

**MINUTES OF THE  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Eightieth Session  
March 20, 2019**

The Senate Committee on Health and Human Services was called to order by Chair Julia Ratti at 4:18 p.m. on Wednesday, March 20, 2019, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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 Julia Ratti, Chair  
Senator Pat Spearman, Vice Chair  
Senator Joyce Woodhouse  
Senator Joseph P. Hardy  
Senator Scott Hammond

**STAFF MEMBERS PRESENT:**

Megan Comlossy, Committee Policy Analyst  
Eric Robbins, Committee Counsel  
Michelle Hamilton, Committee Secretary

**OTHERS PRESENT:**

Will Adler, Silver State Government Relations  
Lisa Foster, Nevada Veterinary Medical Association  
Stacy Hosking, Nevada Veterinary Medical Association  
Jennifer Pedigo, Executive Director, Nevada State Board of Veterinary Medical  
Examiners  
A'Esha Goins, Green Bridge Consulting Group  
Sandra Anderson, Executive Director, Nevada State Board of Massage Therapy  
Ryan Black, City of Las Vegas  
Joe Heck, Nevada Osteopathic Medical Association  
Catherine O'Mara, Nevada State Medical Association  
Leo Drozdoff, Western States Hemp

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CHAIR RATTI:

I will open the work session on Senate Bill (S.B.) 165.

**SENATE BILL 165**: Makes various changes to provisions governing prescribing, dispensing and administering controlled substances designed to end the life of a patient. (BDR 40-292)

MEGAN COMLOSSY (Policy Analyst):

I will read the summary of the bill and the conceptual amendment from the work session document ([Exhibit C](#)).

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 165.

SENATOR SPEARMAN SECONDED THE MOTION.

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

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CHAIR RATTI:

I will open the work session on Senate Bill 194.

**SENATE BILL 194**: Establishes programs for certain persons of low-income and persons in foster care. (BDR 38-780)

Ms. COMLOSSY:

I will read the summary of the bill and the conceptual amendment from the work session document ([Exhibit D](#)).

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED S.B. 194.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will open the work session on Senate Bill 198.

**SENATE BILL 198**: Revises provisions governing eligibility for Medicaid.  
(BDR 38-744)

Ms. COMLOSSY:

I will read the summary of the bill and the conceptual amendment from the work session document ([Exhibit E](#)).

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS  
AMENDED S.B. 198.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will open the work session on Senate Bill 235.

**SENATE BILL 235**: Revises provisions relating to health insurance coverage.  
(BDR 57-734)

Ms. COMLOSSY:

I will read the summary of the bill and the conceptual amendment from the work session document ([Exhibit F](#)).

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS  
AMENDED S.B. 235.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will open the hearing on S.B. 228.

**SENATE BILL 228**: Revises provisions relating to marijuana and industrial hemp.  
(BDR 54-180)

SENATOR PAT SPEARMAN (Senatorial District No. 1):

Senate Bill 228 makes three changes. It authorizes certain licensed professionals to administer or recommend the use of certain marijuana and industrial hemp products. It prohibits certain medical practitioners from refusing to prescribe or dispense certain controlled substances to treat pain just because a patient uses marijuana or another cannabinoid compound. It creates the Cannabis Control Commission, which is responsible for approving or denying applications for a license to operate certain marijuana establishments.

I want to note that I have a proposed amendment ([Exhibit G](#)) and those changes will be discussed when I get to those sections.

In section 1 of the bill, it authorizes "a provider of health care, massage therapist, nail technologist, reflexologist, structural integration or practitioner person who provides wellness services", to administer a marijuana-infused product or products that contain industrial hemp which is intended for use or consumption by humans by means other than inhalation or oral ingestion to a patient or a client.

WILL ADLER (Silver State Government Relations):

Senate Bill 228 was originally structured to create a Cannabis Control Commission. I knew the Governor was already planning to do this, so I worked with Senator Spearman to redraft this bill. I will skip to the end of the bill because the language in section 4 which consists of the Cannabis Control Commission has been deleted. I will talk about the new amendment, [Exhibit G](#).

CHAIR RATTI:

I want to make sure we are all on the same page. You are not reading from the bill as published. You are reading from the proposed amendment, [Exhibit G](#), titled S.B. 228 amendment, William Adler. Is that correct?

MR. ADLER:

Yes. In section 4 was the Cannabis Control Commission, which was essentially the same as the Governor's Cannabis Control Board. The restructuring of the bill now focuses on allowing certain licensed groups to apply cannabidiol (CBD) products to their patients.

In section 1 of the bill, it mentions a provider of health care, massage therapist, nail technologist, reflexologist, structural integration practitioner or person who provides a wellness service to administer a marijuana-infused product. These are similar groups who have patients or clients who request they apply CBD products either in a massage or nail therapy session. To be clear, they are not providing the CBD product. The clients are bringing the products to them. There is some inconsistency within the various governing boards in regard to what is or is not allowed to be applied. This bill hopes to clear that up.

The new section 3 of the bill outlines similar concerns as it relates to veterinary medicine. This would relate to administering CBD by veterinarians to animals. It is essentially the same language, but covers a dog treat or topical lotions created for animals. The veterinarian has permission, if the owner brings in the product, to apply it to the animal. Currently, this is a grey area because of the new legalization of hemp products. They are now Schedule V pharmaceutical drugs in Nevada. It is not clear whether veterinarians can apply them or not.

Senate Bill 228 empowers healthcare and veterinary providers to apply something as long as the client brought it in to them. These providers are not allowed to distribute or sell marijuana products. The language in S.B. 228 will clear the way for the boards of these professions to adopt similar language of no-harm and allow them to apply these products.

In addition, we did get another amendment from Joe Heck ([Exhibit H](#)) covering concerns relating to scope of practice, but I believe I have covered them in this amendment presentation.

SENATOR HARDY:

Who provides "wellness services?"

MR. ADLER:

"Wellness services" is defined in the *Nevada Revised Statutes* (NRS) 629.580.

SENATOR SPEARMAN:

We were told by the Legislative Counsel Bureau (LCB), "wellness services" is no different than what is defined in NRS.

CHAIR RATTI:

It looks to be defined in section 2, subsection 7 of S.B. 228, "'wellness services'" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1." It goes on to list these approaches in letters (a) through (n).

SENATOR HARDY:

Is there a "wellness services" board?

CHAIR RATTI:

I am not sure we have the expertise in this room to answer your question. Perhaps we can ask legal.

I have a question if, for example, I bring in CBD to a massage therapist, is that practitioner prohibited from using anything else besides CBD or the soon to be agreed upon definition of industrial hemp?

MR. ADLER:

In the past, products such as lotions and oils were brought in and regularly applied. Now, people are bringing in CBD and practitioners are looking for clarity, specifically for marijuana products. The legality of marijuana and industrial hemp causes issues to be raised in regard to permissions.

CHAIR RATTI:

We will hear testimony in support.

LISA FOSTER (Nevada Veterinary Medical Association):

The Nevada Veterinary Medical Association (NVMA) is in support of S.B. 228, especially with the proposed amendment from Senator Spearman, which mentions veterinarians in section 3.

STACY HOSKING (Nevada Veterinary Medical Association):

I am here to discuss, from a veterinarian's point of view, the use of CBD and cannabidiol type products in our veterinary patients. My interest is assisting the

public safety aspect. There is a lot of confusion in regard to the use of CBD containing products by veterinarians with a Drug Enforcement Administration license. There is reluctance by veterinarians to even discuss CBD as an addition to therapies for our veterinary patients.

My concern is, by not having a way to legally and confidentially discuss this with clients, we leave the research to the client. Our clients are left using the internet to try to determine what is an appropriate product, dosage and possible side effects. Our job could be improved by having the ability to freely discuss CBD that is derived from industrial hemp products with our veterinary patient owners.

In terms of the science, we have a lot of data on the safety, efficacy and toxicity of CBD and other fido-cannabinoids in our animal patients. Much of the early data was derived from human studies, where animal models were used for research prior to moving the study to humans. It has only been in recent years that veterinary animal specific clinical trials have been completed. One study looked at osteoarthritis treatment in dogs using a currently available hemp derived CBD product. In that study, over 85 percent of dogs treated with the hemp derived CBD product showed an improvement in their mobility with arthritis and a decrease in their pain markers.

In terms of other ongoing studies, there are studies of epilepsy, pain management and post-operative management. Other ongoing studies are looking at large animals such as horses, and food-producing animals such as cattle and chickens, in terms of potentially using CBD in those animals to reduce stress and improve their quality of life.

In summary, I am here on behalf of the NVMA to provide the scientific aspect of CBD.

SENATOR HARDY:

Does the person applying the CBD oil need to take precautions against exposure?

Ms. HOSKING:

The application of a CBD oil would depend on the type of species used. Most of these products are delivered by mouth. They are drops of an oil that is added to the dog or cat food. There are some topical products, but we do not have much

information in regard to the absorption. Topical products that would have the lowest effect would be best given by mouth. As long as the people are using safe handling, they should not be exposed by giving an oil in a professional setting.

SENATOR HARDY:  
Would they need gloves?

Ms. HOSKING:  
I have never seen recommendations to wear gloves when administering CBD products. I personally have never worn gloves to administer a CBD product. I would not have concerns about my level of absorption.

SENATOR HARDY:  
I have concerns about exposure. I have read many studies, where some of these products may have tetrahydrocannabinol (THC) and the massage therapist may not know the product has it.

CHAIR RATTI:  
Will CBD help my dog who has anxiety when exposed to fireworks?

Ms. HOSKINGS:  
In my experience, CBD is part of an overall wellness program for pets. It is used as an ancillary therapy. I do not recommend it as a first line therapy. As a cardiologist, my interests are in a geriatric population with multiple medical problems, side effects from the medications they are on and muscle wasting. I use CBD to improve their appetite and mobility. In terms of fireworks anxiety, it may not be strong enough for that, but definitely worth a try.

CHAIR RATTI:  
I just received an answer from LCB to the earlier question that dealt with NRS 629.580. The LCB is monitoring this meeting. Per LCB, there is no board for "wellness services" and people can provide "wellness services" without a license. Since S.B. 228 has a cross-reference to NRS 629.580, the term would have the same definition as in that section. The LCB goes on to say, if they were a licensed professional, their conduct would fall within the scope of practice of that profession and be governed by the board of that profession.



JENNIFER PEDIGO (Executive Director, Nevada State Board of Veterinary Medical Examiners):

We are in support of S.B. 228. We receive questions from practitioners whether they can discuss this issue with their clients since they would like to. We feel directing clients to the internet is not the best solution. We feel this supports a public protection aspect.

A'ESHA GOINS (Green Bridge Consulting Group):

I am an advocate for marijuana and I am also in the marijuana business. I worked four years as a manager in one of the first dispensaries which opened in 2014. During that time, many of our clients were in chronic pain. We found the use of CBD and hemp-derived products helped them in their recovery and allowed them to walk again. They could stand and run; things they never imagined possible prior to using these products. The "wellness services" can take this to the next level.

I have a personal story. My father has diabetes and issues with his feet. He had a pedicure. These products took all the inflammation from his foot and kept him from losing his foot. This is an example of the importance of having these products available.

SANDRA ANDERSON (Executive Director, Nevada State Board of Massage Therapy):

Massage therapists are asking for the ability to topically apply marijuana products to their clients. Currently, the Department of Health and Human Services (DHHS) allows us to apply them to one client. We cannot get a card to apply topically to multiple clients. Our licensees are approached by multiple clients requesting topically applied applications and I have to tell them they cannot do this. This bill will allow them to topically apply products that their clients bring them and ask to have them applied.

We are in favor of the bill; however, we also have concerns about exposure. There is no science how this will affect the therapist long-term. The American Medical Association has concerns for the licensees who are topically applying six to eight clients a day. Would these licensees be impacted by continual exposure to these products? We do not have enough science on that. I tell licensees they should wear gloves, especially the ones with multiple clients.

I would like to address NRS 629.580. It was adopted several sessions ago to allow individuals to practice different types of wellness modalities. This applies to some of those modalities and some not. These other modalities are not permitted to do massage. If all we were looking at is topical application, it would be massage. The wellness people defined in NRS 629.580 really would not be included in this. They have an exclusion for massage. They can do aroma therapy, reiki, colonics, and all the other wellness services listed. Those wellness practitioners do not have a license to topically apply any products. Only the massage therapist, reflexologist, structural integrationist and participants in cosmetology licensing can topically apply products.

SENATOR HARDY:

I have the same concerns about topical application, especially the oils, because it affects not just the skin, it can be inhaled. Some of these products are produced in such a way that they do not list all the ingredients in them. If a client bought it and gave it to me, I would not know what was in it. I am going to have some liability. I think there are issues with the variability, evaporation and application of these products.

MS. ANDERSON:

There are components of essential oils in cannabinoid products. Essential oils are volatile and evaporate into the air and can be inhaled. We cannot protect our therapists from that. We do see massage therapists, who are exposed to essential oils all day long, who develop toxic effects from them. I personally am one of them. I had some liver issues because of too many essential oils in my private practice.

The other components in the essential oils are nonvolatile and oxidize and become rancid. The concern of the therapists is they do not know what they are putting their hands into. It is their discretion whether or not they are going to use the product and whether or not they will wear gloves. This gives them the ability to make those decisions.

CHAIR RATTI:

I am confused why a massage therapist can provide topically to one person and not multiple people.

MS. ANDERSON:

The DHHS has a public information officer, who came and spoke to the Nevada State Board of Massage Therapy. We have her PowerPoint presentation available on our website. Their position is if you are going to be topically applying a controlled product, you have to come in, fill out paperwork and get a card. You can only do that for one person. That is what DHHS has told us; therefore, that is what we have to tell our licensees.

CHAIR RATTI:

Can a massage therapist fill out paperwork for ten people?

MS. ANDERSON:

I am not sure. If you go to our website you can see all the citations in regard to this issue.

CHAIR RATTI:

I think we will follow up on this issue.

Is anyone here in opposition?

RYAN BLACK (City of Las Vegas):

We have proposed an amendment ([Exhibit I](#)) that addresses the sponsor's concerns. The intent of the amendment is to remove marijuana-infused products and limit S.B. 228 to hemp and CBD products. It also removes "wellness services" providers from the allowances provided in this bill.

We are opposed to S.B. 228 because it would allow anyone to bring any sort of marijuana-infused products to a provider. This bill does not require that the administrator be trained, licensed, or certified to administer that product. It does not specifically state that this is limited to medical marijuana patients with legal marijuana products produced in Nevada. That means a person could purchase a product made in the black market and bring it to one of these locations and have it administered by another person. This could place both the provider and the person in danger, since most black market criminals do not have their products tested.

This bill also exempts a provider from being prosecuted if a licensing board or agency finds wrongdoing, such as marijuana being stored inside the business. In other licensing categories such as alcohol or pharmacies, businesses are

required to have a license for these products to be kept onsite. Marijuana should not be treated any different. For example, if a massage establishment was found to have alcohol onsite, they would have to be licensed for that.

In my experience, many massage locations where we find illegal alcohol or drugs onsite are also engaged in other forms of illicit activity. These types of businesses are prime targets for black market activities, such as human trafficking and prostitution. This bill as written could help those illegal operators expand their activities in the State. It would further tie the hands of a licensing board or agency that attempts to combat these operators. This is often left at the local level and not the State level.

Our last concern with this bill is the term "wellness provider". A wellness provider is not a person who is regulated, certified or trained. They just have to operate within the confines of NRS 629. We find a lot of illicit operations take place within that confine. Our concerns are not with massage therapists or cosmetologists who are regulated by a board. A wellness provider is not regulated. If we were to find an issue in one of these locations, this bill would stop the City of Las Vegas from being able to prosecute a wellness provider because of what it says in the bill. We are in touch with the sponsor and see a couple of amendments. I am confident we can come to some sort of agreement.

JOE HECK (Nevada Osteopathic Medical Association):

While I checked in as opposed to S.B. 228, with the sponsor's amendment we would be in support. I provided our proposed amendment, [Exhibit H](#). I see Mr. Adler's proposed amendment, [Exhibit G](#), incorporates the changes we had requested. Therefore, with the adoption of that amendment, we would be in support.

CHAIR RATTI:

Can we rescind your proposed amendment?

MR. HECK:

Yes.

CHAIR RATTI:

Does anyone want to testify neutral?

CATHERINE O'MARA (Nevada State Medical Association):

We are neutral on S.B. 228, but I encourage you to process it with Mr. Adler's amendment.

LEO DROZDOFF (Western States Hemp):

Western States Hemp is here in a neutral position on S.B. 228. As part of last year's farm bill, hemp is now a legal product at the federal and state level. Since hemp is a legal commodity, its derived products generally do not need special protections and provisions for use. We are aware there are a couple of revisions in the works and we stand ready to work with the affected stakeholders on a revision. Our intention is to make legal hemp products as available as possible without unnecessary restrictions.

SENATOR SPEARMAN:

This is the same bill we had last Session. Since that time, I became aware of people who have illnesses and cannot tolerate pain medication. In July, my sister went into stage four renal failure. She cannot tolerate ibuprofen and was in a lot of pain. I told her about my bottle of CBD oil that I use on my knees. She used my CBD oil and it gave her some relief. I have talked to other people who have arthritis and this works for them. I believe it is important, especially for geriatric patients, to get legal relief by people who are licensed, knowledgeable and able to provide that relief.

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CHAIR RATTI:

Seeing no further business, I adjourn the hearing at 6:32 p.m.

RESPECTFULLY SUBMITTED:

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Michelle Hamilton,  
Committee Secretary

APPROVED BY:

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Senator Julia Ratti, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	8		Attendance Roster
S.B. 165	C	4	Megan Comlossy	Work Session Document
S.B. 194	D	10	Megan Comlossy	Work Session Document
S.B. 198	E	4	Megan Comlossy	Work Session Document
S.B. 235	F	6	Megan Comlossy	Work Session Document
S.B. 228	G	19	Senator Spearman	Proposed Amendment
S.B. 228	H	6	Joe Heck / Nevada Osteopathic Medical Association	Proposed Amendment
S.B. 228	I	3	Ryan Black / City of Las Vegas	Proposed Amendment