

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

**Eightieth Session  
April 8, 2019**

The Senate Committee on Health and Human Services was called to order by Chair Julia Ratti at 4:09 p.m. on Monday, April 8, 2019, in Room 2134 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

**GUEST LEGISLATORS PRESENT:**

Senator Nicole J. Cannizzaro, Senatorial District No. 6  
Senator Ira Hansen, Senatorial District No. 14  
Senator James Ohrenschall, Senatorial District No. 21  
Senator David R. Parks, Senatorial District No. 7  
Senator James A. Settelmeyer, Senatorial District No. 17

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Randy Robison  
Ann Louhela, Director, Specialty Crop Institute, Western Nevada College;  
President, Nevada Grown

Senate Committee on Health and Human Services  
April 8, 2019  
Page 2

Michael Delee, Delee Law Offices, LLC  
Nancy Ogan, Ogan Family Farm  
Joe Chambers, Rusty Skillet Ranch and Quail Farm  
Juanita Cox  
Sue Kennedy  
Doug Farris, Administrator, Animal Industry Division, Department of Agriculture  
Mary McCarthy, Legal Aid Center of Southern Nevada  
Bailey Bortolin, Legal Aid Center of Southern Nevada  
Amber Howell, Director, Human Services Agency, Washoe County  
Holly Welborn, American Civil Liberties Union of Nevada  
Jared Busker, Children's Advocacy Alliance  
John Piro, Clark County  
Kendra Bertschy, Washoe County Public Defender's Office  
Kimberly Mull, Kimberly Mull Advocacy and Consulting  
Elisa Cafferata, Planned Parenthood Votes Nevada  
Brigid Duffy, Director, Juvenile Division, Clark County District Attorney  
Toshia Shaw, Executive Director, The Embracing Project  
Ross Armstrong, Administrator, Division of Child and Family Services,  
Department of Health and Human Services  
Charles Peck, Sergeant, Las Vegas Metropolitan Police Department  
Brittney Fry  
Brett Ottolenghi, Artisanal Foods  
Jami Hepworth  
Jaunita Cox, Citizens in Action  
Russ James, District Council 16 Painters and Allied Trades  
Doug Busselman, Nevada Farm Bureau Federation  
Chad Westom, Director, Environmental Health Services, Washoe County Health  
District  
Karla Shoup, Environment Health Manager, Southern Nevada Health District  
Carmen Jones, M.D.  
Madison Saglibene, Nevada Chapter, National Organization for the Reform of  
Marijuana Laws  
Robert Cohen, Cohen Medical Centers  
Lennora Valles, Coalition for Patient Rights  
Riana Durrett, Nevada Dispensary Association  
Ash-Lee Catcho, Coalition for Patient Rights  
Frank P. Sullivan, Juvenile Court Judge, Family Division, Eighth Judicial District  
Court  
Alex Ortiz, Clark County

Senate Committee on Health and Human Services  
April 8, 2019  
Page 3

CHAIR RATTI:

I will open the hearing on Senate Bill (S.B.) 390:

**SENATE BILL 390**: Revises provisions governing the slaughtering of livestock.  
(BDR 51-258)

SENATOR IRA HANSEN (Senatorial District No. 14):

Senate Bill 390 deals with processing facilities formerly called slaughter houses. The Committee should also have the proposed amendment ([Exhibit C](#)).

RANDY ROBISON:

Senate Bill 390 seeks to implement mobile chicken processing in Nevada. I have put together a short slide presentation ([Exhibit D](#)). The mobile trailer design will allow people to process poultry through the use of these trailers. There are some pictures of the mobile chicken processing trailer on the first slide, [Exhibit D](#). Page 2 outlines the need to change existing laws. We currently have no legal poultry processing plants in northern Nevada. According to the U.S. Food Safety and Inspection Service website, we have two processing plants, one in Las Vegas, Newport Meat of Nevada and the other is the University of Nevada, Reno, Wolf Pack Meats. I contacted Wolf Pack Meats today and was told they do not process poultry at this time.

The benefits to passing S.B. 390 are on page 3. It would allow people with a 1,000 chickens or less to process these birds. It would give community servants such as 4-H, Future Farmers of America and some of our small farmers the ability to start processing chickens. This would allow these people to harvest and package them under regulated health conditions. We want the Nevada Department of Agriculture (NDA) to process this information. Senate Bill 390, would allow for the use of mobile poultry processing, page 4, once it is inspected by the NDA.

Poultry processing has a health certification process. We are transferring this function to the NDA. The advantage of being mobile allows the processing unit to move to each area. We envision the mobile poultry processing trailer would go to small places, groups and communities, where people would need 400 or 500 birds processed. This would give them the ability to have them legally processed in a clean certified facility and then they would be able to sell their processed birds.

On page 5 of [Exhibit D](#), training would be offered through Western Nevada College. Once trained, you would be required to pass a certification test through NDA and have to meet the known State requirement standards for processing poultry. You must pass the written test and become certified to either rent the mobile processing trailer or have someone with that trailer and the certification to process your poultry. Once you have your chickens processed, and met all the requirements, you would be able to sell those chickens or processed birds.

On page 7 of [Exhibit D](#), you will find a *Reno Gazette-Journal* article written by Mark Robison. It talks about how important this economic development would be for our area, especially since there is no big growth in the local food economy. We do not have any local processors to allow us to market local chickens.

The cost of passing the bill is outlined on page 8 of [Exhibit D](#). Currently, there is not impact to the State. All the resources and expenses would be paid for by the consumer. If you needed certification, you would have to pay for by the classes and the testing. This is the same as the cottage industry bills. Once certified, you would pay to rent the trailer and process your chickens.

In conclusion, on page 9 of [Exhibit D](#), passing S.B. 390 would mean an increase of economic growth for small farmers. This would also increase the ability of the consumer to have farm fresh poultry from a local farmer and give small community groups the opportunity to increase funds by the sale of poultry in our area.

CHAIR RATTI:

My understanding is this project has been in the regulatory process for about five years. As it started moving through the regulatory process, at some point, it sort of hit a brick wall, because there was not a *Nevada Revised Statute* (NRS) to authorize this type of facility. I believe S.B. 390 and its amendment creates the concept. Who is the State Quarantine Officer?

SENATOR HANSEN:

It is one of the job duties of the Director of the NDA.

CHAIR RATTI:

Basically, this bill creates the category for the NDA to create the regulations that would assure the public that this processing would be safe. The regulations

are not in the bill because they would occur if the bill were passed, and this process were allowed to move forward. Is that the understanding?

SENATOR HANSEN:

Absolutely, that is my understanding. It was discovered in the regulatory process, the NDA did not have the authority to move this forward in the absence of a change in NRS. Senate Bill 390 will create the change in NRS to allow the NDA to regulate this type of mobile unit.

MR. ROBISON:

Yes, that is the intent of S.B. 390.

CHAIR RATTI:

Is anyone here in support of S.B. 390?

ANN LOUHELA (Director, Specialty Crop Institute, Western Nevada College; President, Nevada Grown):

I have triple responsibilities today. The first one is as the Director of Western Nevada College, Specialty Crop Institute. It is a small farm agriculture program that has served the community for the past ten years. It provides training for small farms and economic development. The Institute would provide the workshops and training needed to pass any required testing. We have been doing this for ten years and collaborate a lot with NDA and the University of Nevada Cooperative Extension. Our highest priority is food safety and good agricultural practices.

I am also the President of Nevada Grown. Nevada Grown is a nonprofit that promotes agriculture and provides community education. This bill would open economic development for small farms and restaurants. The demand from restaurants exceeds what farmers are able to provide. There is a huge poultry demand by restaurants.

My last responsibility is as a consumer. For the past ten years, I have bought my meat from farms. I feel much safer with the food I get from a small farmer rather than at a grocery store. As a consumer, I would like the option to buy small farm poultry at a grocery store.

MICHAEL DELEE (Delee Law Offices, LLC):

I have a family farm located in Nye County which has over 2,000 organic pasture chickens. We look forward to being part of this program and are in support of S.B. 390.

NANCY OGAN (Ogan Family Farm):

I have a small family farm in Wellington, Nevada. I am testifying in support of S.B. 390. We raise a few hundred birds for processing on a small level. We are under the 1,000 bird limit. We invite people out to our farm to learn the process of how to humanely and safely harvest their birds. I would like to be able to harvest some of our chickens for people who are not interested in the harvesting process, but still want to buy birds from us. I would like to use a facility like this and take my product to a farmer's market, along with eggs and produce.

We are looking to expand and buy a bigger farm with some hay and some pasture and this would give us an opportunity to get some economic income to do such a thing. This could also allow us to start a Community Supported Agriculture (CSA) program. The CSA programs allow people to sign up and get baskets of produce, honey, eggs and poultry.

JOE CHAMBERS (Rusty Skillet Ranch and Quail Farm):

We are a first generation, small family farm in support of S.B. 390. We raise domestic quail. Currently, we are selling quail eggs but have a demand for meat products. We are unable to fulfill the demand for the meat products. There would be a positive economic impact for the ranch if this bill were to pass.

JUANITA COX:

I have a number of chickens and eggs. I think this would be a good opportunity for young people, especially in the rural areas.

CHAIR RATTI:

Is there anyone in opposition to S.B. 390?

SUE KENNEDY:

I am the owner of Kennedy Ranch in Elko County that sells grass finished beef, pasture raised poultry and fresh eggs. I am reluctant to testify in opposition to S.B. 390; however, it is missing some critical elements for food safety. I hope

to be able to help you draft a better bill. I have written testimony and an amendment ([Exhibit E](#)) that will address all the issues in my testimony.

CHAIR RATTI:

I see some of what you are addressing would be handled in the regulatory process. Some issues deal with whether this process should be handled by the NDA or the Division of Public and Behavioral Health, Department of Health and Human Services (DHHS). I would like to invite you to meet with Senator Hansen over these issues. I can see Senator Hansen is in agreement.

MS. KENNEDY:

I would be happy to do that.

CHAIR RATTI:

Is there anyone who would like to testify neutral on S.B. 390?

DOUG FARRIS (Administrator, Animal Industry Division, Department of Agriculture):

The NDA is neutral on S.B. 390. We have reviewed the amended language and have heard from many producers who are in favor of S.B. 390. We look forward to working with them.

CHAIR RATTI:

Would you be able to meet with Senator Hansen and Ms. Kennedy?

MR. FARRIS:

I would be happy to do that.

SENATOR HANSEN:

This is a broad bill to allow NDA to develop the regulations that Ms. Kennedy was concerned about. We will be happy to meet with Ms. Kennedy and NDA to see if there is any specific language needed to be included in NRS.

If anyone is curious about how many chickens are processed in the United States in any given year, that number is 9 billion plus chickens.

CHAIR RATTI:

The Committee will be interested in knowing the pros and cons of having this under the NDA versus the DHHS. I will close the hearing on S.B. 390.

VICE CHAIR WOODHOUSE:

I will open the hearing on S.B. 293.

**SENATE BILL 293**: Makes various changes relating to children who are victims of commercial sexual exploitation. (BDR 38-517)

SENATOR JULIA RATTI (Senatorial District No. 13):

For years now, Nevada has known there are child victims of sex trafficking in our State. While the extent of the problem is difficult to identify with specificity, Nevada consistently ranks as one of the states with the greatest minor sex trafficking problems and populations.

I want to acknowledge Nevada has made great strides recently to create a plan for the scope and breadth of the problem through the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children (CSEC) established by Executive Order in 2016. The CSEC Coalition has started to address many difficult questions. I intend for S.B. 293 to work in conjunction with the work already being done by the CSEC Coalition.

Eighteen states and the District of Columbia have enacted "safe harbor" laws, recognizing that children cannot legally consent to sexual acts with adults and are often manipulated into prostitution through fear, emotional deceit, force or intimidation. While a range of responses are needed to address the unique situation of each trafficked child, the traditional model has relied heavily on arrest and detention of the most vulnerable person in the triad of child, pimp and customer. National trends and best practices are moving away from this model and recognizing the universal truth; victims should not be punished for their victimization.

Senate Bill 293 embraces that truth and collectively forces us to confront the very real placement needs of these victims. For too long, we have allowed our victimized children to be detained in juvenile detention because no one has ever been able to answer the question, "If not here, where will we put these children?" Using a punishment based model sends these children the wrong message. To them, it feels like punishment.

The original draft of this bill was aggressive. It laid out a requirement to create treatment and home-based placement options for these victims in the child welfare system, while eliminating the ability to utilize the juvenile detention



model for this population. Understandably, there was a lot of duress when this version of the bill came out.

There are a lot of good people who are trying to figure this out. We know we do not want to handle this as a crime. We know we do not want to criminalize children who are victims. Sometimes it appears putting them in the juvenile justice system is the only safe place to take care of them. We cannot flip a switch and have all the resources we need to treat these children as victims in the child welfare system. We are laying out a process that we think will get us there. I want to be clear:

We are putting a stake in the ground. How we are doing things today is not appropriate, and we need to get to a place where we know what the system is that we need to build, and have invested and started building that system to make sure these children are treated as victims and not as criminals.

I believe there is a careful path to ensure that we as a State can be successful in the implementation of that vision. Therefore, we are working off of a conceptual amendment ([Exhibit F](#)) and pretty much the entire bill is gone.

The amendment requires the development of a research and treatment-based plan throughout the next biennium to articulate exactly what is needed to fix the gaps in services that will lead us away from a detention-based model for victimized children. We have a responsibility and an opportunity to lead in this area; I believe the plan is the key.

First, Nevada will add a position within the Division of Child and Family Services (DCFS) with DHHS overseeing CSEC services, including implementation of the components of this bill. This person will provide a key role in stakeholder coordination and proactive planning—filling the gap that currently exists.

The second step will be for this new position to create a plan for treatment-based infrastructure to serve the CSEC population. This will require answers to a lot of difficult questions. What are the gaps in services? How do we recruit and maintain placement options? What do the different placement options look like? How can we increase the likelihood of success of these placements?

Next, by October 2020, this plan is to be presented during the interim to the Legislature for it to consider investing in the needed infrastructure.

The ultimate goal will be removal of any reliance on the juvenile detention system to treat and house our most vulnerable and victimized youth.

MARY MCCARTHY (Legal Aid Center of Southern Nevada):

I am an attorney at the Legal Aid Center of Southern Nevada. We support S.B. 293 as amended. I work with children who are abused and neglected in their home. My specific focus is sexual abuse by a parent, step-parent, sibling or someone in a relationship with a parent, who is regularly found in the home and therefore has access to the child.

Sexual abuse is perpetrated in secret by people on whom the child depends and whom the child trusts. The manipulation, sometimes called "grooming" of the targeted child happens slowly. Unlike other types of child abuse, perpetrators work very hard to form an emotional bond with a child and preserve secrecy. They may buy items a child wants, take them on trips around town without the other family members, confide in them as though they are a peer and tell them often how special they are. Alternatively, some abusers insist on exercising such control over family members that a child dares not challenge his authority.

When personal boundaries are crossed, children are confused and accept the abusers version of the truth such as, it is just for fun, it is natural, it is for their own good, it is so you will know what to do or it is because you and I are so close and I want you to feel good. Abusers use whatever fiction is necessary to maintain the emotional bond and trust of the victim. Often an abuser will tell a child that if they tell anyone, they will both be in trouble or a family member will be hurt emotionally or even physically. Some children have had their boundaries violated so profoundly that they no longer recognize their right to their own likes and dislikes, their own friends and outside relationships, their own bodies, or their right to say no. This is the sexual abuse that precedes sexual exploitation by a pimp and can later lead to years of sexual exploitation as a trafficked adult.

The majority of adults engaged in prostitution were once child victims of sex trafficking. These adults are desperate for affection and attention, and a man who says you are my girlfriend, who buys them clothing, pays for salon visits, makes them wanted, is pedaling a powerful drug.

Eventually, the victim will be forced to understand that her boyfriend needs her to sell her body to support them both. One of my clients expressed this moment and her reaction was, "Well I was doing the same thing for free, and I might as well get paid for it." When the pimp tells her they will both be arrested and she will be detained if she tells, his credibility is enhanced in her mind, when that is what happens.

Sometimes older children see prostitution as a way to survive street life. They would rather think of themselves as survivors than as victims or offenders. However, even in instances when a child apparently sells her body without a pimp, federal law considers any child engaging in a commercial exchange for sex to be a traffic child. The customer can be defined as, "one who causes a person under 18 to engage in a commercial sex act," in the Victims of Trafficking and Violence Projection Act of 2000. I would also like to refer the Committee to the Preventing Sex Trafficking and Strengthening Families Act passed by the U.S. Congress in 2014.

It can take years for an adult to realize the context of the limited choices she had available to her. I say her, because according to a 2011 report, *Commercial Sexual Exploitation of Child Sex Trafficking*, by the Bureau of Justice Statistics, 95 percent of CSEC children are females. If we agree children are victimized by pimps, gangs, pedophiles, and "johns" seeking sex from a child, why is it that we continue to have only the blunt instrument of detention to address the needs of the affected child? This is like the old saying, "When all you have is a hammer, everything looks like a nail." We need more tools to get more children out of the sex trade and provide them with a path to a high school diploma, a job, a way to be in a healthy relationship, have healthy children, and a better future than past.

Senate Bill 293, and its amendment, envisions new tools to respond to traumatized and sexually exploited children. An intake resource is where the welcome is warm, the clothes are not detention sweats, the peers have been in the same situation, health screenings, counseling and resources are available in a setting where judgement is withheld. Foster homes are where trained adults provide a new script for interaction with respect and appropriate boundaries in educational attainment. These resources must be attractive and empowering enough for the child and compete with the lure of the street and the boyfriend/pimp who is circling like a shark.

SENATOR HARDY:

Did the fiscal note go away?

SENATOR RATTI:

It is such a different bill; the original fiscal note is no longer valid. In the conceptual amendment, we are asking for one full-time position to be in DCFS. We should get an updated fiscal note to reflect that.

BAILEY BORTOLIN (Legal Aid Center of Southern Nevada):

We have been working with all the child welfare agencies; they are present at the meeting to answer any questions in regard to the fiscal note or the bill.

SENATOR HAMMOND:

This issue is important. Is there a "Plan B" if the fiscal note preempts this bill?

SENATOR RATTI:

I feel strongly that we need to "Put this stake in the ground." If we do not do this we will continue to work within the same system. I will advocate as strongly as I can and hope other members of the Committee will do this as well. If we get to the end of the Session and we cannot get there, we need to find another way to fund this. Whether it be a grant, a philanthropic donation, someone or something to help us get started in this process. I do think it is important for there to be one person whose job responsibility is to make sure that this happens. I do not want to be coy about this process. The next presentation at the next Legislative Session will have a significant fiscal note. We came across a sincere concern by local governments that this could be an unfunded mandate. They thought the State would mandate this and not give them the resources to do it. I am not going to give up on this before the 120th day of the Session.

SENATOR HAMMOND:

Perhaps someone who will be testifying later could answer the question of how much that position would cost.

SENATOR RATTI:

I am sure that is possible. I did want to go to step four of the amendment where it says, "Set an implementation deadline for the state to safely and successfully remove any reliance on juvenile detention to house child victims of commercial sexual exploitation." Since the submission of this amendment, we have had

conversations with legal counsel, and we must set a date. That date is July 1, 2022. This leaves another Legislative Session to talk about the necessary resources to flip that switch in a way that is safe and responsible for the children we are serving.

SENATOR SPEARMAN:

If the question is the fiscal note, how can we put a price on the children who have been sexually exploited? I do not think we can put a price on that. What if it were one of our children? These are children in situations in which they had no control over. We as legislators should shoulder the burden of returning balance to the life of a child who has been sexually exploited.

VICE CHAIR WOODHOUSE:

Often times, we need to take a step back. We should question, how much does it cost, as opposed to what is the long range issue? We have to look at who is being helped with this.

SENATOR RATTI:

We have services now that support some of this population. By saying this issue does not belong in the juvenile justice system is not in any way a critique of our juvenile justice agency. They have been creative about how to get services to the population. There are investments being made now in the juvenile justice system as well as in the child welfare system. This will not all be new dollars; part of it will be looking at how current dollars are allocated. Then we can create a transition plan to reallocate those resources. There may be some new funding needed as well. We need a planning time frame to thoughtfully decide what we are currently doing, as well as the new framework and resources we need. Perhaps specialized licensed care foster homes or other models may be created during the interim. We have existing resources and need to look at how we allocate them, perhaps differently, to get this accomplished.

SENATOR HARDY:

Could we not consider foster homes now?

MS. BORTOLIN:

We do use some foster homes; however, both juvenile justice and welfare want to provide better wrap-around services. This would allow greater success in those placements. Currently, there is no specialized treatment, services or plans specific to the needs of this population. We know this population needs

trauma-based treatment and informed care. We also know those parents in the foster homes need to be adequately prepared to care for this population. We need to provide specialized training. Currently, we do not have the specialized care, and the foster home placements are not successful.

SENATOR RATTI:

There is a placement part for children who are appropriate for foster care. There is also a short-term transitional part dealing with the time a victim is located on the street typically by law enforcement until the period of time when they are placed in a home or even reunited with parents who are capable of taking their child and recovering with the correct wrap-around services. There is a short-term part where there is a need to balance protection and appropriate placement. Currently, that model does not exist—nor how will it work. There are not many foster homes set up to prevent a child from running away and going back to the danger she was just removed from. Not every child needs long-term foster placement, but every child needs a short-term intervention, and that model still needs to be built.

SENATOR HARDY:

I think we are waiting for the perfect system at the expense of children today. Realistically, we have kids that run away. We have children who have challenges. If we are waiting for the perfect wrap-around service, we are not making a difference for the children today. I do not see the point of waiting to be perfect.

SENATOR RATTI:

I agree with you 100 percent. This is why I wrote the original bill. We are not going to help these children in juvenile justice; we are going to help them with child welfare and wrap-around services. The victim of sexual exploitation is not the typical run-away. They frequently run right back to their pimp and a very dangerous situation. I do not think we are waiting for perfect, but we are responsible by waiting to make sure we have the right protections in place.

I tried to picture myself being a parent who perhaps lives in California or Utah, who has received a call telling them, "We have found your daughter, come and get her." Then in the interim of taking her out of the juvenile justice system and putting her someplace else, she runs away. By the time I as her parent get to Las Vegas or wherever she was being held, she is no longer there. We need to solve this issue before we get away from holding them in the juvenile justice

system. We need to be responsible about building that transitional piece. It is not something that exists today, especially if we are no longer going to use the juvenile justice system.

SENATOR HARDY:

Do we have any study that shows what you are envisioning works?

SENATOR RATTI:

I think we need to build the system. I believe Nevada is the right one to do this because its numbers are so atrocious. If anyone can do this, Nevada can.

SENATOR HARDY:

Let us not wait.

VICE CHAIR WOODHOUSE:

Is anyone here in support of S.B. 293?

AMBER HOWELL (Director, Human Services Agency, Washoe County):

I want to thank the sponsor for allowing Washoe County to have some time to digest this difficult situation. Washoe County has between 20 and 30 children in the foster care system that are CSEC. We do not know the number of children who do not end up in our system. We want to offer support with the amendment. We are in a position where we cannot get it wrong and there are not any states that are doing it right. Washoe County has a deep and restrictive placement option which is juvenile detention; we have a free and open situation in our Kids Kottage Shelter, which is not very safe, and we have nothing in-between. What I like most about the amendment is this is not a child welfare issue, it is not a juvenile justice issue and it is not a mental health issue, it is all of our issues, and we all need to put our minds together to get it right. Tagging this issue with one agency is where states are failing because this is a very serious and difficult population who are coming our way. We want to do good by them.

HOLLY WELBORN (American Civil Liberties Union of Nevada):

We want to register our support for this important piece of legislation. We believe the appropriate place for CSEC should be in the child welfare system. We are pleased there is an effective date for removing CSEC from the juvenile justice system.

Senate Committee on Health and Human Services  
April 8, 2019  
Page 16

JARED BUSKER (Children's Advocacy Alliance):  
We are in support of S.B. 293.

JOHN PIRO (Clark County):  
It is time for Nevada to get off the list of bad categories. The Clark County Public Defender's Office supports S.B. 293.

KENDRA BERTSCHY (Washoe County Public Defender's Office):  
What we have been discussing during this Legislative Session is how do we protect the victims? This is who these children are. When we send these children to a detention center, we are revictimizing them. What are we telling our youth when we detain them? That they are not good enough to be in foster homes, and we have no solution for them? It is time for a solution.

KIMBERLY MULL (Kimberly Mull Advocacy and Consulting):  
I hold a master's degree in victim services management, and I am an expert in sexual violence and victim's rights. I was identified by Shared Hope International as one of the Country's leading policy experts on child sex trafficking and prostitution. I am a survivor of child pornography and child sex trafficking myself. Passing "safe harbor" laws is the number one initiative for sex trafficking advocates and programs across the Country. Minnesota and Florida have similar foster care programs that have been in place for a while.

I was going to focus my testimony on the fact that I was 11 years old the first time I was paid to get on my knees in front of a man or the fact that I was 12 years old the first time I thought I was pregnant. When I thought I was pregnant, I curled up on the floor and repeatedly punched myself in the stomach trying to make a baby, that did not exist, come out. I was 13 when my trafficker stopped using threats against my parents, my brother and my pets to control me, but rather, my trafficker informed me that I was a criminal, a prostitute and if anyone found out, I would be removed from my family and thrown into prison. My only crime was being raped by men who chose to pay to rape me, rather than rape their own children. In the eyes of the law that made them less liable and they would be given no jail time, but I would receive juvenile detention.

Upon further review of the bill, I saw the fiscal note attached to the original bill, including Clark County's \$14 million per year fiscal note, as well as an unfunded mandate note attached to the bill. I started to laugh and realized that everyone's



reason for locking children up in this State and labeling them as criminals is because they believe there are no other resources available. No one is doing the math and I am going to do the math on the record, right here, right now.

Each of these children are servicing 10 to 20 men a day, and let us assume 5 of those men are tourists. Five tourists a day for 365 days a year, because there are no breaks for these children by their pimps, is 1,825 tourists per year per child. Therefore, 1,825 tourists per year per child at an average cost of \$827 legitimate tourist dollars is \$1,509,275 legitimate tourist dollars brought into Las Vegas, per child, per year. Each one of these victimized children is bringing in to Las Vegas, \$1,509,275 legitimate tourist dollars because "What happens here stays here, come rape our Nevadan children, because the average age of entry into prostitution is 12 to 14 years old."

Let us put those numbers together; \$1,509,275 times 150 raped children who are rescued a year equals \$226,391,250 a year in legitimate tourist dollars brought to Las Vegas. This figure only applies to the rescued children, it does not include the unrescued children and the unrescued women who are enslaved, trafficked and raped.

This is not an unfunded mandate. This is not a situation where there is simply no money to help these children. This is a situation where it is simply not a priority. Their only crime is that they are being raped by men who chose to pay for it. This is either not a priority or it is too profitable for Nevada to take action against it. Is Nevada's current sex trafficking marketing campaign too successful? After all, Nevada has over \$225 million at stake by looking the other way.

ELISA CAFFERATA (Planned Parenthood Votes Nevada):

Planned Parenthood Votes Nevada has come to the table the past several sessions in support for services for people who have been trafficked because the number one need for these victims is health care. We believe this is the best approach to address this issue and provide wrap-around services.

BRIGID DUFFY (Director, Juvenile Division, Clark County District Attorney):

I oversee the Juvenile Division, which consists of both a delinquency team and a child welfare team. I am testifying as a District Attorney because this bill will affect both my delinquency and child welfare teams. I want to state on behalf of Clark County, with the conceptual amendment; our fiscal note can be

removed. We work with these victims every single day. As a member of Governor Sandoval's CSEC Coalition, we have studied models of how to house and treat victims of CSEC; we are finding that "safe harbor bills" such as those in New York and California are not solving the issue. They are not getting the outcomes they would like; they are not in the best interest of children. This is Nevada's opportunity to bring a bunch of passionate people together who really want to solve this problem in a State where it is rampant and come up with the best practice model. This needs to cross all stages and agencies from mental health, to juvenile delinquency, to child welfare, to district attorneys, to legal advocates and nonprofit organizations.

VICE CHAIR WOODHOUSE:

Is anyone in opposition to S.B. 293?

TOSHIA SHAW (Executive Director, The Embracing Project):

I am the Executive Director and a victorious survivor. The Embracing Project is a direct service provider. We work with the victims every day from ages 12 to 21. I oppose the conceptual amendment, as it is written, but I look forward to working with the sponsors, so I can be in support of this bill.

VICE CHAIR WOODHOUSE:

It is my understanding you are opposed to the conceptual amendment, is that correct?

Ms. SHAW:

Correct.

SENATOR HAMMAND:

What are you opposed to within the conceptual amendment?

Ms. SHAW:

I would like to be invited to the table, not just The Embracing Project, but the other direct service providers here in Las Vegas. We have not been invited to the table; we need to be able to sit down with the other stakeholders.

VICE CHAIR WOODHOUSE:

Is anyone neutral on S.B. 293?

Senate Committee on Health and Human Services  
April 8, 2019  
Page 19

ROSS ARMSTRONG (Administrator, Division of Child and Family Services, Department of Health and Human Services):

This is not simply a juvenile justice or a child welfare issue, it is an issue for all of our child-serving agencies. Rather than send these victims into a system that was not created for them, the conceptual amendment will allow us to create a system designed for their particular needs. This bill goes nicely with (Assembly Bill 151) along with the conceptual amendment to truly develop a CSEC system for these particular victims.

**ASSEMBLY BILL 151**: Provides for the protection of children who are victims of commercial sexual exploitation. (BDR 38-457)

The fiscal note is for the original bill; we have not developed a fiscal note for the conceptual amendment. The duties are a little different for the position. If there were an appropriation attached, that could eliminate the fiscal note. For example, if the Committee were to go with a lump sum for either the hiring of a State employee or contractual services, or we were able to contract with an individual to manage the CSEC Coalition. We will do whatever the Committee prefers.

SENATOR SPEARMAN:

Would these children qualify for victims of crime compensation?

MR. ARMSTRONG:

The victims of crime compensation is currently administered by the Department of Administration. I do not believe there is an age limit for that program; I do not see why they would not be eligible.

SENATOR SPEARMAN:

There is a bill to move this program to DHHS.

MR. ARMSTRONG:

I am aware of that.

CHARLES PECK (Sergeant, Las Vegas Metropolitan Police Department):

I am the supervisor of the Child Exploitation Task Force in Las Vegas. The Task Force is comprised of Las Vegas Metropolitan Police Department (LVMPD) detectives and FBI agents. We all want to work for the same goal. I want to talk a little about my experience. For the past eight years, I have been the supervisor

of the Task Force. We respond to all tips and cases of child sex trafficking in southern Nevada. I have been involved in roughly 1,000 investigations. Over that time period, about 40 percent to 50 percent of our cases are not in the juvenile justice system. I have heard people think that all of our cases are in the juvenile justice system—and they are not. The LVMPD agrees that the juvenile justice system is not the solution and "safe harbor" laws are the way to go. We are neutral on this bill. We only saw the original bill and were only recently made aware of the amendment.

I do want to comment in regard to the 72-hour holds. The LVMPD responds at all hours to these recoveries. In about 40 percent to 50 percent of these cases, there is a high risk to that child who is on the streets or found in a casino. There is confusion for the child; love is a factor. There is shame on their part. There is embarrassment and many different factors. There is also the risk they could run back to their trafficker—or whatever you want to call them.

In those cases, LVMPD proposes a 72-hour hold for a mental health evaluation; services could begin. It could be equivalent to a Legal 2000 mental health emergency hold or something similar in State law. I am not sure if the determination would be a law enforcement officer of the State or it could be child protective services. In the draft I saw, this was not specific. California does have language to place temporary holds on those high risk cases for children. The Legislature should put that language in this bill to allow law enforcement or child protective services to have the tools to not allow that child to go back to the exploiter but to begin the recovery process.

I want to leave you with one quick story. When I first came to the unit, there was a meeting of about 25 stakeholders, mainly in the juvenile justice system. There were two survivors brought to that meeting and questions were posed to them. What could be done better and what was done poorly. One survivor was in her teens; the other survivor was in her early twenties, who I believe went on speaking engagements at various high schools. As the questions went around the room I asked them, "What was the best thing law enforcement did for you?" Both of the survivors said at the same time, "Put me behind a locked door." They did not mean arrest them; they just wanted a process to stop them from going back to their exploiter. It shocked everyone. I want to leave that with the Committee. In some cases, not all, but in those difficult cases where we do find them on the street or the casino, that we would allow in the law some sort of emergency hold to bring in those support services.

SENATOR RATTI:

I think that last neutral testifier demonstrates there are a lot of people working on this issue and thinking of ways we could improve it. There was great progress created by the work of the CSEC Coalition during the interim. While commissions, professionals and survivors have value, if we do not put a stake in the ground that says we are no longer going to treat victims as offenders, we will find ourselves six years from now, eight years from now, ten years from now, still having this conversation and defaulting back to the juvenile justice system.

The amendment puts in a deadline date and by that time we are going to figure out what we need to do to create a system to best meet the needs of these children. What are we going to do differently? If there is to be a locked door, how can that locked door in the child welfare system treat that child like a victim who may be in need of protection? These victims need to get a treatment process that does not treat them like a criminal in any way, shape or form, but treats them as a victim and helps them along a journey to recovery through a wide variety of supports including those in the nonprofit system. We are not going to do another study. We are not going to create another commission; we are going to put a position in place. It will be their responsibility to pull everyone together and decide what we are going to do differently so that by July 1, 2022, this will no longer happen in Nevada.

VICE CHAIR WOODHOUSE:

I will close the hearing on S.B. 293.

CHAIR RATTI:

I will open the hearing on S.B. 418.

**SENATE BILL 418**: Revises provisions governing the distribution and sale of raw milk. (BDR 51-1073)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

I am presenting on behalf of Senator Parks. I have had the pleasure of working with him on this piece of Legislation for several months. These days many people desire natural foods, fresh eggs from the farm and many other products. Farmers' Markets are very popular. There is a desire for people to consume unpasteurized milk or raw milk. Senator Parks grew up in New Hampshire and was raised on a farm and raw milk. It is a product for which there is a demand.

Raw milk is covered in NRS 584, but it is difficult for consumers to get raw milk.

Are there dangers to raw milk? Yes, there are dangers, and there needs to be protections for the consumer. This can be established through S.B. 418. There have been protections established for farm fresh eggs, raw fish or any other products like that. I would ask the Committee to focus on the conceptual amendment ([Exhibit G](#)).

MR. DELEE:

It was brought to our attention that there was a fiscal note attached due to the initial desire to have this centralized. Back in 2013, one of this Committee's recommendations was to change the various functions of the counties with regard to raw milk to the Dairy Commission. When we saw the fiscal note, we wrote the amendment, [Exhibit G](#), to keep this at a county level, which is where it has been in statute since 1979.

The first change is section 2, which recognizes the county milk commission still exists and oversees the production and distribution of certified raw milk. Paragraph 2 creates a new version of NRS 584.209. *Nevada Revised Statute* 584.209 was added as a function of S.B. No. 80 of the 77th Session and a companion bill with A.B. No. 209 of the 77th Session which was the raw milk bill at the time. Unfortunately, this bill was vetoed after receiving 57 votes in the legislature. Now, NRS 584.209 will take on a different roll. At the bottom of NRS 584.209 section 2, subsection 2, some more specifics are added and we have gone back to the county milk commissions.

One of the problems counties were having is the qualifications needed to establish a county milk commission. For example, there is not a rural medical doctor and veterinarian living in Esmeralda County. This existing language made it impossible for counties to comply. This is not something new. If you look at S.B. No. 301 of the 76th Session, it recommended loosening the rules for membership for what was then the State Dairy Commission for the same reasons; compliance was impossible. We would like the county commission to be able to set the parameters for the members they appoint to the county milk commissions. This should remove the fiscal note. We are not asking the NDA to do anything more than it is already obligated under statute to do. In the additional green language, there is this exemption under NRS 584.209 for small

farms. This conceptual amendment adds technical language to bring everything back, be consistent, and still have the county milk commissions in each county.

Moving to new language in section 4, this was chosen as a combination of several other jurisdictions, mostly Oregon. Oregon has a functional small farm exemption, and we used pretty much the same language. The concept in respect to section 4 is direct farm sales for various small farms to the consumer that do not go through the raw milk program.

BRITTNEY FRY:

I have been a Nevada resident since 2009. I have spent a lot of time and energy building up my homestead. We raise all of our own meat and eggs and whenever possible our own dairy products. I know this is a controversial subject, but raw milk is already legal in Nevada. We want to make raw milk more accessible for the people who want it. Right now there is a de facto ban, because the rural counties do not have a medical doctor or veterinarian to take on one of those county commissions. There are some real concerns about raw milk, but it is a choice that people should have the right to make, and a lot of people want it. A lot of people are getting raw milk illegally anyway. We want people to have a safe and legal way to get their hands on raw milk.

BRETT OTTOLENGHI (Artisanal Foods):

I own a local business called Artisanal Foods, and I am an advocate for raw milk. Along with gambling, marijuana and prostitution, raw milk has been legal in Nevada since 1979, yet only one of these consumer choices has been restricted, that being safely produced raw milk. The Southern Nevada Health District (SNHD) has submitted a letter of opposition to this bill ([Exhibit H](#)). Their first point is testing one batch of raw milk only confirms that batch of milk and does not assure the next batch of milk will be free from disease causing germs. My response to the SNHD's statement is, a dairy producing raw milk for direct human consumption, tests every cow and every batch of milk and each bottle can be traced to a specific milking.

The SNHD's second point is 81 percent of disease outbreaks reported occurred in states where the sale of raw milk was legal. There is no citation to this statistic, and it does not appear on any U.S. Center for Disease Control and Prevention (CDC) document or on the internet. It is also conveniently vague, so it is meaningless and scary. If 81 percent of all types of disease outbreak

occurred in states where raw milk is legal, that could be expected because about 80 percent of the states have some form of legal raw milk.

The third point is, in 71 percent of outbreaks, the raw milk came directly from the dairy farm. This statistic is also not cited and is misleading. All milk starts as raw milk. This statistic does not look specifically at raw milk produced for direct consumption. To get close to 71 percent of dairy-related outbreaks, they have included outbreaks from milk intended to be pasteurized, which ironically is the milk the SNHD prefers. The most recent major dairy-related outbreaks are statistics you can verify from the CDC's website. They were both in 2015 and both from pasteurized milk products.

Thousands of Nevadans are currently being forced into unsafe circumstances where they must transport their raw milk from any of our neighboring states, all of which have legal raw milk. This usually involves a long commute in passenger vehicles versus a regulated industry that would require refrigerated transportation. Senate Bill 418 creates a legal path for small farms across Nevada to produce safe, sanitary, raw milk. To oppose this bill is to deny small farms their most lucrative product and force Nevada consumers into a black market without any regulation. Raw milk has been legal in our State for 40 years; it is time we keep our dollars in Nevada and begin serving the market demand. I want to note the SNHD showed no opposition to the earlier poultry bill, yet poultry is literally hundreds of times more likely to cause a foodborne illness than raw milk. If they were logically consistent, they would require all poultry sold to be precooked.

SENATOR DAVID R. PARKS (Senatorial District No. 7):

I am not sure I could add anything as I have not had the benefit of hearing the previous testimony over S.B. 418. I want to express my support for this bill, and would like to go on record saying that I grew up on raw milk.

CHAIR RATTI:

Let me get this clear, raw milk is legal and it is legal in the surrounding states, but something else is not legal, but is legal in all those surrounding states. What is the distinction from what the other states can do versus what we cannot do here in Nevada?



SENATOR OHRENSCHALL:

As I understand the situation in Nevada, while raw milk is legal, it is difficult to establish the county milk commissions. The other provision of the amendment would allow for herd shares, where consumers can have a share directly with a farm and obtain raw milk. That is legal in many states; however, I am not sure if that includes all of Nevada's neighboring states.

CHAIR RATTI:

Raw milk is legal, but we need to remove the barriers of the county milk commissions and allow for herd shares, is that the bottom line?

MR. OTTOLENGHI:

Senate Bill 418 addresses two main problems. First of all, I created the only raw dairy commission in our State in 40 years. I did that in Nye County, and it was impossibly difficult. For example, I had to create a rural regional veterinarians association, because there was not one, and it is a requirement for the veterinarian to be a member of this association. I called every physician who has ever lived in Nye County to find one who met the requirements; it took years. We want to make it easier to create these county milk commissions.

The other issue is it allows raw milk to be transported across county lines. This is really important. No one is going to make the necessary investment to build a modern sanitary raw milk dairy if they can only sell in one county. They are going to want to build such a dairy in a rural county where there are cows and farmers and then sell the raw milk to a populous county. This bill addresses both of those major concerns.

MS. FRY:

Another point is this bill would remove the veterinary and medical doctor requirement. The rural counties that could not create a county milk commission because they lack the necessary people can now do that. This brings this ability to the rural counties.

CHAIR RATTI:

Raw milk is legal. This just makes the process of creating the county milk commission that provides the oversight actually possible?

MS. FRY:

It makes it attainable.

Senate Committee on Health and Human Services  
April 8, 2019  
Page 26

SENATOR HARDY:  
How do you test the milk?

SENATOR OHRENSCHALL:  
The statutory requirements are in NRS 584.205 and NRS 584.208 which declares certified raw milk must meet certain bacteria levels and the conditions it must be stored. The proposed amendment would shift that from the NDA to the county milk commission assuming they could be established. The proposed amendment would make it so that a county milk commission could be established.

SENATOR HARDY:  
If one takes away the veterinarian and the medical doctor, who is the one to count the bacteria levels?

SENATOR OHRENSCHALL:  
Each county commission, when it establishes a county milk commission, could certainly create regulations for contracting with a medical doctor or a veterinarian. Requiring a resident of that county to be a veterinarian or medical doctor has proven insurmountable in our less populous counties. I believe safety can be guaranteed with this bill, and each county milk commission could certainly contract with a medical doctor in Reno or Las Vegas. I am not saying we should not have that type of expertise to guarantee safety for the consumer; it is just the current structure needs to be changed. Nevada has a product that is legal but unobtainable.

SENATOR HARDY:  
What is the issue of crossing state lines?

SENATOR OHRENSCHALL:  
I believe the issue was crossing county lines.

CHAIR RATTI:  
What I heard was people were crossing state lines to buy raw milk. I can speak for northern Nevada, folks are going to Plumas County to purchase these products. So what is the county line part of S.B. 418?

SENATOR OHRENSCHALL:

If the bill were to become law, you could have raw milk in Douglas County that could be sold to consumers in Washoe County. You would not be limited to Douglas County. If this were to pass, crossing state lines, where people are driving over, purchasing raw milk in their car and bringing it back to Nevada with a bag of ice to keep it cool, would end. I think that is a dangerous situation. I think this would cure that situation. We have constituents who believe in raw milk. They are purchasing it and are not complying with the NRS and are putting themselves in danger. We should have a system where people could obtain it legally in Nevada.

CHAIR RATTI:

Is anyone here in support of S.B. 418?

JAMI HEPWORTH:

I am in favor of S.B. 418. My family and I have been happily consuming raw milk for the past four years. I moved to Nevada in July from Pocatello, Idaho, where my husband completed his family medicine residency. He is a doctor and he supports this. In Idaho, we had been buying raw milk from local farmers who knew every one of their cow's names. Imagine my surprise when moving to Nevada where prostitution, gambling and marijuana are legal, but because of the de facto ban here, I could not buy raw milk. My options were to spend more than double what I did in Idaho, California or on the black market in Nevada or to get my own dairy animals.

I chose to remain a law abiding citizen and am now a proud owner of Nubian goats; one of which I milk every morning and her name is Amelia. Raw milk is not only safe when properly handled, but it is nutritious. Doctor Weston A. Price is one of the most prominent health researchers in the twentieth century and author of *Nutrition and Physical Degeneration*. Dr. Price found by studying indigenous people that modern highly processed diets caused physical degeneration. As these indigenous people started to add these modern highly processed foods to their diet, their previous excellent health degenerated. I recommend you use this book as an excellent and interesting resource. This is why I believe that raw milk is a healthy and nutritious practice. I am not trying to convince anyone to drink raw milk, but this is the reason that I drink raw milk. Not everyone is fortunate enough to have access to land, or have the financial and time resources to house and milk their own dairy animals, but everyone should have legal access to this traditional food.

If you do not agree with my food choices, I would like the Committee to consider we still protect clearly harmful health choices in other areas. For example, we have 480,000 people die annually from first-hand cigarette smoke and 41,000 from second-hand cigarette smoke. We have 88,000 people die from alcohol consumption, 5,000 of which are under age. One in every five deaths in the United States is due to tobacco. The top three causes of preventable deaths are tobacco, poor diet and physical inactivity and alcohol consumption. These causes are perfectly legal.

Some opponents might cite fear of bacteria in their arguments against raw milk, but this is not a problem with proper milk handling procedures. The truth is the blanket fear of bacteria has created its own set of issues in our Country. Namely, we have 23,000 deaths in the United States from antibiotic resistant infections. We need to naturally boost our immune systems through exposure to microbes, which traditionally cultured foods can offer. If you do not want to consume raw milk in the name of safety, that is okay. I doubt you would ban alcohol and tobacco in the name of safety and health. This issue is about freedom and legal access to choose.

JAUNITA COX (Citizens in Action):

Many, including myself, were raised on raw milk, cheese and butter. We liked raw foods. We got all the good stuff from the animals, the ground and directly from the farm. We supported a similar bill in 2013, and we got it through every house and then the Governor vetoed it. In the blink of an eye all of our hopes were dashed; we went back to the underground. We the consumers of raw milk and products need this bill, so we do not have to stay in the black market and break the law.

RUSS JAMES (District Council 16 Painters and Allied Trades):

I am a raw milk advocate and a 20-plus year drinker of raw milk. I worked with Brittney Fry on the amendment. We are in support of S.B. 418.

MS. OGAN:

I am in support of S.B. 418. My family and I have been drinking raw milk for about ten years; we have our own animals. This is another opportunity for small farms to have another product for people who want wholesome local good food. It will help my family farm.

CHAIR RATTI:

Is there anyone in opposition of S.B. 418?

DOUG BUSSELMAN (Nevada Farm Bureau Federation):

I am the Executive Vice President of the Nevada Farm Bureau Federation. We are opposed to S.B. 418. Our organizational policy supports only pasteurized fluid milk being sold or distributed for human consumption. I will defer to the research and statistics by the CDC and the U.S. Food and Drug Administration. There are a number of needless risks associated with raw milk consumption. Increasing authorization for the sale of raw milk has resulted in consequences of more outbreaks of health problems. Pasteurization of milk for human consumption is a very sound policy, and we believe Nevada requirements should be maintained.

I am not aware of the amendment. I do not know how those logistics will work. I encourage the Committee to look at what the federal requirements might be rather than transmitting unpasteurized milk directly for human consumption across State lines. I understand within Nevada there may be provisions that could deal with things differently, but I believe there are federal regulations in law that prohibit the transfer of raw milk across state lines. The Nevada Farm Bureau Federation is opposed to changing Nevada law to allow for the sale of raw unpasteurized milk for human consumption.

CHAD WESTOM (Director, Environmental Health Services, Washoe County Health District):

We are opposed to S.B. 418 because of the public health and food safety concerns of consuming raw milk. Our government affairs liaison did speak to one of the bill's sponsors and talked about our concerns. We have not had the opportunity to review the amendment. As the bill is currently written, it would allow for the possibility of raw, unpasteurized milk to be distributed outside of Nye County and throughout Nevada and into Washoe County.

Raw milk is scientifically inherently dangerous. Raw milk may contain a number of pathogens which may include; Staphylococcus, Campylobacter, Salmonella, E. coli, Listeria, to name a few. Pasteurized milk is healthy and prevents harmful exposure to these pathogens. According to the association of state and territorial health officials, foodborne illnesses have had an impact on our economy. It is estimated the cost of foodborne illness in the United States is over \$77 billion including medical costs, loss of productivity, mortality and

outbreaks associated with raw milk are no exception. For example, there was a 2008 economic outbreak of E. coli linked to raw milk in Connecticut. This outbreak resulted in estimated medical expenses of \$413,402. Our concern is with those most at risk consuming raw and unpasteurized milk which are young children. There are outbreaks that involve children younger than five years old. In the Connecticut outbreak. There were young children who experienced serious complications.

CHAIR RATTI:

Can you articulate what is different between Nevada and its neighboring states where there seems to be small scale sales of raw milk and no problems?

MR. WESTOM:

I cannot really comment on that. Washoe County investigates foodborne outbreaks and sometimes it takes a long time to determine the source of a foodborne outbreak. We will be looking into that and if we find something I will be sure and forward that to your office.

SENATOR SPEARMAN:

We have heard testimony where people have gone over the State line and bought raw milk. We have not heard of any foodborne outbreaks. Have you determined there is something significant in terms of foodborne outbreaks or health risk in states surrounding Nevada where raw milk is legal?

MR. WESTOM:

There is a lot of scientific information on the internet. The SNDH put comments in [Exhibit H](#). Nevada does not have widespread raw milk, and we are not seeing that as a problem. It is our hope that we can keep it that way.

SENATOR SPEARMAN:

That was not my question. My question is the states around Nevada that are close enough for people to go to that state and get the raw milk and return to Nevada. Have those states seen a significant outbreak of foodborne illnesses connected to raw milk?

MR. WESTOM:

I do not have that information. I will look into it.

KARLA SHOUP (Environment Health Manager, Southern Nevada Health District): Southern Nevada Health District serves as the public health authority for the jurisdictions of Clark County, City of Las Vegas, Boulder City, Henderson, North Las Vegas, Mesquite and Laughlin. You have received our written position, [Exhibit H](#), on this matter. I want to reiterate SNHD opposes any legislation that allows for the sale of unpasteurized milk for human consumption. Pasteurization insures that harmful pathogens such as Brucella, Campylobacter, Salmonella, Lister, Mycobacterium bovis and E. coli are destroyed. These pathogens can be transmitted by healthy animals and missed by batch testing procedures.

SENATOR OHRENSCHALL:

In the proposed amendment, the Director of the NDA would still be promulgating the regulations in regards to testing even though the county milk commissions would have a change in its composition. The NDA would still promulgate those regulations. There is already extensive *Nevada Administrative Codes* 584.2031 through 584.2151 detailing tests and what testing certified raw milk should have. This bill does not propose to change any of that.

CHAIR RATTI:

I will close the hearing on S.B. 418 and open the hearing on S.B. 430.

**SENATE BILL 430**: Expanding the definition of "chronic or debilitating medical condition" for certain purposes related to the medical use of marijuana. (BDR 40-1152)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):

Senate Bill 430 expands the list in which medical marijuana may be recommended for patients. I would like to introduce Dr. Carmen Jones, who treats patients who use medical marijuana to treat a number of ailments and diseases. Dr. Jones is a licensed physician and also a medicinal cannabis practitioner here in Nevada where she has been working almost exclusively with medical cannabis patients. At this point, I want to walk through the bill for the Committee.

Senate Bill 430 is a pretty straightforward bill. Section 1 amends NRS 453A.050 to add the following conditions to the "chronic or debilitating medical condition" to include: an anxiety disorder; an autism spectrum disorder; an autoimmune disease; anorexia nervosa; and dependence upon or addiction to opioids. It makes changes within some of those definitions: "persistent muscle

spasms" is changed to "muscle spasms" and "severe nausea" to "nausea". It adds: chronic pain and any condition related to the human immunodeficiency virus and neuropathic condition whether or not such a condition causes seizures.

Since this list was created, I have talked to Dr. Jones and there may be a small amendment to ensure the language for the disorders match her clinical experience. Specifically, the language anorexia nervosa should not be in section 1, subsection 5, but should be added to section 1, subsection 9, cachexia. This better describes the conditions that result in no appetite or an inability to eat, similar to symptoms you may see with cancer patients.

We also want to be clear the language of a disease related to the human immunodeficiency virus does include those patients who are HIV positive, as well as those diagnosed with AIDS. We believe the language in the bill does that but want to have this on the record.

We want inclusion of neuropathic diseases regardless of whether they cause seizures. This is not meant to be duplicative of the current language which allows such a recommendation for seizures regardless of whether or not they are caused by epilepsy. There is some overlap where those diagnoses may occur for a practitioner, which I am sure Dr. Jones can describe. We just wanted the record to be clear; it is meant to get at both of those things even though there may be some overlap.

CARMEN JONES, M.D.

I have been a licensed physician for 28 years and for 17 of those years in Las Vegas. I have been seeing patients for medicinal cannabis for seven years. In that time, when I am at my busiest, I could see over 100 patients in a week. With that experience, I have been able to look and see what the current recommendations were and see what was needed for improvement. This is what the Committee has in front of them.

This is actually quite straightforward. I will explain what the differences are and what should be added. The anxiety disorder mentioned in section 1, subsection 2, is probably the most common situation that we see for this condition. Many people at one time or another will have anxiety, and cannabis actually works quite well for people with anxiety. However, as it stands today, that is not one of the qualifications. Unless the patient has an associated



symptom, they are not able to be approved for medical marijuana and a lot of people are turned away.

In regard to autism spectrum disorders, there is a lot of research on how cannabis, especially in a cannabidiol (CBD) form, can help children with autism. There are many associated conditions with autism, mainly seizures. One child had not only autism seizures but also had an autoimmune condition. He was three years old and used CBD to help with his autism. It helped his seizure and his autoimmune condition.

In regard to autoimmune conditions, these are very responsive to cannabis. Many patients with conditions such as lupus, rheumatoid arthritis, all benefit from it.

In regard to anorexia nervosa; I hope that was clear. The nervosa suggests an entirely different condition meaning that is a psychological diagnosis with many different factors and that is not the intention. The intention is to use the term anorexia in its basic symptomatic term which is poor appetite. That term applies to people with multiple chronic conditions. If they cannot eat because they have anorexia or poor appetite, they often become cachectic. Cannabis is known to be helpful to increase someone's appetite.

I will end with the section that may need some clarification, which is neuropathic conditions. I was trying to be broad in my reason to write this, because there are so many neuropathic conditions that can be helped by cannabis. There is a YouTube video showing someone with Parkinson's disease; he takes just a little cannabis and his tremors go away. This video is accurate. Neuropathic conditions can happen with or without seizures. The language is an attempt to broaden this condition without being so specific.

SENATOR HARDY:

Why medicinal? Is that because it is now legal?

DR. JONES:

The people selling the products in the dispensaries are not physicians nor are they medical people. They may be well versed with the plant but not the medical components that allow the two to work together. I am a big advocate of maintaining this medical program and plan to expand it. I want to educate people properly on how to use this product and hopefully more of my colleagues

will get past the stigma and join me. I want to allow patients to have more appropriate products for the medical needs that they have, rather than rely on the advice of people working at the dispensaries.

SENATOR HARDY:

Is it cheaper to get marijuana medically?

DR. JONES:

As of now, yes. It is cheaper because of the tax break, I am not sure exactly of what that break is.

CHAIR RATTI:

I will answer that question. There is the cost of the medical marijuana card of \$100. You get a 10 percent discount when you buy marijuana for medical reasons and if that adds up to \$100 savings at the register over the course of a year, then it is worth doing.

The other important point is the grow facilities and the production facilities need to see evidence there is a market for medical marijuana. This would encourage them to invest in the plants and products to meet the needs of the medical patient and not solely focused on the recreational patient.

DR. JONES:

Medical marijuana patients tend to use a lot more cannabis. Many will take the marijuana flower and make their own products, and that is quite a bit of medicine. They totally save money after purchasing the card. They tend to consume more and stronger products and in different ways. I hope there continues to be a large variety of products.

MADISON SAGLIBENE (Nevada Chapter, National Organization for the Reform of Marijuana Laws):

I am the Executive Director of the Nevada Chapter of the National Organization for the Reform of Marijuana Laws. This bill would help an insane amount of constituents get legal relief as opposed to going through the recreational program. Medical protections and tax breaks are important.

ROBERT COHEN (Cohen Medical Centers):

I am the owner of Cohen Medical Centers in support of S.B. 430. We have been helping medical cannabis patients since 2009. We take care of thousands of

patients, and the added conditions are necessary. In answer to Senator Hardy's question, the autism spectrum usually affects folks under the age of 18 and they would have to have a medical card. They could not get medical cannabis otherwise. The other benefits of the medical cannabis card are selection, protection and price. They get better products, better prices and they do not have to stand in line. The conditions that are on this list are necessary. We do not want to turn people away from using cannabis; we do not want them to lie on the forms and say they have one condition when that is not what they have.

SENATOR HARDY:

When you talked about protection, was that federal or State?

MR. COHEN:

It is just State protection.

LENNORA VALLES (Coalition for Patient Rights):

We support this bill. I think this will help get more patients on the medical marijuana program and bring more medical marijuana products to the dispensaries. I cannot find any suppositories and those are used for colon and pancreatic cancer. The patients cannot get this. Many patients cannot grow so they cannot make their own. They have to form collectives just to get the medicine they need. This should help expand the product in the dispensaries for the medical marijuana patients.

RIANA DURRETT (Nevada Dispensary Association):

We support this bill. When our medical marijuana program was enacted, it was based on projections of 100,000 patients within the first 2 years. Our program peaked at about 26,000 patients; we now have about 17,000 patients. Our entire medical program is in danger. We support anything that can make it easier for the patients.

ASH-LEE CATCHO (Coalition for Patient Rights):

I am native Hawaiian. I have lived in Nevada for three years. I grew up in Hawaii and natives like myself believe in holistic healing. I am here because my mom is 62 years old and this is the only medicine she uses; she does not go to a pharmacy. She still does marathons; she is healthy and has not gone to the hospital. I grew up thinking my mom was doing a bad thing—that my mom was doing a drug. My mom is 62 and does not look her age. I never understood why my mom kept calling it medication.

I am not a user. I was always told people just want to get high. Now I think being high is just a side effect of the medicine. If you got medicine from the pharmacy, you could get vomiting or diarrhea as side effects. Now when I think about side effects, I think it is better for my mom to get high and be healthy. I am here as someone watching a family member use it and not having to worry about them going in the hospital, because it has kept my mom healthy and out of a hospital.

CHAIR RATTI:

I will close the hearing on S.B. 430 and open the hearing on S.B. 477.

**SENATE BILL 477**: Prohibits the release of a child to a parent or guardian in certain circumstances. (BDR 38-1005)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

Senate Bill 477 relates to releasing a child to a parent or guardian who has been convicted of child abuse, neglect or endangerment. There are several judges in my community who have told me about problems where they had to release a child or were told to release a child to a person who they knew had been convicted of child abuse, neglect or endangerment. There is a problem with the NRS. This bill seeks to close this "loophole."

Currently, Nevada law prohibits a court from releasing a child who has been placed in protective custody to a parent or guardian who has been convicted of child abuse, neglect or endangerment unless the court finds clear and convincing evidence that releasing the child to the parent or guardian will not result in physical or psychological harm to the child. However, this bill seeks to expand the prohibition to apply to releasing "any" child to a parent or guardian who has been convicted of child abuse, neglect or endangerment regardless of whether the child has been placed in protective custody. It will also expand the prohibition to a parent or guardian who has been convicted or adjudicated of child abuse, neglect or endangerment in another jurisdiction.

The issue these judges have encountered in Douglas County is that the county borders California. They are having to look at the California jurisdictions. Some judges have had to break the law rather than release that child to a potentially harmful environment. One judge said "I am not going to release the child into a harmful situation. I would rather disobey the law. If you do not like it, take me to jail." In that respect, we just want to change the law to where the judge can

say no; we can see you have had adjudications from other courts. I have talked to colleagues in Clark County and they have the same problem. Judge Sullivan is in the audience down south and would like to testify on this matter.

FRANK P. SULLIVAN (Juvenile Court Judge, Family Division, Eighth Judicial District Court):

I preside over child abuse and neglect cases. The reason for NRS 432B is the child protective act. It keeps children safe. The intent of NRS 432B.555 was to protect children. If a parent has been convicted of child abuse, neglect or endangerment, this makes sure the court addresses this and does not put the child in harm's way.

The key provision is not the jurisdiction in which the parent or guardian has been convicted but rather the fact they have been convicted of child abuse, neglect or endangerment, because that directly impacts the safety and wellbeing of the child. I support this bill because it makes common sense and closes any loopholes.

The intent is the parent "has" been convicted of child abuse, neglect or endangerment not "where" they have been convicted. This bill addresses any child. As the NRS is currently written, it only looks at a child who is a direct victim of abuse, neglect or endangerment. In this bill, it would apply to any child within that home. If that parent has been convicted of abuse, neglect or endangerment the court could consider any child including siblings before it made a determination to release that child or any other child to those parents.

ALEX ORTIZ (Clark County):  
We are in support of S.B. 477.

CHAIR RATTI:  
I will close the hearing on S.B. 477.

SENATOR SPEARMAN MOVED TO DO PASS S.B. 477.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

Senate Committee on Health and Human Services  
April 8, 2019  
Page 38

Chair Ratti:  
Seeing no further business, we are adjourned at 6:33 p.m.

RESPECTFULLY SUBMITTED:

---

Michelle Hamilton,  
Committee Secretary

APPROVED BY:

---

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	7		Attendance Roster
S.B. 390	C	9	Senator Ira Hansen	Proposed Amendment
S.B. 390	D	10	Randy Robison	Slide Presentation
S.B. 390	E	3	Sue Kennedy	Testimony
S.B. 293	F	2	Senator Julia Ratti	Proposed Amendment
S.B. 418	G	7	Senator David R Parks	Proposed Amendment
S.B. 418	H	2	Southern Nevada Health District	Testimony