

**OF THE
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Eightieth Session
May 15, 2019**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 3:00 p.m. on Wednesday, May 15, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Marilyn Dondero Loop, Vice Chair
Senator Nicole J. Cannizzaro
Senator Chris Brooks
Senator Joseph P. Hardy
Senator James A. Settelmeyer
Senator Heidi Seevers Gansert

GUEST LEGISLATORS PRESENT:

Assemblywoman Melissa Hardy, Assembly District No. 22
Assemblywoman Selena Torres, Assembly District No. 3
Assemblyman Jim Wheeler, Assembly District No. 39

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Committee Policy Analyst
Bryan Fernley, Committee Counsel
Kim Cadra-Nixon, Committee Secretary

OTHERS PRESENT:

Rebecca Gasca, American Kratom Association
Morgan Gleich, Executive Director, Board of Psychological Examiners
Jennifer Jeans, Coalition of Legal Services Providers

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CHAIR SPEARMAN:

We will open the work session with Assembly Bill (A.B.) 132.

ASSEMBLY BILL 132 (1st Reprint): Revises provisions governing employment practices. (BDR 53-29)

CESAR MELGAREJO (Committee Policy Analyst):

I have a work session document ([Exhibit C](#)) which explains A.B. 132 and three proposed amendments. The sponsor of the bill submitted the amendments. This bill was heard on May 10, 2019.

SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 132.

SENATOR DONDERO LOOP SECONDED THE MOTION.

SENATOR SETTELMAYER:

I do not support this bill due to safety concerns and the investment employers make in pre-employment training.

SENATOR SEEVERS GANSERT:

I will also oppose this bill.

SENATOR BROOKS:

Senator Settelmeyer and Senator Seevers Gansert, have you reviewed the amendment?

SENATOR SETTELMAYER:

I have reviewed the amendments. I am concerned with the language in section 3.5, subsection 2, paragraph (a). The language refers only to the safety of other employees. The bill should refer to the employee as well as other employees.

The pre-employment drug test can be made invalid for applicants holding a valid registry identification card for medical use of marijuana. This part of the bill is concerning to me.

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SENATOR BROOKS:

This issue is addressed in section 2, subsection 3 of the amendment. This section makes it lawful for an employer to require a prospective employee to abstain from the use of marijuana.

Section 3.5 of the amendment has been deleted. This section addressed the presumption of an employee to safely perform his or her job, when the employee tested under a certain substance level.

Were you able to review these changes?

SENATOR SETTELMAYER:

My concern is listed in section 2, subsection 2, paragraph (d). If I am correct, this section is not affected by the amendment.

Pre-employment testing is not addressed to my satisfaction in the amendment.

SENATOR CANNIZZARO:

I have some questions I would like to discuss with the sponsor of the bill. I will vote yes today, but reserve the right to change my vote.

CHAIR SPEARMAN:

I also have questions and reserve the right to change my vote.

SENATOR DONDERO LOOP:

I have questions regarding substance levels in testing and reserve the right to change my vote.

THE MOTION CARRIED (SENATORS SEEVERS GANSERT, HARDY AND
SETTELMAYER VOTED NO.)

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MR. MELGAREJO:

Our next bill is A.B. 141.

ASSEMBLY BILL 141 (1st Reprint): Prohibits a pharmacy benefit manager from imposing certain limitations on the conduct of a pharmacist or pharmacy.
(BDR 57-947)

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MR. MELGAREJO:

I have a work session document ([Exhibit D](#)) which explains A.B. 141 and the amendments proposed by Assemblywoman Hardy.

ASSEMBLYWOMAN MELISSA HARDY (Assembly District No. 22):

Several concerns were expressed during the hearing on A.B. 141. We agreed to remove the language from the bill "usual and customary price of a covered prescription drug is lower than the copayment or coinsurance for the drug, the amount of that usual and customary price".

CHAIR SPEARMAN:

Would those kept out of the Patient Protection and Affordable Care Act be adversely affected by this change in language?

ASSEMBLYWOMAN HARDY:

No, this change would not adversely affect that group.

SENATOR DONDERO LOOP:

Does this change the position of the American Federation of Labor and Congress of Industrial Organizations, the firefighters and others in a position of neutral or opposition to A.B. 141?

ASSEMBLYWOMAN HARDY:

Yes, I met with these stakeholders and they are in agreement with the amendment.

CHAIR SPEARMAN:

Are there any additional questions or comments?

SENATOR HARDY TO MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 141.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. MELGAREJO:
Our next bill is A.B. 275.

ASSEMBLY BILL 275 (2nd Reprint): Makes various changes relating to professional and occupational licensing. (BDR 54-676)

I have a work session document ([Exhibit E](#)) which explains A.B. 275 and the amendments proposed by Assemblywoman Torres.

SENATOR HARDY:
Does this amendment allow the Office of the Secretary of State to be in strong support of this bill?

ASSEMBLYWOMAN SELENA TORRES (Assembly District No. 3):
No, Senator Hardy, the Secretary of State is not in support of this bill.

I am sure many of you received a letter or met with the Secretary of State. I received similar communication from the Secretary of State on May 13. This letter requested we essentially remove the entire intent of the bill. The intent of the bill is to remove barriers in licensing requirements and we will not amend that language ([Exhibit F](#)).

The Office of the Secretary of State did bring to my attention that currently this office does not collect social security numbers or individual taxpayer identification numbers. This bill would have required the Office of the Secretary of State to begin collecting this information. The amendment removes the provision requiring the Office of the Secretary of State to take that information. The amendment also prohibits the Office of the Secretary of State from taking that information.

SENATOR HARDY:
I understand the Office of the Secretary of State is not in support of this bill.

ASSEMBLYWOMAN TORRES:
Correct Senator Hardy, they are not in support.

SENATOR SETTELMAYER:
I think the bill has great intentions. The Office of the Secretary of State is requesting sections 114 and 115, concerning notary publics be removed. If this is unworkable, I cannot support the bill.

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I support the bill with the exception of the two sections mentioned. I prefer to delete the two sections and support this bill. It is the Committee's decision to make.

SENATOR DONDERO LOOP:

As a point of reference within this bill, teachers, lawyers and similar professions do not have to be citizens of the United States.

SENATOR SEEVERS GANSERT:

The language taken out of section 115 in the amendment is concerning and prevents me from supporting this bill.

It appears the amendment removes the ability of the Office of the Secretary of State to ensure someone has the credentials to work. These credentials must be verified by the U.S. Citizenship and Immigration Services (USCIS), an agency of the U.S. Department of Homeland Security. Possibly I misunderstand.

SENATOR DONDERO LOOP:

We are hiring teachers from out of the country and when they come here they are verified through USCIS and given a tax identification number. They are allowed to work. This bill is stating the same thing.

SENATOR SETTELMAYER:

This bill deals with Title 54 of *Nevada Revised Statutes*, (NRS), Professions, Occupations and Businesses. Notary publics are a commission that is not under occupational licensure.

CHAIR SPEARMAN:

This bill was assigned to the Committee on Commerce and Labor, so we will need to go with the judgment of the Legislative Counsel Bureau (LCB).

Should the people who employ landscapers and domestics ask for identification?

ASSEMBLYWOMAN TORRES:

I would like to clarify a few things. This bill does not just address Title 54 of NRS and it has never just addressed Title 54 of NRS.

The original bill did mention notary publics. It is also important to know the Office of the Secretary of State waited until last week to meet about this legislation.

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The issue of notary publics could have been addressed much earlier. I have always been willing to meet with all stakeholders.

To address Chair Spearman's question, this bill allows for individuals to obtain a professional occupational license. Having authorization to work in this Country does not mean you are a legal permanent resident or citizen. There are a variety of visas that allow individuals from other countries to work in the U.S.

This bill does not grant the individual the right to work in this Country; it allows the individual the ability to obtain a provisional occupational license. This bill tests competencies. This bill will help members of our community give back to their families and neighbors and improve Nevada.

SENATOR SETTELMAYER:

I understand the Secretary of State reached out to you on May 13, 2019. Is this correct?

ASSEMBLYWOMAN TORRES:

Yes that is correct; the Office of the Secretary of State reached out to me two days ago.

SENATOR SETTELMAYER:

So that was the first time the Office of the Secretary of State reached out to you?

ASSEMBLYWOMAN TORRES:

They made an appointment with me last week. This bill has been out since February 2019.

I agreed to part of the requested amendments. The Office of the Secretary of State is currently not collecting social security numbers or individual taxpayer identification numbers. I do not want this bill to cause additional work for the Office of the Secretary of State.

The Office of the Secretary of State has been unable to demonstrate how this bill will negatively impact the confidence of notary publics in Nevada.

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SENATOR SETTELMAYER:

I am not going to support the bill today; however, I will reach out to the Office of the Secretary of State. It is unacceptable for them to have waited so long to contact Assemblywoman Torres about their concerns.

SENATOR DONDERO LOOP:

There have been some bills assisting teachers from other countries who come to Nevada. Does that bill tie into A.B. 275?

ASSEMBLYWOMAN TORRES:

This has been a Session in eliminating the excessive bureaucracy in professional occupational licenses. That is exactly what this bill does.

Senator Hammond's legislation made it easier for teachers to come to this Country. It is a very specific type of work visa and A.B. 275 would not affect teachers. This bill would affect the spouse of the teacher by allowing him or her to apply for the occupational license while they are waiting for authorization to work.

SENATOR SEEVERS GANSERT:

I will vote no on this bill, but reserve the right to change my vote. I will look into this more deeply. I am concerned there is a conflict with the Office of the Secretary of State.

SENATOR HARDY:

I am also voting no, but reserve the right to change my vote.

CHAIR SPEARMAN:

May I entertain a motion?

SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 275.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED (SENATORS SEEVERS GANSERT, HARDY AND
SETTELMAYER VOTED NO.)

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MR. MELGAREJO:
Our next bill is A.B. 303.

ASSEMBLY BILL 303 (1st Reprint): Revises provisions relating to kratom products. (BDR 52-1055)

I have a work session document ([Exhibit G](#)) which explains A.B. 303. This bill is sponsored by Assemblyman Wheeler and Assemblyman Yeager. There were no amendments submitted for this measure.

SENATOR DONDERO LOOP:
I will be voting yes, but reserve the right to change my vote.

CHAIR SPEARMAN:
I met with a member of the American Kratom Association (AKA) to better understand this product. I now understand kratom products are currently being sold, but are not regulated. This bill would regulate this product and make it a civil offense to sell to persons under 18 years of age.

I am not sure we can do anything about sales of this product through the internet.

REBECCA GASCA (American Kratom Association):
I represent the AKA and they represent over 5 million consumers using kratom products. Some manufacturers are also members of the Association.

In this bill, we seek to address the unscrupulous non-member manufacturers. This bill provides that only unadulterated kratom labeled with directions for safe use be sold.

The lack of regulation allows dishonest manufacturers to continue to operate. The AKA represents the consumers and some manufactures of kratom.

SENATOR HARDY:
As defined in the bill, is the kratom product natural or synthetic?

MS. GASCA:
The bill only refers to natural products. A synthetic kratom product refers to an adulterated product and we do not support selling this product.

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SENATOR HARDY:

Is there reference to the synthetic kratom product in the bill?

Ms. GASCA:

I believe the bill specifically refers to the plant itself and that the product be natural. Therefore, anything unnatural or chemically created to replicate the natural form would fall under the definition and would be prohibited. The LCB can confirm this definition.

SENATOR HARDY:

I will vote yes on this bill and would like to ensure the synthetic kratom product is referenced in the bill.

ASSEMBLYMAN JIM WHEELER (Assembly District No. 39):

Senator Hardy, I believe the reference to synthetic kratom is in section 4, subsection 1. We can discuss this with the LCB.

SENATOR HARDY:

Section 2 of the bill defines the product as "any part of the leaf." It does not reference a synthetic product.

Ms. GASCA:

This bill covers only civil penalties.

CHAIR SPEARMAN:

I will entertain a motion on A.B. 303.

SENATOR HARDY MOVED TO DO PASS A.B. 303.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. MELGAREJO:

Our next bill is A.B. 310.

ASSEMBLY BILL 310 (1st Reprint): Revises provisions regarding the manner in which prescriptions are given to pharmacies. (BDR 54-885)

I have a work session document ([Exhibit H](#)) which explains A.B. 310. This bill is sponsored by Assemblyman Jason Frierson. One amendment was also submitted by Assemblyman Frierson.

CHAIR SPEARMAN:

I will entertain a motion on A.B. 310.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 310.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. MELGAREJO:

Our next bill is A.B. 453.

ASSEMBLY BILL 453 (1st Reprint): Revises provisions relating to the Board of Psychological Examiners. (BDR 54-934)

I have a work session document ([Exhibit I](#)) which explains A.B. 453. This bill is sponsored by the Assembly Committee on Commerce and Labor. There are no amendments for this bill.

SENATOR SETTELMAYER:

At this time, I do not support A.B. 453.

I support no increase in the number of members on the Board of Psychological Examiners. The President would not vote unless there was a tie and his or her vote was required.

To be in support of this bill, I will need confirmation that licenses cannot be renewed until an applicant fulfills his or her continuing education requirement.

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MORGAN GLEICH (Executive Director, Board of Psychological Examiners):
Senator Settelmeyer, we do not allow renewal of licenses until continuing education requirements have been fulfilled. We addressed late completion of education requirements by adding a late fee provision.

SENATOR SETTELMEYER:

Do we know how many boards require a late fee when continuing education requirements are not fulfilled on time? I will look into this and although not voting yes on this bill today, I may vote in support of the bill during the Floor Session.

CHAIR SPEARMAN:

I will entertain a motion on A.B. 453.

SENATOR HARDY:

I am also voting no today and reserve the right to change my vote.

SENATOR SEEVERS GANSERT MOVED TO DO PASS A.B. 453.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION CARRIED (SENATORS HARDY AND SETTELMEYER VOTED NO.)

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MR. MELGAREJO:

Our next bill is A.B. 472.

ASSEMBLY BILL 472 (1st Reprint): Revises provisions relating to insurance coverage of maternity care. (BDR 57-812)

I have a work session document ([Exhibit J](#)) which explains A.B. 472. This bill is sponsored by the Assembly Committee on Health and Human Services. There are no amendments for this bill.

CHAIR SPEARMAN:

I will entertain a motion on A.B. 472.

SENATOR HARDY MOVED TO DO PASS A.B. 472.

SENATOR SEEVERS GANSERT SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MR. MELGAREJO:
Our next bill is A.B. 477.

ASSEMBLY BILL 477 (1st Reprint): Enacts provisions governing the accrual of interest in certain consumer form contracts. (BDR 8-935)

I have a work session document ([Exhibit K](#)) which explains A.B. 477. This bill is sponsored by the Assembly Committee on Commerce and Labor. There were no amendments submitted in the preparation of this work document; however, an amendment was submitted right before the meeting. The stakeholders are in attendance and will address the amendment.

JENNIFER JEANS (Coalition of Legal Services Providers):
We reached a resolution with the stakeholders and the proposed amendment addresses their concerns. The proposed amendment also removes any opposition to the bill ([Exhibit L](#)).

The intent of the amendment is listed in section 10. This section exempts auto franchise dealers and their captive financial institutions from the bill.

The problem of predatory accumulation of debt is addressed in section 17. This section will limit the amount of prejudgment debt that can be accumulated. The owner of the debt will need to file a claim within the time period of 180 days to obtain the rate of interest stated in the consumer form contract. This section also limits post-judgement interest.

CHAIR SPEARMAN:
May I entertain a motion?

SENATOR HARDY:
I will vote yes today and reserve my right to change my vote.

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SENATOR SEEVERS GANSERT:

I will also vote yes today and also reserve the right to change my vote.

SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 477.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED (SENATOR SETTELMAYER VOTED NO.)

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CHAIR SPEARMAN:
I adjourn the hearing at 3:38 p.m.

RESPECTFULLY SUBMITTED:

Kim Cadra-Nixon,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	1		Attendance Roster
A.B. 132	C	6	Cesar Melgarejo	Work Session Document
A.B. 141	D	2	Cesar Melgarejo	Work Session Document
A.B. 275	E	2	Cesar Melgarejo	Work Session Document
A.B. 275	F	1	Assemblywoman Selena Torres	Letter from Assemblywoman Torres
A.B. 303	G	1	Cesar Melgarejo	Work Session Document
A.B. 310	H	18	Cesar Melgarejo	Work Session Document
A.B. 453	I	1	Cesar Melgarejo	Work Session Document
A.B. 472	J	1	Cesar Melgarejo	Work Session Document
A.B. 477	K	1	Cesar Melgarejo	Work Session Document
A.B. 477	L	2	Jennifer Jeans / Coalition of Legal Services Providers	Proposed Amendment