproportionately impacts those unable to get a license in the first place. Estimated at 7.1 percent in 2016 by the Pew Research Center, the undocumented share of Nevada's population is the highest of any state. Therefore, we stand the most to lose from barring such a large group from the licensed professions. It severely limits opportunities for them and deprives the state of the sizably greater contributions they could make if licensed.

The use of taxpayer identification numbers by the undocumented workers is direct proof of the contributions to Nevada's state coffers this population is already making. Allowing them access to the licensed professions would widen the range of higher-earning job opportunities they could pursue, thus making their tax contributions soar. If you look at the nearly 13,000 DACA recipients in our state, nearly 40 percent are either in high school or college. Many of them are studying ambitious fields such as medicine or law. Keeping the door shut on the licensed professions jeopardizes their career plans. California, Nebraska, and Indiana have chosen to benefit from the full extent of DACA recipients by enabling them to obtain licenses. Passing A.B. 275 would be a meaningful reform for Nevada.

Linda Overbey, Private Citizen, Las Vegas, Nevada:

I am a leader with Make the Road Nevada. I have been a union member for 33 years and a member of Local 159 of the International Union of Painters and Allied Trades (IUPAT). I am not here as a representative of IUPAT, but my union strongly supports DACA and temporary protected status (TPS) recipients. Thirty percent of TPS holders have found work in the construction industry according to IUPAT. We have thousands of DACA recipients in our membership.

I am here to ask you to support Assembly Bill 275. By passing A.B. 275, we have a chance to do something rather small but hugely significant for the immigrant community in Nevada. Many of my coworkers are green card holders and DACA recipients. These people pay taxes and are already contributing to our community. I believe Nevada has already opened its arms to diversity. I am sure you understand that the Las Vegas Strip would not function without immigrants and refugees. Please allow these people to better themselves. Allowing them to reach their full potential allows Nevada to reach its full potential

Cecia Alvarado, Nevada State Director, Mi Familia Vota; and representing Nevada Immigrant Coalition:

I am here to testify in full support of A.B. 275 on behalf of the Nevada Immigrant Coalition. Assembly Bill 275 ensures that all Nevadans who have been educated and trained can obtain

a license to practice in their field and can use their skills to contribute fully to Nevada's economy.

Audrey Peral, Economic Justice Organizer, Make the Road Nevada:

I am here today in favor of A.B. 275. As more and more DACA recipients complete their secondary and postsecondary education, increasing numbers will seek to acquire a license to work in their chosen field. We need to ensure that all who seek professional licenses have the ability to contribute to the state. Assembly Bill 275 will help the state of Nevada see return investments by opening up who can apply for professional licenses. I urge you to give all Nevadans the opportunity to prosper and give back to our communities professionally.

Erika Castro, Organizing Manager, Progressive Leadership Alliance of Nevada:

We believe that every Nevadan deserves the opportunity to work and help us reach our economic potential in our state. I would like to echo a lot of what has already been said. I also want to add, as a DACA recipient myself, and a current student at University of Nevada, Las Vegas, A.B. 275 would ensure that once I am done with my education, I can continue to work in my chosen field and do the work that I am currently doing.

Chair Spiegel:

Is there anyone in opposition to Assembly Bill 275? I see no one. Is there anyone in the neutral position?

Susan L. Fisher, representing State Board of Oriental Medicine; State Board of Professional Engineers and Land Surveyors; and State Board of Osteopathic Medicine:

We are neutral on this bill. The State Board of Oriental Medicine does not require the use of social security cards at this time. In the statutes of the State Board of Professional Engineers and Land Surveyors it states that you need to be a U.S. citizen or lawfully entitled to remain and work in the U.S. The ITIN does not give the applicant the right to work in the U.S., but we do license professional engineers and land surveyors from other countries if they have the correct visas. The State Board of Osteopathic Medicine does not have an official position on this; they have not reviewed the proposed amendment. Our Board president has expressed some concerns with public safety because, as a medical board, they just want to make sure they are doing the job you have charged them with.

Misty Grimmer, representing State Contractors' Board:

We have not had a chance to review the amendment. We are testifying in neutral. We just want to make sure all the pieces are in place which allow us to do the background checks. I did talk with the sponsor, and she reassured me that all of those safeguards will remain in place.

Chair Spiegel:

Assemblywoman Torres, please provide your closing comments.

Assemblywoman Torres:

I would like to begin by reiterating that this places a burden on the employer, as we expect in every other profession. There are many jobs which do not require a professional occupational license. I would also like to address the concern of public safety—background checks will still be able to be completed, and all other regulations of that board must be in place. Individuals who violate those regulations will risk a fine, losing their license, and other consequences with that board. The purpose and the intent are not to change any of those requirements that are already in place. I do want to state that the purpose of this legislation is to allow for individuals to obtain their professional occupational license if they have met every other requirement. The federal laws will continue to stay in place and we must ensure that employers continue to make sure that their employees meet those requirements. Nevada workers must have the opportunity to seek gainful employment.

Chair Spiegel:

We will now close the hearing on Assembly Bill 275. We will open the hearing on Assembly Bill 355.

**Assembly Bill 355: Establishing provisions governing the retention of certain workers.
(BDR 52-967)**

Assemblywoman Susie Martinez, Assembly District No. 12:

I would like to give you a brief background on Assembly Bill 355. Grocery store workers have a vital role in ensuring the maintenance of health and safety standards in Nevada grocery stores. An experienced grocery retail worker has the knowledge of proper sanitation procedures, state and federal health regulations and laws, and a good understanding of the clients and community that they serve. Some grocery workers may have worked at a store for years, and dedicated a large portion of their lives to serving their communities. What happens when there is a change in ownership? That worker that has spent years serving their community now has to wonder when and how they will be able to put food on the table for their families. Assembly Bill 355 requires a successor of certain grocery employers to retain eligible grocery workers for a 90-day period, and at the end of the 90-day period, to consider offering employment to the eligible grocery workers who were retained.

Section 3, subsection 1, of the bill defines "change in control" to mean "any sale, assignment, transfer, contribution or other disposition of all or substantially all of the assets or a controlling interest." Section 4, subsection 1, of the bill states "'Eligible grocery worker' means any natural person: (a) Whose primary place of employment is at the grocery store subject to a change in control; and (b) Who has worked for the incumbent grocery employer for at least 6 months before the execution of the transfer document." Section 5 defines "employment commencement date" as "the date on which an eligible grocery worker retained by the successor grocery employer pursuant to sections 2 to 17, inclusive." Section 6 defines "grocery store" as "a retail store in this state that: (1) Is more than 15,000 square feet in size; and (2) Sells primarily household foodstuffs for off-site consumption."

Section 7 of the bill defines "incumbent grocery employer" as the "person that owns, controls or operates a grocery store before the change in control of the grocery store." Section 8 defines "successor grocery employer" as "the person that owns, controls or operates a grocery store after the change in control of the grocery store." Section 9 defines "transfer document" as a "purchase agreement or other document effecting the change in control of a grocery store." Section 10 of the bill requires that upon a change in control of a grocery store, the incumbent grocery store employer prepare a list of eligible grocery workers. In addition, the bill also requires that the successor grocery employer use that list during the 90-day transition period to hire eligible grocery workers. Section 11 requires that successor grocery employers retain those eligible grocery workers for a 90-day period, during which time an employee may be discharged for cause. Furthermore, the bill also requires a successor grocery employer, upon the close of this 90-day period, to consider offering continuing employment to the eligible grocery worker retained for the 90-day period.

Section 12 requires an incumbent grocery employer to post a public notice of the change in control at the location of the affected store within five business days after the execution of the transfer document for the change in control. Additionally, this section requires that the public notice satisfy certain requirements. Section 13, subsection 1, states "An eligible grocery worker shall have a cause of action for recovery against the incumbent grocery employer or the successor grocery employer for a violation of any provision of sections 2 to 17." Section 14 provides that the provisions of this bill may be superseded by a collective bargaining agreement. Section 15 exempts a grocery store located in a food desert from the provisions of this bill. Section 16 clarifies that the provisions of this bill do not limit the right of an eligible grocery worker to bring legal action for wrongful termination. Section 17 states that the provisions "do not preempt any ordinance adopted or implemented by any local government that provides equal or greater protection to eligible grocery workers." Section 19 makes this bill effective on July 1, 2019.

Now I would like to turn it over to Deanna Leivas who will answer any technical questions about the bill and explain the necessity to have this bill. I would also like to introduce Jassy Grewal who will also be able to answer any technical questions regarding the bill, as well as share with you similar legislation enacted in other states and jurisdictions.

Deanna Leivas, Secretary/Treasurer, United Food and Commercial Workers Union, Local 711:

The United Food and Commercial Workers Union (UFCW) Local 711 is based in Las Vegas and represents over 6,000 workers around the state. If you have ever shopped for groceries at Albertson's, Smith's, or Vons in southern Nevada; or Save Mart Supermarkets, Safeway, Smith's Food and Drug Centers, Inc., or Scolari's Food and Drug in northern Nevada, then you have likely interacted with a UFCW member. There are about 121 grocery stores in Nevada. In our state, the grocery industry has created about 5,990 stable and reliable jobs. Many of the largest grocery companies offer employment benefits, retirement plans, and medical coverage to their employees. When a grocery store is acquired by another grocery store company, this transition period can sometimes be very stressful and overwhelming for an employee. A worker might worry about quickly finding another job, losing their health care and other

benefits, or losing their job entirely. Assembly Bill 355, the Grocery Worker Retention Act, ([Exhibit W](#)) allows existing grocery store employees to remain employed for at least 90 days after a transfer of a store ownership occurs. This allows employees time to demonstrate to the new owner just how beneficial, experienced, and properly trained they are before they are reevaluated at the end of the 90-day transition period.

The UFCW supports this bill because it would help alleviate some of the uncertainty that a grocery store worker might face when a store changes ownership. For at least 90 days, a worker will still receive a paycheck and full benefits. They can work with assurance that they will not be terminated during this transition period without a specific cause. This transition period gives the employee time to seek out new employment and make alternative plans, if needed, so they can continue to support themselves and their families. Overall, it will reduce economic disruption and lessen the likelihood that workers will have to avail themselves to public assistance. This bill does not solely benefit the worker, but the new grocery store owner will benefit as well. By retaining current grocery store employees, the employer would have less training to do because the employees are already knowledgeable on proper food preparation, health regulation, and compliance. This bill provides as close to a win-win as possible for everyone. This type of law and legislation has become law in both California and New York City. [Deanna Leivas spoke from prepared text ([Exhibit X](#)).]

**Jassy Grewal, Legislative Advocate, United Food and Commercial Workers Union
Western States Council:**

The Western States Council is the legislative and political arm overseeing 11 UFCW locals in California, Nevada, and Arizona. In 2015, California passed a similar grocery worker retention bill; and in 2016, New York City passed an ordinance. When a billion-dollar corporate grocery store is acquired by a private equity firm, there is no state-level protection for grocery workers nationally. New owners have sole discretion when it comes to current employees. They often terminate workers, particularly senior workers, or offer reemployment as part-time employees at lower wages. Unpredictable actions by new owners can cause anxiety to workers and their families. In 2015, the New Jersey grocery store chain, The Great Atlantic & Pacific Tea Company (A&P), filed bankruptcy and wanted to sell its stores. Unionized grocery chains, such as Stop & Shop Supermarket Company and Key Food Stores Co-op, bought several of the A&P sites, securing the workforce that protected their pay and benefits. Unfortunately, not all of the A&P stores were bought by good retailers, leaving thousands of employees without jobs or with reduced hours. All of these changes occurred overnight which resulted in hardships for workers and uncertainty for the community. In New York City, all the workers at A&P received all the protections of the Grocery Worker Retention Act. They were aware of who the new owner was and were able to provide the same level of service that their communities were used to.

Assembly Bill 355 can help alleviate the growing anxiety among grocery store workers and their families regarding the possibilities of losing their jobs, health care benefits, and pensions when faced with uncertain consolidation, mergers, and acquisitions in the market. This bill strictly applies to large grocery stores that are 15,000 square feet or larger and are undergoing a change of ownership. This type of legislation provides two critical layers of protection for

grocery workers. The first, an eligible worker cannot be terminated during the 90-day transition period without a specific cause. Second, eligible workers will be retained pending a satisfactory written evaluation from the new employer. A satisfactory evaluation will result in the new employer considering an offer for continued employment of the worker. This bill provides protections to eligible employees that have worked for the former grocery store owner for a minimum of six months. It exempts managers, supervisors, or confidential employees.

Finally, this bill adds no additional cost to the new ownership, or the city or state budget. The new owner of the store would be required to maintain the existing workforce, a pre-existing cost for a business, which also benefits the new grocery store owner. Since the retained workers are already trained in food handling preparation and storage, the new owner would have to do less training. When the workforce changes quickly, food handling suffers. In California, this bill has provided grocery store workers with options and predictability during an uncertain time. It has provided workers with a choice to stay with the new employer, continue to work with their current store employer, or find a new job. As an employee, knowing that you have the right to stay and work for the new employer can be beneficial by relieving a lot of angst regarding job security. [Jassy Grewal spoke from prepared text ([Exhibit Y](#)).]

Assemblyman Edwards:

I do not understand why this bill is being brought. The sponsors could give me no examples of a grocery store in Nevada that was bought out and dropped all their workers. Having worked through the transition between an old owner and the new owner, I know that businesses are going to look for the workers from the current workforce because it just makes good business sense. It seems as if we are presenting a New York solution to a problem that does not exist in Nevada. What constitutional authority does the state government have to dictate that a new business owner must hire, or retain, certain people?

Jassy Grewal:

In the past ten years we have seen private equity firms merged in the retail sector. Half of those consolidations occurred in the last two years. There have been news articles and reports that these consolidations are now going from the full retail sector into the grocery stores. This bill is a preventative measure to ensure that, during a very unstable time, when a private equity firm comes and takes over a grocery store, workers do have some sort of stability for those three months. Employers also have the opportunity to keep or retain the workers after the three months.

Assemblywoman Neal:

I have a specific example of something similar to this in west Las Vegas. There was a Vons grocery store, and then a BI-LO market came in and ownership was transferred. BI-LO stayed for a while but then all of a sudden they went out of business. Now there is a new owner of the grocery store. The store was gutted and they only had six employees in the store, the prices were marked up, and there was a smell. So I know that it has happened here, and in a poor community. No one was given notice, the community saw a sticker on the window, and no one knew who owned the store. I understand exactly what you are talking about. In poorer

communities it happens often, because trying to keep stores there is a higher burden for various reasons.

In section 13, you allowed a cause of action for recovery against the incumbent grocery employer and the successor grocery employer. Are you allowing tacking?

Jassy Grewal:

I am not a legal expert, but I will find out and let you know.

Assemblywoman Hardy:

Why does this bill single out grocery stores? Does this mean that anytime a business changes hands this could potentially apply?

Jassy Grewal:

We are doing this for grocery stores because that is our wheelhouse. We represent grocery store workers and they make up the majority of our membership.

Assemblywoman Hardy:

How would you enforce this?

Marco Rauda, Private Citizen, Las Vegas, Nevada:

The new employer would have to post a public notice saying what was going to happen. When it comes to enforcement, I cannot speak to that—we will work to get you that answer.

Assemblyman Daly:

Under the federal laws and the McNamara-O'Hara Service Contract Act, the employees have a right to first refusal—it is commonplace.

Chair Spiegel:

In section 14, I understand a collective bargaining agreement can supersede this. Could it only be superseded by making it better for the employee? Is there a possibility where an employee could be put in a position where they are trading off the security for better insurance payments, or something else?

Jassy Grewal:

This bill would create a floor; a collective bargaining agreement would be higher than that floor.

Chair Spiegel:

Is there any testimony in support of A.B. 355?

Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO:

I would like to offer a "Me too" in support of this legislation. Anything we can do to help displaced workers, or workers that would be displaced without any notice, we certainly would like to make sure that they have some rights in this mix.

Chair Spiegel:

Is there anyone to testify in opposition of A.B. 355?

Bryan Wachter, Senior Vice President, Government Affairs, Retail Association of Nevada:

We are opposed to A.B. 355. We believe a company makes a lot of decisions when to buy a new company, when to sell—those are market decisions. Most of our members are members of the union who work in our grocery stores. We believe that is more properly a conversation and a negotiation between employers and employees. There is a lot of turnover in retail. We do agree that our goal is to get the workers rehired in new locations. We think this is over and beyond what the Legislature should be mandating for employers.

Tyre L. Gray, representing Las Vegas Metro Chamber of Commerce:

We would like to continue our dialog with the bill sponsor, but we still have some concerns. These are negotiations that should happen within the collective bargaining contracts.

Randi Thompson, representing National Federation for Independent Business:

Ditto.

Nick Vander Poel, representing Reno Sparks Chamber of Commerce:

Ditto.

Chair Spiegel:

Is there anyone to testify in neutral to A.B. 355? [There was no one.]

Assemblywoman Martinez:

In closing, grocery workers, union and nonunion, through no fault of their own, should not have to worry about whether they can financially support their families just because a grocery store changed ownership. In passing Assembly Bill 355, we require the successor of certain grocery employers to retain eligible grocery workers for a 90-day period. Additionally, successor grocery employers would be required, upon the close of the 90-day period, to consider offering continued employment to the eligible grocery workers. Assembly Bill 355 is a commonsense approach toward bringing stability for grocery workers and alleviating the growing anxiety that comes with a store changing ownership. This bill not only benefits the worker, but the new grocery owner as well. By tapping into an experienced and knowledgeable workforce, the new grocery employer will be able to maintain the same level of standard that the community is used to and reduce the time and cost it would take to train a new employee.

I have been at the Flamingo Las Vegas for the last 30 years. When I first started it was a Las Vegas Hilton, then Harrah's Las Vegas Hotel and Casino, Caesars Entertainment, Harrah's again, and Caesar's one more time. We have gone through many owners and I still have my 30-year tenure at the hotel. This is what we want for our Nevada families as well.

Chair Spiegel:

We will now close the hearing on Assembly Bill 355. Is there any public comment?

Linda Overbey, Private Citizen, Las Vegas, Nevada:

I want to add that I support Assembly Bill 355. A lot of people ask if it is constitutional. As a union member, there are some jobs where the employer cannot hire anyone but a union member.

Chair Spiegel:

This meeting is adjourned [5:21 p.m.].

RESPECTFULLY SUBMITTED:

Karen Easton
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 a conceptual amendment to [Assembly Bill 310](#) submitted by Elizabeth MacMenamin, Vice President of Government Affairs, Retail Association of Nevada.

[Exhibit D](#) is a second revised amendment to [Assembly Bill 310](#) submitted by Elizabeth MacMenamin, Vice President of Government Affairs, Retail Association of Nevada.

[Exhibit E](#) is a letter dated March 25, 2019, in opposition to [Assembly Bill 310](#), to Chair Spiegel, authored by Lesley R. Dickson, State Legislative Representative, Nevada Psychiatric Association, presented by Jeanette K. Belz, representing Nevada Psychiatric Association.

[Exhibit F](#) is a letter dated March 25, 2019, in opposition to [Assembly Bill 310](#), to Chair Spiegel and Assemblyman Frierson, authored by James L. Madara, Executive Vice President, American Medical Association, presented by Catherine M. O'Mara, Executive Director, Nevada State Medical Association.

[Exhibit G](#) is written testimony in opposition to [Assembly Bill 251](#), presented by Randi Thompson, representing National Federation of Independent Business.

[Exhibit H](#) is a document titled "The 2017 Hiscox Guide to Employee Lawsuits," submitted by Randi Thompson, representing National Federation of Independent Business.

[Exhibit I](#) is written testimony presented by Scott Youngs, Project Director, ADA and AT Projects, Nevada Center for Excellence in Disabilities, College of Education, University of Nevada, Reno, regarding [Assembly Bill 251](#).

[Exhibit J](#) is a letter dated March 27, 2019, in support of [Assembly Bill 361](#), to Chair Spiegel and members of the Assembly Committee on Commerce and Labor, authored by Renee E. Coffman, President, and Mark A. Penn, Founding Dean, Roseman University of Health Sciences.

[Exhibit K](#) is a proposed amendment to [Assembly Bill 77](#), submitted by Lauren Parobek Warden, representing Nevada State Board of Optometry, presented by Mariah L. Smith, Member, Nevada State Board of Optometry.

[Exhibit L](#) is an explanation of the proposed amendment to [Assembly Bill 77](#), submitted by Lauren Parobek Warden, representing Nevada State Board of Optometry, and presented by Mariah L. Smith, Board Member, Nevada State Board of Optometry.

[Exhibit M](#) is a proposed amendment to [Assembly Bill 77](#), dated March 26, 2019, submitted by Corinne Sedran, Executive Director, Board of Dispensing Opticians.

[Exhibit N](#) is a copy of a page from the College of Southern Nevada (CSN) 2015-2016 General Catalog & Student Handbook, titled "Ophthalmic Technology - Ophthalmic Dispensing Technician Emphasis," submitted by Renee Huber, Private Citizen, Reno, Nevada.

[Exhibit O](#) is a copy of a document titled "Nevada Ophthalmic Apprenticeship: Requirements," submitted by Corinne Sedran, Executive Director, Board of Dispensing Opticians.

[Exhibit P](#) is a copy of a State of Nevada, Board of Dispensing Opticians Apprentice Supervision Form, submitted by Corinne Sedran, Executive Director, Board of Dispensing Opticians.

[Exhibit Q](#) is a letter dated March 25, 2019, in opposition to [Assembly Bill 77](#), from Renee Huber, Private Citizen, Reno, Nevada.

[Exhibit R](#) is a letter in opposition to [Assembly Bill 77](#), from Tamara Sternod, Private Citizen, Reno, Nevada.

[Exhibit S](#) is a letter in opposition to [Assembly Bill 77](#), from Randy Cantor, Private Citizen, Las Vegas, Nevada.

[Exhibit T](#) is a proposed amendment to [Assembly Bill 275](#), submitted by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit U](#) is a copy of a fingerprint application card, submitted by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit V](#) is a copy of a form for a Department of Public Safety Fingerprint Background Waiver, submitted by Assemblywoman Selena Torres, Assembly District No. 3.

[Exhibit W](#) is a document titled "Grocery Worker Retention Act," presented by Deanna Leivas, Secretary/Treasurer, United Food and Commercial Workers Union, Local 711.

[Exhibit X](#) is written testimony presented by Deanna Leivas, Secretary/Treasurer, United Food and Commercial Workers Union, Local 711.

[Exhibit Y](#) is written testimony presented by Jassy Grewal, Legislative Advocate, United Food and Commercial Workers Union, Western States Council.