

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 21, 2021

Assembly called to order at 1:52 p.m.

Mr. Speaker presiding.

Roll called.

All present except for Assemblywoman Black, who was absent.

Prayer by the Chaplain, Pastor Jake Musselman.

God, You are a good Father who longs to give good gifts to his children. Today, I pray for Your blessing over each legislator. They have chosen the responsibility of servanthood to this state. They have worked and will continue to work for life and liberty. Grant them character to faithfully execute their office. Bless them with strength and energy to complete this legislative session well. Protect them and their families from harm and sickness, and bless them with Your good gifts. Be glorified through them.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 87, 89, 91, 95, 97, 100, 101, 102, 103, 107, 109, 111, 112, 113, 130, 136, 140, 141, 145, 166, 169, 178, 184, 187, 190, 194, 197, 205, 210, 212, 215, 228, 231, 235, 236, 245, 249; Senate Bills Nos. 185, 233, 449, 450.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 42, Amendments Nos. 655, 714, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 88, Amendment No. 539; Assembly Bill No. 104, Amendment No. 656; Assembly Bill No. 105, Amendment No. 540; Assembly Bill No. 115, Amendment No. 589; Assembly Bill No. 132, Amendment No. 677; Assembly Bill No. 146, Amendment No. 576; Assembly Bill No. 148, Amendment No. 577; Assembly Bill No. 153, Amendment No. 644; Assembly Bill No. 158, Amendment No. 641; Assembly Bill No. 177, Amendment No. 522; Assembly Bill No. 181, Amendment No. 520; Assembly Bill No. 182, Amendment No. 588; Assembly Bill No. 186, Amendment No. 645; Assembly Bill No. 195, Amendment No. 541; Assembly Bill No. 200, Amendment No. 556; Assembly Bill No. 202, Amendment No. 659; Assembly Bill No. 207, Amendment No. 626; Assembly Bill No. 214, Amendment No. 498; Assembly Bill No. 250, Amendment No. 624, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 205.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 442.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 534 to Senate Bill No. 31; Assembly Amendment No. 545 to Senate Bill No. 33; Assembly Amendment No. 578 to Senate Bill No. 36.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 444 and 439 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 253, 254, 349, and 395 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Carlton moved that Assembly Bill No. 443 and Senate Bill No. 5 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 444.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 444 appropriates \$268.4 million from the General Fund to the Distributive School Account due to an unanticipated decrease in revenues for the 2019-20 and 2020-21 school years. This act becomes effective upon passage and approval. They need the money.

Roll call on Senate Bill No. 444:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 439.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 718.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel’s Digest:

Existing law declares that “the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity” and, beginning with the 2021-2023 biennium, replaces the Nevada Plan with the Pupil-Centered Funding Plan as the formula for distribution of state financial aid to the public schools in this State to accomplish that objective. (NRS 387.121) Existing law creates the State Education Fund for the purpose of supporting the operation of the public schools in this State and identifies the sources of revenue for the Fund. (NRS 387.1212) **Sections 2 and ~~31-34~~ 31, 32, 33 and 34** of this bill include the proceeds of certain additional sources of revenue in the State Education Fund. **Section 2** additionally: (1) excludes the interest and income earned on the direct legislative appropriation to the State Education Fund from being credited to the Fund; and (2) eliminates the authorization for the Superintendent of Public Instruction to create one or more accounts in the Fund as necessary to segregate money required to be administered separately by federal law. **Section 14** of this bill makes conforming changes relating to the elimination of the authority of the Superintendent of Public Instruction to create such accounts.

Existing law establishes the Education Stabilization Account and authorizes the Interim Finance Committee to direct the State Controller to transfer money from the Education Stabilization Account to the State Education Fund if the Committee finds that the collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund. (NRS 387.1213) **Section 3** of this bill: (1) additionally allows the Department of Education to submit a request to the Interim Finance Committee to approve a transfer from the Education Stabilization Account to the State Education Fund if the actual enrollment growth exceeds the projected enrollment growth by an amount that makes such a transfer necessary; and (2) requires the transfer, up to the maximum amount established by existing law, of any remaining balance in the State Education Fund to the Education Stabilization Account at the end of each biennium, rather than at the end of each fiscal year.

Existing law requires the Legislature to appropriate money from the State Education Fund, less the money in the Education Stabilization Account, to fund, in an amount determined sufficient by the Legislature: (1) the operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education; (2) the food service, transportation and similar services of the school districts; (3) the operation of each school district for all pupils generally through adjusted base per pupil funding for each pupil enrolled in the school district; (4) the operation of each charter school and university school for profoundly gifted pupils for all pupils generally through a statewide base per pupil funding amount for each pupil enrolled in such a school, with an adjustment for certain schools; and (5) the additional educational needs of English learners, at-risk pupils, pupils with disabilities

and gifted and talented pupils through additional weighted funding for each such pupil. (NRS 387.1214) **Section 4** eliminates the requirement to fund the operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education from the State Education Fund. **Section 4** also eliminates the requirement to provide funding for the additional educational needs of pupils with disabilities through additional weighted funding for each such pupil from the State Education Fund. **Sections 4, 6, 8, 13, 22, 23 and 36** of this bill instead require the establishment of a statewide multiplier for the support of pupils with disabilities in a manner generally consistent with the Nevada Plan and funded using the Account for Special Education Services in the State General Fund. **Sections 7, 10 and 11** of this bill make conforming changes to reflect the elimination of the requirement to fund the operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education from the State Education Fund.

Existing law establishes certain factors which are applied to the statewide base per pupil funding amount to create the adjusted base per pupil funding for each school district and certain charter schools and university schools for profoundly gifted pupils. (NRS 387.1215-387.1218) **Section 39** of this bill repeals the adjustment for each necessarily small school in a school district. **Section 5** of this bill revises the adjustment for small school districts to instead be an adjustment for the increased cost per pupil to a school district to operate public schools in which relatively fewer pupils are enrolled. **Sections 13 and 15** of this bill make conforming changes to reflect the changes to the adjustment factors.

Existing law requires any amount by which the actual ending fund balance of a county school district fund exceeds 16.6 percent of the total actual expenditures for the fund to be transferred to the Education Stabilization Account. (NRS 387.1213) If a county school district fund exceeded 16.6 percent of the total budgeted expenditures for the fund for the fiscal year which ended on June 30, 2020, existing law allows a school district to maintain not more than such an excess in succeeding fiscal years until the school district has an ending fund balance of 16.6 percent or less. (Section 77 of Senate Bill No. 543, chapter 624, Statutes of Nevada 2019, at page 4252) **Section 13** of this bill revises this ~~authority~~ **requirement** to apply to an excess of the total ~~actual~~ **budgeted** expenditures for a county school district fund rather than the total ~~budgeted~~ **actual** expenditures.

Existing law authorizes the State Board of Education to accept gifts of money and requires such gifts to be deposited in the Education Gift Fund. (NRS 385.083) **Section 1** of this bill requires the interest and income earned on the money in the Education Gift Fund to be credited to the Fund and requires the balance in the Fund at the end of a fiscal year to be carried forward to the next fiscal year.

Existing law requires the Superintendent of Public Instruction to apportion certain money designated for the National School Lunch Program to those

school districts that participate in the Program. (NRS 387.124) **Section 9** of this bill transfers that duty to the Director of the State Department of Agriculture. **Sections 10, 12, 17, 24 and 26** of this bill make conforming changes relating to this transfer.

Existing law establishes certain reporting requirements for the Department of Education and for each school district and public school relating to educational expenditures. (NRS 387.12468) **Section 16** of this bill: (1) eliminates such requirements for the Department of Education; and (2) requires such a report by a public school to be posted on an appropriate Internet website.

Existing law requires the Department of Education, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, to establish a recommended minimum expenditure on textbooks, instructional supplies, instructional software and instructional hardware for public schools. (NRS 387.206) **Section 18** of this bill revises provisions relating to the timing of such recommendations. **Section 19** of this bill requires a certain report published by the Department relating to such expenditures to be published on the Internet website maintained by the Department.

Existing law establishes certain requirements relating to the submission of budgets and expenditures by school districts. (NRS 387.303) **Section 20** of this bill transfers responsibility to prescribe the format for a compilation of reports of such information from the Director of the Department of Administration to the Director of the Office of Finance. **Section 20** additionally eliminates the authority of the Superintendent of Public Instruction to make certain adjustments when preparing the biennial budget request for the State Education Fund.

Existing law excludes a budgeted ending fund balance of not more than 16.6 percent of the total budgeted expenditures for a county school district fund from being considered for collective bargaining purposes. (NRS 354.6241) Section 32.5 of this bill reduces the portion of a budgeted ending fund balance of a county school district fund which is not subject to collective bargaining from 16.6 percent to 12 percent.

Existing law establishes certain accounts relating to education, including the Educational Trust Account, the Bullying Prevention Account, the Account for Instruction in Financial Literacy, the Account for Computer Education and Technology, the Grant Fund for Incentives for Licensed Educational Personnel and the Great Teaching and Leading Fund. (NRS 120A.610, 388.1325, 388.895, 391.369, 391A.400, 391A.500) **Sections 31 and 39** of this bill eliminate these accounts. **Sections 21, 25 and 27-30** of this bill make conforming changes relating to the elimination of such accounts. **Section 38** of this bill provides for the reversion or transfer of money in such accounts that has not been committed for expenditure before July 1, 2021.

Section 3 of Senate Bill No. 439 First Reprint is hereby amended as follows:

Sec. 3. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the ~~actual~~ **budgeted** ending fund balance of the county school district fund exceeds 16.6 percent of the total ~~actual~~ **budgeted** expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Education Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, ~~for any account created pursuant to subsection 5 of NRS 387.1212,~~ for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that ~~the~~ :

(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment; or

(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund,

↪ the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.

5. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, ~~for any account created pursuant to subsection 5 of NRS 387.1212,~~ that has not been committed for expenditure on or before June 30 of ~~each~~ **an odd-numbered** fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

NEW section 32.5 of Senate Bill No. 439 First Reprint is hereby added as follows:

Sec. 32.5. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in subsections 3 and 4 and NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For any local government other than a school district, for the purposes of chapter 288 of NRS, a budgeted ending fund balance of not more than 16.67 percent of the total budgeted expenditures, less capital outlay, for a general fund:

(a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits.

4. For a school district, for the purposes of chapter 288 of NRS, ~~it is:~~

~~(a) A~~ (a) A budgeted ending fund balance of not more than ~~16.67~~ 12 percent of the total budgeted expenditures for a county school district fund:

~~(a) (1)~~ (1) Is not subject to negotiations with an employee organization; and

~~(b) (2)~~ (2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits ~~it is; and~~

(b) Any portion of a budgeted ending fund balance which exceeds 16.6 percent of the total budgeted expenditures for a county school district fund:

(1) Is not subject to negotiations with an employee organization;

(2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits; and

(3) Except as otherwise provided in section 77 of chapter 624, Statutes of Nevada 2019, at page 4252, must be transferred to the Education Stabilization Account pursuant to NRS 387.1213.

Section 35 of Senate Bill No. 439 First Reprint is hereby amended as follows:

Sec. 35. ~~Section 77 of chapter 624, Statutes of Nevada 2019, at page 4252, is hereby amended to read as follows:~~

~~Sec. 77. Notwithstanding the provisions of subsection 1 of section 3 of this act, if the ending fund balance of a county school district fund exceeds 16.6 percent of the total [budgeted] *actual* expenditures for the fund for the fiscal year which ends on June 30, 2020, the county school district may maintain an ending fund balance for its county school district fund in the succeeding fiscal year which does not exceed the ending fund balance for the fiscal year which ends on June 30, 2020, and any amount by which the ending fund balance exceeds that amount must be transferred to the Education Stabilization Account created by section 3 of this act. Until the ending fund balance of such a county school district fund reaches 16.6 percent or less of the total [budgeted] *actual* expenditures for the fund, the ending fund balance for such a county school district fund in each subsequent fiscal year may not exceed the ending fund balance for the county school district fund in the immediately preceding fiscal year, and any amount by which the ending funding balance exceeds that amount must be transferred to the Education Stabilization Account created by section 3 of this act.~~ **(Deleted by amendment.)**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 439 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 439.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

This is a rather long floor statement, but I believe it is very important because we are changing the way we fund education in this state. It is important that everyone understand all the different components that are in the bill.

Senate Bill 439 revises the sources of revenue for the State Education Fund. It excludes the interest and income earned on the direct legislative appropriation to the State Education Fund from being credited to the Fund. It eliminates the requirement to fund the operations of the State Board of Education, Superintendent of Public Instruction, and the Department of Education from the State Education Fund, and it revises provisions related to the Education Stabilization Account. It also revises the requirement to transfer funding to the Education Stabilization Account based on the total budgeted expenditures for the county school district fund rather than the total actual expenditures that exceed 16.6 percent of the total expenditures for the fund. It reduces the portion of a budgeted ending fund balance of a county school district fund which is not subject to collective bargaining from 16.6 percent to 12 percent and excludes ending fund balances greater than 16.6 percent from collective bargaining and requires that those amounts be transferred to the Education Stabilization Account pursuant to NRS 387.1213.

It eliminates the requirement to provide funding for the actual educational needs of pupils with disabilities through additional weighted funding for each such pupil from the State Education Fund, and instead, requires the establishment of a statewide multiplier for the support of pupils with disabilities. It revises and repeals the adjustment for each necessarily small school in a school district and instead creates an adjustment for the increased cost per pupil to a school district to operate public schools in which relatively fewer pupils are enrolled. It requires interest and income earned on the money in the Education Gift Fund to be credited to the fund and requires the balance in the fund at the end of a fiscal year to be carried forward to the next fiscal year. It transfers the apportionment of certain money designated for the National School Lunch Program to the Director of the State Department of Agriculture. It eliminates certain reporting requirements that will no longer be necessary. It revises provisions related to the timing and reporting of recommended minimum expenditures on textbooks, instructional supplies, instructional software, and instruction hardware for public schools. It requires the transfer and any remaining balance in the State Education Fund to the Education Stabilization Account at the end of each biennium, rather than at the end of each fiscal year. It authorizes the Department of Education to submit a request to the Interim Finance Committee for a transfer from the Education Stabilization Account to the State Education Fund if the committee determines actual enrollment growth for a fiscal year exceeds the projected enrollment growth and a transfer is necessary to fund the excess enrollment. It revises provisions related to the biennial budget preparation for the State Education Fund and eliminates certain accounts relating to education.

The provisions of the bill, as amended, related to the statewide multiplier for the support of pupils with disabilities is effective upon passage and approval, while all other sections become effective July 1, 2021.

Thank you, Mr. Speaker, for the latitude. I thought it was very important that with all the work that has been done on this, and all the conversations that we have had about how we are going to fund pupils and our education system throughout the state, that all these items be put on the record. With the actions that this committee has taken over the last couple of days, we have put a half a billion dollars into education and today, you just voted on a supplemental of over \$237 million because the Education Fund came up short. I believe what the body is doing for education right now is historic, and a lot of work has been put into it. We cannot thank everyone that was involved, but we all know it took everybody to get this far.

Roll call on Senate Bill No. 439:

YEAS—36.

NAYS—Ellison, Hansen, Matthews, McArthur, Wheeler—5.

ABSENT—Black.

Senate Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 317 and 369 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 67 and 109 be taken from the Chief Clerk's desk and placed at the top of the General File after Senate Bill No. 369.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 317.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 717.

AN ACT relating to juvenile justice; revising provisions governing employment with a department of juvenile justice services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to establish by ordinance a department of juvenile justice services to administer certain provisions of existing law relating to juvenile delinquency and the abuse and neglect of children. (NRS 62G.200-62G.240) If the board of county commissioners of such a county has not established a department of juvenile justice services, the juvenile court is required to: (1) establish by court order a probation committee; and (2) appoint a director of the department of juvenile justice services to administer certain functions of the juvenile court. (NRS 62G.300-62G.370)

Existing law authorizes a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee against whom certain criminal charges are pending. Existing law also: (1) requires a department of juvenile justice services to allow such an employee a reasonable amount of time of not more than 180 days to resolve the pending charges against the employee; and (2) authorizes a department of juvenile justice services to, upon request from the employee and good cause shown,

allow the employee additional time to resolve the pending charges against the employee. Existing law further authorizes a department of juvenile justice services to place such an employee on leave without pay during the period in which the employee seeks to resolve the pending charges against the employee. (NRS 62G.225, 62G.355)

Sections 1 and 2 of this bill require a department of juvenile justice services to award back pay to an employee of the department of juvenile justice services who is a peace officer for the duration of the unpaid leave if: (1) the charges against the employee are dismissed or the employee is found not guilty at trial; and (2) the employee is not subjected to punitive action in connection with the alleged misconduct. **Sections 1 and 2** also **: (1)** specify that the amount of time which existing law requires a department of juvenile justice services to allow such an employee to resolve the pending charges against the employee, which is a reasonable amount of time of not more than 180 calendar days ~~;~~ **and begins after arrest** ~~;~~ **;** **and (2) authorize a department of juvenile justice services to offset any other income earned by the employee during the duration of the unpaid leave against any back pay awarded to the employee.** **Section 3** of this bill makes the amendatory provisions of this bill applicable to an employee of a department of juvenile justice services who, on or after July 1, 2021, has a pending charge against the employee for an offense alleged to have been committed ~~before~~ on or after July 1, 2021.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62G.225 is hereby amended to read as follows:

62G.225 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.223, the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.223 or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the department of juvenile justice services:

(1) May deny employment to the applicant after allowing the applicant time to correct the information as required pursuant to subsection 2; or

(2) May terminate the employee after allowing the employee time to correct the information as required pursuant to subsection 2 or 3, or resolve the pending charges pursuant to subsection 4, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 62G.223, the department of juvenile justice services shall deny employment to the applicant or terminate

the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.223 is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.223 is incorrect, the employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the employee a reasonable amount of time of not less than 60 days to correct the information.

4. If an employee has pending charges against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the department of juvenile justice services shall allow the employee a reasonable time of not more than 180 calendar days *after arrest* to resolve the pending charges against the employee. Upon request and good cause shown, the department of juvenile justice services may allow the employee additional time to resolve the pending charges against the employee.

5. During the period in which an employee seeks to correct information pursuant to subsection 2 or 3, or resolve pending charges against the employee pursuant to subsection 4, the employee:

(a) Shall not have contact with a child or a relative or guardian of a child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

6. *If the department of juvenile justice services places an employee who is a peace officer on leave without pay pending the outcome of a criminal prosecution, the department of juvenile justice services shall award the employee back pay for the duration of the unpaid leave if:*

(a) The charges against the employee are dismissed or the employee is found not guilty at trial; and

(b) The employee is not subjected to punitive action in connection with the alleged misconduct.

7. The department of juvenile justice services may offset any other income earned by the employee during the duration of the unpaid leave against any back pay awarded to the employee pursuant to this section.

8. The provisions of subsection 5 are not disciplinary in nature and must not be construed as preventing the department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to

subsection 2 or 3, or resolve pending charges against the employee pursuant to subsection 4.

~~17-87~~ 9. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.220.

~~197~~ 10. *As used in this section, “peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

Sec. 2. NRS 62G.355 is hereby amended to read as follows:

62G.355 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.353, the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.353 or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.353, the department of juvenile justice services:

(1) May deny employment to the applicant after allowing the applicant time to correct the information as required pursuant to subsection 2; or

(2) May terminate the employee after allowing the employee time to correct the information as required pursuant to subsection 2 or 3, or resolve pending charges against the employee pursuant to subsection 4, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62G.353, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 62G.353, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.353 is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.353 is incorrect, the employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the employee a reasonable amount of time of not less than 60 days to correct the information.

4. If an employee has pending charges against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.353, the department of juvenile justice services shall allow the employee a reasonable amount of time of not more than 180 calendar days *after arrest* to resolve the pending charges against the employee. Upon request from the employee and good cause shown, the department of juvenile justice services may allow the employee additional time to resolve the pending charges against the employee.

5. During the period in which an employee seeks to correct information pursuant to subsection 2 or 3, or resolve pending charges against the employee pursuant to subsection 4, the applicant or employee:

(a) Shall not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

6. *If the department of juvenile justice services places an employee who is a peace officer on leave without pay pending the outcome of a criminal prosecution, the department of juvenile justice services shall award the employee back pay for the duration of the unpaid leave if:*

(a) The charges against the employee are dismissed or the employee is found not guilty at trial; and

(b) The employee is not subjected to punitive action in connection with the alleged misconduct.

7. The department of juvenile justice services may offset any other income earned by the employee during the duration of the unpaid leave against any back pay awarded to the employee pursuant to this section.

8. The provisions of subsection 5 are not disciplinary in nature and must not be construed as preventing a department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3, or resolve pending charges against the employee pursuant to subsection 4.

~~17-8-1~~ 9. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.360.

~~19-1~~ 10. *As used in this section, "peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

Sec. 3. The amendatory provisions of this act apply to an employee of a department of juvenile justice services who, on or after July 1, 2021, has a pending charge against the employee for an offense alleged to have been committed ~~before,~~ on or after July 1, 2021.

Sec. 4. This act becomes effective on July 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 369.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 676.

AN ACT relating to criminal procedure; removing the requirement that an arrested person show good cause before being released without bail; providing that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community or to ensure the appearance of the person in court; requiring prosecuting attorneys under certain circumstances to prove by clear and convincing evidence that the imposition of bail or a condition of release, or both, on a person is necessary to protect the safety of the community or to ensure the appearance of the person in court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution prohibits the imposition of excessive bail and requires all persons arrested for offenses other than murder of the first degree to be admitted to bail. (Nev. Const. Art. 1, §§ 6, 7)

Recently, the Nevada Supreme Court held that a provision of law requiring an arrested person to show good cause before being released without bail violated his or her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme Court held that the provision of law was unconstitutional because it: (1) did not require the court to consider less restrictive conditions of release before determining that the imposition of bail was necessary; and (2) effectively relieved the State from its burden of proving that the imposition of bail on the person was necessary to protect the safety of the community or to ensure the appearance of the person in court. (*Valdez-Jimenez v. Eighth Jud. Dist. Court*, 136 Nev. 155 (2020); Nev. Const. Art. 1, §§ 6, 7; NRS 178.4851)

Section 3 of this bill removes the provision of law that was found unconstitutional and **section 4** of this bill makes a conforming change.

Existing law sets forth separate procedures for releasing persons with bail and releasing persons without bail. (NRS 178.484, 178.4851) Specifically, existing law: (1) restricts persons from being released on bail under certain circumstances; and (2) mandates specific amounts of bail for offenses involving domestic violence and violations of certain orders for protections. (NRS 178.484) **Section 2** of this bill retains the existing restrictions and specific amounts of bail while **section 3** consolidates the existing procedures for releasing persons with bail and releasing persons without bail into a standard procedure for courts to follow in making pretrial custody determinations. **Sections 1, 5 and 6** of this bill make conforming changes to reflect the consolidation of the procedures.

Section 3 requires the court : (1) to only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to certain factors, [-] ; and (2) to make certain findings of fact relating to the imposition of bail or any condition of release, or both.

Section 3 also requires a prosecuting attorney, if he or she requests the imposition of bail or a condition of release on a person, to prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure the appearance of the person in court. ~~[Finally, section 3 : (1) requires a court to make findings of fact for certain determinations relating to the imposition of bail or any condition of release, or both; and (2) provides that if a person used a firearm in the commission of the offense for which the person was arrested, there is a rebuttable presumption that the least restrictive means necessary to ensure the safety of the community includes the imposition of bail or a condition of release, or both.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 171.1845 is hereby amended to read as follows:

171.1845 1. If a person is brought before a magistrate under the provisions of NRS 171.178 or 171.184, and it is discovered that there is a warrant for the person's arrest outstanding in another county of this State, the magistrate may release the person in accordance with the provisions of NRS ~~178.484 or~~ 178.4851 if:

(a) The warrant arises out of a public offense which constitutes a misdemeanor; and

(b) The person provides a suitable address where the magistrate who issued the warrant in the other county can notify the person of a time and place to appear.

2. If a person is released under the provisions of this section, the magistrate who releases the person shall transmit the cash, bond, notes or agreement submitted under the provisions of NRS 178.502 or 178.4851, together with the person's address, to the magistrate who issued the warrant. Upon receipt of the cash, bonds, notes or agreement and address, the magistrate who issued the warrant shall notify the person of a time and place to appear.

3. Any bail set under the provisions of this section must be in addition to and apart from any bail set for any public offense with which a person is charged in the county in which a magistrate is setting bail. In setting bail under the provisions of this section, a magistrate shall set the bail in an amount which is sufficient to induce a reasonable person to travel to the county in which the warrant for the arrest is outstanding.

4. A person who fails to appear in the other county as ordered is guilty of failing to appear and shall be punished as provided in NRS 199.335. A sentence of imprisonment imposed for failing to appear in violation of this

section must be imposed consecutively to a sentence of imprisonment for the offense out of which the warrant arises.

Sec. 2. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail;
- (b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or
- (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail; or
- (b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without

appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➡ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

➡ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to

NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. ~~{The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~—(a) Requiring the person to remain in this State or a certain county within this State;~~

~~—(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~—(c) Prohibiting the person from entering a certain geographic area; or~~

~~—(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~↪ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

~~12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~—(a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~—(b) Increase the amount of bail pursuant to NRS 178.499.~~

~~13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~—(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~—(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~—(e) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~→ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.~~

~~—15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~—16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~{17.}~~ **11.** As used in this section, “strangulation” has the meaning ascribed to it in NRS 200.481.

Sec. 3. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. ~~{Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.~~

~~2. In releasing a person without bail, the court may impose such conditions} Except as otherwise provided in ~~{subsections}~~ subsection 4, ~~and~~ ~~5}, the court shall only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means~~ necessary to protect the ~~{health}~~ safety ~~{and welfare}~~ of the community ~~{and}~~ or to ensure that the person will appear at all times and places ordered by the court, ~~{including, without limitation, any condition set forth in subsection 11 of NRS 178.484.~~~~

~~3. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.~~

~~4. Before a person may be released without bail, the} with regard to the factors set forth in NRS 178.4853 and 178.498. Such conditions of release may include, without limitation:~~

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person’s behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person’s own health, safety or welfare, or the health, safety or welfare of another person.

2. *A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.*

3. *If a court imposes bail or any condition of release, or both, other than release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and, if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court.*

~~4. If a person used a firearm in the commission of the offense for which the person was arrested, there is a rebuttable presumption that the least restrictive means necessary to protect the safety of the community includes the imposition of bail or a condition of release, or both.~~

~~5.~~ *A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.*

~~6.~~ 5. *The person must file with the clerk of the court of competent jurisdiction a signed document before the person's release stating that:*

(a) *The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;*

(b) *The person will comply with the other conditions which have been imposed by the court and are stated in the document;*

(c) *If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and*

(d) *The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the health, safety and welfare of the community or the person's appearance* ~~to~~ *, if applicable.*

~~7.~~ 6. *The document signed pursuant to subsection ~~6~~ 5 must be filed with the clerk of the court of competent jurisdiction and becomes effective upon the signature of the person to be released.*

~~8.~~ 7. *If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:*

- (a) *Deem such conduct a contempt pursuant to NRS 22.010;*
- (b) *Increase the amount of bail pursuant to NRS 178.499, if applicable;*

or

- (c) *Revoke bail and remand the person into custody.*

~~19.1~~ **8.** If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

~~16.10.1~~ **9.** An order issued pursuant to this section that imposes a condition on a person ~~[who is released without bail]~~ must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.

~~11.1~~ **10.** *Nothing in this section shall be construed to require a court to receive the request of a prosecuting attorney before imposing a condition of release.*

Sec. 4. NRS 178.4853 is hereby amended to read as follows:

178.4853 In ~~[deciding whether there is good cause to release]~~ **reviewing the custody status of** a person, ~~[without bail]~~ the court at a minimum shall consider the following factors concerning the person:

1. The length of residence in the community;
2. The status and history of employment;
3. Relationships with the person's spouse and children, parents or other family members and with close friends;
4. Reputation, character and mental condition;
5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;
6. The identity of responsible members of the community who would vouch for the reliability of the person;
7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;
8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;
9. The likelihood of more criminal activity by the person after release; and
10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

Sec. 5. NRS 178.498 is hereby amended to read as follows:

178.498 ~~[If the defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:]~~ **In deciding the amount of bail to impose on a person, the court shall consider:**

1. The nature and circumstances of the offense charged;
2. The financial ability of the defendant to give bail;

3. The character of the defendant; and

4. The factors listed in NRS 178.4853.

Sec. 6. NRS 178.502 is hereby amended to read as follows:

178.502 1. A person required or permitted to give bail shall execute a bond for the person's appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in NRS ~~178.498, 178.4851~~, **178.4851**, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for bail must provide that the bond or undertaking:

(a) Extends to any action or proceeding in a justice court, municipal court or district court arising from the charge on which bail was first given in any of these courts; and

(b) Remains in effect until exonerated by the court.

➡ This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. Except as otherwise provided in subsection 5, the court shall exonerate the bond or undertaking for bail if:

(a) The action or proceeding against a defendant who has been admitted to bail is dismissed; or

(b) No formal action or proceeding is instituted against a defendant who has been admitted to bail.

5. The court may delay exoneration of the bond or undertaking for bail for a period not to exceed 30 days if, at the time the action or proceeding against a defendant who has been admitted to bail is dismissed, the defendant:

(a) Has been indicted or is charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given; or

(b) Requests to remain admitted to bail in anticipation of being later indicted or charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given.

➡ If the defendant has already been indicted or charged, or is later indicted or charged, with a public offense arising out of the same act or omission supporting the charge upon which bail was first given, the bail must be applied to the public offense for which the defendant has been indicted or charged or is later indicted or charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the bail is transferred shall mail or electronically transmit

notice of the transfer to the surety on the bond and the bail agent who executed the bond.

6. Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 67.

Bill read third time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 713.

AN ACT relating to public works; creating a pilot program to gather data on the use of job order contracts for certain public works in Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District; temporarily authorizing the governing bodies of those entities to enter into a job order contract for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work; prescribing the procedure for awarding a job order contract; making certain documents and other information submitted by a person seeking a job order contract confidential until a contract is awarded; prescribing responsibilities of a contractor who enters into a job order contract; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes general procedures for awarding a contract for a public work. (Chapter 338 of NRS) Existing law also authorizes a local government to comply with alternative procedures for awarding a contract for a public work. (NRS 338.1373) **Sections 1 and 15** of this bill establish a 4-year pilot program to gather data on the use of job order contracts for certain public works in Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District. As part of that pilot program, **section 7** of this bill authorizes a public body to enter into job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work. **Section 5** of this bill defines "public body" for purposes of this authorization to mean Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District. **Section 6** of this bill ~~provides that any requirement prescribed by~~ **requires the Labor Commissioner to enforce the** provisions ~~governing public works for a contract for a public work for which the estimated cost for the~~ **of existing law governing public works for a job order contract in the same manner in which he or she enforces those provisions for a contract for a public work** ~~is~~ **with** the same ~~as the~~ estimated cost ~~for~~ **as** the job order contract.

~~[applies to a job order contract, including certain requirements relating to the use of apprentices and the payment of prevailing wages.]~~ Section 7 of this bill requires a job order contract to be for a fixed period and provide for indefinite types and quantities of work and delivery times. ~~Section 7 also provides that a job order contract:~~ **Section 7 also provides that a job order contract:** (1) ~~[provides that a job order contract]~~ must not be for work exclusive to one trade for which a license as a specialty contractor is required; and (2) **must require a contractor to prepare and submit a proposal for each job order. Section 7 requires such a proposal to include the proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task. Sections 2.3 and 2.5 of this bill define the terms “adjustment factor” and “construction task,” respectively. Section 7 also requires a public body to adopt a written policy for the assignment of job orders and** limits the total dollar amount of job order contracts that may be awarded annually by each public body.

Section 8 of this bill prescribes the qualifications a contractor who wishes to enter into a job order contract must meet. Section 9 of this bill requires a public body or its authorized representative to advertise requests for proposals or similar solicitation documents for job order contracts. Section 9 also prescribes: (1) the contents of such advertisements or similar solicitation documents; and (2) requirements for proposals. Section 10 of this bill makes any document or other information submitted to a public body in response to a request for proposals or similar solicitation document for a job order contract confidential and prohibits the disclosure of any such document or information until notice of intent to award the contract is issued.

Section 11 of this bill prescribes the method for selecting a contractor for a job order contract. Specifically, section 11 requires a public body or its authorized representative to appoint a panel to rank the proposals submitted in response to the request for proposals and award a job order contract to one or more applicants. Section 11 limits the initial term of a job order contract to 2 years and authorizes a public body to renew a job order contract for not more than 1 year after the expiration of the initial term of the job order contract or such other period of time as is necessary to complete any outstanding job order issued before the expiration of the initial contract, whichever is sooner.

Section 12 of this bill prescribes certain responsibilities of a contractor who enters into a job order contract relating to contracting for the services of a subcontractor, supplier or ~~[independent contractor.]~~ **professional.** Section 12 also prohibits a contractor who enters into a job order contract from performing more than 50 percent of the estimated cost of a work order himself or herself, or using his or her own employees.

Section 7 requires a job order contract to provide for the use of job orders, which are defined in section 3 of this bill as an order issued for a definite scope of work to be performed **for a fixed price** pursuant to a job order contract. Section 13 of this bill requires a contractor to submit a list of each subcontractor whom the contractor intends to engage before ~~[performing any~~

~~work required by~~ **a public body issues** a job order. **Section 14** of this bill requires a public body to submit a quarterly report for the pilot program that contains certain information relating to job order contracts to the **governing body of the public body. Section 14 also requires a governing body to annually submit to** Director of the Legislative Counsel Bureau ~~to~~ **a written report including the information reported to the governing body during the immediately preceding calendar year.** **Section 15** of this bill expires this bill by limitation on June 30, 2025.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Legislature hereby finds and declares that:

(a) It is in the best interest of the State to ensure that contracting and bidding procedures for public works in this State are efficient and cost-effective.

(b) The procedures for awarding a contract for a public work authorized by existing law may create barriers to the efficient and cost-effective awarding of contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work.

(c) Reducing any such barriers will benefit the public and promote the timely completion of certain public works projects that are critical for the health and safety of members of the public who use public buildings and facilities.

(d) The voluminous and unpredictable amount of work for which certain public bodies in large counties in this State must award contracts presents unique challenges for these bodies.

(e) The use of job order contracting eliminates certain administrative burdens associated with traditional procurement methods and enables such a public body to efficiently manage the numerous renovation, repair and maintenance projects required for facilities.

(f) The provisions of this act are not intended to prohibit a public body from awarding a contract for a public work pursuant to any other procedure authorized pursuant to chapter 338 of NRS.

2. The Legislature therefore:

(a) Establishes a pilot program to gather data on the use of job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation and minor construction of a public work; and

(b) Directs each public body in the pilot program to gather and report data on the use of job order contracts in this State in the manner prescribed by section 14 of this act.

Sec. 2. As used in sections 1 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 338.010 and sections ~~13, 4 and~~ **2.3 to 5 , inclusive,** of this act have the meanings ascribed to them in those sections.

Sec. 2.3. “Adjustment factor” means the adjustment that is multiplied by a contractor against the unit price listed in the unit price

catalog for the job order contract, which must reflect any overhead cost or profit to which a selected contractor is entitled.

Sec. 2.5. “Construction task” means an item of work:

- 1. That is included in a job order; and**
- 2. For which a unit price is set forth in a unit price catalog or priced using the formula or method prescribed by section 9 of this act.**

Sec. 3. “Job order” means an order issued by a public body for a definite scope of work to be performed for a fixed price pursuant to a job order contract.

Sec. 4. “Job order contract” means a contract entered into pursuant to section 11 of this act.

Sec. 5. “Public body” means:

1. Clark County.
2. The City of Henderson.
3. The City of Las Vegas.
4. The City of North Las Vegas.
5. The Clark County Water Reclamation District.

Sec. 6. ~~Any requirement prescribed by~~ The Labor Commissioner shall enforce the provisions of chapter 338 of NRS and any regulations adopted pursuant thereto for a job order contract in the same manner in which he or she enforces those provisions for a contract for a public work ~~for which~~ with the same estimated cost ~~for the public work is the same as the estimated cost for a~~ as the job order contract ~~applies to the job order contract, including, without limitation, the requirements relating to the use of apprentices prescribed by NRS 338.01165 and the prevailing wage requirements prescribed by NRS 338.020, as applicable.~~ , including, without limitation, by imposing administrative penalties in accordance with subsections 2 and 3 of NRS 338.015.

Sec. 7. 1. Except as otherwise provided in ~~subsections~~ subsection 2, ~~and 3,~~ a public body may award a job order contract for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work. A job order contract must:

- (a) Be for a fixed period;
- (b) Provide for indefinite times of delivery and indefinite types and quantities of work;
- (c) Provide for the use of job orders; ~~and~~
- (d) **Require a contractor to prepare and submit a proposal for each job order, which must include, without limitation, a proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task; and**

(e) Not be for work exclusive to one trade for which a license as a specialty contractor is required.

2. Except as otherwise provided in subsection 3, a public body may not award more than \$25,000,000 annually in job order contracts.

3. ~~Except as otherwise provided in this subsection, if~~ **If** the total dollar amount of all job order contracts awarded by a public body in any 1 year is less than the maximum dollar amount of job order contracts allowed to be awarded for that year, the difference between those amounts may be added to the total dollar amount of job order contracts that a public body may award in the immediately following year ~~, up to a maximum amount of \$50,000,000 in any 1 year.~~

4. A public body shall adopt a written policy for the assignment of job orders, which must include, without limitation, the procedure by which a job order will be issued.

Sec. 8. To qualify to enter into a job order contract with a public body, a contractor must:

1. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals pursuant to section 9 of this act;

2. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; and

3. Be licensed as a contractor pursuant to chapter 624 of NRS.

Sec. 9. 1. A public body or its authorized representative shall advertise for a job order contract in the manner set forth in paragraph (a) of subsection 1 of NRS 338.1385.

2. Each request for proposals or similar solicitation document for a job order contract must include, without limitation:

(a) A detailed description of the work that the public body expects a contractor to perform, which must include, without limitation:

(1) ~~Any~~ **Construction tasks and any** technical specifications for the work;

(2) A unit price catalog for units of work; and

(3) A description of the formula or method for pricing a unit of work that is not included in the unit price catalog;

(b) A statement explaining why the public body elected to use a job order contract for the public work;

(c) A statement requiring that a proposal list an adjustment factor ~~; for each unit of work;~~

(d) A description of the qualifications which are required for a contractor, including, without limitation, any certification required;

(e) A description of the bonding requirements for a contractor;

(f) The minimum amount of work committed to the selected contractor under the job order contract;

(g) The proposed form of the job order contract ~~; which must include, without limitation, the procedure by which a job order will be issued;~~

(h) **A copy of the policy for the assignment of job orders for the job order contract adopted pursuant to section 7 of this act;**

(i) A description of the method for pricing a renewal or extension of the job order contract;

~~(i)~~ (j) The date by which proposals must be submitted to the public body; and

~~(j)~~ (k) A list of the factors and relative weight of the factors that will be used pursuant to section 11 of this act to rank proposals submitted by applicants.

3. A proposal submitted to a public body pursuant to this section must include, without limitation:

- (a) The professional qualifications and experience of the applicant;
- (b) An adjustment factor ~~;~~ ~~for each unit of work;~~
- (c) Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;
- (d) Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law;
- (e) A statement of whether the applicant has been:
 - (1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement; or
 - (2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; and
- (f) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS.

4. The public body or its authorized representative shall make available to the public the name of each applicant who submits a proposal pursuant to this section.

~~5. As used in this section, "adjustment factor" means the adjustment a contractor will multiply against the unit price listed in the unit price catalog for the job order contract.~~

Sec. 10. Except as otherwise provided in subsection 4 of section 9 of this act, any document or other information submitted by an applicant to a public body in response to a request for proposals or similar solicitation document pursuant to section 9 of this act, including, without limitation, a proposal made pursuant to section 9 of this act, is confidential and may not be disclosed until notice of intent to award the contract is issued.

Sec. 11. 1. The public body or its authorized representative shall appoint a panel to rank the proposals submitted by applicants to the public body pursuant to section 9 of this act. **At least one member appointed to a panel pursuant to this subsection must have experience in the construction industry.**

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

- (a) Verifying that each applicant satisfies the requirements of section 8 of this act; and

(b) Evaluating and assigning a score to each of the proposals based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. Upon receipt of the rankings of the applicants from the panel, the public body or its authorized representative shall award a job order contract to one or more of the applicants.

5. The initial term of a job order contract must not exceed 2 years. A public body may renew a job order contract for not more than 1 year after the expiration of the initial term of the contract or such other period of time as is necessary to complete any outstanding job order issued before the expiration of the initial contract, whichever is sooner.

Sec. 12. 1. A contractor who enters into a job order contract pursuant to section 11 of this act is responsible for:

(a) Contracting for the services of any necessary subcontractor, supplier or ~~independent contractor~~ **professional** necessary to complete a job order;

(b) Ensuring a subcontractor complies with the requirements prescribed in subsections 5 and 6 of NRS 338.070; and

(c) The performance of and payment to any subcontractor, supplier or ~~independent contractor~~ **professional**.

2. A contractor who enters into a job order contract pursuant to section 11 of this act may not perform more than 50 percent of the estimated cost of the job order himself or herself, or using his or her own employees.

3. Except as otherwise provided in subsection 5 of NRS 624.220, a contractor who enters into a job order contract shall not perform specialty contracting in plumbing, electrical, refrigeration, air-conditioning or fire protection without a license for the specialty.

Sec. 13. ~~1A~~

1. Before a public body issues a job order, a contractor ~~shall~~ **must** submit a list of each subcontractor whom the contractor intends to engage for work on ~~at the~~ **the** job order. ~~before performing~~

2. A contractor shall not:

(a) Perform any work required by ~~the~~ **a** job order. ~~A contractor shall notify the public body of any substitution made to the list as soon as practicable.~~ **unless the requirements of subsection 1 are met.**

(b) Substitute a subcontractor for any subcontractor who is named in the list provided pursuant to subsection 1 unless the requirements prescribed by subsection 5 of NRS 338.141 are met.

Sec. 14. 1. Each quarter, a public body shall provide to the ~~Director of the Legislative Counsel Bureau for transmittal to the Legislature~~ governing body of the public body a written report containing, for each job order contract, if any:

~~1-1~~ **(a)** A list of each job order issued;

~~1-2~~ **(b)** The cost of each job order issued; ~~and~~

~~3-1~~ **(c)** A list of each subcontractor hired to perform work for each job order ~~1-3~~;

(d) A statement regarding whether the contractor is a minority-owned business, a woman-owned business, a veteran-owned business, a business enterprise owned by persons with physical disabilities, a business enterprise owned by persons who are disabled veterans or a local emerging small business; and

(e) Any other information requested by the governing body.

2. A governing body shall prepare and submit a written report that includes any information provided to the governing body pursuant to subsection 1 for the immediately preceding calendar year to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Legislature at the beginning of each regular session; and

(b) The Legislative Commission on or before February 1 of each even-numbered year.

3. For the purposes of this section, a business shall be deemed to be owned by a person who possesses characteristics described in paragraph (d) of subsection 1 if:

(a) The business is owned by a natural person who possesses those characteristics; or

(b) Fifty-one percent of the ownership interest in the business is held by one or more natural persons who possess those characteristics.

4. As used in this section, “local emerging small business” has the meaning ascribed to it in NRS 231.1402.

Sec. 15. This act becomes effective on ~~July~~ **October** 1, 2021, and expires by limitation on June 30, 2025.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 109.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 732.

AN ACT relating to governmental agencies; requiring governmental agencies to request from certain persons information related to sexual orientation and gender identity or expression; providing, with certain exceptions, that such information is confidential; requiring a governmental agency to annually report certain information related to sexual orientation and gender identity or expression to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes certain governmental entities to collect certain personal information. (Chapter 239B of NRS) **Section 3** of this bill makes certain legislative findings and declarations related to the collection by governmental agencies of ~~[demographic]~~ information related to sexual orientation and gender identity or expression. “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth. (NRS 0.034)

Section 2 of this bill defines “governmental agency” to include any unit of government of the State or a local government. **Section 4** of this bill: (1) requires a governmental agency that ~~[collects]~~ requests from a person ~~[demographic]~~ information related to the person’s race or ethnicity to also request information related to the person’s sexual orientation and gender identity or expression; (2) provides, with limited exception, that such information is confidential; and (3) authorizes the governmental agency to use such information only for certain purposes. **Section 4** also provides that no person shall be required to provide to a governmental agency any information related to the person’s sexual orientation or gender identity or expression or denied services or assistance for failure to provide such information. **Section 4** further requires a governmental agency to submit an annual report to the Director of the Legislative Counsel Bureau that includes a summary of the information received related to sexual orientation and gender identity or expression.

Section 5 of this bill makes a conforming change relating to the confidentiality of the information collected by a governmental agency related to sexual orientation and gender identity or expression.

Section 5.5 of this bill provides that a governmental agency that does not have the financial resources to comply with the requirements of **section 4** is not required to comply with the provisions of **section 4** until January 1, 2024. Any such governmental agency must submit an annual report to the Director of the Legislative Counsel Bureau that includes: (1) the specific reasons that the governmental agency has not complied with the requirements of **section 4**; and (2) the specific actions that the governmental agency has taken in the immediately preceding year toward compliance with the requirements of **section 4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 239B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in sections 3 and 4 of this act, “governmental agency” means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.*

Sec. 3. *The Legislature finds and declares that:*

1. It is the intent of the Legislature that, in collecting ~~demographic~~ information, governmental agencies must gather accurate information in order for the State and local governments to be able to enhance and improve public services to people in this State.

2. Various governmental agencies collect ~~demographic~~ information on race and ethnicity but there is limited collection by governmental agencies of ~~demographic~~ information related to sexual orientation and gender identity or expression.

3. Compared to the broader community, lesbian, gay, bisexual, transgender and questioning persons experience disparities in their health and welfare and disproportionately high rates of poverty, suicide, homelessness, isolation, substance use disorders and violence. These problems are more prevalent for youth and seniors, communities of color and immigrants.

4. It is in the best interests of the State to respect, embrace and understand the full diversity of residents by collecting accurate ~~demographic~~ information to effectively implement and deliver critical services and programs.

Sec. 4. *1. A governmental agency that ~~collects~~ requests from a person ~~demographic~~ information related to the person’s race or ethnicity shall also request information related to the person’s sexual orientation and gender identity or expression. Except as otherwise provided in this section, all information related to a person’s sexual orientation or gender identity or expression that is received by a governmental agency is confidential.*

2. No person shall be:

(a) Required to provide to a governmental agency any information related to the person’s sexual orientation or gender identity or expression; or

(b) Denied services or assistance from a governmental agency for failure to provide to the governmental agency any information related to the person’s sexual orientation or gender identity or expression.

3. A governmental agency that receives information related to a person’s sexual orientation or gender identity or expression may only use such information for carrying out the duties of the governmental agency, demographic analysis, coordination of care and services, improvement of care and services, conducting research, fulfilling a reporting requirement pursuant to federal or state law or informing policy or funding decisions.

4. On or before December 31 of each year, a governmental agency shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, a summary of the information received by the governmental agency related to sexual orientation or gender identity or expression, including, without limitation, the number of people who identify as lesbian, gay, bisexual or transgender, according to race and gender. All information must be reported in the aggregate and must not include any personally identifiable information.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885,

408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 4 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws

governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 5.5. 1. Notwithstanding the provisions of section 4 of this act, if a governmental agency does not have sufficient financial resources to comply with the provisions of section 4 of this act, the governmental agency is not required to comply with the provisions of section 4 of this act until January 1, 2024. Any such governmental agency must, on or before January 1 of each year, starting on January 1, 2022, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, a report which indicates:

(a) The specific reasons that the governmental agency has not complied with the requirements of section 4 of this act; and

(b) The specific actions that the governmental agency has taken in the immediately preceding year toward compliance with the requirements of section 4 of this act.

2. As used in this section, “governmental agency” has the meaning ascribed to it in section 2 of this act.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:17 p.m.

ASSEMBLY IN SESSION

At 2:18 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 457.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 507.

AN ACT making an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for deferred maintenance projects; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~\$666,590~~ **\$637,890** for deferred maintenance projects.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after

September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved Senate Bill No. 67 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 67.

Bill read third time.

Roll call on Senate Bill No. 67:

YEAS—28.

NAYS—Anderson, Dickman, Ellison, Flores, Hansen, Krasner, Matthews, McArthur, O'Neill, Peters, Titus, Tolles, Wheeler—13.

ABSENT—Black.

Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 679.

AN ACT relating to criminal defense; revising various provisions relating to the appointment of attorneys; removing limitations on fees earned by certain attorneys; revising provisions relating to claims for compensation and expenses made by certain attorneys; creating the Special Account for the Support of Indigent Defense Services; revising certain deadlines for requirements placed on boards of county commissioners relating to the transfer of responsibility for the provision of indigent defense services to the State Public Defender; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a magistrate, master or district court from appointing an attorney other than a public defender to represent a person charged with any offense or delinquent act unless the magistrate, master or district court finds that the public defender is disqualified from providing representation and explains the reasons for the disqualification. (NRS 7.115) **Section 5** of this bill provides that if the public defender is disqualified, the magistrate, master or

district court is required to refer the selection of the attorney: (1) in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), to the Department of Indigent Defense Services (hereinafter “Department”) or its designee in compliance with the plan of the county for the provision of indigent defense services; or (2) in a county whose population is 100,000 or more (currently Clark and Washoe Counties), in compliance with the plan of the county for the provision of indigent defense services. **Sections 11 and 17** of this bill, respectively, make similar changes in cases where: (1) a county public defender or the State Public Defender is unable to represent an indigent defendant or other good cause appears; and (2) a magistrate or district court decides to appoint an attorney other than or in addition to a county public defender for an indigent person.

Existing law provides, in general, that an attorney other than a public defender who is appointed to represent or defend a person during any stage of a criminal proceeding is entitled to receive certain fees for his or her services. Existing law also places limits on the amount of the fee that such an attorney is able to receive but allows a court to grant a fee in excess of such limits in certain circumstances. (NRS 7.125) **Section 6** of this bill removes such limits. Existing law further authorizes such an attorney to be reimbursed for certain expenses and employ persons to provide necessary investigative, expert or other services but places a limit on the compensation paid to any person providing those services. (NRS 7.135) **Section 7** of this bill provides that an attorney may be reimbursed for such expenses and employ such persons: (1) in a county whose population is less than 100,000, subject to the prior approval of the Department or its designee and in compliance with the plan of the county for the provision of indigent defense services; or (2) in a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services. **Section 7** also provides that a claim for compensation and expenses may be certified and approved by a judge if the claim is denied. Existing law further requires a claim for compensation and expenses to be submitted to a magistrate or district court, as applicable, not later than 60 days after the appointment of the attorney is terminated. (NRS 7.145) **Section 8** of this bill instead requires such a claim to be submitted within 60 days after representation is terminated: (1) in a county whose population is less than 100,000, to the Department or its designee in compliance with the plan of the county for the provision of indigent defense services; or (2) in a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services. **Section 8** also: (1) requires each claim to be reviewed and, if necessary, modified, and paid in compliance with the plan of the applicable county for the provision of indigent defense services; and (2) authorizes any dispute regarding the approval, denial or modification of a claim to be reviewed by the trial court.

Section 9 of this bill requires, in general, the juvenile court to order the appointment of an attorney for a child who is alleged to be delinquent or in

need of supervision and refer the selection of the attorney in the manner set forth in **section 5** in cases where the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child. Existing law authorizes the juvenile court to appoint an attorney for a parent or guardian of such a child in certain circumstances and provides that each appointed attorney, other than a public defender, is entitled to the same compensation and expenses as attorneys appointed to represent persons charged with criminal offenses. (NRS 62D.100) **Section 10** of this bill removes the exclusion of public defenders. **Section 18** of this bill makes the same change with regard to attorneys appointed in cases relating to children alleged to have been abused or neglected.

Section 12 of this bill creates the Special Account for the Support of Indigent Defense Services. **Section 12** authorizes the Department to apply for and accept any available grants, bequests, devises, donations or gifts from any public or private source to carry out the duties of the Department and the Board on Indigent Defense Services (hereinafter “Board”) and requires the Department to deposit any money received in the Account.

Existing law establishes certain requirements for the board of county commissioners of a county that is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender. (NRS 180.450) **Section 14** of this bill revises certain deadlines relating to such requirements.

Existing law requires the Board to adopt certain regulations, including regulations establishing standards for the provision of indigent defense services. (NRS 180.320) **Existing law also requires the compensation of the public defender of a county to be fixed by the board of county commissioners. (NRS 260.040) Section 15** of this bill requires **that in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties),** the compensation of the public defender of a county ~~[to be fixed by the board of county commissioners in compliance with such]~~ **must comply with the** regulations ~~[Section 15 also removes a provision that requires deputies of a public defender]~~ **adopted by the Board.**

Existing law provides that in a county whose population is 700,000 or more (currently Clark County) ~~[to be]~~, **deputy public defenders are** governed by the merit personnel system of the county. **(NRS 260.040) Section 15 provides that the compensation of such deputy public defenders is not subject to the regulations adopted by the Board.**

Existing law provides that a person who is alleged to be a person in a mental health crisis, or any relative or friend on behalf of the person, is entitled to retain counsel to represent the person in proceedings relating to the involuntary court-ordered admission of the person to a mental health facility or program of community-based or outpatient services. If the person fails or refuses to obtain counsel, the court is required to appoint counsel, who may be the public defender or a deputy of the public defender. (NRS 433A.270) **Section 19** of

this bill removes the provision requiring that such appointed counsel be the public defender or his or her deputy.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 7 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in NRS 7.115 to 7.175, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Department” means the Department of Indigent Defense Services created by NRS 180.400.*

Sec. 4. *“Selection” means the choosing of an attorney to provide representational services for a person.*

Sec. 5. NRS 7.115 is hereby amended to read as follows:

7.115 A magistrate, master or ~~the~~ district court shall not ~~appoint~~ **order the appointment of** an attorney other than a public defender to represent a person charged with any offense or delinquent act by petition, indictment or information unless the magistrate, master or district court makes a finding, entered into the record of the case, that the public defender is disqualified from furnishing the representation and sets forth the ~~reason or~~ reasons for the disqualification. ***If the public defender is disqualified, the magistrate, master or district court shall, after making a finding of the disqualification on the record and the reasons therefor, refer the selection of the attorney:***

1. In a county whose population is less than 100,000, to the Department or its designee in compliance with the plan of the county for the provision of indigent defense services; or

2. In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services.

Sec. 6. NRS 7.125 is hereby amended to read as follows:

7.125 ~~It. Except as limited by subsections 2, 3 and 4, an~~ **An** attorney, other than a public defender, who is ~~appointed by a magistrate or a district court~~ **selected pursuant to NRS 7.115** to represent or defend a defendant at any stage of the criminal proceedings from the defendant’s initial appearance before the magistrate or the district court through the appeal, if any, is entitled to receive a fee for court appearances and other time reasonably spent on the matter to which the appointment is made of \$125 per hour in cases in which the death penalty is sought and \$100 per hour in all other cases. Except for cases in which the most serious crime is a felony punishable by death or by imprisonment for life with or without possibility of parole, this ~~subsection~~ **section** does not preclude a governmental entity from contracting with a private attorney who agrees to provide such services for a lesser rate of compensation.

~~{2. Except as otherwise provided in subsection 4, the total fee for each attorney in any matter regardless of the number of offenses charged or ancillary matters pursued must not exceed:~~

- ~~— (a) If the most serious crime is a felony punishable by death or by imprisonment for life with or without possibility of parole, \$20,000;~~
- ~~— (b) If the most serious crime is a felony other than a felony included in paragraph (a) or is a gross misdemeanor, \$2,500;~~
- ~~— (c) If the most serious crime is a misdemeanor, \$750;~~
- ~~— (d) For an appeal of one or more misdemeanor convictions, \$750; or~~
- ~~— (e) For an appeal of one or more gross misdemeanor or felony convictions, \$2,500.~~

~~— 3. Except as otherwise provided in subsection 4, an attorney appointed by a district court to represent an indigent petitioner for a writ of habeas corpus or other postconviction relief, if the petitioner is imprisoned pursuant to a judgment of conviction of a gross misdemeanor or felony, is entitled to be paid a fee not to exceed \$750.~~

~~— 4. If the appointing court because of:~~

- ~~— (a) The complexity of a case or the number of its factual or legal issues;~~
- ~~— (b) The severity of the offense;~~
- ~~— (c) The time necessary to provide an adequate defense; or~~
- ~~— (d) Other special circumstances;~~

~~→ deems it appropriate to grant a fee in excess of the applicable maximum, the payment must be made, but only if the court in which the representation was rendered certifies that the amount of the excess payment is both reasonable and necessary and the payment is approved by the presiding judge of the judicial district in which the attorney was appointed, or if there is no such presiding judge or if he or she presided over the court in which the representation was rendered, then by the district judge who holds seniority in years of service in office.~~

~~— 5. The magistrate, the district court, the Court of Appeals or the Supreme Court may, in the interests of justice, substitute one appointed attorney for another at any stage of the proceedings, but the total amount of fees granted to all appointed attorneys must not exceed those allowable if but one attorney represented or defended the defendant at all stages of the criminal proceeding.~~

Sec. 7. NRS 7.135 is hereby amended to read as follows:

7.135 ~~{The}~~

1. *An attorney ~~{appointed by a magistrate or district court}~~ who is selected pursuant to NRS 7.115 to represent a defendant is entitled, in addition to the fee provided by NRS 7.125 for the attorney's services, to be reimbursed for expenses reasonably incurred by the attorney in representing the defendant and may employ ~~{, subject to the prior approval of the magistrate or the district court in an ex parte application,}~~ such investigative, expert or other services as may be necessary for an adequate defense ~~{. Compensation to any person furnishing such investigative, expert or other services must not exceed \$500,~~*

exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is:

~~1. Certified~~ :

(a) In a county whose population is less than 100,000, subject to the prior approval of the Department or its designee and in compliance with the plan of the county for the provision of indigent defense services; or

(b) In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services.

2. If a claim for compensation and expenses made pursuant to subsection 1 is denied, the claim may be:

(a) Certified by the trial judge of the court, or by the magistrate if the services were rendered in connection with a case disposed of entirely before the magistrate, as necessary to provide fair compensation for services of an unusual character or duration; and

~~{2-}~~ *(b)* Approved by the presiding judge of the judicial district in which the attorney was appointed or, if there is no presiding judge, by the district judge who holds seniority in years of service in office.

Sec. 8. NRS 7.145 is hereby amended to read as follows:

7.145 1. A claim for compensation and expenses made pursuant to NRS 7.125 or 7.135 must not be paid unless it is submitted within 60 days after the ~~{appointment}~~ **representation** is terminated ~~{to}~~:

~~—(a) The magistrate in cases in which the representation was rendered exclusively before the magistrate; and~~

~~—(b) The district court in all other cases.}~~ :

(a) In a county whose population is less than 100,000, to the Department or its designee in compliance with the plan of the county for the provision of indigent defense services; or

(b) In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services.

2. Each claim must be ~~{supported}~~ :

(a) Supported by a sworn statement specifying the time expended in court, the services rendered out of court and the time expended therein, the expenses incurred while the case was pending and the compensation and reimbursement applied for or received in the same case from any other source. ~~{Except as otherwise provided for the approval of payments in excess of the statutory limit, the magistrate or the court to which the claim is submitted shall fix and certify the compensation and expenses to be paid, and the amounts so certified must be paid in accordance with NRS 7.155.}~~

(b) Reviewed and, if necessary, modified, and paid in compliance with the plan of the county for the provision of indigent defense services.

3. Any dispute regarding the approval, denial or modification of a claim may be reviewed by the trial court based upon reasonable and necessary standards.

Sec. 9. NRS 62D.030 is hereby amended to read as follows:

62D.030 1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings.

2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment of an attorney to represent the child pursuant to the provisions in NRS 171.188.

3. Except as otherwise provided in this section, the juvenile court shall ~~appoint~~ **order the appointment of** an attorney for a child **and refer the selection of the attorney in the manner set forth in NRS 7.115** if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.

4. A child may waive the right to be represented by an attorney if:

(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or

(b) A petition is filed and the record of the juvenile court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court.

5. Except as otherwise provided in NRS 424.085, if the juvenile court ~~appoints~~ **orders the appointment of** an attorney to represent a child ~~it~~ **and refers the selection of the attorney in the manner set forth in NRS 7.115**, the parent or guardian must not be required to pay the fees and expenses of the attorney.

6. Each attorney, other than a public defender, who is appointed under the provisions of this section is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.

Sec. 10. NRS 62D.100 is hereby amended to read as follows:

62D.100 1. A parent or guardian of a child who is alleged to be delinquent or in need of supervision may be represented by an attorney at all stages of the proceedings. The juvenile court may not appoint an attorney for a parent or guardian, unless the juvenile court:

(a) Finds that such an appointment is required in the interests of justice; and

(b) Specifies in the record the reasons for the appointment.

2. Each attorney ~~other than a public defender,~~ who is appointed pursuant to subsection 1 is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.

Sec. 11. NRS 171.188 is hereby amended to read as follows:

171.188 1. Any defendant charged with a public offense who is an indigent may, by oral statement to the district judge, justice of the peace, municipal judge or master, request the appointment of an attorney to represent the defendant. The record in each such case must indicate that the defendant

was provided an opportunity to make an oral statement and whether the defendant made such a statement or declined to request the appointment of an attorney. If the defendant declined to request the appointment of an attorney, the record must also indicate that the decision to decline was made knowingly and voluntarily and with an understanding of the consequences.

2. The request must be accompanied by the defendant's affidavit, which must state:

- (a) That the defendant is without means of employing an attorney; and
- (b) Facts with some particularity, definiteness and certainty concerning the defendant's financial disability.

3. The district judge, justice of the peace, municipal judge or master shall forthwith consider the application and shall make such further inquiry as he or she considers necessary. If the district judge, justice of the peace, municipal judge or master:

- (a) Finds that the defendant is without means of employing an attorney; and
 - (b) Otherwise determines that representation is required,
- the judge, justice or master shall designate the public defender of the county or the State Public Defender, as appropriate, to represent the defendant.

4. If the appropriate public defender is unable to represent the defendant, or other good cause appears, ***the judge, justice or master shall order the appointment of another attorney*** ~~must be appointed.~~
~~—4.1 and refer the selection of the attorney:~~

(a) In a county whose population is less than 100,000, to the Department of Indigent Defense Services or its designee in compliance with the plan of the county for the provision of indigent defense services; or

(b) In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services.

5. The county or State Public Defender must be reimbursed by the city for costs incurred in appearing in municipal court. The county shall reimburse the State Public Defender for costs incurred in appearing in Justice Court, unless the county has transferred the responsibility to provide all indigent defense services for the county to the State Public Defender pursuant to NRS 180.450. If a private attorney is appointed as provided in this section, the private attorney must be reimbursed by the county for appearance in Justice Court or the city for appearance in municipal court. ~~in an amount not to exceed \$75 per case.~~

Sec. 12. Chapter 180 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department may apply for and accept any available grants, bequests, devises, donations or gifts from any public or private source to carry out the duties of the Department and Board.

2. Any money received pursuant to subsection 1 must be deposited in the Special Account for the Support of Indigent Defense Services, which is hereby created in the State General Fund. Interest and income earned on

money in the Account must be credited to the Account. Money in the Account may only be used to carry out the duties of the Department and the Board.

3. *Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

Sec. 13. NRS 180.060 is hereby amended to read as follows:

180.060 1. The State Public Defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when the indigent person has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The State Public Defender shall, when designated pursuant to NRS 62D.030 ~~1, 62D.100,1~~ or 171.188 , ~~for 432B.420,1~~ represent without charge each indigent person for whom the State Public Defender is appointed.

3. When representing an indigent person, the State Public Defender shall:

(a) Counsel and defend the indigent person at every stage of the proceedings, including , ***without limitation, during the initial appearance and proceedings relating to admission to bail or the*** revocation of probation or parole; and

(b) Prosecute any appeals or other remedies before or after conviction that the State Public Defender considers to be in the interests of justice.

4. In cases of postconviction proceedings and appeals arising in counties in which the office of public defender has been created pursuant to the provisions of chapter 260 of NRS, where the matter is to be presented to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, the State Public Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.

5. The State Public Defender may contract with any county in which the office of public defender has been created to provide representation for indigent persons when the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

Sec. 14. NRS 180.450 is hereby amended to read as follows:

180.450 1. If a corrective action plan is recommended pursuant to NRS 180.440, the deputy director and the board of county commissioners must collaborate on the manner in which the county will meet the minimum standards for the provision of indigent defense services and the time by which the county must meet those minimum standards. Any disagreement must be resolved by the Board. Each corrective action plan must be submitted to and approved by the Board.

2. If the plan established pursuant to subsection 1 will cause the county to expend more money than budgeted by the county in the previous budget year plus inflation for the provision of indigent defense services, the Executive Director shall include the additional amount needed by the county in the next

budget for the Department of Indigent Defense Services to help support the indigent defense services provided by the county. If additional money is needed to carry out the plan before the next budget cycle, the Executive Director shall submit a request to the Interim Finance Committee for an allocation from the Contingency Account pursuant to NRS 353.266 to cover the additional costs.

3. For any county that is not required to have an office of public defender pursuant to NRS 260.010, if the additional amount included in the budget of the Department pursuant to subsection 2 is not approved, the board of county commissioners for the county to which the amount applies may determine whether to continue providing indigent defense services for the county or enter into an agreement with the Executive Director to transfer responsibility for the provision of such services to the State Public Defender.

4. If a county does not meet the minimum standards for the provision of indigent defense services within the period established in the corrective action plan for the county, the deputy director shall inform the Executive Director.

5. Upon being informed by the deputy director pursuant to subsection 4 that a county has not complied with a corrective action plan, the Executive Director must review information regarding the provision of indigent defense services in the county and determine whether to recommend establishing another corrective action plan with the board of county commissioners of the county. For a county that is not required to have an office of public defender pursuant to NRS 260.010, the Executive Director may instead recommend requiring the board of county commissioners to transfer responsibility for the provision of all indigent defense services for the county to the State Public Defender. The recommendation of the Executive Director must be submitted to and approved by the Board. Once approved, the board of county commissioners shall comply with the decision of the Board.

6. If a county is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender:

(a) The board of county commissioners for the county shall notify the State Public Defender in writing on or before ~~March~~ **November** 1 of the next ~~odd~~ **even**-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the ~~same~~ **odd-numbered year following the** year in which the notice was given, as determined by the Executive Director.

(b) The board of county commissioners for the county shall pay the State Public Defender in the same manner and in an amount determined in the same manner as other counties for which the State Public Defender has responsibility for the provision of indigent defense services. The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to NRS 180.320.

Sec. 15. NRS 260.040 is hereby amended to read as follows:

260.040 1. The compensation of the public defender must be fixed by the board of county commissioners ~~[-in compliance]~~ **and, in counties whose population is less than 100,000, must comply with the regulations adopted by the Board on Indigent Defense Services pursuant to NRS 180.320.** The public defender of any two or more counties must be compensated and be permitted private civil practice of the law as determined by the boards of county commissioners of those counties, subject to the provisions of subsection 4 of this section and NRS 7.065.

2. The public defender may appoint as many deputies or assistant attorneys, clerks, investigators, stenographers and other employees as the public defender considers necessary to enable him or her to carry out his or her responsibilities, with the approval of the board of county commissioners. An assistant attorney must be a qualified attorney licensed to practice in this State and may be placed on a part-time or full-time basis. The appointment of a deputy, assistant attorney or other employee pursuant to this subsection must not be construed to confer upon that deputy, assistant attorney or other employee policymaking authority for the office of the public defender or the county or counties by which the deputy, assistant attorney or other employee is employed.

3. The compensation of persons appointed under subsection 2 must be fixed by the board of county commissioners of the county or counties so served.

4. The public defender and his or her deputies and assistant attorneys in a county whose population is less than 100,000 may engage in the private practice of law. Except as otherwise provided in this subsection, in any other county, the public defender and his or her deputies and assistant attorneys shall not engage in the private practice of law except as otherwise provided in NRS 7.065. An attorney appointed to defend a person for a limited duration with limited jurisdiction may engage in private practice which does not present a conflict with his or her appointment.

5. The board of county commissioners shall provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of the business of his or her office. However, the board of county commissioners may provide for an allowance in place of facilities. Each of those items is a charge against the county in which public defender services are rendered. If the public defender serves more than one county, expenses that are properly allocable to the business of more than one of those counties must be prorated among the counties concerned.

6. In a county whose population is 700,000 or more, deputies are governed by the merit personnel system of the county [-], and their compensation is not subject to the regulations adopted by the Board on Indigent Defense Services pursuant to NRS 180.320.

Sec. 16. NRS 260.050 is hereby amended to read as follows:

260.050 1. The public defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when he or she has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The public defender shall, when designated pursuant to NRS 62D.030 ~~or 171.188, for 432B.420,~~ represent without charge each indigent person for whom he or she is appointed.

3. When representing an indigent person, the public defender shall:

(a) Counsel and defend the person at every stage of the proceedings, including, ***, without limitation, during the initial appearance and proceedings relating to admission to bail and the*** revocation of probation or parole; and

(b) Prosecute, subject to the provisions of subsection 4 of NRS 180.060, any appeals or other remedies before or after conviction that he or she considers to be in the interests of justice.

Sec. 17. NRS 260.060 is hereby amended to read as follows:

260.060 For cause, the magistrate or district court may, on its own motion or upon motion of the public defender or the indigent person, ~~appoint~~ ***order the appointment of another attorney*** and ~~compensate out of county funds~~ ***refer the selection of the attorney in the manner set forth in NRS 7.115. Such*** an attorney :

1. ***May be*** other than, or in addition to, the public defender to represent such indigent person at any stage of the proceedings or on appeal in accordance with the laws of this state pertaining to the appointment of counsel to represent indigent criminal defendants.

2. ***Must be compensated out of county funds.***

Sec. 18. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive. The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➡ as provided in the Indian Child Welfare Act.

4. Each attorney, other than ~~the public defender or~~ an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1 or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime.

Sec. 19. NRS 433A.270 is hereby amended to read as follows:

433A.270 1. The person alleged to be a person in a mental health crisis or any relative or friend on the person's behalf is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered admission, and if he or she fails or refuses to obtain counsel, the court shall advise the person and the person's guardian or next of kin, if known, of such right to counsel and shall appoint counsel. ~~He who may be the public defender or his or her deputy.~~

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount determined by it to be fair and reasonable. The compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county where the person alleged to be a person in a mental health crisis last resided.

3. The court shall, at the request of counsel representing the person alleged to be a person in a mental health crisis in proceedings before the court relating to involuntary court-ordered admission, grant a recess in the proceedings for the shortest time possible, but for not more than 5 days, to give the counsel an opportunity to prepare his or her case.

4. If the person alleged to be a person in a mental health crisis is involuntarily admitted to a program of community-based or outpatient services, counsel shall continue to represent the person until the person is released from the program. The court shall serve notice upon such counsel of any action that is taken involving the person while the person is admitted to the program of community-based or outpatient services.

5. Each district attorney or his or her deputy shall appear and represent the State in all involuntary court-ordered admission proceedings in the district attorney's county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered admission of a person to a mental health facility or to a program of community-based or outpatient services in proceedings held pursuant to NRS 433A.200 and 433A.210.

Sec. 20. This act becomes effective on July 1, 2021.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 44.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 637.

AN ACT relating to behavioral health; ~~authorizing the issuance of a provisional license or certificate to engage in various professions relating to behavioral health to~~ **requiring an alternate means for** an applicant ~~who meets for certain requirements;~~ **licenses and certificates to submit official transcripts if certain conditions are satisfied; requiring the adoption of regulations that authorize the remote supervision of certain persons;** requiring licensing boards that regulate ~~such~~ **various** professions **relating to behavioral health** to report certain information; **revising provisions governing certain licenses by endorsement;** providing for the issuance of a license as a master social worker to an applicant who meets certain qualifications; authorizing a master social worker or independent social worker to engage in certain activities; prescribing required documentation for an applicant for a license to engage in social work who is the graduate of a foreign college or university; authorizing the Board of Examiners for Social Workers to place a license to engage in social work on inactive status and refuse to issue a license under certain circumstances; requiring an employee of the Board to submit a complaint against a licensee to the Board under certain circumstances; prohibiting a person from engaging in the unlicensed practice of social work; ~~providing for a study of certain licensing and certification procedures;~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~authorizes~~ **establishes educational requirements for** the issuance of: **(1) a [provisional] license as a psychologist, clinical professional counselor, marriage and family therapist, marriage and family therapist intern, clinical professional counselor intern,** social worker, clinical social worker, independent social worker, clinical alcohol and drug counselor, ~~for~~ **clinical alcohol and drug counselor intern or** alcohol and drug counselor ~~;~~ **;** **(2) a registration as a psychological intern, psychological assistant or psychological trainee;** or **(3) a [provisional] certificate as [an] a clinical alcohol and drug counselor [or] intern, alcohol and drug counselor, alcohol and drug counselor intern,** problem gambling counselor ~~under certain circumstances. (NRS 641.196, 641A.242, 641B.272, 641B.275, 641C.320, 641C.3306, 641C.356, 641C.396, 641C.433) Sections 2, 5, 18 and 25 of this bill additionally provide for the issuance of a nonrenewable provisional license or certificate, as applicable, in those professions to a person who has: (1) met all of the requirements for licensure or certification except for the submission of an official transcript; and (2) submitted an unofficial transcript. Sections 4, 7 and 19 of this bill make conforming changes to clarify that such a provisional license is nonrenewable.~~

~~Existing law requires the issuance of a license by endorsement as a psychologist, marriage and family therapist, clinical professional counselor, social worker, clinical social worker, independent social worker, clinical alcohol and drug counselor, or alcohol and drug counselor, or a certificate by endorsement as an alcohol and drug counselor or problem gambling counselor to a person who is licensed or certified, as applicable, in another jurisdiction of the United States and meets certain other requirements. (NRS 641.195, 641.196, 641A.241, 641A.242, 641B.271, 641B.272, 641C.3305, 641C.3306, 641C.355, 641C.356, 641C.395, 641C.396, 641C.432, 641C.433)) or problem gambling counselor intern. (NRS 641.170, 641.226, 641A.220, 641A.231, 641A.287, 641A.288, 641B.220-641B.240, 641C.330, 641C.340, 641C.350, 641C.390, 641C.420, 641C.430, 641C.440) If the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors requires the submission of official transcripts as proof of those educational qualifications, sections 2, 5, 11.3 and 22.5 of this bill require those boards to provide an alternate means for an applicant to submit official transcripts if: (1) the college or university from which the applicant graduated has closed or has merged with another institution; and (2) the provision of official transcripts by ordinary means is not available or possible.~~

Existing law requires the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors to adopt regulations prescribing standards concerning the electronic supervision of persons obtaining supervised experience for licensure, including interns. (NRS 641.100, 641A.160, 641B.160, 641C.200) Sections 2.5, 5.5, 11.7 and 23.5 of this bill require those boards to adopt regulations authorizing remote supervision, including electronic supervision, and prescribing standards for such remote supervision.

Existing law requires the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors to report certain information concerning investigations of misconduct and applications for licensure or certification to the Legislative Committee on Health Care. (NRS 641.145, 641A.183, 641B.165, 641C.230) Sections 3, 6, 12 and 24 of this bill: (1) require those licensing boards to ~~submit those reports to the Chair of each regional behavioral health policy board; and~~ (2) **require those reports to include in those reports** certain information concerning applications for licensure or certification by endorsement ~~Section 32 of this bill requires the Legislative Committee on Health Care to study the processes for licensure or certification in professions regulated by those licensing boards~~

~~and identify barriers to licensure or certification. Section 32 also requires those licensing boards to implement strategies to eliminate each barrier to licensure or certification identified by the Legislative Committee on Health Care unless the licensing board to which the barrier applies concludes that the barrier is necessary to maintain the quality of services provided by the holders of licenses or certificates, as applicable.~~; and (3) **authorize the submission of those reports to the Chair of each regional behavioral health policy board in a written format.**

Existing law authorizes the issuance of a license by endorsement as a psychologist, marriage and family therapist, clinical professional counselor, social worker, clinical social worker, independent social worker, clinical alcohol and drug counselor or alcohol and drug counselor, or a certificate by endorsement as an alcohol and drug counselor or problem gambling counselor, to a person who is licensed or certified, as applicable, in another jurisdiction of the United States and meets certain other requirements. (NRS 641.195, 641A.241, 641B.271, 641C.3305, 641C.355, 641C.395, 641C.432) Existing law: (1) prescribes similar requirements for the issuance of an expedited license or certificate, as applicable, by endorsement to practice in those professions to an applicant who is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and (2) authorizes the issuance of a provisional license to such an applicant before making a final decision. (NRS 641.196, 641A.242, 641B.272, 641C.3306, 641C.356, 641C.396, 641C.433) Existing law reduces certain fees for such applicants. (NRS 641.228, 641A.290, 641B.300, 641C.470) Sections 3.6, 6.8, 17.5, 25.2-25.8 and 33.5 of this bill combine sections governing expedited licensure or certification by endorsement for a general applicant with sections governing licensure or certification by endorsement for an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran. The combined provisions: (1) authorize the issuance of a license or certificate by endorsement when the statutory requirements are met; (2) revise various requirements for the issuance of licenses and certificates by endorsement; and (3) authorize the issuance of a provisional license or certificate for any reason. Sections 3.3, 6.2-6.6 and 24.5 of this bill make conforming changes which remove references to repealed sections. Sections 4.5, 7.5, 20 and 25.9 of this bill make conforming changes so that active members of, or the spouses of active members of, the Armed Forces of the United States, veterans and the surviving spouses of veterans continue to receive reductions in fees.

Existing law authorizes the Board of Examiners for Social Workers to issue a license as: (1) a social worker to an applicant who possesses a baccalaureate degree or master's degree in social work and passes an examination; (2) an independent social worker to an applicant who possesses a master's or doctoral degree in social work, completes at least 3,000 hours of supervised,

postgraduate social work and passes an examination; and (3) a clinical social worker to an applicant who possesses a master's or doctoral degree in social work, completes at least 3,000 hours of supervised, postgraduate clinical social work and passes an examination. (NRS 641B.220, 641B.230, 641B.240) **Section 9** of this bill additionally authorizes the Board to issue a license as a master social worker to an applicant who possesses a master's or doctoral degree in social work and passes an examination. **Sections 9 and 22** of this bill authorize a master social worker to engage in independent social work or clinical social work as part of an approved internship program to complete the requirements for licensure as an independent or clinical social worker, as applicable. **Section 9** additionally authorizes a master social worker to supervise other persons engaging in the practice of social work. **Section 20** of this bill establishes the maximum fees that the Board is authorized to charge and collect for the issuance and renewal of a license as a master social worker. **Sections 1, 13, 26 and 28-31** of this bill make conforming changes to ensure that a master social worker is treated similarly to other types of social worker in various circumstances.

Sections 9, 10, 14-16 and 18 of this bill authorize the Board of Examiners for Social Workers to issue a license as a social worker, master social worker, independent social worker, or clinical social worker, or a provisional license as a social worker to an applicant who has graduated from a foreign college or university if the applicant submits certain documentation concerning his or her degree and meets the other requirements for licensure. **Section 11** of this bill authorizes the Board to put a license on inactive status for not more than 5 years upon the application of a licensee who is in good standing. **Sections 11 and 19** of this bill exempt a licensee who holds an inactive license from the requirement to complete continuing education, and **sections 11 and 22** of this bill prohibit an inactive licensee from engaging in the practice of social work. **Section 17** of this bill revises the conditions under which the Board is authorized to refuse to issue a license. **Section 21** of this bill requires an employee of the Board who is aware that grounds for disciplinary action may exist against a person practicing social work to submit a complaint to the Board.

Existing law makes it a misdemeanor for a person to engage in: (1) the independent practice of social work unless he or she is licensed as an independent social worker or a clinical social worker; or (2) the clinical practice of social work unless he or she is licensed as a clinical social worker. (NRS 641B.505) **Section 22** of this bill additionally makes it a misdemeanor to engage in the practice of social work unless a person is licensed as an associate in social work, social worker, master social worker, independent social worker or clinical social worker. **Sections 15 and 22** of this bill authorize an independent social worker to engage in clinical social work as part of an approved internship program to complete the requirements for licensure as a clinical social worker.

Existing law authorizes a clinical social worker to engage in the practice of counseling persons with alcohol or other substance use disorders and counseling persons with an addictive disorder related to gambling with the authorization of the Board of Examiners for Social Workers. (NRS ~~458A.057, 458A.200, 458A.220, 458A.230, 458A.240,~~ 641C.130) ~~[Sections]~~ **Section 23** ~~and 27~~ of this bill additionally ~~authorize~~ **authorizes** a person who is licensed as a master social worker or independent social worker and engaging in clinical social work as part of an approved internship program to engage in such counseling with the authorization of the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:

- (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;
- (b) A physician assistant;
- (c) A dentist;
- (d) A licensed nurse;
- (e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;
- (f) A dispensing optician;
- (g) An optometrist;
- (h) A speech-language pathologist;
- (i) An audiologist;
- (j) A practitioner of respiratory care;
- (k) A licensed physical therapist;
- (l) An occupational therapist;
- (m) A podiatric physician;
- (n) A licensed psychologist;
- (o) A licensed marriage and family therapist;
- (p) A licensed clinical professional counselor;
- (q) A music therapist;
- (r) A chiropractor;
- (s) An athletic trainer;
- (t) A perfusionist;
- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;
- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) An associate in social work, a social worker, *a master social worker*, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS; or

(bb) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. If the Board requires an applicant for a license ~~as a psychologist~~ or registration pursuant to this chapter to submit official transcripts as proof of his or her educational qualifications, the Board ~~may issue a provisional license as a psychologist to~~ must provide an alternate means for the applicant ~~who has~~~~

~~(a) Met all requirements for licensure except for the submission of official transcripts; and~~

~~(b) Submitted a copy of his or her unofficial transcripts to the Board.~~

~~2. A provisional license issued pursuant to this section expires 6 months after the date of issuance and may not be renewed, if:~~

~~1. The college or university from which the applicant graduated has closed or has merged with another institution; and~~

~~2. The provision of official transcripts by ordinary means is not available or possible.~~

Sec. 2.5. NRS 641.100 is hereby amended to read as follows:

641.100 1. The Board shall adopt regulations ~~prescribing~~

(a) ~~Uniform~~ Prescribing uniform standards concerning the locations at which persons obtaining supervised experience that is required for licensure by the Board provide services;

(b) ~~Standards concerning~~ Authorizing the remote supervision, including, without limitation, electronic supervision of persons obtaining supervised experience that is required for licensure by the Board who are working at remote sites ~~and~~ prescribing standards concerning such remote supervision; and

(c) ~~Prescribing a~~ Prescribing a manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

2. The Board may make and promulgate any other rules and regulations not inconsistent with the provisions of this chapter governing its procedure,

the examination and licensure of applicants, the granting, refusal, revocation or suspension of licenses, the registration of persons as psychological assistants, psychological interns or psychological trainees and the practice of psychology.

3. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 3. NRS 641.145 is hereby amended to read as follows:

641.145 **1.** On or before February 1 of each year, the Board shall submit to the Legislative Committee on Health Care ***and to the Chair of each regional behavioral health policy board created by NRS 433.429*** a report which must include:

~~1-1~~ **(a)** The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; ~~and~~

~~2-1~~ **(b)** The number of applications for the issuance or renewal of a license or registration received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board ~~1-1~~; ***and***

~~3-1~~ **(c)** ***The number of applications for the issuance of a license by endorsement received by the Board pursuant to NRS ~~641.195 and~~ 641.196 during the immediately preceding calendar year, the number of those applications that were denied and the reasons for denial.***

2. The report submitted pursuant to this section to the Chair of each regional behavioral health policy board created by NRS 433.429 may be submitted in a written format.

Sec. 3.3. NRS 641.170 is hereby amended to read as follows:

641.170 1. Except as otherwise provided in NRS ~~641.195 and~~ 641.196, each application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(d) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. Except as otherwise provided in NRS ~~641.195 and~~ 641.196, within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

- (a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and
- (b) Issue a written statement to the applicant of its determination.

3. The written statement issued to the applicant pursuant to subsection 2 must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 3.6. NRS 641.196 is hereby amended to read as follows:

641.196 1. The Board may issue a license by endorsement as a psychologist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant ~~is~~

~~—(a) Holds~~ **holds** a corresponding valid and unrestricted license as a psychologist in the District of Columbia or any state or territory of the United States, ~~and~~

~~—(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

- (1) Satisfies the requirements of subsection 1;
- (2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a psychologist; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist pursuant to this section, the Board shall provide written notice to the applicant of any additional information

required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist to the applicant not later than ~~15~~ 45 days after receiving all the additional information required by the Board to complete the application. ~~15~~ 45

~~(a) Forty five~~ 45 days after receiving all the additional information required by the Board to complete the application. ~~15~~ 45
~~(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, or~~
~~whichever occurs later.~~

4. A license by endorsement as a psychologist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may for any reason, grant a provisional license authorizing an applicant to practice as a psychologist in accordance with regulations adopted by the Board.

~~6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.~~

Sec. 4. ~~NRS 641.220 is hereby amended to read as follows:~~
~~641.220 1. To renew a license issued pursuant to this chapter, except a~~

~~provisional license issued pursuant to section 2 of this act, each person must, on or before the first day of January of each odd-numbered year:~~

- ~~(a) Apply to the Board for renewal;~~
- ~~(b) Pay the biennial fee for the renewal of a license;~~
- ~~(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and~~
- ~~(d) Submit all information required to complete the renewal.~~

~~2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.~~

~~3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.~~

~~4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this subsection must be completed within 2 years after initial licensure and at least every 4 years thereafter.) (Deleted by amendment.)~~

Sec. 4.5. NRS 641.228 is hereby amended to read as follows:
641.228 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to
the Board of the examination \$100

For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license.....	25
For the issuance of an initial license by endorsement	125
For the biennial renewal of a license of a psychologist.....	850
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license.....	200
For the restoration of a license suspended for the nonsubmission of evidence to the Board of completion of the requirements for continuing education as required for the renewal of the license	200
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology.....	300
For the registration of a nonresident to practice as a consultant.....	100
For the initial registration of a psychological assistant, psychological intern or psychological trainee	250
For the renewal of a registration of a psychological assistant, psychological intern or psychological trainee	150

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. ~~Except as otherwise provided in subsections 4 and 5 and NRS 641.195,~~ ~~in~~ In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

4. ~~##~~ Except as otherwise provided in subsection 5, if an applicant submits an application for a license by endorsement pursuant to NRS ~~641.195,~~ 641.196, the Board shall charge and collect:

(a) Not more than the fee specified in subsection 1 for the issuance of an initial license by endorsement; and

(b) The biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

5. If an ~~applicant~~ active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran submits an application for a license by endorsement pursuant to NRS 641.196, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license by endorsement.

6. If an applicant submits an application for initial registration as a psychological assistant, psychological intern or psychological trainee pursuant to NRS 641.226 and the applicant has previously been registered as a

psychological assistant, psychological intern or psychological trainee, the Board must waive the fee set forth in subsection 1 for the initial registration.

7. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 5. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

~~--- If the Board requires an applicant for a license to practice as a marriage and family therapist or clinical professional counselor to submit official transcripts as proof of his or her educational qualifications, the Board may issue a provisional license as a marriage and family therapist or clinical professional counselor, as applicable, to~~ must provide an alternate means for the applicant who has:

~~--- (a) Met all requirements for licensure except for the submission of to submit official transcripts; and~~

~~--- (b) Submitted a copy of his or her unofficial transcripts to the Board.~~

~~2. A provisional license issued pursuant to this section expires 6 months after the date of issuance and may not be renewed, if:~~

1. The college or university from which the applicant graduated has closed or has merged with another institution; and

2. The provision of official transcripts by ordinary means is not available or possible.

Sec. 5.5. NRS 641A.160 is hereby amended to read as follows:

641A.160 1. The Board shall adopt regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensing of applicants, the granting, refusal, revocation or suspension of licenses, and the practice of marriage and family therapy and the practice of clinical professional counseling as those practices apply to this chapter.

2. The regulations adopted pursuant to subsection 1 must ~~;~~ ~~prescribe;~~

(a) ~~Uniform;~~ Prescribe uniform standards concerning the locations at which interns provide services;

(b) ~~Standards concerning;~~ Authorize the remote supervision, including, without limitation, electronic supervision ~~of interns working at remote sites~~ ~~and~~ prescribe standards concerning such remote supervision; and

(c) ~~Prescribe a~~ Prescribe a manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

3. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 6. NRS 641A.183 is hereby amended to read as follows:

641A.183 **1.** On or before February 1 of each year, the Board shall submit to the Legislative Committee on Health Care ***and to the Chair of each regional behavioral health policy board created by NRS 433.429*** a report which must include:

~~1-1~~ **(a)** The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; ~~and~~

~~2-1~~ **(b)** The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board ~~1-1~~; ***and***

~~3-1~~ **(c)** ***The number of applications for the issuance of a license by endorsement received by the Board pursuant to NRS ~~641A.241~~ and 641A.242 during the immediately preceding calendar year, the number of those applications that were denied and the reasons for denial.***

2. ***The report submitted pursuant to this section to the Chair of each regional behavioral health policy board created by NRS 433.429 may be submitted in a written format.***

Sec. 6.2. **NRS 641A.220 is hereby amended to read as follows:**

641A.220 Except as otherwise provided in NRS ~~641A.241~~ and 641A.242, each applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;

4. Has:

(a) At least 2 years of postgraduate experience in marriage and family therapy; and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

5. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 6.4. **NRS 641A.230 is hereby amended to read as follows:**

641A.230 **1.** Except as otherwise provided in subsection 2 and NRS ~~641A.241~~ and 641A.242, each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.

Sec. 6.6. NRS 641A.231 is hereby amended to read as follows:

641A.231 Except as otherwise provided in NRS ~~641A.241 and~~ 641A.242, each applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;
3. Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

4. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

- (1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 6.8. NRS 641A.242 is hereby amended to read as follows:

641A.242 1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant ~~if~~

~~—(a) Holds~~ **holds** a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States, ~~if~~ and

~~—(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) **A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background;**

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

~~(c)~~ (d) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for an initial license and for the initial issuance of a license; and

~~(d)~~ (e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may **for any reason,** grant a provisional license authorizing an applicant to practice as a marriage and family therapist or clinical professional counselor, as applicable, in accordance with regulations adopted by the Board.

~~[6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.]~~

Sec. 7. ~~NRS 641A.260 is hereby amended to read as follows:~~

~~641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, except for a provisional license issued pursuant to section 5 of this act, each~~

person must, on or before 10 business days after the date of expiration of his or her current license:

- ~~— (a) Apply to the Board for renewal;~~
- ~~— (b) Pay the fee for the biennial renewal of a license set by the Board;~~
- ~~— (c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and~~
- ~~— (d) Submit all information required to complete the renewal.~~

~~2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. (Deleted by amendment.)~~

Sec. 7.5. NRS 641A.290 is hereby amended to read as follows:

641A.290 1. Except as otherwise provided in subsection 2, the Board shall establish a schedule of fees for the following items which must not exceed the following amounts:

Application for an initial license	\$150
Initial issuance of a license.....	60
Biennial renewal of a license to practice as a marriage and family therapist or clinical professional counselor.....	450
Fee for late payment of the biennial renewal	125
Placement of a license to practice as a marriage and family therapist or clinical professional counselor on inactive status	200
Renewal of an intern's license.....	150
Issuance of a duplicate license	10
Reevaluation of an applicant's course work.....	50
Application for approval as a supervisor.....	75
Approval of a course or program of continuing education.....	25
Approval of a provider of continuing education.....	150

2. If an ~~applicant~~ **active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran** submits an application for a license by endorsement pursuant to NRS 641A.242, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the application for and initial issuance of the license.

3. **As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.**

Sec. 8. Chapter 641B of NRS is hereby amended by adding thereto the provisions set forth as sections ~~9, 10 and 11~~ to 11.3, inclusive, of this act.

Sec. 9. 1. *The Board shall grant a license to engage in social work as a master social worker to any applicant who possesses the preliminary qualifications set forth in NRS 641B.200 and who:*

(a) *Possesses a master's or doctoral degree in social work from:*

(1) *A college or university accredited by the Council on Social Work Education, or its successor organization, or which is a candidate for such accreditation; or*

(2) *A college or university located in a foreign country, or the equivalent of a master's or doctoral degree in social work from such a college or university, if the applicant includes in his or her application the documentation required by section 10 of this act; and*

(b) *Passes an examination prescribed by the Board.*

2. *A person licensed as a master social worker may:*

(a) *Engage in social work independently as part of an internship program approved by the Board to complete the supervised social work required for licensure as an independent social worker pursuant to NRS 641B.230;*

(b) *Engage in clinical social work as part of an internship program approved by the Board to complete the supervised, postgraduate, clinical social work required for licensure as a clinical social worker pursuant to NRS 641B.240; and*

(c) *Supervise other persons engaging in the practice of social work.*

Sec. 10. 1. *If an applicant for a license to engage in social work is a graduate of a college or university located in a foreign country or currently enrolled in program of study leading to a degree in social work at such a college or university, the application must include:*

(a) *Proof that the applicant possesses the degree required by NRS 641B.220, 641B.230, 641B.240 or 641B.275 or section 9 of this act, as applicable, or is enrolled in a program of study that meets the requirements of NRS 641B.275, as applicable; and*

(b) *If applicable, a written statement or other proof from the Council on Social Work Education or its successor organization that the degree is equivalent to a degree issued by a college or university accredited by the Council on Social Work Education or its successor organization.*

2. *Except as otherwise provided in this subsection, the proof required by paragraph (a) of subsection 1 must be provided to the Board directly by the college or university that granted the degree. If the college or university is unable to provide such proof, the Board may accept proof from another source specified by the Board.*

Sec. 11. 1. *An associate in social work, social worker, master social worker, independent social worker or clinical social worker may apply to the Board to have his or her license placed on inactive status. The Board may grant the application if the license is in good standing and the licensee has*

met all requirements for the issuance or renewal of a license as of the date of the application.

2. If the application is granted:

(a) The licensee must not engage in social work in this State unless the license is returned to active status; and

(b) The licensee is not required to complete continuing education unless his or her license is returned to active status.

3. The inactive status of a license is valid for 5 years after the date that the inactive status is granted.

4. If a license is placed on inactive status, the Board must not refund any portion of the renewal fee that was paid before the license was placed on inactive status.

5. The Board shall adopt regulations prescribing the:

(a) Procedures for making an application pursuant to this section;

(b) Procedures and terms upon which a person whose license has been placed on inactive status may have his or her license returned to active status; and

(c) Fees for the renewal of the inactive status of a license.

Sec. 11.3. If the Board requires an applicant for a license pursuant to this chapter to submit official transcripts as proof of his or her educational qualifications, the Board must provide an alternate means for the applicant to submit official transcripts if:

1. The college or university from which the applicant graduated has closed or has merged with another institution; and

2. The provision of the official transcripts by ordinary means is not available or possible.

Sec. 11.7. NRS 641B.160 is hereby amended to read as follows:

641B.160 1. The Board shall adopt:

(a) Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter;

(b) Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200;

(c) Regulations prescribing uniform standards concerning the locations at which interns provide services;

(d) Regulations ~~prescribing standards concerning~~ **authorizing the remote supervision, including, without limitation, electronic supervision, of interns working at remote sites, and** ~~and prescribing standards concerning such remote supervision; and~~

(e) Regulations prescribing the manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

2. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

FIRST PARALLEL SECTION

Sec. 12. NRS 641B.165 is hereby amended to read as follows:

641B.165 1. On or before February 1 of each year, the Board shall submit to the Legislative Committee on Health Care *and to the Chair of each regional behavioral health policy board created by NRS 433.429* a report which must include:

~~1-1~~ (a) The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; ~~and~~

~~2-1~~ (b) The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board ~~1-1~~; and

~~3-1~~ (c) *The number of applications for the issuance of a license by endorsement received by the Board pursuant to NRS ~~641B.271 and~~ 641B.272 during the immediately preceding calendar year, the number of those applications that were denied and the reasons for denial.*

2. The report submitted pursuant to this section to the Chair of each regional behavioral policy board created by NRS 433.429 may be submitted in a written format.

Sec. 13. NRS 641B.206 is hereby amended to read as follows:

641B.206 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to engage in social work as an associate in social work, a social worker, *a master social worker*, an independent social worker or a clinical social worker shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the renewal of a license to engage in social work as an associate in social work or the issuance or renewal of a license to engage in social work as a social worker, *a master social worker*, an independent social worker or a clinical social worker shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to engage in social work as an associate in social work, a social worker, **a master social worker**, an independent social worker or a clinical social worker may not be issued or renewed by the Board if the applicant:

- (a) Fails to submit the statement required pursuant to subsection 1; or
- (b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 14. NRS 641B.220 is hereby amended to read as follows:

641B.220 1. The Board shall grant a license to engage in social work as a social worker to any applicant who possesses the preliminary qualifications set forth in NRS 641B.200 and who:

- (a) Possesses a baccalaureate degree or master's degree in social work from ~~that~~:

(1) A college or university accredited by the Council on Social Work Education , **or its successor organization**, or which is a candidate for such accreditation ~~that~~; or

(2) **A college or university located in a foreign country, or the equivalent of a baccalaureate degree or master's degree in social work from such a college or university, if the applicant includes in his or her application the documentation required by section 10 of this act; and**

- (b) Passes an examination prescribed by the Board.

2. The Board shall grant a license to engage in social work as a social worker to an applicant licensed as an associate in social work who:

- (a) Possesses the preliminary qualifications set forth in NRS 641B.200;
- (b) Possesses a baccalaureate degree or master's degree in a related field, or has completed equivalent course work in a related field;
- (c) Completes 3,000 hours of employment in Nevada as an associate in social work; and
- (d) Passes an examination prescribed by the Board.

3. A person who is granted a license to engage in social work as a social worker pursuant to subsection 1 or 2 may supervise another person engaged in the practice of social work.

Sec. 15. NRS 641B.230 is hereby amended to read as follows:

641B.230 1. The Board shall grant a license to engage in social work as an independent social worker to any applicant who possesses the preliminary qualifications set forth in NRS 641B.200 and who:

(a) Possesses a master's or doctoral degree in social work from ~~the~~ :

(1) A college or university accredited by the Council on Social Work Education , **or its successor organization**, or which is a candidate for such accreditation ~~the~~ ; or

(2) **A college or university located in a foreign country, or the equivalent of a master's or doctoral degree in social work from such a college or university, if the applicant includes in his or her application the documentation required by section 10 of this act.**

(b) Completes 3,000 hours of supervised, postgraduate social work approved by the Board.

(c) Passes an examination prescribed by the Board.

2. A person licensed as an independent social worker may:

(a) Engage in social work independently or within an agency; ~~and~~

(b) **Engage in clinical social work as part of an internship program approved by the Board to complete the supervised clinical social work required for licensure as a clinical social worker pursuant to NRS 641B.240; and**

(c) Supervise other persons engaging in the practice of social work.

Sec. 16. NRS 641B.240 is hereby amended to read as follows:

641B.240 1. The Board shall grant a license to engage in social work as a clinical social worker to any applicant who possesses the preliminary qualifications set forth in NRS 641B.200 and who:

(a) Possesses a master's or doctoral degree in social work from ~~the~~ :

(1) A college or university accredited by the Council on Social Work Education , **or its successor organization**, or which is a candidate for such accreditation ~~the~~ ; or

(2) **A college or university located in a foreign country, or the equivalent of a master's or doctoral degree in social work from such a college or university, if the applicant includes in his or her application the documentation required by section 10 of this act.**

(b) Completes 3,000 hours of supervised, postgraduate, clinical social work approved by the Board.

(c) Passes an examination prescribed by the Board.

2. A person licensed as a clinical social worker may:

(a) Engage in social work independently or within an agency; ~~and~~

(b) **Engage in clinical social work; and**

(c) Supervise other persons engaging in the practice of social work.

Sec. 17. NRS 641B.260 is hereby amended to read as follows:

641B.260 1. The Board may hold hearings and conduct investigations into any matter related to an application for licensure. The Board may require the presentation of evidence.

2. The Board may refuse to issue a license to an applicant if the applicant:

(a) Is not of good moral character as it relates to the practice of social work;

(b) Has submitted any false credential to the Board;

(c) Has been disciplined in another state in connection with the practice of social work *or a related profession* or has committed any act in another state which is a violation of this chapter; ~~or~~

(d) *Has committed an act that constitutes grounds for initiating disciplinary action pursuant to NRS 641B.400;*

(e) *Has entered a plea of guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill of, or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such a person in such a manner as to demonstrate his or her unfitness to engage in social work, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or*

(f) Fails to comply with any other requirements for licensure.

Sec. 17.5. NRS 641B.272 is hereby amended to read as follows:

641B.272 1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant ~~is~~

~~(a) Holds~~ **holds** a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States. ~~and~~

~~(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to engage in social work; **and**

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; ~~and~~

~~(4) Is currently engaged in social work under the license held required by paragraph (a) of subsection 1;~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; ~~and~~

(d) **The fee prescribed by the Board pursuant to NRS 641B.300 for the initial application; and**

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in social work to the applicant not later than ~~15~~ 45 days after receiving all the additional information required by the Board to complete the application. ~~15 or~~

~~(a) Forty-five~~ 45 days after receiving all the additional information required by the Board to complete the application. ~~15 or~~

~~(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.~~

4. A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may for any reason, grant a provisional license authorizing an applicant to engage in social work in accordance with regulations adopted by the Board.

~~6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.~~

Sec. 18. NRS 641B.275 is hereby amended to read as follows:

641B.275 1. The Board shall grant a provisional license to engage in social work as a social worker to a person:

(a) Who applies to take the next available examination and who is otherwise eligible to be a social worker pursuant to subsection 1 of NRS 641B.220; or

(b) Who:

(1) Possesses a baccalaureate degree or a master's degree in a related field of study from ~~an~~ any :

(I) An accredited college or university recognized by the Board; or

(II) A college or university located in a foreign country, or the equivalent of a baccalaureate degree or a master's degree in a related field from such a college or university, if the applicant includes in his or her application the documentation required by section 10 of this act; and

(2) Presents evidence of enrollment in a program of study leading to a degree in social work at ~~an~~ any :

(I) A college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation and which is approved by the Board ~~an~~ ; or

(II) A college or university located in a foreign country, or a program of study leading to the equivalent of a degree in social work from such a college or university, if the applicant includes in his or her application the documentation required by section 10 of this act.

2. The Board shall grant a provisional license to engage in social work as an independent social worker to a person who applies to take the next available

examination and who is otherwise eligible to be an independent social worker pursuant to subsection 1 of NRS 641B.230.

3. The Board shall grant a provisional license to engage in social work as a clinical social worker to a person who applies to take the next available examination and who is otherwise eligible to be a clinical social worker pursuant to subsection 1 of NRS 641B.240.

4. ~~If the Board requires an applicant for a license as a social worker, master social worker, independent social worker or clinical social worker to submit official transcripts as proof of his or her educational qualifications, the Board may grant a provisional license to an applicant who has:~~
~~(a) Met all requirements for licensure except for the submission of official transcripts; and~~
~~(b) Submitted a copy of his or her unofficial transcripts to the Board.~~

~~5.~~ The Board shall establish by regulation the period during which a provisional license issued pursuant to this section ~~subsection 1, 2 or 3~~ will be valid. The period must be:

(a) No longer than 9 months for a person who is granted a provisional license to engage in social work pursuant to paragraph (a) of subsection 1 or subsection 2 or 3; and

(b) No longer than 3 years for a person who is granted a provisional license to engage in social work pursuant to paragraph (b) of subsection 1.

~~6. A provisional license issued pursuant to subsection 4 expires 6 months after the date of issuance and may not be renewed.~~

Sec. 19. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every ~~holder~~ ~~Except as otherwise provided in NRS 641B.275, every~~ holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) ~~Submitting~~ Except as otherwise provided in section 11 of this act, submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. ~~The~~ Except as otherwise provided in section 11 of this act, the Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation, a requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

Sec. 20. NRS 641B.300 is hereby amended to read as follows:

641B.300 1. The Board shall charge and collect fees not to exceed the following amounts for:

Initial application.....	\$200
Provisional license.....	150
Initial issuance of a license as a social worker <i>or master social worker</i>	250
Initial issuance of a license as a clinical social worker or an independent social worker.....	350
Initial issuance of a license by endorsement	200
Annual renewal of a license as a social worker , <i>master social worker</i> or an associate in social work	175
Annual renewal of a license as a clinical social worker or an independent social worker.....	225
Restoration of a suspended license or reinstatement of a revoked license.....	150
Restoration of an expired license	200
Renewal of a delinquent license	100

2. If an ~~applicant~~ ***active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran*** submits an application for a license by endorsement pursuant to NRS 641B.272, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

3. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 21. NRS 641B.410 is hereby amended to read as follows:

641B.410 1. The Board, any ~~of its members~~ ***member or employee of the Board*** or any member of a review panel of social workers who becomes aware that any one or combination of the grounds for initiating disciplinary action may exist as to a person practicing social work in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.

2. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 22. NRS 641B.505 is hereby amended to read as follows:

641B.505 1. Except as otherwise provided in this chapter, it is unlawful for a person to engage in:

(a) The independent practice of social work unless he or she ~~is licensed~~ :

(1) Holds an active license as a clinical social worker or an independent social worker pursuant to this chapter ~~;~~ ***or***

(2) Holds an active license as a master social worker pursuant to this chapter and is engaging in the independent practice of social work under the conditions prescribed in section 9 of this act.

(b) The clinical practice of social work unless he or she ~~is licensed~~ :

(1) *Holds an active license* as a clinical social worker *issued* pursuant to this chapter ~~11~~; or

(2) *Holds an active license as an independent social worker or master social worker issued pursuant to this chapter and is engaging in clinical social work under the conditions prescribed in NRS 641B.230 or section 9 of this act, as applicable.*

(c) *The practice of social work unless he or she holds an active license as an associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker issued pursuant to this chapter.*

2. As used in this section, “independent practice of social work” means the unsupervised practice of social work, other than for a public employer, for compensation.

Sec. 22.5. Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:

If the Board requires an applicant for a license or certificate pursuant to this chapter to submit official transcripts as proof of his or her educational qualifications, the Board must provide an alternate means for the applicant to submit official transcripts if:

1. The college or university from which the applicant has graduated has closed or has merged with another institution; and

2. The provision of official transcripts by ordinary means is not available or possible.

Sec. 23. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;

5. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling; or

6. A person who is ~~licensed as a~~ :

(a) *Licensed as:*

(1) A clinical social worker pursuant to the provisions of chapter 641B of NRS ; or

(2) A master social worker or independent social worker pursuant to the provisions of chapter 641B of NRS and is engaging in clinical social work as part of an internship program approved by the Board of Examiners for Social Workers; and ~~is authorized~~

(b) Authorized by the Board of Examiners for Social Workers to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling.

Sec. 23.5. NRS 641C.200 is hereby amended to read as follows:

641C.200 1. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that ~~;~~ ~~prescribe~~;

(a) ~~The~~ **Prescribe the** ethical standards for licensed and certified counselors and certified interns;

(b) ~~The~~ **Prescribe the** requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate;

(c) ~~Uniform~~ **Prescribe uniform** standards concerning the locations at which interns provide services;

(d) ~~Standards concerning~~ **Authorize the remote supervision, including, without limitation,** electronic supervision, of interns working at remote sites ~~;~~ and **prescribe standards concerning such remote supervision; and**

(e) ~~The~~ **Prescribe the** manner by which the qualifications for the issuance or renewal of a license or certificate under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

2. The Board may adopt regulations that prescribe:

(a) The contents of a written and oral examination concerning the practice of counseling persons with an addictive disorder related to gambling;

(b) The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

3. Any regulations adopted by the Board pursuant to this section must be consistent with the provisions of chapter 622A of NRS.

4. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 24. NRS 641C.230 is hereby amended to read as follows:

641C.230 1. On or before February 1 of each year, the Board shall submit to the Legislative Committee on Health Care *and to the Chair of each regional behavioral health policy board created by NRS 433.429* a report which must include:

~~1-1~~ (a) The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; ~~and~~

~~2-1~~ (b) The number of applications for the issuance or renewal of a license or certificate received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board ~~1-1~~; and

~~3-1~~ (c) *The number of applications for the issuance of a license or certificate by endorsement received by the Board pursuant to NRS ~~641C.3305~~ 641C.3306, ~~641C.355~~ 641C.356, ~~641C.395~~ 641C.396, ~~641C.432~~ and 641C.433 during the immediately preceding calendar year, the number of those applications that were denied and the reasons for denial.*

2. The report submitted pursuant to this section to the Chair of each regional behavioral health policy board created by NRS 433.429 may be submitted in a written format.

Sec. 24.5. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. Except as otherwise provided in NRS 641C.300, ~~641C.3305~~ and 641C.3306, each applicant for a license as a clinical alcohol and drug counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling persons with alcohol and other substance use disorders, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. Except as otherwise provided in NRS 641C.300, ~~641C.355~~ 641C.356, ~~641C.395~~ and 641C.396, each applicant for a license or certificate as an alcohol and drug counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling persons with alcohol and other substance use disorders, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. Except as otherwise provided in NRS ~~641C.432 and~~ 641C.433, each applicant for a certificate as a problem gambling counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling persons with an addictive disorder related to gambling, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. The Board shall:

- (a) Examine applicants at least two times each year.
- (b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

5. The Board may employ other persons to conduct the examinations.

Sec. 25. ~~NRS 641C.320 is hereby amended to read as follows:~~

~~641C.320 1. The Board may issue:~~

~~—(a) A provisional license as a clinical alcohol and drug counselor to a person who has applied to the Board to take the examination for a license as a clinical alcohol and drug counselor and is otherwise eligible for that license pursuant to NRS 641C.330; or~~

~~—(b) A provisional license or certificate as an alcohol and drug counselor to a person who has applied to the Board to take the examination for a license or certificate as an alcohol and drug counselor and is otherwise eligible for that license or certificate pursuant to NRS 641C.350 or 641C.390.~~

~~2. ***If the Board requires an applicant for a license or certificate pursuant to this chapter to submit official transcripts as proof of his or her educational qualifications, the Board may issue a provisional license or certificate to an applicant who has:***~~

~~—(a) ***Met all requirements for licensure except for the submission of official transcripts; and***~~

~~—(b) ***Submitted a copy of his or her unofficial transcripts to the Board.***~~

~~3. A provisional license or certificate is valid for not more than 6 months and may not be renewed. **(Deleted by amendment.)**~~

Sec. 25.2. NRS 641C.3306 is hereby amended to read as follows:

641C.3306 1. The Board may issue a license by endorsement as a clinical alcohol and drug counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant ~~+~~

~~—(a) ~~Holds~~ ***holds*** a corresponding valid and unrestricted license as a clinical alcohol and drug counselor in the District of Columbia or any state or territory of the United States. ~~+~~ ***and***~~

~~—(b) ~~Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~ ***+***~~

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a clinical alcohol and drug counselor; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a clinical alcohol and drug counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a clinical alcohol and drug counselor to the applicant not later than ~~15~~

~~(a) Forty-five~~ 45 days after receiving all the additional information required by the Board to complete the application. ~~15 or~~

~~(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.~~

4. A license by endorsement as a clinical alcohol and drug counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may for any reason, grant a provisional license authorizing an applicant to practice as a clinical alcohol and drug counselor in accordance with regulations adopted by the Board.

~~{6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.}~~

Sec. 25.4. NRS 641C.356 is hereby amended to read as follows:

641C.356 1. The Board may issue a license by endorsement as an alcohol and drug counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant ~~15~~

~~(a) Holds~~ holds a corresponding valid and unrestricted license as an alcohol and drug counselor in the District of Columbia or any state or territory of the United States. ~~15 and~~

~~(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an alcohol and drug counselor; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an alcohol and drug counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an alcohol and drug counselor to the applicant not later than ~~15~~ 45 days after receiving all the additional information required by the Board to complete the application. ~~15 or~~

~~(a) Forty-five~~ 45 days after receiving all the additional information required by the Board to complete the application. ~~15 or~~

~~(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.~~

4. A license by endorsement as an alcohol and drug counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may for any reason, grant a provisional license authorizing an applicant to practice as an alcohol and drug counselor in accordance with regulations adopted by the Board.

~~16. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.~~

Sec. 25.6. NRS 641C.396 is hereby amended to read as follows:

641C.396 1. The Board may issue a certificate by endorsement as an alcohol and drug counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant ~~17~~

~~(a) Holds~~ holds a corresponding valid and unrestricted certificate as an alcohol and drug counselor in the District of Columbia or any state or territory of the United States. ~~18 and~~

~~(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as an alcohol and drug counselor; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug counselor to the applicant not later than ~~15~~ 45 days after receiving all additional information required by the Board to complete the application. ~~15~~ 45 days after receiving all additional information required by the Board to complete the application. ~~15~~ 45 days after receiving all additional information required by the Board to complete the application.

~~(a) Forty-five (45) days after receiving all additional information required by the Board to complete the application. 15 or~~

~~(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.~~

4. A certificate by endorsement as an alcohol and drug counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may for any reason, grant a provisional certificate authorizing an applicant to practice as an alcohol and drug counselor in accordance with regulations adopted by the Board.

~~16. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.~~

Sec. 25.8. NRS 641C.433 is hereby amended to read as follows:

641C.433 1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant ~~15~~ 45 days after receiving all additional information required by the Board to complete the application.

~~—(a) Holds;~~ **holds** a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States. ~~—and~~

~~—(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a problem gambling counselor; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a problem gambling counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a problem gambling counselor to the applicant not later than ~~—45~~

~~—(a) Forty five;~~ **45** days after receiving all the additional information required by the Board to complete the application. ~~—for~~

~~—(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.~~

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may **, for any reason,** grant a provisional certificate authorizing an applicant to practice as a problem gambling counselor in accordance with regulations adopted by the Board.

~~16. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.~~

Sec. 25.9. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate, including a license or certificate by endorsement	\$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate, including a license or certificate by endorsement	60
For the renewal of a license or certificate as an alcohol and drug counselor, a license as a clinical alcohol and drug counselor or a certificate as a problem gambling counselor	300
For the renewal of a certificate as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern or a problem gambling counselor intern	75
For the renewal of a delinquent license or certificate	75
For the restoration of an expired license or certificate	150
For the restoration or reinstatement of a suspended or revoked license or certificate	300
For the issuance of a license or certificate without examination	150
For an examination	150
For the approval of a course of continuing education	150

2. ~~##~~ **Except as otherwise provided in subsection 3, if** an applicant submits an application for a license or certificate by endorsement pursuant to NRS ~~641C.3305, 641C.355, 641C.395 or 641C.432,~~ **641C.3306, 641C.356, 641C.396 or 641C.433,** the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and issuance of an initial license or certificate, as applicable.

3. If an ~~applicant~~ **active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran** submits an application for a license or certificate by endorsement pursuant to NRS 641C.3306, 641C.356, 641C.396 or 641C.433, as applicable, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.

4. The fees charged and collected pursuant to this section are not refundable.

5. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 26. NRS 62A.270 is hereby amended to read as follows:

62A.270 “Qualified professional” means:

1. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;
2. A psychologist licensed to practice in this State;
3. A social worker holding a master’s degree in social work and licensed in this State as a ***master social worker or*** clinical social worker;

4. A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

5. A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

6. A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

Sec. 27. ~~NRS 458A.057 is hereby amended to read as follows:~~

~~458A.057 1. "Qualified mental health professional" means any of the following persons:~~

~~(a) A person who is certified as a problem gambling counselor pursuant to the provisions of chapter 641C of NRS.~~

~~(b) A person who is certified as a problem gambling counselor intern pursuant to the provisions of chapter 641C of NRS.~~

~~(c) A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS.~~

~~(d) A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling problem gamblers.~~

~~(e) A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227, or a psychological assistant who is registered with the Board of Psychological Examiners pursuant to the provisions of chapter 641 of NRS and the regulations adopted pursuant thereto.~~

~~(f) A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS.~~

~~(g) A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling persons with an addictive disorder related to gambling.~~

~~(h) A person who is licensed as a:~~

~~(1) Licensed as:~~

~~(I) A clinical social worker pursuant to the provisions of chapter 641B of NRS; or~~

~~(II) A master social worker or independent social worker pursuant to the provisions of chapter 641B of NRS and is engaging in clinical social work as part of an internship program approved by the Board of Examiners for Social Workers; and is authorized~~

~~(2) Authorized by the Board of Examiners for Social Workers to engage in the practice of counseling persons with an addictive disorder related to gambling.~~

~~2. As used in this section, "practice of counseling persons with an addictive disorder related to gambling" has the meaning ascribed to it in NRS 641C.105.~~ **(Deleted by amendment.)**

Sec. 28. NRS 689A.0485 is hereby amended to read as follows:

689A.0485 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of the practice of a licensed associate in social work, social worker, **master social worker**, independent social worker or clinical social worker, the insured is entitled to reimbursement for treatment by an associate in social work, social worker, **master social worker**, independent social worker or clinical social worker who is licensed pursuant to chapter 641B of NRS.

Sec. 29. NRS 689B.0385 is hereby amended to read as follows:

689B.0385 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of the practice of a licensed associate in social work, social worker, **master social worker**, independent social worker or clinical social worker, the insured is entitled to reimbursement for treatment by an associate in social work, social worker, **master social worker**, independent social worker or clinical social worker who is licensed pursuant to chapter 641B of NRS.

Sec. 30. NRS 695B.1975 is hereby amended to read as follows:

695B.1975 If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of the practice of a licensed associate in social work, social worker, **master social worker**, independent social worker or clinical social worker, the insured is entitled to reimbursement for treatment by an associate in social work, social worker, **master social worker**, independent social worker or clinical social worker who is licensed pursuant to chapter 641B of NRS.

Sec. 31. NRS 695C.1775 is hereby amended to read as follows:

695C.1775 If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of the practice of a licensed associate in social work, social worker, **master social worker**, independent social worker or clinical social worker, the insured is entitled to reimbursement for treatment by an associate in social work, social worker, **master social worker**, independent social worker or clinical social worker who is licensed pursuant to chapter 641B of NRS.

Sec. 32. ~~H. The Legislative Committee on Health Care shall conduct a study during the 2021-2022 interim concerning the processes for licensure and certification, including, without limitation, licensure and certification by endorsement, pursuant to chapters 641 to 641C, inclusive, of NRS. In conducting the study, the Legislative Committee on Health Care shall:~~

~~(a) Separately evaluate the processes for standard licensure or certification and licensure or certification by endorsement pursuant to those chapters; and~~

~~(b) Identify specific barriers to:~~

~~(1) Licensure or licensure by endorsement as a psychologist, marriage and family therapist, clinical professional counselor, social worker, master social worker, independent social worker, clinical social worker, clinical alcohol and drug counselor, or alcohol and drug counselor;~~

~~— (2) Certification or certification by endorsement as an alcohol and drug counselor or problem gambling counselor; and~~

~~— (3) Certification as a clinical alcohol and drug counselor intern, alcohol and drug counselor intern or problem gambling counselor intern.~~

~~2. Not later than September 1, 2022, the Legislative Committee on Health Care shall submit a report of the results of the study conducted pursuant to this section and any recommendations to:~~

~~— (a) The Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors;~~

~~— (b) Each regional behavioral health policy board created by NRS 433.429;~~

~~— (c) The Commission on Behavioral Health created by NRS 232.361; and~~

~~— (d) The Director of the Legislative Counsel Bureau for transmittal to:~~

~~— (1) The Sunset Subcommittee of the Legislative Commission; and~~

~~— (2) The next regular session of the Legislature.~~

~~3. The Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors shall implement specific strategies to eliminate each barrier to licensure or certification identified in the report submitted pursuant to subsection 3 unless the licensing board to which the barrier applies concludes that the barrier is necessary to maintain the quality of services provided by the holders of licenses or certificates, as applicable.~~

~~4. In addition to the requirements of NRS 641.145, as amended by section 3 of this act, NRS 641A.183, as amended by section 6 of this act, NRS 641B.165, as amended by section 12 of this act, and NRS 641C.230, as amended by section 24 of this act, the reports submitted by the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors pursuant to those sections after September 1, 2022, and on or before February 1, 2025, must include, without limitation:~~

~~— (a) Specific strategies that the licensing board is implementing pursuant to subsection 4 and a summary of the progress of the licensing board toward eliminating the barriers to licensure or certification identified in the report submitted pursuant to subsection 3; or~~

~~— (b) If the licensing board is not implementing strategies to eliminate a barrier to licensure or certification identified in the report submitted pursuant to subsection 3, the specific reasons that the licensing board concluded that the barrier is necessary to maintain the quality of services provided by the holders of licenses or certificates, as applicable, and evidence to support that reasoning.~~ (Deleted by amendment.)

Sec. 33. Notwithstanding the amendatory provisions of section 22 of this act, the holder of a license to engage in the practice of social work as a social worker issued pursuant to NRS 641B.220 who:

1. Possesses a master's or doctoral degree in social work from a college or university which is accredited by the Council on Social Work Education, or its successor organization, or which is a candidate for such accreditation; and

2. Is engaging in the independent practice of social work or the practice of clinical social work as part of an internship program described in subsection 2 of section 9 of this act on July 1, 2021,

↪ may continue to do so for the current term of his or her license.

Sec. 33.5. NRS 641.195, 641A.241, 641B.271, 641C.3305, 641C.355, 641C.395 and 641C.432 are hereby repealed.

Sec. 34. 1. This ~~act~~ section becomes effective ~~1-1~~ upon passage and approval.

2. Sections 1 to 33.5, inclusive, of this act become effective:

~~1-1~~ **(a)** Upon passage and approval for the purposes of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~1-2~~ **(b)** On July 1, 2021, for all other purposes.

LEADLINES OF REPEALED SECTIONS

641.195 Expedited license by endorsement as psychologist: Requirements; procedure for issuance; grounds for denial; regulations.

641A.241 Expedited license by endorsement: Requirements; procedure for issuance.

641B.271 Expedited license by endorsement: Requirements; procedure for issuance.

641C.3305 Expedited license by endorsement: Requirements; procedure for issuance.

641C.355 Expedited license by endorsement: Requirements; procedure for issuance.

641C.395 Expedited certificate by endorsement: Requirements; procedure for issuance.

641C.432 Expedited certificate by endorsement: Requirements; procedure for issuance.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 75.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 628.

AN ACT relating to unemployment compensation; revising provisions relating to personnel of the Employment Security Division of the Department of Employment, Training and Rehabilitation; revising requirements relating to the confidentiality of information concerning unemployment compensation; authorizing an extended benefit period to begin before the 14th week following the end of a prior extended benefit period under certain circumstances; revising provisions governing the electronic transmission of certain communications related to unemployment compensation; revising provisions relating to eligibility for unemployment benefits under certain circumstances; revising provisions relating to the judicial review of a decision of the Board of Review; revising requirements for the payment of certain refunds and adjustments; modifying certain requirements concerning unemployment benefits paid ~~in the~~ calendar year 2020; during certain periods of time; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Unemployment Compensation Law generally: (1) requires employers to pay contributions into the Unemployment Compensation Fund at a certain rate of the wages paid by the employer for employment; and (2) makes persons who have become unemployed and comply with certain requirements eligible for benefits from the Unemployment Compensation Fund in an amount based on the person's previous wages for employment. (Chapter 612 of NRS)

Existing law requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to fill all positions in the Division, except the post of Administrator and Senior Attorney, from registers prepared by the Division of Human Resource Management of the Department of Administration. (NRS 612.230) **Section 2.5** of this bill exempts from this requirement any positions for attorneys.

Existing federal law imposes various requirements on states concerning the confidentiality and disclosure of information related to unemployment compensation. (20 C.F.R. Part 603) ~~(Sections 3 and 19)~~ **Section 3** ~~and 19~~ of this bill ~~revises~~ revises and ~~remove~~ removes certain provisions of existing law concerning the confidentiality of such information and the circumstances under which the Administrator is authorized to disclose such information for the purposes of complying with federal law. (NRS 612.265)

Existing law requires an eligible person who is unemployed in any week to be paid a benefit for that week in the amount of the person's weekly benefit amount, less 75 percent of the remuneration payable to the person for that week. (NRS 612.350) **Section 4** of this bill reduces this percentage to 66 2/3 percent of the remuneration payable to the person beginning January 1, 2022.

Existing law provides for the payment of extended unemployment benefits to a person who has exhausted his or her regular unemployment benefits and who meets certain eligibility requirements during an extended benefit period. (NRS 612.377, 612.3774) Under existing law, an extended benefit period: (1) begins after the Administrator makes certain determinations relating to the level of unemployment in this State; and (2) is prohibited from lasting more

than 13 consecutive weeks. Existing law also prohibits an extended benefit period from beginning before the 14th week following the end of a prior extended benefit period which was in effect for Nevada. (NRS 612.377) **Section 5.5** of this bill authorizes an extended benefit period to begin before the 14th week following the end of a prior extended benefit period if authorized by ~~the United States Department of Labor.~~ **federal law. Section 20** of this bill applies this authorization retroactively on and after December 27, 2020.

Existing federal law requires that unemployment benefits be denied to certain employees of educational institutions for any period between successive academic years or terms, a vacation or a recess for a holiday, if there is reasonable assurance that the employee will return to service in the ensuing academic year for any educational institution. (26 U.S.C. § 3304(a)(6)) The United States Department of Labor has issued guidance setting forth certain procedures concerning the application of this requirement to employees of multiple educational institutions. (U.S. Dept. of Labor UIPL 5-17 (2016)) **Sections 6 and 7** of this bill set forth requirements for determining the eligibility for unemployment benefits of persons who provide services in multiple capacities for educational institutions in accordance with federal guidance.

Under existing law, the Administrator or Division is authorized to provide documents or communications to a person electronically if the person has requested to receive documents or communications electronically. (NRS 612.253) **Sections 5, 8-13, ~~and~~ 15-17 and 18** of this bill revise provisions of existing law requiring certain notices, bills and other communications relating to unemployment compensation to be mailed or personally served for the purposes of allowing such notices, bills and communications to be provided electronically.

Section 13.5 of this bill specifies that a petition for judicial review of a decision of the Board of Review that is required to be served upon the Administrator under existing law is required to be served upon the Administrator at a designated office of the Administrator in Carson City. (NRS 612.530)

Existing law requires an employer who wishes to make an application for a refund or adjustment relating to a payment of contributions, forfeit or interest which has been erroneously collected to make such an application not later than 3 years after the date on which such payments become due. (NRS 612.655) **Section 17.5** of this bill removes the 3-year limitation with respect to applications for refunds. Under existing law, an adjustment or refund will not be made with respect to contributions on wages which have been included in the determination of an eligible claim for benefits unless it is shown to the satisfaction of the Administrator that the determination was due entirely to the fault or mistake of the Division. (NRS 612.655) **Section 17.5** removes these limitations with respect to the making of refunds.

Section 18.5 of this bill prohibits the State of Nevada from being charged fees of any kind in any proceeding under the Unemployment Compensation Law.

Under existing law, an employer's contribution rate is based on the employer's experience rating, which reflects the amount of unemployment compensation benefits that are paid to former employees and charged to the employer's experience rating record. Existing law requires, in general, that a certain percentage of unemployment benefits paid to a person be charged against the experience rating record of each employer from which the person received wages during his or her base period. (NRS 612.550) **Section 19.5** of this bill provides that benefits paid to a person during the second or third calendar quarter of calendar year 2020 are prohibited from being charged against the experience rating record of any of the person's base period employers.

Existing law authorizes certain employers to reimburse the Unemployment Compensation Fund for benefits paid to their former employees rather than making quarterly contributions to the Fund. Existing law requires the Administrator to, after the end of each calendar quarter or at the end of any other period as determined by the Administrator, determine the amount of reimbursement due from each employer who has elected to make reimbursement in lieu of contributions and bill each such employer for that amount. (NRS 612.553) **Existing federal law requires the Secretary of Labor to transfer funds to the accounts of the states in the Unemployment Trust Fund which are required to be used to reduce the amounts required to be paid in lieu of contributions by employers who have elected to make reimbursement in lieu of contributions for weeks of unemployment during the period beginning on March 13, 2020, and ending on September 6, 2021. (42 U.S.C. § 1103(i))** **Section 19.5** of this bill requires the Administrator, in determining the amount of reimbursement due from an employer who has elected to make reimbursement in lieu of contributions, ~~that is attributable to benefits paid to a person during a week of unemployment in which such federal funds are available, to reduce (by) the (maximum) amount (authorized by federal law the amount) of reimbursement (that is attributable to benefits paid to a person during the second, third or fourth calendar quarter of calendar year 2020.)~~ **due by such an amount as to: (1) use all such federal funds which are available; and (2) result in the employer owing no amount of reimbursement for that week.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 612.230 is hereby amended to read as follows:

612.230 1. For the purpose of ensuring the impartial selection of personnel on the basis of merit, the Administrator shall fill all positions in the Division, except the post of Administrator and Senior Attorney ~~and~~ **and any positions for attorneys**, from registers prepared by the Division of Human Resource Management of the Department of Administration, in conformity with such rules, regulations and classification and compensation plans relating to the selection of personnel as may be adopted or prescribed by the Administrator.

2. The Administrator shall select all personnel either from the first five candidates on the eligible lists as provided in this chapter, or from the highest rating candidate within a radius of 60 miles of the place in which the duties of the position will be performed. The Administrator may fix the compensation and prescribe the duties and powers of such personnel, including such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of the duties under this chapter, and may delegate to any such person such power and authority as the Administrator deems reasonable and proper for its effective administration.

3. The Administrator shall classify positions under this chapter and shall establish salary schedules and minimum personnel standards for the positions so classified. The Administrator shall devise and establish fair and reasonable regulations governing promotions, demotions and terminations for cause in accordance with such established personnel practices as will tend to promote the morale and welfare of the organization.

4. The Administrator may grant educational leave stipends to officers and employees of the Division if all of the cost of the educational leave stipends may be paid from money of the Federal Government.

Sec. 3. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, 607.217 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter, ~~and~~ any determination as to the benefit rights of any person **and any information relating to the contributions paid by an employing unit under this chapter** is confidential and may not be disclosed or be open to public inspection in any manner. ~~{which would reveal the person's or employing unit's identity.}~~

2. ~~{Any claimant or a legal representative of a claimant is entitled to} The Administrator may disclose any confidential information {from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.}~~ **in accordance with the requirements enumerated in 20 C.F.R. Part 603 or any successor regulation and any written guidance promulgated and issued by the United States Department of Labor consistent with 20 C.F.R. Part 603.**

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.037 and administered pursuant to NRS 223.820, make the information obtained by the Division available to:

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. ~~{Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:~~

~~—(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;~~

~~—(b) Any state or local agency for the enforcement of child support;~~

~~—(c) The Internal Revenue Service of the Department of the Treasury;~~

~~—(d) The Department of Taxation;~~

~~—(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and~~

~~—(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.~~

~~➔ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.~~

~~—5.— Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.~~

~~—6. The Administrator may publish for otherwise provide aggregate statistics and information on the names of employers, their addresses, their type or class of business or industry and the approximate number of employees employed by each such employer, employers, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information . to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.~~

~~—7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.~~

~~—8. 5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State , another state or the Federal Government may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.~~

~~{9. In addition to the provisions of subsection 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.~~

~~—10. Upon the request of any district judge or jury commissioner of the judicial district in which the county is located,~~

6. In response to a request from a court official with subpoena authority, the Administrator shall, in accordance with other agreements entered into with other district courts and in compliance with 20 C.F.R. Part 603, and any

other applicable federal laws and regulations governing the Division, furnish the name, address and date of birth of persons who receive benefits in any county, for use in the selection of trial jurors pursuant to NRS 6.045. ~~The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.~~

~~11.6.7~~ 7. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

~~12.7.7~~ 8. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

~~13.8.7~~ 9. The Administrator, any employee or other person acting on behalf of the Administrator, or any employee or other person acting on behalf of an agency or entity allowed to access information obtained from any employing unit or person in the administration of this chapter, or any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter, is guilty of a gross misdemeanor if he or she:

- (a) Uses or permits the use of the list for any political purpose;
- (b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or
- (c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

~~14.9.7~~ 10. All letters, reports or communications of any kind, oral, ~~for~~ written ~~or electronic~~, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are ~~privileged~~ **confidential** and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 4. NRS 612.350 is hereby amended to read as follows:

612.350 1. An eligible person who is unemployed and otherwise entitled to receive benefits in any week must be paid for that week a benefit in an

amount equal to the person's weekly benefit amount, less ~~75~~ **66 2/3** percent of the remuneration payable to him or her for that week.

2. The benefit, if not a multiple of \$1, must be computed to the next lower multiple of \$1.

Sec. 5. NRS 612.365 is hereby amended to read as follows:

612.365 1. Any person who is overpaid any amount as benefits under this chapter is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or willful nondisclosure on the part of the recipient; and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience, as determined by the Administrator.

2. The amount of the overpayment must be assessed to the liable person, and the person must be notified of the basis of the assessment. The notice must specify the amount for which the person is liable. In the absence of fraud, misrepresentation or willful nondisclosure, notice of the assessment must be mailed, **electronically transmitted** or personally served not later than 1 year after the close of the benefit year in which the overpayment was made.

3. Except as otherwise provided in subsection 4, at any time within 5 years after the notice of overpayment, the Administrator may recover the amount of the overpayment by using the same methods of collection provided in NRS 612.625 to 612.645, inclusive, 612.685 and 612.686 for the collection of past due contributions or by deducting the amount of the overpayment from any benefits payable to the liable person under this chapter.

4. If the overpayment is due to fraud, misrepresentation or willful nondisclosure, the Administrator may, within 10 years after the notice of overpayment, recover any amounts due in accordance with the provisions of NRS 612.7102 to 612.7116, inclusive.

5. The Administrator may waive recovery or adjustment of all or part of the amount of any such overpayment which the Administrator finds to be uncollectible or the recovery or adjustment of which the Administrator finds to be administratively impracticable.

6. To the extent allowed pursuant to federal law, the Administrator may assess any administrative fee prescribed by an applicable agency of the United States regarding the recovery of such overpayments.

7. Any person against whom liability is determined under this section may appeal therefrom within 11 days after the date the notice provided for in this section was mailed to, **electronically transmitted to** or served upon, the person. An appeal must be made and conducted in the manner provided in this chapter for the appeals from determinations of benefit status. The 11-day period provided for in this subsection may be extended for good cause shown.

Sec. 5.5. NRS 612.377 is hereby amended to read as follows:

612.377 As used in NRS 612.377 to 612.3786, inclusive, unless the context clearly requires otherwise:

1. “Extended benefit period” means a period which begins with the third week after a week for which there is a Nevada “on” indicator and ends with the third week after the first week for which there is a Nevada “off” indicator or the 13th consecutive week after it began, except that no extended benefit period may begin by reason of a Nevada “on” indicator before the 14th week following the end of a prior extended benefit period which was in effect for Nevada ~~†~~, ~~unless the United States Department of Labor federal law~~ ***authorizes an extended benefit period to begin before the 14th week following the end of a prior extended benefit period.***

2. There is a “Nevada ‘on’ indicator” for a week if the Administrator determines, in accordance with the regulations of the Secretary of Labor, that:

(a) For the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in Nevada (not seasonally adjusted) under NRS 612.377 to 612.3786, inclusive:

(1) Equalled or exceeded 120 percent of the average of those rates for the corresponding 13-week period ending in each of the preceding 2 calendar years and equalled or exceeded 5 percent; or

(2) Equalled or exceeded 6 percent; or

(b) For weeks of unemployment beginning on or after March 18, 2020, and ending on or before the week ending 4 weeks before the last week for which full federal sharing is authorized by section 4105(a) of Public Law No. 116-127, or which occur during a period of time specified by the Governor in a proclamation issued pursuant to subsection 4 of NRS 612.378, the average rate of total seasonally adjusted unemployment in Nevada, as determined by the Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published before the close of such week:

(1) Equalled or exceeded 6.5 percent; and

(2) Equalled or exceeded 110 percent of the average rate for the corresponding 3-month period ending in either of the 2 preceding calendar years.

3. There is a “Nevada ‘off’ indicator” for a week if the Administrator determines, in accordance with the regulations of the Secretary of Labor, that for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in Nevada (not seasonally adjusted):

(a) Was less than 120 percent of the average of those rates for the corresponding 13-week period ending in each of the preceding 2 calendar years; or

(b) Was less than 5 percent.

4. “Rate of insured unemployment,” for purposes of subsections 2 and 3, means the percentage derived by dividing the average weekly number of persons filing claims in this State for the weeks of unemployment for the most recent period of 13 consecutive weeks, as determined by the Administrator on the basis of the Administrator’s reports to the Secretary of Labor using the average monthly employment covered under this chapter as determined by the Administrator and recorded in the records of the Division for the first four of

the most recent six completed calendar quarters ending before the end of the 13-week period.

5. “Regular benefits” means benefits payable to a person under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen or ex-servicewomen pursuant to 5 U.S.C. §§ 8501 et seq.) other than extended benefits.

6. “Extended benefits” means benefits (including benefits payable to federal civilian employees and to ex-servicemen or ex-servicewomen pursuant to 5 U.S.C. §§ 8501 et seq.) payable to a person under the provisions of NRS 612.377 to 612.3786, inclusive, for the weeks of unemployment in the person’s eligibility period.

7. “Additional benefits” means benefits payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any state law. Any person who is entitled to both additional and extended benefits for the same week must be given the choice of electing which type of benefit to claim regardless of whether his or her rights to additional and extended benefits arise under the law of the same state or different states.

8. “Eligibility period” of a person means the period consisting of the weeks in the person’s benefit year under this chapter which begin in an extended benefit period and, if that benefit year ends within the extended benefit period, any weeks thereafter which begin in that period.

9. “Exhaustee” means a person who, with respect to any week of unemployment in the person’s eligibility period:

(a) Has received, before that week, all of the regular, seasonal or nonseasonal benefits that were available to him or her under this chapter or any other state law (including augmented weekly benefits for dependents and benefits payable to federal civilian employees and ex-servicemen or ex-servicewomen under 5 U.S.C. §§ 8501 et seq.) in the person’s current benefit year which includes that week, except that, for the purposes of this paragraph, a person shall be deemed to have received all of the regular benefits that were available to him or her, although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in that benefit year, the person may subsequently be determined to be entitled to added regular benefits; or

(b) His or her benefit year having expired before that week, has no, or insufficient, wages on the basis of which the person could establish a new benefit year which would include that week,

➡ and has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, 45 U.S.C. §§ 351 et seq., the Trade Expansion Act of 1962, 19 U.S.C. §§ 1801 et seq., the Automotive Products Trade Act of 1965, 19 U.S.C. §§ 2001 et seq. and such other federal laws as are specified in regulations issued by the Secretary of Labor, and has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada. If the person is seeking such

benefits and the appropriate agency finally determines that the person is not entitled to benefits under that law the person is considered an exhaustee.

10. “State law” means the unemployment insurance law of any state, approved by the Secretary of Labor under Section 3304 of the Internal Revenue Code of 1954.

Sec. 6. NRS 612.432 is hereby amended to read as follows:

612.432 1. ~~Benefits~~ ***Except as otherwise provided in this section, benefits*** based on service in an instructional, research or principal administrative capacity in any educational institution or based on other service in any educational institution must be denied to any person for any week of unemployment which begins during an established and customary vacation or recess for a holiday if the person performs service in the period immediately preceding the vacation or recess and there is reasonable assurance that the person will be provided employment immediately succeeding the vacation or recess.

2. *If a person performs services in more than one capacity for any educational institution, benefits must be denied to the person for any week of unemployment which begins during an established and customary vacation or recess for a holiday if:*

(a) The person performs services in any of his or her capacities in the period immediately preceding the vacation or recess;

(b) There is reasonable assurance that the person will be provided employment immediately succeeding the vacation or recess in any of his or her capacities with any educational institution; and

(c) The wages for the employment provided pursuant to paragraph (b) will not be less than 90 percent of the aggregate amount of wages paid to the person for all services performed in all capacities for any educational institution in the period immediately preceding the vacation or recess.

3. *If a person performs services in more than one capacity for any educational institution and benefits are not denied to the person pursuant to subsection 2, all of the services performed in all capacities for any educational institution in the period immediately preceding an established and customary vacation or recess for a holiday must be included to determine the person’s eligibility for benefits for any week of unemployment which begins during the vacation or recess.*

4. *If a person is paid benefits for a week of unemployment based on the services described in subsection 3, the amount of the benefits paid that is based on services performed for which an educational institution provided the person reasonable assurance of employment immediately succeeding the vacation or recess:*

(a) If the educational institution has not been given the right to make reimbursements in lieu of contributions pursuant to NRS 612.553, must be charged against the records for experience rating of that educational institution.

(b) If the educational institution has been given the right to make reimbursements in lieu of contributions pursuant to NRS 612.553, is required to be reimbursed into the Unemployment Compensation Fund by that educational institution.

5. The provisions of this section apply also to services performed while employed by a governmental agency which is established and operated to provide services to educational institutions and which may make reimbursements in lieu of contributions pursuant to NRS 612.553.

Sec. 7. NRS 612.434 is hereby amended to read as follows:

612.434 1. ~~{Benefits}~~ ***Except as otherwise provided in subsections 4 and 5, benefits*** based on service in an instructional, research or principal administrative capacity for any educational institution must be denied to any person for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the person's contract, if that person performs the service in the first of the academic years or terms and there is a contract or reasonable assurance that the person will be provided employment in any such capacity for an educational institution in the next academic year or term.

2. Except as provided in subsection 3, benefits based on service in any other capacity for any educational institution must be denied to any person for any week of unemployment which begins during the period between two successive academic years or terms if the person performed the service in the first of the academic years or terms and there is reasonable assurance that the person will be provided employment to perform that service in the next academic year or term.

3. A person who is denied benefits pursuant to subsection 2 and not offered an opportunity to perform the service for the educational institution for the second academic year or term is entitled to retroactive payment of his or her benefits for each week for which the person filed a timely claim that was denied pursuant to subsection 2.

4. ***If a person performs services in more than one capacity for any educational institution, benefits must be denied to the person for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the person's contract if:***

(a) The person performs services in any of his or her capacities in the first of the academic years or terms;

(b) There is a contract or reasonable assurance that the person will be provided employment in any of his or her capacities with any educational institution in the next academic year or term; and

(c) The wages for the employment provided pursuant to paragraph (b) will not be less than 90 percent of the aggregate amount of wages paid for all

services performed in all capacities for any educational institution in the first of the academic years or terms.

5. If a person performs services in more than one capacity for any educational institution and benefits are not denied to the person pursuant to subsection 4, all of the services performed in all capacities for any educational institution during the first of the academic years or terms must be included to determine the person's eligibility for benefits for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the person's contract.

6. If a person is paid benefits for a week of unemployment based on the services described in subsection 5, the amount of such benefits paid that is based on services performed for which an educational institution provided a contract or reasonable assurance of employment for the academic year or term:

(a) If the educational institution has not been given the right to make reimbursements in lieu of contributions pursuant to NRS 612.553, must be charged against the records for experience rating of that educational institution.

(b) If the educational institution has been given the right to make reimbursements in lieu of contributions pursuant to NRS 612.553, is required to be reimbursed into the Unemployment Compensation Fund by the educational institution.

7. The provisions of this section apply also to services performed while employed by a governmental agency which is established and operated to provide services to educational institutions and which may make reimbursements in lieu of contributions pursuant to NRS 612.553.

Sec. 8. NRS 612.485 is hereby amended to read as follows:

612.485 1. Any determination or redetermination is final 11 days after the date of notification **by electronic transmission** or mailing of the notice of determination or redetermination unless a request for reconsideration or an appeal is filed within the 11-day period.

2. Nothing in this section limits or abridges the authority of the Administrator to make a redetermination as provided in NRS 612.480.

3. Any notice of a determination or redetermination must clearly indicate the interested persons' right to appeal.

Sec. 9. NRS 612.495 is hereby amended to read as follows:

612.495 1. Any person entitled to a notice of determination or redetermination may file an appeal from the determination with an Appeal Tribunal, and the Administrator shall be a party respondent thereto. The appeal must be filed within 11 days after the date of mailing, **electronic transmission** or personal service of the notice of determination or redetermination. The 11-day period may be extended for good cause shown. Any employing unit whose

rights may be adversely affected may be permitted by the Appeal Tribunal to intervene as a party respondent to the appeal.

2. An appeal shall be deemed to be filed on the date it is delivered to the Division, or, if it is mailed, on the postmarked date appearing on the envelope in which it was mailed, if postage is prepaid and the envelope is properly addressed to the office of the Division that mailed notice of the person's claim for benefits to each employer entitled to notice under NRS 612.475.

3. The 11-day period provided for in this section must be computed by excluding the day the determination was mailed, ***electronically transmitted*** or personally served, and including the last day of the 11-day period, unless the last day is a Saturday, Sunday or holiday, in which case that day must also be excluded.

4. The Appeal Tribunal may permit the withdrawal of the appeal by the appellant at the appellant's request if there is no coercion or fraud involved in the withdrawal.

Sec. 10. NRS 612.500 is hereby amended to read as follows:

612.500 1. A reasonable opportunity for a fair hearing on appeals must be promptly afforded all parties.

2. An Appeal Tribunal shall inquire into and develop all facts bearing on the issues and shall receive and consider evidence without regard to statutory and common-law rules. In addition to the issues raised by the appealed determination, the Appeal Tribunal may consider all issues affecting the claimant's rights to benefits from the beginning of the period covered by the determination to the date of the hearing.

3. An Appeal Tribunal shall include in the record and consider as evidence all records of the Administrator that are material to the issues.

4. The Administrator shall adopt regulations governing the manner of filing appeals and the conduct of hearings and appeals consistent with the provisions of this chapter.

5. A record of all testimony and proceedings on appeal must be kept for 6 months after the date on which a decision of an Appeal Tribunal is mailed ~~or~~ ***or electronically transmitted***, but testimony need not be transcribed unless further review is initiated. If further review is not initiated within that period, the record may be destroyed.

6. Witnesses subpoenaed are entitled to fees in the amounts specified in NRS 50.225, and the fees of witnesses so subpoenaed shall be deemed part of the expense of administering this chapter.

7. An Appeal Tribunal shall not participate in an appeal hearing in which the Appeal Tribunal has a direct or indirect interest.

8. If the records of an appeal have been destroyed pursuant to subsection 5, a person aggrieved by the decision in the appeal may petition a district court for a trial de novo. If the district court finds that good cause exists for the party's failure to pursue the administrative remedies provided in NRS 612.510, it may grant the petitioner's request.

Sec. 11. NRS 612.510 is hereby amended to read as follows:

612.510 1. After a hearing, an Appeal Tribunal shall make its findings promptly and on the basis thereof affirm, modify or reverse the determination. Each party must be promptly furnished a copy of the decision and the supporting findings ~~and~~ **by mail or electronic transmission.**

2. The decision is final unless an appeal to the Board of Review or a request for review or appeal to the Board of Review is filed, within 11 days after the decision has been mailed to each party's last known address or ~~otherwise delivered~~ **electronically transmitted** to the party. The 11-day period may be extended for good cause shown.

3. A request for review or appeal to the Board of Review shall be deemed to be filed on the date it is delivered to the Division, or, if it is mailed, on the postmarked date appearing on the envelope in which it was mailed, if the postage was prepaid and the envelope was properly addressed to one of the offices of the Division.

4. The time provided for in this section must be computed in the manner provided in NRS 612.495.

Sec. 12. NRS 612.515 is hereby amended to read as follows:

612.515 1. An appeal to the Board of Review by any party must be allowed as a matter of right if the Appeal Tribunal's decision reversed or modified the Administrator's determination. In all other cases, further review must be at the discretion of the Board of Review.

2. The Board **of Review** on its own motion may initiate a review of a decision or determination of an Appeal Tribunal within 11 days after the date of mailing **or electronic transmission** of the decision.

3. The Board **of Review** may affirm, modify or reverse the findings or conclusions of the Appeal Tribunal solely on the basis of evidence previously submitted, or upon the basis of such additional evidence as it may direct to be taken.

4. Each party, including the Administrator, must be promptly furnished a copy of the decision and the supporting findings of the Board of Review.

Sec. 13. NRS 612.525 is hereby amended to read as follows:

612.525 1. Any decision of the Board of Review in the absence of an appeal therefrom as herein provided becomes final 11 days after the date of notification **by electronic transmission** or mailing thereof, and judicial review thereof is permitted only after any party claiming to be aggrieved thereby has exhausted administrative remedies as provided by this chapter.

2. The Administrator shall be deemed to be a party to any judicial action involving any such decision, and may be represented in any such judicial action by:

(a) Any qualified attorney employed by the Administrator and designated by the Administrator for that purpose; or

(b) The Attorney General, at the Administrator's request.

3. The Administrator may appeal from any decision of the Board of Review to the courts as may any other party to that decision.

Sec. 13.5. NRS 612.530 is hereby amended to read as follows:

612.530 1. Within 11 days after the decision of the Board of Review has become final, any party aggrieved thereby or the Administrator may secure judicial review thereof by commencing an action in the district court of the county where the employment which is the basis of the claim was performed for the review of the decision, in which action any other party to the proceedings before the Board of Review must be made a defendant.

2. In such action, a petition which need not be verified, but which must state the grounds upon which a review is sought, must, within 45 days after the commencement of the action, be served upon the Administrator ~~at~~ **at a designated office of the Administrator in Carson City**, unless the Administrator is the appellant, or upon such person as the Administrator may designate, and such service shall be deemed completed service on all parties, but there must be left with the party so served as many copies of the petition as there are defendants, and the Administrator shall forthwith mail one such copy to each defendant.

3. The Administrator shall file with the court an answer within 45 days after being served with a petition pursuant to subsection 2 or, if the Administrator is the appellant, the Administrator shall serve the petition upon each other party within 45 days after commencement of the action. With the Administrator's answer or petition, the Administrator shall certify and file with the court originals or true copies of all documents and papers and a transcript of all testimony taken in the matter, together with the Board of Review's findings of fact and decision therein. The Administrator may certify to the court questions of law involved in any decision.

4. In any judicial proceedings under this section, the finding of the Board of Review as to the facts, if supported by evidence and in the absence of fraud, is conclusive, and the jurisdiction of the court is confined to questions of law.

5. Such actions, and the questions so certified, must be heard in a summary manner and must be given precedence over all other civil cases except cases arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

6. An appeal may be taken from the decision of the district court to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court of Nevada pursuant to Section 4 of Article 6 of the Nevada Constitution in the same manner, but not inconsistent with the provisions of this chapter, as is provided in civil cases.

7. It is not necessary, in any judicial proceeding under this section, to enter exceptions to the rulings of the Board of Review, and no bond may be required for entering the appeal.

8. Upon the final determination of the judicial proceeding, the Board of Review shall enter an order in accordance with the determination.

9. A petition for judicial review does not act as a supersedeas or stay unless the Board of Review so orders.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 612.551 is hereby amended to read as follows:

612.551 1. Except as otherwise provided in subsections 2, 3 and 7, if the Division determines that a claimant has earned 75 percent or more of his or her wages during his or her base period from one employer, it shall notify the employer by mail *or electronic transmission* of its determination and advise him or her that he or she has a right to protest the charging of benefits to his or her account pursuant to subsection 4 of NRS 612.550.

2. Benefits paid pursuant to an elected base period in accordance with NRS 612.344 must not be charged against the record for experience rating of the employer.

3. Except as otherwise provided in subsection 7, if a claimant leaves his or her last or next to last employer to take other employment and leaves or is discharged by the latter employer, benefits paid to the claimant must not be charged against the record for experience rating of the former employer.

4. If the employer provides evidence within 10 working days after the notice required by subsection 1 was mailed *or electronically transmitted* which satisfies the Administrator that the claimant:

(a) Left his or her employment voluntarily without good cause or was discharged for misconduct connected with the employment; or

(b) Was the spouse of an active member of the Armed Forces of the United States and left his or her employment because the spouse was transferred to a different location,

➡ the Administrator shall order that the benefits not be charged against the record for experience rating of the employer.

5. The employer may appeal from the ruling of the Administrator relating to the cause of the termination of the employment of the claimant in the same manner as appeals may be taken from determinations relating to claims for benefits.

6. A determination made pursuant to this section does not constitute a basis for disqualifying a claimant to receive benefits.

7. If an employer who is given notice of a claim for benefits pursuant to subsection 1 fails to submit timely to the Division all known relevant facts which may affect the claimant's rights to benefits as required by NRS 612.475, the employer's record for experience rating is not entitled to be relieved of the amount of any benefits paid to the claimant as a result of such failure that were charged against the employer's record pursuant to NRS 612.550 or 612.553.

8. To the extent allowed by federal law, the Administrator may, by regulation, suspend, modify, amend or waive any requirement of this section for the duration of a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070 and for any additional period of time during which the emergency or disaster directly affects the requirement of this section if:

(a) The Administrator determines the action is:

(1) In the best interest of the Division, this State or the general health, safety and welfare of the citizens of this State; or

(2) Necessary to comply with instructions received from the Department of Labor; and

(b) The action of the Administrator is approved by the Governor.

Sec. 16. NRS 612.553 is hereby amended to read as follows:

612.553 1. For the purposes of this section:

(a) “Indian tribe” includes any entity described in subsection 10 of NRS 612.055.

(b) “Nonprofit organization” means any entity described in subsection 1 of NRS 612.121.

(c) “Political subdivision” means any entity described in subsection 9 of NRS 612.055.

2. Any nonprofit organization, political subdivision or Indian tribe which is subject to this chapter:

(a) Shall pay contributions to the Unemployment Compensation Fund in the manner provided in NRS 612.535 to 612.550, inclusive, unless it elects, in accordance with this section, to pay into the Unemployment Compensation Fund, in lieu of contributions, as reimbursement an amount equivalent to the amount of regular unemployment compensation benefits and one-half of the extended benefits paid to claimants that is attributable to wages paid, except that after December 31, 1978, a political subdivision, and after December 21, 2000, an Indian tribe, shall reimburse an amount equal to the regular unemployment compensation benefits and all of the extended benefits. An Indian tribe may elect to become liable for payments by way of reimbursement in lieu of contributions for the tribe as a whole, or for any political subdivision, subsidiary, wholly owned business, or any combination thereof. The amount of benefits payable by each employer who elects to make payments by way of reimbursement in lieu of contributions must be an amount which bears the same ratio to the total benefits paid to a person as the total base-period wages paid to that person by the employer bear to the total base-period wages paid to that person by all of the person’s base-period employers. Two or more employers who have become liable for payments by way of reimbursement in lieu of contributions may file a joint application, in accordance with regulations of the Administrator, for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers.

(b) May elect to become liable for payments by way of reimbursement in lieu of contributions for a period of not less than 4 consecutive calendar quarters beginning with the first day of the calendar quarter on which it became subject to this chapter by filing a written notice with the Administrator not later than 30 days immediately following the date of the determination that it is subject to this chapter. The organization remains liable for payments by way of reimbursement in lieu of contributions until it files with the Administrator a written notice terminating its election not later than 30 days before the beginning of the taxable year for which the termination is first effective.

3. Any nonprofit organization, political subdivision or Indian tribe which is paying contributions as provided in NRS 612.535 to 612.550, inclusive, may change to a reimbursement-in-lieu-of-contributions basis by filing with the Administrator not later than 30 days before the beginning of any taxable year a written notice of its election to become liable for payments by way of reimbursements in lieu of contributions. The election is not terminable by the organization for that and the next taxable year.

4. The Administrator may for a good cause extend the period in which a notice of election or a notice of termination must be filed and may permit an election to be retroactive, but not any earlier than with respect to benefits paid after December 31, 1970, for a nonprofit organization, December 31, 1976, for a political entity, or December 21, 2000, for an Indian tribe.

5. The Administrator shall notify each nonprofit organization, political subdivision and Indian tribe of any determination which the Administrator may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. The Administrator's determination is subject to reconsideration, petitions for hearing and judicial review in accordance with the provisions of this chapter.

6. The amount of reimbursement in lieu of contributions due from each employing unit which elects to make reimbursement in lieu of contributions must be determined by the Administrator as soon as practicable after the end of each calendar quarter or at the end of any other period as determined by the Administrator. The Administrator shall bill each employing unit which makes reimbursement in lieu of contributions for an amount determined pursuant to paragraph (a) of subsection 2. Amounts due under this subsection must be paid not later than 30 days after a bill is mailed to the last known address of the employing unit ~~or~~ ***or electronically transmitted to the employing unit.*** If payment is not made on or before the date due and payable, the whole or any part thereafter remaining unpaid bears interest at the rate of one-half percent per month or fraction thereof, from and after the due date until payment is received by the Administrator. The amount of payments due, but not paid, may be collected by the Administrator, together with interest and penalties, if any, in the same manner and subject to the same conditions as contributions due from other employers. The amount due specified in any bill from the Administrator is conclusive and binding on the employing unit, unless not later than 15 days after the bill was mailed to its last known address, the employing unit files an application for redetermination. A redetermination made under this subsection is subject to petition for hearing and judicial review in accordance with the provisions of this chapter. Payments made by any nonprofit organization, political subdivision or Indian tribe under the provisions of this section must not be deducted, in whole or in part, from the wages of any person employed by that organization.

7. The Administrator shall:

(a) Suspend the election of an Indian tribe to become liable for payments by way of reimbursement in lieu of contributions if the tribe fails to make

payment, together with interest and penalties, if any, within 90 days after the tribe receives a bill from the Administrator.

(b) Require an Indian tribe whose election to become liable for payments by way of reimbursement in lieu of contributions is suspended pursuant to subsection 1 to pay contributions as set forth in NRS 612.535 to 612.550, inclusive, for the following taxable year unless the Administrator receives its payment in full before the Administrator computes the contribution rates for that year.

(c) Reinstate the election of an Indian tribe to become liable for payments by way of reimbursement in lieu of contributions that is suspended pursuant to subsection 1 if the tribe:

(1) Has paid all contributions pursuant to NRS 612.535 to 612.550, inclusive, including interest and penalties, for not less than 1 year; and

(2) Has no unpaid balance owing to the Administrator for any contribution, payment in lieu of contributions, penalty or interest.

8. Benefits are payable on the basis of employment to which this section applies, in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other employment subject to this chapter.

9. In determining contribution rates assigned to employers under this chapter, the payrolls of employing units liable for payments in lieu of contributions must not be included in computing the contribution rates to be assigned to employers under this chapter. The reimbursement in lieu of contributions paid by or due from such employing units must be included in the total assets of the fund in the same manner as contributions paid by other employers.

10. The provisions of NRS 612.550 do not apply to employers who elect reimbursement in lieu of contributions.

11. Except as inconsistent with the provisions of this section, the provisions of this chapter and regulations of the Administrator apply to any matter arising pursuant to this section.

Sec. 17. NRS 612.630 is hereby amended to read as follows:

612.630 1. In addition to or independently of the remedy by civil action provided in NRS 612.625, the Administrator, or the Administrator's authorized representative, after giving to any employer who defaults in any payment of contributions, interest or forfeit provided by this chapter 15 days' notice by registered or certified mail, addressed to the employer's last known place of business or address, **or notice by electronic transmission**, may file in the office of the clerk of the district court in the county in which the employer has his or her principal place of business, or if there is no such principal place of business, then in Carson City, a certificate, which need not be verified, but which must specify the amount of contribution, interest and forfeit due, the name and last known place of business of the employer liable for the same, and which must contain a statement that the Division has complied with all the provisions of this chapter in relation to the computation and levy of the

contribution, together with the request that judgment be entered for the State of Nevada, and against the employer named, in the amount of the contribution, interest and forfeit set forth in the certificate.

2. Within the 15-day period, the employer may pay the amount specified in such notice, under protest, to the Administrator, and thereupon has the right to initiate, within 60 days following such payment, and to maintain his or her action against the Division for a refund of all or any part of any such amount and to recover so much thereof as may have been erroneously assessed or paid. Such an action by the employer must be commenced and maintained in the district court in the county wherein is located the principal place of business of the employer. In the event of entry of judgment for the employer, the Division shall promptly refund such sum without interest as may be determined by the court.

3. If no such payment under protest is made as provided in subsection 2, upon filing the certificate as provided in subsection 1, the clerk of the district court shall immediately enter a judgment in favor of the Division and against the employer in the amount of the contributions, interest and forfeit set forth in the certificate.

Sec. 17.5. NRS 612.655 is hereby amended to read as follows:

612.655 1. Where a payment of contributions, forfeit or interest has been erroneously collected, an employer may ~~not later than 3 years after the date on which such payments became due,~~ make application for ~~an adjustment thereof in connection with subsequent contributions, forfeit or interest payments or for~~ a refund. All such ~~adjustments or~~ refunds will be made without interest. ~~Am~~

2. *Where a payment of contributions, forfeit or interest has been erroneously collected, an employer may, not later than 3 years after the date on which such payments became due, make application for an adjustment ~~for refund~~ thereof in connection with subsequent contributions, forfeit or interest payments. An adjustment* will not be made in any case with respect to contributions on wages which have been included in the determination of an eligible claim for benefits, unless it is shown to the satisfaction of the Administrator that such determination was due entirely to the fault or mistake of the Division.

~~2.~~ 3. Refunds of interest and forfeit collected under NRS 612.618 to 612.675, inclusive, 612.7102 to 612.7116, inclusive, and 612.740 and paid into the Employment Security Fund established by NRS 612.615 must be made only from the Employment Security Fund.

Sec. 18. NRS 612.686 is hereby amended to read as follows:

612.686 1. If a person is notified of a delinquency pursuant to NRS 612.685, the person shall neither transfer, pay over nor make any other disposition of money or property belonging to the delinquent employing unit, or any portion thereof, until the Administrator consents thereto in writing.

2. A person so notified shall, within 11 days after receipt of the notice, advise the Administrator of all credits, debts or other personal property of the

delinquent employing unit in the person's possession, under the person's control or owing by the person, as the case may be.

3. The Administrator may, ~~personally or~~ by registered or certified mail ~~or~~ **or electronic transmission**, give the person so notified a demand to transmit. Upon receipt of the demand, that person shall transmit to the Division, within the time and in the manner stated in the demand, the lesser of:

(a) All the credits, debts or other personal property of the delinquent employing unit in the person's possession, under the person's control or owing by the person; or

(b) The amount specified in the demand.

↪ Except as otherwise provided in subsection 4, no further notice is required.

4. If the property of the delinquent employing unit consists of a series of payments owed to it, the person who owes or controls the payments shall transmit them to the Division until otherwise notified by the Administrator. If the debt is not paid within 1 year after the demand to transmit was given, the Administrator shall give another demand to the person who owes or controls the payments, instructing the person to continue to transmit the payments or informing the person that the person's duty to transmit them has ceased.

5. A person notified of a delinquency who makes any transfer or other disposition of property required to be withheld or transmitted to the Division is liable for the amount of the delinquency to the extent of the value of the property or the amount of the debt so transferred or paid.

6. The Division shall determine as promptly as practicable whether sufficient liquid assets have been withheld or transmitted to satisfy its claim. As soon as the Division determines that the assets are sufficient, it shall consent in writing to a transfer or other disposition of assets in excess of the amount needed.

Sec. 18.5. NRS 612.705 is hereby amended to read as follows:

612.705 1. ~~No~~ **Neither the State of Nevada nor any** person claiming benefits may be charged fees of any kind in any proceeding under this chapter by the Board of Review, the Administrator, or representatives of the Board of Review or the Administrator, or by any court or officer thereof.

2. Any person claiming benefits in any proceeding before the Administrator or the Board of Review, or representatives of the Board of Review or the Administrator, or a court, may be represented by counsel or other duly authorized agent, but no such counsel or agents may either charge or receive for such services more than an amount approved by the Board of Review.

3. Any person, firm or corporation who exacts or receives any remuneration or gratuity for any services rendered on behalf of a claimant except as allowed by this section and in an amount approved by the Board of Review is guilty of a misdemeanor.

4. Any person, firm or corporation who solicits the business of appearing on behalf of a claimant or who makes it a business to solicit employment for

another in connection with any claim for benefits under this chapter is guilty of a misdemeanor.

Sec. 19. ~~NRS 6.045 is hereby amended to read as follows:~~

~~6.045 1. The district court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner, and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.~~

~~2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the district court and shall select that number from the qualified electors of the county not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner.~~

~~3. The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:~~

~~(a) A list of persons who are registered to vote in the county;~~

~~(b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225; and~~

~~(c) [The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 612.265; and~~

~~(d)] A public utility pursuant to NRS 704.206.~~

~~4. In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.~~

~~5. The jury commissioner shall:~~

~~(a) Keep a record of the name, occupation, address and race of each trial juror selected pursuant to subsection 2;~~

~~(b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and~~

~~(c) Prepare and submit a report to the Court Administrator which must:~~

~~(1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without limitation, the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service;~~

~~(2) Be submitted at least once a year; and~~

~~(3) Be submitted in the time and manner prescribed by the Court Administrator.~~

~~6. The jury commissioner shall not select the name of any person whose name was selected the previous year, and who actually served on the jury by attending in court in response to the venire from day to day until excused from further attendance by order of the court, unless there are not enough other suitable jurors in the county to do the required jury duty.] (Deleted by amendment.)~~

Sec. 19.5. 1. Notwithstanding the provisions of NRS 612.550, benefits paid to a person during the second or third calendar quarter of calendar year 2020 must not be charged against the experience rating record of any of the person's base period employers.

2. Notwithstanding the provisions of NRS 612.553, as amended by section 16 of this act, in determining the amount of payment by way of reimbursement in lieu of contributions due from an employer who elects to make payments by way of reimbursement in lieu of contributions pursuant to NRS 612.553, as amended by section 16 of this act, the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall, **for any week of unemployment beginning on or after March 13, 2020, in which federal funds provided pursuant to Section 903(i) of the Social Security Act, 42 U.S.C. § 1103(i) are available,** reduce ~~by the [maximum amount authorized by federal law the]~~ amount of payment by way of reimbursement due that is attributable to benefits paid to a person during ~~the second, third or fourth calendar quarter of calendar year 2020.~~ **such a week in an amount determined by the Administrator so as to:**

(a) Use all available federal funds provided pursuant to Section 903(i) of the Social Security Act, 42 U.S.C. § 1103(i); and

(b) Result in the employer owing no amount of payment by way of reimbursement for that week.

3. As used in this section:

(a) "Base period" has the meaning ascribed to it in NRS 612.025.

(b) "Benefits" has the meaning ascribed to it in NRS 612.035.

(c) "Calendar quarter" has the meaning ascribed to it in NRS 612.040.

(d) "Employer" has the meaning ascribed to it in NRS 612.055.

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Section 4 of this act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing preparatory administrative tasks; and

(b) On January 1, 2022, for all other purposes.

3. Section 5.5 of this act becomes effective upon passage and approval and applies retroactively on and after December 27, 2020.

4. Sections 1 to 3, inclusive, 5 and 6 to 19.5, inclusive, of this act become effective on July 1, 2021.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 150.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 715.

AN ACT relating to housing; requiring the governing body of a city or county to authorize tiny houses in certain zoning districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a governing body to divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out certain purposes. Within a zoning district, the governing body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. (NRS 278.250) **Section 1** of this bill requires the governing body of a county whose population is 100,000 or more (currently Clark and Washoe Counties) or the governing body of a city whose population is 150,000 or more (currently, the cities of Henderson, Las Vegas, North Las Vegas and Reno) to designate: (1) at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit; (2) at least one zoning district in which a tiny house may be located and classified as a single-family residence; and (3) at least one zoning district in which a tiny house may be located in a tiny house park. **Section 1** also requires the governing body of a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) or the governing body of a city whose population is less than 150,000 (currently all cities other than the cities of Henderson, Las Vegas, North Las Vegas and Reno) to designate: (1) at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit; (2) at least one zoning district in which a tiny house may be located and classified as a single-family residence; or (3) at least one zoning district in which a tiny house may be located in a tiny house park. **Section 1** further: (1) **requires the governing body of a county or city to consider certain health and environmental effects of the locations of tiny houses in the zoning districts designated in the ordinance on certain populations;** (2) authorizes the governing body of a county or city to set forth additional requirements for tiny houses and tiny house parks; and ~~[(2)]~~ **(3)** requires the governing body of a county or city to define “tiny house” in accordance with the definition adopted in the International Residential Code by the International Code Council or its successor organization.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A governing body of a county whose population is 100,000 or more or a governing body of a city whose population is 150,000 or more shall adopt an ordinance for the zoning of tiny houses that:

(a) Designates at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit;

(b) Designates at least one zoning district in which a tiny house may be located and classified as a single-family residential unit; and

(c) *Designates at least one zoning district in which a tiny house may be located in a tiny house park.*

2. *A governing body of a county whose population is less than 100,000 or a governing body of a city whose population is less than 150,000 shall adopt an ordinance for the zoning of tiny houses that:*

(a) *Designates at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit;*

(b) *Designates at least one zoning district in which a tiny house is allowed to be located and classified as a single-family residential unit; or*

(c) *Designates at least one zoning district in which a tiny house may be located in a tiny house park.*

3. *Before adopting an ordinance pursuant to subsection 1 or 2, the governing body of a county or city must consider whether the locations of tiny houses in the designated zoning districts will have disproportionately high and adverse human health and environmental effects on minority populations and low-income populations.*

4. *An ordinance adopted pursuant to subsection 1 or 2:*

(a) *May:*

(1) *Include any other requirements for tiny houses that the governing body determines is necessary; and*

(2) *Provide that a certificate of occupancy issued for a tiny house may limit the tiny house to use as a single-family residential unit or an accessory dwelling unit.*

(b) *Shall require that a tiny house that is:*

(1) *Located in:*

(I) *A zoning district designated pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2 is classified as an accessory dwelling unit on any building permit or zoning approval issued for the tiny house;*

(II) *A zoning district designated pursuant to paragraph (b) of subsection 1 or paragraph (b) of subsection 2 is classified as a single-family residential unit on any building permit or zoning approval issued for the tiny house; and*

(III) *A zoning district designated pursuant to paragraph (c) of subsection 1 or paragraph (c) of subsection 2 is classified as a tiny house on any building permit or zoning approval issued within the tiny house park.*

(2) *Not built on a permanent foundation may only be issued a certificate of occupancy for the tiny house that is tied to the specific parcel of land on which the tiny house is located. If the tiny house is moved from that parcel, the owner of the tiny house must obtain a new certificate of occupancy.*

~~4-1~~ 5. *An ordinance adopted pursuant to subsection 1 or 2 that allows for tiny houses to be located in tiny house parks must also establish*

requirements for tiny house parks, including, without limitation, requirements for:

- (a) Community water and wastewater service;*
- (b) Adequate spacing between tiny houses in the tiny house park to allow for access for public safety services, including, without limitation, access for firefighting equipment and vehicles and utilities;*
- (c) Minimum size requirements for each space in the tiny house park for a tiny house;*
- (d) The minimum or maximum lot size of a tiny house park;*
- (e) Open space within the tiny house park; and*
- (f) Parking within the tiny house park.*

~~§ 6.~~ **6.** *An ordinance adopted pursuant to subsection 1 or 2 must define “tiny house” in accordance with the definition adopted in the International Residential Code by the International Code Council or its successor organization.*

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 278.0235 is hereby amended to read as follows:

278.0235 No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, **and section 1 of this act** unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

Sec. 7. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, **and section 1 of this act**, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~††~~, **and section 1 of this act**. Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

- (a) To preserve the quality of air and water resources.
- (b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
- (c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.

(n) To promote systems which use solar or wind energy.

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) “Density bonus” means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) “Inclusionary zoning” means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds

residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) “Minimum density zoning” means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 8. (Deleted by amendment.)

Sec. 9. This act becomes effective on January 1, 2024.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 283.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 708.

AN ACT relating to local improvements; authorizing a municipality to create a district for certain qualified improvement projects; setting forth the requirements for creating such a district; authorizing certain financing to pay for a qualified improvement project in such a district; making various other changes relating to local improvements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth the procedures for the governing body of a municipality to create a district to finance certain energy efficiency improvement projects and renewable energy projects. (NRS 271.6312-271.6325) This bill revises these procedures.

Section 15 of this bill authorizes the governing body of a municipality to create a district to finance or refinance one of more qualified improvement projects. **Section 6** of this bill defines a qualified improvement project as an energy efficiency improvement project, a renewable energy project, a resiliency project and a water efficiency improvement project. **Sections 4 and 7-9** of this bill, respectively, define the terms “energy efficiency improvement project,” “renewable energy project,” “resiliency project” and “water efficiency improvement project.”

Section 16 of this bill provides that the governing body may create a district only under certain circumstances, including if: (1) the governing body makes a finding that the creation of the district serves certain public purposes; and (2) the governing body adopts by resolution certain procedures for the creation and administration of the district. **Section 11** of this bill requires that each owner of a tract on which a qualified improvement project will be located enter into a voluntary assessment agreement in which the owner consents in writing to the location of the project on the tract, the ~~levy of an~~ **specific amount of** the assessment against the tract ~~(to pay the financing set forth in the)~~ **provided**

by a financing agreement and the placement of ~~[a]~~ **an assessment** lien on the property. **Sections 5 and 5.5** of this bill, respectively, define the terms “financing agreement” and “property owner.”

Section 12 of this bill ~~[provides that a lien must be filed]~~ **requires the execution and recording of an assessment lien** on the ~~[tract]~~ **real property** and sets forth the priority of such a lien.

Section 17 of this bill provides that: (1) construction of a qualified improvement project must be completed through independent contracts with contractors licensed in Nevada; (2) the municipality is not responsible for the construction or any delays or defects; and (3) the laws relating to public bidding, public works or public procurement are not applicable to the construction of a qualified improvement project.

Section 18 of this bill sets forth certain requirements for the resolution that specifies the procedures for the creation and administration of a district.

Section 10 of this bill requires, with certain exceptions, that a qualified improvement project be financed or refinanced only through an assessment on the real property. **Section 11** of this bill provides that while the governing body imposes the assessment, the capital provider is solely responsible for the billing, collection and enforcement of the assessment. **Section 3** of this bill defines the term “capital provider.”

~~[Section 12 of this bill requires the municipality to record a notice of assessment and assessment lien on the real property and sets forth the priority of such a lien.]~~

Section 13 of this bill authorizes, under certain circumstances, a person who is leasing real property within a district to enter into a financing agreement with a capital provider for a qualified improvement project.

Section 13.5 of this bill provides that: (1) a municipality and its governing body, officers and employees shall not be liable for any actions taken pursuant to existing law providing for the creation of a district and **sections 2-13.5** of this bill, except in cases of ~~[gross negligence, recklessness or]~~ willful misconduct; (2) a municipality shall not use public funds to fund an assessment imposed on a property owner to repay **bonds or** direct financing ~~[,]~~ **or refinancing** nor pledge the full faith and credit of ~~[a local government]~~ **the municipality** for such purposes; ~~[and]~~ (3) **a municipality shall not be liable for any amount due related to a qualified improvement project, including, without limitation, the costs of construction of the qualified improvement project; and** (4) a municipality that establishes a qualified improvement district may impose a fee to recover the ~~[actual]~~ **reasonable** administrative costs from participating property owners.

Section 19 of this bill provides that the governing body of a municipality that created a district pursuant to NRS 271.6312 to 271.6325, inclusive, before October 1, 2021, may use the provisions of this bill in the district but that this bill does not affect any financing, billing, collection or enforcement of financing of any existing project in the district.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 271 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13.5, inclusive, of this act.

Sec. 2. *As used in NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Capital provider” means any private entity or the designee, successor or assign of the private entity that provides direct financing or refinancing for a qualified improvement project pursuant to the provisions of NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act.*

Sec. 4. *“Energy efficiency improvement project” means the installation or modification of one or more energy efficiency improvements that decrease or support the decrease of energy consumption or demand for energy through the use of efficiency technologies, products or activities and incidentals which are necessary, useful or desirable for any such improvements and which installation or modification has a useful life of not less than 10 years.*

Sec. 5. *“Financing agreement” means the contract pursuant to which a property owner or lessee, as applicable, agrees to repay the capital provider for financing or refinancing a qualified improvement project, including, without limitation, any finance charges, fees, debt servicing, interest, penalties and any other provision relating to the treatment of prepayment or partial payment, billing, collection and enforcement of the assessment and lien securing the financing.*

Sec. 5.3. *“Program guide” means the comprehensive document adopted by a governing body pursuant to NRS 271.6325 that sets forth standard forms and establishes any appropriate guidelines, specifications and criteria for the underwriting and approval of a qualified improvement project.*

Sec. 5.5. *“Property owner” means all of the former owners of record of the tract on which a qualified improvement project is installed.*

Sec. 6. *“Qualified improvement project” means one or more of the following projects ~~if installed~~ which are permanently affixed to real property in an existing structure or in new construction, performed pursuant to NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act:*

1. *Energy efficiency improvement project.*
2. *Renewable energy project.*
3. *Resiliency project.*
4. *Water efficiency improvement project.*

Sec. 7. “Renewable energy project” means any improvement to real property, and facilities and equipment used to generate electricity from renewable energy to offset customer load in whole or in part on the real property, or to support the production of renewable or thermal energy including, without limitation, ~~micro-grids, energy storage, and any other device or interacting group of products or devices on the customer’s side of the meter that generates electricity or provides thermal energy,~~ and all appurtenances and incidentals necessary, useful or desirable for any such improvements, facilities and equipment, and which improvement has a useful life of not less than 10 years.

Sec. 8. “Resiliency project” means ~~for a qualified~~ an improvement to real property, facilities or equipment with a useful life of not less than 10 years that:

1. Increases a building’s structural resiliency for seismic events;
 2. Improves indoor air quality;
 3. Improves wind and fire resistance;
 4. Improves stormwater quality or reduces on-site or off-site risk of flash flooding;
 5. Improves or enhances the ability of a building to withstand an electrical outage;
 6. Reduces or mitigates the urban heat island effect or the effects of extreme heat;
 7. Reduces any other environmental hazard identified by a municipality;
- or
8. Enhances the surrounding environment in which the real property is located.

Sec. 9. “Water efficiency improvement project” means an improvement to real property, facilities or equipment, and all necessary appurtenances and incidentals thereto, with a useful life of not less than 10 years that is designed to ~~reduce~~ :

1. Reduce the water consumption of the real property ~~for~~ ; or
2. Conserve or remediate water, in whole or in part, on the real property.

Sec. 10. 1. Except as otherwise provided in this section, a qualified improvement project must be financed or refinanced only through an assessment on the real property ~~for~~ that secures the direct financing or refinancing obtained from a capital provider pursuant to a financing agreement.

2. In addition to, but not in lieu of the direct financing ~~from a capital provider, the governing body may issue bonds and warrants to pay a portion of~~ or refinancing described in subsection 1, a qualified improvement project ~~but any such~~ may be financed or refinanced through an assessment on the real property to secure bonds issued pursuant to NRS 271.475. Any bonds ~~for warrants~~ issued for a qualified improvement project:

(a) *Shall not constitute the debt or indebtedness of the municipality within the meaning of any provision or limitation of the Constitution of the State of Nevada or statute;*

(b) *Shall not be secured by a pledge of the general credit or taxing power of the municipality or by the surplus and deficiency fund established pursuant to NRS 271.428; and*

(c) *Shall not be used in furtherance of or in support of direct financing or refinancing from a capital provider.*

Sec. 11. 1. ~~Notwithstanding any other provision of this chapter,~~ in order to impose an assessment for a qualified improvement project, the municipality must enter into a written voluntary assessment agreement with a property owner whereby the property owner ~~consents~~ :

(a) Consents in writing ~~that and~~ to:

(I) The specific amount of the assessment that will be imposed on the real property for the qualified improvement project to ~~repay~~ secure repayment of;

(I) The direct financing or refinancing provided by the capital provider for the qualified improvement project, as set forth in the financing agreement; or

(II) The repayment of any bonds issued pursuant to NRS 271.475 for the qualified improvement project; and

(2) The placement of an assessment lien ~~will be placed~~ on the real property ~~Each voluntary assessment agreement must describe~~ ; and

(b) Provides a written description of the tract to be assessed and the qualified improvements included in the qualified improvement project that are to be financed or refinanced by the capital provider ~~and~~ and, if applicable, the bonds issued pursuant to NRS 271.475.

2. Notwithstanding the execution of a voluntary assessment agreement pursuant to subsection 1, except for the imposition and amount of the assessment and the assessment lien, in no event is the municipality responsible for the form of the voluntary assessment agreement or any statement, term, provision or other matter contained in the voluntary assessment agreement.

3. Each voluntary assessment agreement, and any substantive amendment thereto, must be recorded in the office of the county recorder and, once recorded, is binding on the owner who signed the voluntary assessment agreement and any other person who holds any interest in the tract to which the voluntary assessment agreement relates ~~and~~

~~and~~ regardless of whether the interest in the tract came into existence before or after the recording of the voluntary assessment agreement.

4. Any amendment to a voluntary assessment agreement must be executed by the property owner and the municipality. If an amendment is a substantive change to the voluntary assessment agreement, the amendment must be recorded. Any amendment is binding on the property owner and any other person who holds an interest in the tract.

5. If a direct financing agreement is used to finance a qualified improvement project:

(a) A municipality must assign the assessment and assessment lien, including, without limitation, the right to receive payment in accordance with the terms of the financing agreement, to the capital provider.

(b) The capital provider is solely responsible for the billing, collection and the enforcement of an assessment imposed on real property pursuant to NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act.

~~44~~ (c) Delinquent payment of an assessment will result in the interest and penalties set forth in the financing agreement.

~~45~~ (d) Enforcement of a delinquent payment shall be by judicial foreclosure in the manner of a mortgage.

6. Assessments not yet due must not be accelerated or eliminated by foreclosure. In the event of foreclosure, any ~~outstanding or delinquent assessments~~ liens securing the payment of general taxes must be satisfied ~~along with~~ before the payment of ~~any delinquent ad valorem taxes~~ outstanding or delinquent assessments.

7. An assessment lien placed on real property pursuant to NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act:

(a) Is created by the voluntary assessment agreement between the municipality and the property owner; and

(b) Is not created by ordinance or resolution of the municipality.

Sec. 12. 1. A municipality shall execute and record a notice of assessment and assessment lien on the real property on which an assessment is imposed pursuant to the provisions of NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act. The municipality may delegate to the capital provider responsibility for recording the notice of assessment and assessment lien.

2. The notice of assessment and assessment lien must include, without limitation:

(a) The legal description of the real property;

(b) The name of each property owner;

(c) The date on which the lien was created ~~for~~, which is the date on which the notice of assessment is recorded;

(d) The principal amount of the assessment lien;

(e) The ~~terms and length~~ term of the assessment lien; and

(f) A copy of the voluntary assessment agreement entered into between the municipality and the property owner pursuant to section 11 of this act.

~~2~~ 3. Notwithstanding the provisions of any other statute to the contrary, an assessment and assessment lien:

(a) ~~Is coequal with the latest lien thereon to secure the payment of general taxes.~~

~~(b) ~~Runs~~~~ Run with the land and is not subject to acceleration or extinguishment by the sale of any property on account of the nonpayment of general taxes.

~~[(c) Is]~~ (b) Are prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes attached to the tract pursuant to the provisions of NRS 361.450.

Sec. 13. A person that is leasing real property within a district created pursuant to NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act may enter into a financing agreement with a capital provider for a qualified improvement project if the owner of the real property enters into a voluntary written assessment agreement with the municipality pursuant to section 11 of this act.

Sec. 13.5. 1. A municipality, its governing body, its officers and its employees shall not be liable for actions taken pursuant to NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act, except in cases of ~~gross negligence, recklessness or~~ willful misconduct.

2. A municipality shall not use any public funds to pay an assessment imposed to repay bonds or direct financing ~~between a capital provider and a property owner,~~ or refinancing of a qualified improvement project nor pledge the full faith and credit of the municipality for such purposes.

3. The amount necessary to repay bonds or the direct financing or refinancing of a qualified improvement project is secured solely by the assessment and a municipality shall not use or pledge any money derived from any other source for such purposes.

4. A municipality is not liable for any amount due related to a qualified improvement project, including, without limitation, the costs for construction of the qualified improvement project.

5. A municipality that establishes a district pursuant to NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act, may impose a fee ~~to~~ on a property owner that enters into a voluntary assessment agreement pursuant to section 11 of this act to recover the reasonable ~~and actual~~ costs of administration and the performance of its duties pursuant to NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act.

Sec. 14. NRS 271.385 is hereby amended to read as follows:

271.385 1. At the time and place designated pursuant to NRS 271.380, the governing body shall hear and determine any written complaint, protest or objection filed as provided in that section and any verbal views expressed in respect to the proposed assessments, assessment roll or assessment procedure. The governing body may adjourn the hearing from time to time.

2. The governing body, by resolution, may revise, correct, confirm or set aside any assessment and order that the assessment be made de novo.

3. Any complaint, protest or objection to:

- (a) The assessment roll;
- (b) The regularity, validity and correctness of each assessment;
- (c) The amount of each assessment; or

(d) The regularity, validity and correctness of any other proceedings occurring after the date of the hearing described in NRS 271.310 and before the date of the hearing governed by this section,

↪ shall be deemed waived unless filed in writing within the time and in the manner provided by NRS 271.380.

~~{4. If any owner of a tract which is assessed for the purpose of creating a district pursuant to NRS 271.6312 objects in writing within the time and in the manner provided by NRS 271.380, the tract must be removed from the assessment roll, and the municipality shall not finance the project located on the tract unless the objecting owner withdraws his or her objection in writing within the time specified by the governing body.}~~

Sec. 15. NRS 271.6312 is hereby amended to read as follows:

271.6312 1. The governing body of a municipality, on behalf of the municipality and in its name, without an election, may by resolution create a district to finance *or refinance* one or more ~~{energy efficiency improvement projects or renewable energy}~~ **qualified improvement** projects:

(a) On qualifying commercial or industrial real property, which may include any real property other than:

(1) A residential dwelling that contains fewer than five individual dwelling units; or

(2) Property financed by a government-guaranteed financing program that prohibits the subordination of the government's interest in the property or otherwise prohibits a contract under NRS 271.6312 to 271.6325, inclusive ~~{}~~ **, and sections 2 to 13.5, inclusive, of this act.**

(b) That meet one of the following requirements:

(1) For an energy efficiency improvement project, the project must be determined to ***meet the definition of an energy efficiency improvement project set forth in section 4 of this act, comply with applicable requirements set forth in the program guide*** and be ~~{appropriate through}~~ **supported by** an energy audit conducted by a qualified service company ~~{. A project may be determined to be appropriate if:~~

~~—— (I) The energy audit includes a summary of recommendations, which for each recommendation must include existing and expected consumption and expected energy savings expressed in British thermal units, kilowatt hours, and kilowatts, the expected annual energy savings, the cost, the payback period in years, the expected life cycle in years and the percentage of savings, as applicable; and~~

~~—— (II) The expected energy savings from the project exceeds the investment costs of the project.}~~ ***that includes, without limitation, a written energy analysis of the project.***

(2) For a renewable energy project, the project must ~~{be determined to be feasible through a written feasibility study conducted}~~ ***meet the definition of a renewable energy project set forth in section 7 of this act, as determined by a qualified service company, {}, and comply with applicable requirements set forth in the program guide. The determination of the qualified service***

company must be supported by a written feasibility study. Except as otherwise provided in this subparagraph, a renewable energy project must not be used to sell or distribute renewable energy between tracts. If the structure that is benefitting from the qualified improvement project is located on more than one contiguous tract, the renewable energy project may be used to serve the entire structure.

(3) For a resiliency project, the project must be determined to meet the definition of a resiliency project set forth in section 8 of this act by a licensed professional in the field of the resiliency project that is approved by the municipality pursuant to NRS 271.6325 ~~and~~ and comply with applicable requirements set forth in the program guide. The determination of the licensed professional must be contained in a written analysis of the project.

(4) For a water efficiency improvement project, the project must be determined to meet the definition of a water efficiency improvement project set forth in section 9 of this act by a qualified service company ~~and~~ and comply with applicable requirements set forth in the program guide. The determination of the qualified service company must be ~~based on~~ contained in a written analysis of the project.

2. ~~[A bond or interim warrant issued for a district created pursuant to this section must not be secured by a pledge of the general credit or taxing power of the municipality or by the surplus and deficiency fund established pursuant to NRS 271.428.] Subject to the provisions of subsection 2 of NRS 271.6315, a district created pursuant to subsection 1 may comprise the entire jurisdictional boundaries of the municipality or any portion or individual tract, thereof.~~

3. The improvements to or installations within a district created pursuant to this section must not be owned by a municipality but shall be ~~deemed to be~~ the property of the owner of the tract upon which the improvement or installation is located.

4. The provisions of:

(a) NRS 271.275 to 271.365, inclusive, **and 271.367 to 271.472, inclusive**, do not apply to a district which is created pursuant to this section.

(b) NRS 271.495 and 271.500 do not apply to any bonds or interim warrants issued to finance ~~an energy efficiency improvement project or renewable energy~~ **a qualified improvement** project within a district created pursuant to this section.

5. As used in this section:

(a) “Energy audit” means a formal evaluation of the energy consumption of a permanent building or any structural improvement to real property that is consistent with the requirements of ASTM International Standard E2797, “Standard Practice for Building Energy Performance Assessment for a Building Involved in a Real Estate Transaction,” the ASHRAE Level 2 or 3 guidelines for energy audits or any comparable energy assessment guidelines.

(b) “Qualified service company” has the meaning ascribed to it in NRS 333A.060.

Sec. 16. NRS 271.6315 is hereby amended to read as follows:

271.6315 1. A governing body may create a district pursuant to NRS 271.6312 only if:

(a) *The governing body makes a finding that the creation of the district serves the public purposes of resource conservation, reducing emissions or increasing the resiliency of the community.*

(b) The governing body has, pursuant to NRS 271.6325, adopted by resolution a procedure for the creation and administration of a district for the purpose of financing *or refinancing* one or more ~~{energy-efficiency improvement projects or renewable energy}~~ *qualified improvement* projects.

~~{(b) Each}~~

2. *The governing body shall not ~~include~~ approve a tract within the boundaries of the district for financing or refinancing a qualified improvement project unless:*

(a) *The owner of ~~each~~ the tract on which ~~{an energy-efficiency improvement project or renewable energy}~~ a qualified improvement project will be located ~~{consents in writing to the location of the project on the tract and}~~ enters into a voluntary assessment agreement pursuant to section 11 of this act, ~~{agreeing to the levy of an assessment against the tract to pay all or a portion of the cost thereof in an amount up to the estimated maximum benefit to the tract from the installation or improvement. The estimated maximum benefit may not exceed the market value of the tract as determined by the governing body.~~*

~~— (c) the amount of financing or refinancing set forth in the financing agreement and the placement of an assessment lien on the property pursuant to the provisions of section 12 of this act.~~

~~— Each consent provided pursuant to paragraph (b):~~

~~— (1) Describes the tract to be assessed and the improvements to be financed;~~

~~— (2) States the estimated maximum benefit that the owner agrees will be conferred on the tract by virtue of the installation or improvement; and~~

~~— (3) Is accompanied by:~~

~~— (I) A signed copy of each contract between an owner of the tract and each contractor described in NRS 271.6321 pursuant to which the contractor agrees to construct, acquire and install the installation or improvement identified in the consent at a total price which does not exceed the limitation set forth in NRS 271.6321 and which contains any terms, including, without limitation, application fees and costs, the total amount financed, annual percentage rate, total amount paid over the life of any assessment, any appraisal fees, bond related costs, annual administrative fees, closing costs, credit reporting fees and recording fees, and such other terms not inconsistent with the provisions of NRS 271.6312 to 271.6325, inclusive, or with the resolution adopted pursuant to NRS 271.6325, as may be agreed upon by the owner of the tract and the contractor and is acceptable to the governing body; and~~

~~—(H) A deposit in an amount determined in the manner specified in the resolution adopted pursuant to NRS 271.6325, which may be refunded if the project to which the consent relates is completed and is financed with assessments levied pursuant to this chapter within the period specified in the resolution.~~

~~—(d)}~~ *(b) The amount of the assessment lien that will be placed on the tract for a qualified improvement project, if used for improving or retrofitting an existing structure, does not exceed 25 percent of the fair market value of the property assessed, as determined by a certified appraiser pursuant to guidelines adopted pursuant to NRS 271.6325.*

(c) The amount of the assessment lien that will be placed on the tract for a qualified improvement project, if used for new construction or a gut rehabilitation, does not exceed 35 percent of the fair market value of the property assessed, as determined by a certified appraiser pursuant to guidelines adopted pursuant to NRS 271.6325.

(d) The outstanding amount owed on all recorded instruments which are liens against ~~any~~ the tract ~~included in the district, does~~ including the assessment lien for the qualified improvement project, will not exceed 90 percent of the estimated fair market value of the property assessed ~~as defined by the governing body, taking into account the imposition of the liens for assessments pursuant to NRS 271.6312 to 271.6325, inclusive, and the additional value added to the tract by a project financed pursuant to NRS 271.6312 to 271.6325, inclusive.~~

~~—(e)}~~ *, as determined by a certified appraiser pursuant to guidelines adopted pursuant to NRS 271.6325.*

*(e) Any lender who holds a lien on ~~any~~ the tract on which ~~an energy efficiency~~ the qualified improvement project ~~for renewable energy project~~ will be located consents in writing to the levy of an assessment **and assessment lien** against the tract to ~~pay all or a portion of the cost of the installation or improvement.~~ **secure repayment of the financing or refinancing of the qualified improvement project.** A consent signed pursuant to this paragraph must be in a recordable form and is binding on the holder of a lien who signs the consent. ~~[A lender described in this paragraph is entitled, within 30 days after providing consent pursuant to this paragraph, to offer a loan to the owner of the tract as the primary lender on the new levy of an assessment.~~*

~~—2.} Each consent provided pursuant to **this** paragraph ~~[(b) of subsection 1 and each amendment thereto]~~ must be recorded in the office of the county recorder and, once recorded, is binding on the ~~owner~~ **lender** who signed the consent ~~and any other person who holds any interest in the tract to which the consent relates and who signed the consent.~~ **and any successors or assigns.**~~

3. Real property owned by the United States Department of Defense is not eligible for any qualified improvement project authorized pursuant to NRS 271.6312 to 271.6325, inclusive, and sections 2 to 13.5, inclusive, of this act.

~~4.~~ A district created pursuant to NRS 271.6312 may be created at any time as designated by a governing body . ~~[, but must only include tracts for which a consent has been recorded pursuant to subsection 2.]~~

~~[4.]~~ 5. As used in this section, “lender” means a mortgagee, the beneficiary of a deed of trust or other creditor who holds a mortgage, deed of trust or other **recorded** instrument that encumbers a tract as security for the repayment of a loan, ~~[used to purchase the tract.]~~

Sec. 17. NRS 271.6321 is hereby amended to read as follows:

271.6321 Construction ***of a qualified improvement project*** within a district created pursuant to NRS 271.6312 must be completed through independent contracts with contractors licensed in Nevada . ~~[who are approved by the governing body.]~~ The municipality is not responsible for the construction, or any defects or delays thereof. The laws of this State relating to public bidding, public works or public procurement are not applicable to contracts for construction ~~[executed pursuant to this subsection. The total contract price of any improvement or installation must not exceed 80 percent of the estimated maximum benefit for the tract as stated in the consent, as it may be amended from time to time, unless the owner of the property to be assessed:~~

~~—1. Agrees to pay and pays, or causes another party to pay, the difference between 80 percent of the estimated maximum benefit and the total contract price from a source other than financing provided pursuant to this chapter; and~~

~~—2. Agrees in writing that the improvement or installation will in fact benefit the tract by an amount at least equal to the sum of the estimated maximum benefit stated in the consent and the amount to be paid from a source other than financing provided pursuant to this chapter.]~~ ***of a qualified improvement project.***

Sec. 18. NRS 271.6325 is hereby amended to read as follows:

271.6325 1. Before creating a district pursuant to NRS 271.6312, a governing body must adopt a resolution ~~[an ordinance]~~ which specifies the procedures for the creation and administration of such a district.

2. ~~The ***ordinance*** resolution adopted pursuant to subsection 1 must approve a program guide that [, without limitation, sets forth the forms for any agreements necessary between the district, the property owner and the capital provider. The forms must include.]~~ ***contains, without limitation:***

(a) A draft voluntary assessment agreement between the municipality and the property owner;

(b) A draft notice of assessment and assessment lien; and

(c) A draft assignment of the assessment and the assessment lien.

3. ~~The ***ordinance*** resolution adopted pursuant to subsection 1~~ ***or the program guide approved pursuant to subsection 2 must:***

(a) Require that the property owner agree to the assessment in the amount approved by the governing body as repayment for the financing of the qualified improvement project.

(b) *Require that the property owner acknowledge that ~~for~~ an assessment lien will be recorded on the real property pursuant to section 12 of this act to secure the repayment of the financing set forth in the financing agreement.*

(c) *Prohibit any financing agreement the duration of which exceeds the expected useful life of the qualified improvement project or, if the qualified improvement project includes more than one qualified improvement, the weighted average expected life of all qualified improvements included in the qualified improvement project ~~for~~ that are financed by the financing agreement or bond issuance.*

(d) *Describe the application and eligibility requirements for real property to be included in a district, including, without limitation, with respect to a resiliency project. Such provisions must set forth:*

(1) *The nature of resiliency improvements that may be included in a resiliency project;*

(2) *The standards and codes that must be met for a resiliency project to be a qualified improvement; and*

(3) *The types of licensed professionals who are approved by the municipality to determine whether the resiliency project meets the definition set forth in section 8 of this act, as required by NRS 271.6312, including, without limitation, whether a specific type of resiliency project needs to be approved by:*

(I) *An architect registered pursuant to chapter 623 of NRS;*

(II) *A landscape architect registered pursuant to chapter 623A of NRS;*

(III) *A professional engineer licensed pursuant to chapter 625 of NRS;*

(IV) *An environmental health specialist that has a certificate of registration pursuant to chapter 625A of NRS;*

(V) *A land use planner certified by the American Institute of Certified Planners; or*

(VI) *Any other licensed professional person, as set forth in the ~~ordinance~~ resolution or program guide.*

(e) *Describe the requirements to be a capital provider.*

(f) *Require each application to be reviewed on its own merits.*

(g) *Require each application to include the submission of the analysis or feasibility study required pursuant to NRS 271.6312.*

(h) *Provide that any approval of a qualified improvement project by a municipality will only apply to the tract or tracts set forth in the application.*

(i) *Set forth guidelines for a certified appraiser to determine the fair market value of the property that will be assessed.*

4. *The ~~resolution or ordinance~~ resolution or program guide may provide for one or more of the following:*

(a) *Additional notices of the proposal to create the district, notices of the opportunity to apply for inclusion in the district or any other notices;*

(b) *Any additional requirements for a qualified improvement project, including, without limitation, any requirement for insurance, security features or additional covenants and agreements that must be entered into by the municipality, capital provider, property owner and, if applicable, lessee;*

(c) *If applicable:*

(1) A reserve of money for bonds issued for the district, the method of funding the reserve and the disposition of any interest earned upon or the principal of the reserve that is not needed to repay any bonds or interim warrants issued for the purposes of financing ~~an energy efficiency improvement project or renewable energy~~ *a qualified improvement* project within the district; *and*

~~the~~ (2) Any other security for those bonds or interim warrants ; ~~and the method of determining the term of the bonds in compliance with NRS 271.515;~~

(d) Any requirements for casualty insurance, liability insurance or other types of insurance for any project within the district;

(e) The method of determining the lien-to-value ratio of the property for the purpose of complying with the limitation prescribed by paragraph (d) ~~the~~ of subsection ~~1~~ 2 of NRS 271.6315;

(f) Any limitation on the lien-to-value ratio that would result in a lower lien-to-value ratio than that prescribed by paragraph (d) ~~the~~ of subsection ~~1~~ 2 of NRS 271.6315;

(g) ~~Any limitation on the amount of the contract price, as a percentage of the estimated maximum benefit, that is lower than the limitation prescribed by NRS 271.6321;~~

~~(h)~~ Any sources, other than the proceeds of assessments, that will be used to pay:

(1) The cost of construction and installation of improvements financed pursuant to NRS 271.6312 to 271.6325, inclusive ~~1~~ , *and sections 2 to 13.5, inclusive, of this act;*

(2) The cost of any reserve of money or other security for financing ~~an energy efficiency improvement project or renewable energy~~ *a qualified improvement* project pursuant to NRS 271.6312 to 271.6325, inclusive ~~1~~ , *and sections 2 to 13.5, inclusive, of this act;* or

(3) The cost of engineering work, the cost to issue any bonds or provide other financing, or the cost of other incidentals pursuant to NRS 271.6312 to 271.6325, inclusive ~~1~~ , *and sections 2 to 13.5, inclusive, of this act;*

~~(i)~~ (h) Any other security features, covenants required of property owners, covenants required of other parties or any other covenants, guarantees, insurance or other matters which the governing body finds are necessary or desirable for the financing of ~~an energy efficiency improvement project or renewable energy~~ *a qualified improvement* project pursuant to NRS 271.6312 to 271.6325, inclusive ~~1~~ , *and sections 2 to 13.5, inclusive, of this act;* ~~and~~

~~(j)~~ (i) Any other matters, procedures or financing or program terms which the governing body, in its sole discretion, determines are necessary or desirable to carry out the purposes of NRS 271.6312 to 271.6325, inclusive ~~}, and sections 2 to 13.5, inclusive, of this act ~~and~~, including, without limitation, any requirement related to the estimated benefit conferred on the property by the qualified improvement project;~~

(j) The amount of, or the basis for determining the amount of, any application or administrative fees that must be paid to the municipality, the program administrator, or both, and the time when any such fee will be due; and

(k) A designation delegating all or any part of the governance and administration of the district to ~~the municipality, its~~ ;

(1) The governing body ~~};~~ ;

(2) A designated ~~employees~~ official, department or employee of the municipality; or ~~any~~

(3) An independent third party administrator.

~~{2.}~~ 5. A resolution ~~An ordinance~~ adopted pursuant to this section ~~};~~

~~(a) Must contain or incorporate by reference an exhibit describing each tract to be assessed, the type of improvement or installation to be financed for each tract and the estimated maximum benefit as stated in the consent provided pursuant to paragraph (b) of subsection 1 of NRS 271.6315.~~

~~(b) May ~~may~~ must be adopted [as if an emergency exists by a vote of not less than two thirds of all the voting members of the governing body.]~~ by a majority vote of the governing body. Such a resolution is effective upon adoption or on any date thereafter, as provided in the resolution.

Sec. 19. 1. The provisions of sections 1 to 18, inclusive, of this act may be used by the governing body of a municipality that has created a district pursuant to NRS 271.6312 to 271.6325, inclusive, before October 1, 2021, but the provisions of sections 1 to 18, inclusive, of this act do not affect any financing, billing, collection or enforcement of financing of any existing project in the district created pursuant to NRS 271.6312 to 271.6325, before October 1, 2021.

2. As used in this section:

(a) “Governing body” has the meaning ascribed to it in NRS 271.115.

(b) “Municipality” has the meaning ascribed to it in NRS 271.145.

(c) “Project” means an energy efficiency improvement project or renewable energy project that began before October 1, 2021, in a district created pursuant to NRS 271.6312 to 271.6325, inclusive, as those provisions existed on September 30, 2021.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 307.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 630.

AN ACT relating to alcoholic beverages; **providing that a waiver of certain provisions of law is void and unenforceable**; requiring a supplier of liquor to approve **or deny approval for** certain transactions related to the ownership or assets of a wholesaler within a certain period of time under certain circumstances; prohibiting certain acts by suppliers with respect to wholesalers of liquor; authorizing a person who operates a brew pub to manufacture additional malt beverages for sale outside of this State; **revising provisions governing the operation of wineries; authorizing a retail liquor store to make deliveries of liquor in its original package under certain circumstances**; revising the criteria for the approval of a license to engage in certain activities related to alcohol; revising provisions governing certificates of compliance for suppliers; revising provisions governing the possession, sale and transportation of liquor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements concerning a franchise between a supplier and a wholesaler of malt beverages, distilled spirits and wines. (NRS 597.120-597.180) Existing law prohibits a supplier from unreasonably withholding or delaying approval of any assignment, sale or transfer of stock of a wholesaler or of all or any portion of a wholesaler's assets, a wholesaler's voting stock, the voting stock of any parent corporation or the beneficial ownership or control of any other entity owning or controlling the wholesaler if the person to be substituted under the terms of the franchise meets certain reasonable standards. (NRS 597.157) **Section 1.7 of this bill requires a supplier to approve or deny approval for any such transaction in writing within 60 days after receiving notice of the transaction if the person to be substituted under the terms of the franchise meets certain reasonable standards. Section 1.7 provides that if a supplier does not approve or deny approval for the transaction within that time period, the transaction is deemed approved.**

Section 1 of this bill provides that a provision of any contract or other agreement that attempts to alter or waive the provisions of law governing a franchise between a supplier and a wholesaler of malt beverages, distilled spirits and wines is void and unenforceable. Sections 1.3 and 3.5 of this bill make conforming changes to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Section 3 of this bill prohibits a supplier from: (1) requiring a wholesaler to keep a minimum inventory of the alcoholic beverages of the supplier or any other item that exceeds the number of days of credit extended to the wholesaler by the supplier; make a payment for the purchase of malt beverages

earlier than 7 days after the date of delivery or the date on which payment is required under the supplier's credit policy, whichever is later, unless the wholesaler has previously failed to make a timely payment; (2) ~~[requiring a wholesaler to make payments under terms that are materially different from the payment terms applicable to payments made by the supplier.]~~ **failing to approve or disapprove an invoice or claim for reimbursement within 30 days or failing to pay an invoice or claim for reimbursement within 30 days after such approval;** or (3) entering into an agreement with a wholesaler which purports to waive the rights and remedies of the wholesaler if the supplier retaliates against the wholesaler for reporting a violation of law to the Department of Taxation.

Existing law regulates the operation of brew pubs in this State, including limiting the amount of malt beverages which a person who operates one or more brew pubs is authorized to manufacture per year to not more than 40,000 barrels. (NRS 597.230) **Section 4** of this bill authorizes a person who operates one or more brew pubs to manufacture and sell an additional 20,000 barrels of malt beverages to a wholesaler located outside of this State, subject to such auditing as the Department of Taxation establishes by regulation.

Existing law provides for the operation of wineries in this State. (NRS 597.240) Section 4.5 of this bill authorizes a winery to operate from multiple noncontiguous locations, provided that the winery has obtained a license for each such location. Section 4.5 authorizes a winery that was issued a wine-maker's license on or after October 1, 2015, to sell alcoholic beverages at retail if the winery has obtained any licenses or permits required in the jurisdiction in which the winery is located and the winery complies with the requirement to purchase liquor from a state-licensed wholesaler. Section 4.5 removes the prohibition against a winery selling alcoholic beverages on the premises of the winery or producing, blending or aging wine at a location other than the premises of the winery.

Existing law authorizes a winery to transfer in bulk, directly or through a wholesaler, wine produced, blended or aged by the winery to an estate distillery for the purpose of distillation and blending only if 25 percent or more of the wine produced, blended or aged by the winery is produced blended or aged from fruit grown in this State. (NRS 597.240) Section 4.5 provides that the 25-percent requirement may also be satisfied with wine that is produced, blended or aged from honey produced in this State. Section 4.3 of this bill authorizes an estate distillery to blend and distill wine manufactured by a winery if 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown or honey produced in this State.

Existing law requires certain persons and businesses, including importers of liquor, wholesale dealers of alcoholic beverages, winemakers, instructional wine-making facilities, breweries, brew pubs and craft and estate distilleries to obtain a state license or permit to engage in certain activities involving alcoholic beverages. (NRS 369.180) Existing law further requires an

application for a license for these persons or businesses to be made to the board of county commissioners or the governing body of the city in which the applicant maintains his or her principal place of business. (NRS 369.190) **Section 5** of this bill requires the board of county commissioners or the governing body of a city, in approving such an application, to require satisfactory proof that the applicant is not in violation of the prohibition against engaging in certain activities involving alcoholic beverages without a license and that the applicant is not applying for a license for a business in which he or she is prohibited by law from engaging.

Section 4.7 of this bill authorizes a retail liquor store, or a delivery support service acting on behalf of a retail liquor store, to deliver liquor in its original package to a consumer in connection with a retail sale of such liquor if: (1) the liquor was purchased by the retail liquor store from a licensed wholesaler; and (2) the delivery takes place in a jurisdiction where the retail liquor store is licensed to sell liquor at retail. Section 4.7 requires the Department of Taxation to adopt regulations governing such deliveries. Section 4.7 also exempts such deliveries from certain provisions of law governing the transport of liquor, including laws which authorize the transport of liquor for delivery only by persons who have been issued certain state licenses.

Section 6 of this bill revises terminology relating to applications for a certificate of compliance by suppliers of liquor by replacing the term “vendor” with “supplier.”

Existing law prohibits a person from keeping or possessing for sale, furnishing or selling, or soliciting the purchase or sale of any liquor in this State, or transporting or importing or causing to be transported or imported any liquor in or into this State for delivery, storage, use or sale unless the person complies with the relevant provisions of law and holds the appropriate license, permit or certificate, except for certain limited exceptions for liquor purchased for household or personal use. (NRS 369.490) **Section 7** of this bill additionally requires a person to be duly designated by the supplier of such liquor or to have purchased the liquor from certain authorized sources. **Section 7** also revises an existing exception from licensing requirements for consumers who import 1 gallon or less of alcoholic beverage per month for household or personal use to provide that the exception applies only if the person enters this State with such alcoholic beverage rather than importing it. **Sections 6.3 and 6.7 of this bill make a conforming change to reflect that this exception does not apply to the shipping of alcoholic beverages into this State other than wine.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

Any term of a contract or other agreement that attempts to alter or waive any provision of this section and NRS 597.120 to 597.180, inclusive, is void and unenforceable.

Sec. 1.3. NRS 597.120 is hereby amended to read as follows:

597.120 As used in NRS 597.120 to 597.180, inclusive, ~~and section 1 of this act~~, unless the context otherwise requires, the words and terms defined in NRS 597.125 to 597.150, inclusive, have the meanings ascribed to them in those sections.

~~Section 1.1~~ **Sec. 1.7.** NRS 597.157 is hereby amended to read as follows:

597.157 1. A supplier shall ~~not unreasonably withhold or delay approval of~~ **approve** any assignment, sale or transfer of the stock of a wholesaler or of all or any portion of a wholesaler's assets, a wholesaler's voting stock, the voting stock of any parent corporation or the beneficial ownership or control of any other entity owning or controlling the wholesaler, including the wholesaler's rights and obligations under the terms of a franchise, ~~whenever a~~ **within 60 days after receiving notice of the transaction if the** person to be substituted under the terms of the franchise meets reasonable standards imposed upon the wholesaler and any other wholesaler of the supplier of the same general class, after consideration of the size and location of the marketing area of the wholesaler. **A supplier shall approve or deny approval of the transaction in writing and, if approval of the transaction is denied, state the material reasons for the denial. If a supplier does not approve or deny approval of the transaction within 60 days after receiving notice of the transaction, the transaction shall be deemed approved.**

2. Upon the death of a partner of a partnership that operates the business of a wholesaler, a supplier shall not unreasonably withhold or delay approval of maintaining the franchise between the supplier and each surviving partner.

3. Upon the death of any owner, controlling shareholder or operator of a wholesaler, a supplier shall not deny approval of any transfer of ownership to a surviving spouse, child or grandchild of the owner who has reached the age of majority at the time of death, controlling shareholder or operator. Any subsequent transfer of ownership by the spouse, child, grandchild, controlling shareholder or operator is subject to the provisions of subsection 1.

4. In addition to the provisions of NRS 597.170, a supplier who unreasonably delays or withholds consent ~~if fails to grant approval in the time set forth in subsection 1~~ or unreasonably denies approval of a sale, transfer or assignment of any ownership interest in a wholesaler is liable to the wholesaler for the laid-in costs of inventory of each affected brand of liquor and any diminution in the fair market value of the business of the wholesaler in relation to each affected brand. The damages recoverable pursuant to this section include, without limitation, all reasonable costs of bringing the action and attorney's fees. For the purpose of this subsection, the fair market value of

a business of a wholesaler includes, without limitation, the good will of the business and its value as a going concern, if any.

~~[5. The provisions of this section may not be modified by agreement. Any provision in an agreement is void if the provision includes such a modification.]~~

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 597.162 is hereby amended to read as follows:

597.162 A supplier shall not:

1. Prohibit a wholesaler from selling an alcoholic beverage of any other supplier ~~._[.]_~~

2. Prevent a wholesaler from using best efforts to sell, market, advertise or promote an alcoholic beverage of any other supplier ~~._[.]_~~

3. Provide any reward or penalty to, or in any other way condition its relationship with, a wholesaler based upon the amount of sales the wholesaler makes of an alcoholic beverage of any other supplier ~~._[.]_~~

4. Disapprove a wholesaler's selection of a general manager or successor general manager based on the wholesaler's sales, marketing, advertising, promotion or retail placement of an alcoholic beverage of any other supplier ~~._[.]_~~

5. Require a wholesaler to report to the supplier any of the wholesaler's financial information associated with the purchase, sale or distribution of an alcoholic beverage of any other supplier ~~._[.]_~~

6. Fix or maintain the price at which a wholesaler may resell an alcoholic beverage purchased from the supplier ~~._[.]_~~

7. Require a wholesaler to pay to the supplier all or any portion of the difference in the suggested retail price of an alcoholic beverage and the actual price at which the wholesaler sells the alcoholic beverage ~~._[.]_~~

8. Require a wholesaler to accept delivery of any alcoholic beverage or any other item that is not voluntarily ordered by the wholesaler ~~{or otherwise not required under the franchise between the supplier and wholesaler}~~ or is in violation of any levels of inventory that are mutually agreed upon in writing by the supplier and wholesaler ~~._[.]_~~

9. ~~Require a wholesaler to keep a minimum inventory of any alcoholic beverage of the supplier or any other item that exceeds the number of days of credit extended to the wholesaler by the supplier;~~ make a payment for the purchase of any malt beverage by the wholesaler before the later of:

(a) Seven days after the date on which the malt beverage was delivered to the wholesaler; or

(b) The date on which the wholesaler is required to make a payment to the supplier for the purchase under the terms of the supplier's credit policy, unless the wholesaler has previously failed to make a payment to the supplier for the purchase of goods on or before the date on which the payment was due, in which case the supplier may require the payment terms to be cash on delivery.

10. Prohibit or restrain, directly or indirectly, a wholesaler from participating in an organization that represents the interests of wholesalers for any lawful purpose. ~~11.~~

~~10.~~ 11. Discriminate against, penalize or otherwise retaliate against a wholesaler because the wholesaler raises, alleges or otherwise brings to the attention of the Department of Taxation an actual, potential or perceived violation of this chapter *or enter into an agreement with a wholesaler which purports to waive any right or remedy of the wholesaler pursuant to this subsection.* ~~12.~~

~~11.~~ 12. Require a wholesaler to participate in or contribute to any advertising fund or promotional activity that:

(a) Is not used for advertising or a promotional activity in the marketing area of the wholesaler; or

(b) Requires a contribution by the wholesaler that exceeds any amount specified for that purpose in the franchise. ~~13.~~

~~13. Require a wholesaler to make payments to the supplier under terms which are materially different from the payment terms applicable to the supplier when making payments to the wholesaler. Fail to approve or disapprove an invoice or claim for reimbursement submitted by a wholesaler within 30 days after receipt of the invoice or claim.~~

14. Fail to pay to a wholesaler the amount of any invoice or claim for reimbursement within 30 days after the supplier approves the invoice or claim.

Sec. 3.5. NRS 597.170 is hereby amended to read as follows:

597.170 1. Any wholesaler may bring an action in a court of competent jurisdiction against a supplier for violation of NRS 597.120 to 597.180, inclusive, and section 1 of this act and may recover the damages sustained by the wholesaler, together with such costs of the action and reasonable attorney's fees as are authorized under NRS 18.110.

2. The remedies provided in NRS 597.120 to 597.180, inclusive, and section 1 of this act are independent of and supplemental to any other remedy or remedies available to the wholesaler in law or equity.

Sec. 4. NRS 597.230 is hereby amended to read as follows:

597.230 1. In any county, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to chapter 279 of NRS;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

↪ ~~1A~~ Except as otherwise provided in paragraph (e) of subsection 3, a person who operates one or more brew pubs may not manufacture more than

40,000 barrels of malt beverages for all the brew pubs he or she operates in this State in any calendar year.

2. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a “brew pub.”

3. Except as otherwise provided in subsection 4, a person who operates one or more brew pubs pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of one or more of the brew pubs and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer’s license or wholesale beer dealer’s license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and, for the purposes of the donation, transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(3) Transfer in bulk the malt beverages manufactured on the premises:

(I) To a person holding a valid wholesale wine and liquor dealer’s license or wholesale beer dealer’s license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the malt beverages to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the malt beverages pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237 and must be performed in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) Manufacture and store malt beverages on the premises of one or more of the brew pubs and transport the malt beverages manufactured on the premises to a retailer, other than a person who operates a brew pub pursuant to this section, that holds a valid license pursuant to chapter 369 of NRS for the purpose of selling the malt beverages at a special event in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450. For the purposes of this paragraph, the person who operates one or more brew pubs shall not obtain more than 20 such special permits for the transportation of the malt beverages from the Department of Taxation pursuant to subsection 4 of NRS 369.450 within a calendar year.

(c) Sell at retail, not for resale, malt beverages manufactured on or off the premises of one or more of the brew pubs for consumption on the premises.

(d) Sell at retail, not for resale, in packages sealed on the premises of one or more of the brew pubs, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

(e) In a calendar year, in addition to the amount of malt beverages which may be manufactured pursuant to subsection 1, manufacture and sell 20,000 barrels of malt beverages for all the brew pubs he or she operates in this State provided such barrels are sold to a wholesaler located outside of this State, subject to such periodic auditing as the Department of Taxation shall require by regulation.

4. The amount of malt beverages sold pursuant to paragraphs (b), (c) and (d) of subsection 3 must not exceed a total of 5,000 barrels in any calendar year. Of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.

Sec. 4.3. NRS 597.237 is hereby amended to read as follows:

597.237 1. A person may operate an estate distillery if the person:

- (a) Obtains a license for the facility pursuant to chapter 369 of NRS;
- (b) Complies with the requirements of this chapter; and
- (c) Complies with any other applicable governmental requirements.

2. A person who operates an estate distillery pursuant to this section may:

(a) In addition to manufacturing spirits from agricultural raw materials through distillation, blend, age, store and bottle the spirits so manufactured. The person operating the estate distillery shall ensure that none of the spirits manufactured at the estate distillery are derived from neutral or distilled spirits manufactured by another manufacturer, except as authorized by paragraph (b).

(b) Blend and distill wines or malt beverages, provided any such wine or malt beverage was manufactured by:

(1) A brew pub licensed pursuant to NRS 597.230;

(2) A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or before September 30, 2015; or

(3) A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or after October 1, 2015, if 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown **or honey produced** in this State.

(c) Except as otherwise provided in paragraphs (g) and (h), in any calendar year, sell and transport in Nevada not more than a combined total of 75,000 cases of spirits at the estate distillery to a person who holds a license to engage in business as a wholesale dealer of liquor pursuant to chapter 369 of NRS.

(d) In any calendar year, manufacture for exportation to another state, not more than a combined total of 400,000 cases of spirits at all the estate distilleries the person operates.

(e) On the premises of the estate distillery, serve samples of the spirits manufactured at the estate distillery. Any such samples must not exceed, per person, per day, 4 fluid ounces in volume.

(f) On the premises of the estate distillery, sell the spirits manufactured at the estate distillery at retail for consumption on or off the premises. Any such

spirits sold at retail for off-premises consumption must not exceed, per person, per month, 1 case of spirits and not exceed, per person, per year, 6 cases of spirits. The total amount of such spirits sold at retail for off-premises consumption must not exceed 7,500 cases per year. Spirits purchased on the premises of an estate distillery must not be resold by the purchaser or any retail liquor store. A person who operates an estate distillery shall prominently display on the premises a notice that the resale of spirits purchased on the premises is prohibited.

(g) Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the estate distillery in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(h) Transfer in bulk neutral or distilled spirits manufactured at the estate distillery to a supplier. Any such transfer:

(1) Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this State and removed from the federally bonded premises of the supplier; and

(2) Is not a sale for the purposes of paragraph (c) or manufacturing for exportation for the purposes of paragraph (d).

(i) Subject to the provisions of subsection 3, receive wine or malt beverages in bulk from a person described in subparagraph (1), (2) or (3) of paragraph (b), or from a wholesale dealer of alcoholic beverages who is licensed under chapter 369 of NRS and who is transferring such wine or malt beverages pursuant to NRS 597.230 or 597.240, for the purpose of distillation and blending. Wine and malt beverages so received are taxable only when the wine and malt beverages are:

(1) Distilled, blended or both, and bottled in original packages for sale within this State; and

(2) Removed from the federally bonded premises of the estate distillery.

3. A person who operates an estate distillery shall not receive a shipment of wine or malt beverages:

(a) Unless the person first notifies the Department of Taxation that the distillery will receive such a shipment; and

(b) Except as authorized by paragraph (i) of subsection 2.

4. Spirits manufactured by an estate distillery pursuant to this section may be sold in this State only after bottling in original packages.

Sec. 4.5. NRS 597.240 is hereby amended to read as follows:

597.240 1. A winery **, including a winery that consists of multiple noncontiguous locations,** that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury, including, without limitation, an alternating proprietorship of not more than four such wineries, and that has been issued a wine-maker's license **for each noncontiguous location of the winery** pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a winery that is located in another state and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

2. A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) Sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

(b) Serve by the glass, on its premises, any alcoholic beverage.

(c) Transfer in bulk wine produced, blended or aged by the winery:

(1) To a person holding a valid wholesale wine and liquor dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the wine to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(2) If there is no wholesaler who is able or willing to accept and transfer in bulk the wine pursuant to subparagraph (1), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237 and must be performed in accordance with the terms and conditions of a special permit for the transportation of the wine obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

3. A winery that is issued a wine-maker's license pursuant to NRS 369.200 on or after October 1, 2015:

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown or honey produced in this State, may:

(1) Sell at retail or serve by the glass, on its premises, wine produced, blended or aged by the winery.

(2) Transfer in bulk wine produced, blended or aged by the winery:

(I) To a person holding a valid wholesale wine and liquor dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the wine to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the wine pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237.

(3) Sell alcoholic beverages at retail if the winery:

(I) Has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the winery is located; and

(II) Complies with NRS 369.487.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown or honey produced in this State, may ~~sell~~ :

(1) Sell at retail or serve by the glass, on its premises, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

(2) Subject to the limitation set forth in subparagraph (1), sell alcoholic beverages at retail if the winery:

(I) Has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the winery is located; and

(II) Complies with NRS 369.487.

~~4. The owner or operator of a winery shall not:~~

~~(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.~~

~~(b) Produce, blend or age wine at any location other than on the premises of the winery.~~

~~5.]~~ The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.

~~6.]~~ 5. For the purposes of this section, an instructional wine-making facility is not a winery.

Sec. 4.7. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to such regulations as the Department may prescribe pursuant to subsection 2, a retail liquor store, or a delivery support service acting on behalf of a retail liquor store, may deliver liquor in its original package to a consumer in this State in connection with a retail sale of such liquor if:

(a) The retail liquor store purchased the liquor from a licensed wholesaler; and

(b) The delivery takes place in a jurisdiction in this State in which the retail liquor store is licensed to sell liquor at retail.

2. The Department shall adopt regulations governing deliveries made pursuant to this section, which must include, without limitation:

(a) A requirement for the retail liquor store or its delivery support service to obtain proof, in the form of a signature or other verification, that the delivery was accepted on behalf of the consumer by a person who is at least 21 years of age.

(b) A requirement that any such delivery originate only from the premises of the retail liquor store during the operating hours of the retail liquor store.

(c) Regulations prescribing the area in which such deliveries may be made, which must take into account relevant local jurisdictions and the marketing area of the wholesaler of any liquor to be delivered.

(d) Provisions necessary to encourage local governments to coordinate their ordinances with the regulations of the Department pursuant to this

section to provide for more uniform implementation, supervision and enforcement of the regulations of the Department and the ordinances of local governments concerning such deliveries.

3. Except as otherwise provided in this section, the provisions of this chapter governing the transport of liquor, including, without limitation, the provisions which authorize the transport of liquor for delivery only by a person who holds a license issued under this chapter, do not apply to a delivery made pursuant to this section.

4. As used in this section, “marketing area” has the meaning ascribed to it in NRS 597.136.

Sec. 5. NRS 369.190 is hereby amended to read as follows:

369.190 1. An application for any of the licenses described in NRS 369.180 must be made to:

(a) The board of county commissioners of the county in which the applicant maintains his or her principal place of business if the applicant does not maintain his or her principal place of business within the boundaries of an incorporated city; or

(b) The governing body of the city in which the applicant maintains his or her principal place of business if the applicant maintains his or her principal place of business within the boundaries of an incorporated city.

2. Each application must:

(a) Be made on such form as the Department prescribes.

(b) Include the name and address of the applicant. If the applicant is:

(1) A partnership, the application must include the names and addresses of all partners.

(2) A corporation, association or other organization, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.

(3) A person carrying on or transacting business in this state under an assumed or fictitious name, the person making the application must attach to the application:

(I) A certified copy of the certificate required by NRS 602.010 or any renewal certificate required by NRS 602.035.

(II) A certificate signed by an officer of the corporation or by each person interested in, or conducting or carrying on such business, or intending so to do, and acknowledged before a person authorized to take acknowledgments of conveyances of real property, indicating the name of the authorized representative whose signature may be required on the license under the provisions of this chapter.

(c) Specify the location, by street and number, of the premises for which the license is sought.

(d) Be accompanied by the annual license fee required for the particular license for which application is made.

3. The board of county commissioners or the governing body of a city, as applicable, shall examine all applications filed with it, and shall require satisfactory evidence that the applicant is ~~that~~ :

(a) A person of good moral character ~~that~~ ;

(b) *Not acting in violation of NRS 369.180; and*

(c) *Not applying for a license for a business in which the applicant is prohibited from engaging pursuant to NRS 369.382.*

Sec. 6. NRS 369.430 is hereby amended to read as follows:

369.430 1. By regulation, the Department shall prescribe the form of application for and the form of a certificate of compliance, which must be printed and distributed to exporters of liquor into this State to assist them in legally exporting liquor into this State.

2. An intending importer may not legally receive or accept any shipment of liquor except from a holder of a certificate of compliance.

3. Before a person may engage in business as a supplier ~~that~~ *of liquor in this State*, the person must obtain a certificate of compliance from the Department.

4. The Department shall grant a certificate of compliance to any out-of-state ~~vendor of liquors~~ *supplier* who undertakes in writing:

(a) To furnish the Department on or before the 10th day of each month a report under oath showing the quantity and type of liquor sold and shipped by the ~~vendor~~ *out-of-state supplier* to each licensed importer of liquor in Nevada during the preceding month;

(b) That the ~~vendor~~ *out-of-state supplier* and all his or her agents and any other agencies controlled by the ~~vendor~~ *out-of-state supplier* will comply faithfully with all laws of this State and all regulations of the Department respecting the exporting of liquor into this State;

(c) That the ~~vendor~~ *out-of-state supplier* will make available for inspection and copying by the Department any books, documents and records, whether within or outside this State, which are pertinent to his or her activities or the activities of his or her agents or any other agencies controlled by the ~~vendor~~ *out-of-state supplier* within this State and which relate to the sale and distribution of his or her liquors within this State; and

(d) That the ~~vendor~~ *out-of-state supplier* will appoint a resident of this State as his or her agent for service of process or any notice which may be issued by the Department.

5. If any holder of a certificate of compliance fails to keep any undertaking or condition made or imposed in connection therewith, the Department may suspend the certificate and conduct a hearing, giving the holder thereof a reasonable opportunity to appear and be heard on the question of vacating the suspension order or order finally revoking the certificate.

6. An applicant for a certificate of compliance must pay a fee of \$50 to the Department for the certificate. On or before July 1 of each year, the certificate holder must renew the certificate by satisfying the conditions of the original certificate and paying a fee of \$50 to the Department.

Sec. 6.3. NRS 369.462 is hereby amended to read as follows:

369.462 A supplier who ships ~~liquor~~ wine into this state pursuant to paragraph ~~((b) or)~~ (c) of subsection 2 of NRS 369.490 must pay the excise tax levied pursuant to NRS 369.330.

Sec. 6.7. NRS 369.468 is hereby amended to read as follows:

369.468 A supplier who ships ~~liquor~~ wine into this state pursuant to paragraph ~~((b) or)~~ (c) of subsection 2 of NRS 369.490 shall preserve for inspection and audit by the Department and its agents, for a period of 4 years, all invoices and lists of liquors shipped to a location in this state, specifying the:

1. Kind and quantity of ~~liquor~~ wine shipped in each order.
2. Name of the person to whom the ~~liquor~~ wine was shipped.
3. Place to which each order was shipped and the date of shipping.

Sec. 7. NRS 369.490 is hereby amended to read as follows:

369.490 1. Except as otherwise provided in subsection 2 and NRS 369.176, ~~and~~ and section 4.7 of this act, a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:

- (a) Has complied fully with the provisions of this chapter; ~~and~~
- (b) Holds an appropriate, valid license, permit or certificate issued by the Department ~~+~~; and

(c) Has been duly designated by the supplier of that liquor pursuant to NRS 369.386 or purchased the liquor in compliance with NRS 369.486.

2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:

(a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;

(b) ~~Who imports~~ Entering this State with 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use;

(c) Who:

- (1) Is a resident of this State;
- (2) Is 21 years of age or older; and
- (3) Imports 12 cases or less of wine per year for his or her own household

or personal use; or

(d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245.

3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.

4. A person who accepts ~~liquor~~ wine shipped into this State pursuant to paragraph ~~((b) or)~~ (c) of subsection 2 must be 21 years of age or older.

Sec. 8. This act becomes effective on July 1, 2021.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 320.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 711.

AN ACT relating to trade practices; prohibiting a food delivery service platform provider from engaging in certain activities; requiring a food delivery service platform provider to remove a food dispensing establishment from the food delivery service platform of the provider upon request; requiring a food delivery service platform provider to make certain disclosures concerning online food orders; prohibiting a food delivery service platform provider from charging a food dispensing establishment any ~~fees~~ **commission** over a certain amount during any period in which a ~~Declaration of Emergency for COVID-19 issued by the Governor remains~~ **declaration of emergency is in effect** ~~in certain counties in this State if certain conditions apply~~; establishing certain practices as deceptive trade practices; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts various provisions relating to a food delivery service platform, which is defined in **section 4** of this bill to mean an Internet website, online service or mobile application which allows users to purchase food from multiple food dispensing establishments and arrange for the same-day delivery or same-day pickup of such food. **Section 4 further provides that an Internet website, online service or mobile application which does not post certain information and does not charge a commission or other fees is not a food delivery service platform.** **Section 5** of this bill defines "food delivery service platform provider" as a person who operates a food delivery service platform.

Section 12 of this bill prohibits a food delivery service platform provider from facilitating an online food order involving a food dispensing establishment unless the provider has entered into a written agreement with the food dispensing establishment that expressly authorizes the provider to engage in such activities. **Section 13** of this bill requires a food delivery service platform provider to remove a food dispensing establishment from the food delivery service platform of the provider within 48 hours after the receipt of a written request from the food dispensing establishment. **Section 13** provides that a food delivery service platform provider that violates that requirement is subject to a civil penalty of \$500 per day of the violation.

Section 14 of this bill prohibits a food delivery service platform provider from using the likeness, registered trademark or intellectual property of a food

dispensing establishment without first obtaining the written consent of the food dispensing establishment. **Section 14** provides that a food delivery service platform provider that violates that prohibition is subject to a civil penalty of \$500 per day of the violation. **Section 15** of this bill authorizes a food dispensing establishment whose likeness, registered trademark or intellectual property was used by a food delivery service platform provider in violation of **section 14** to bring an action against the provider.

Section 16 of this bill requires a food delivery service platform provider to disclose certain information to a user of the platform who engages in an online food order. Among the information required to be disclosed by **section 16** is a statement that indicates a commission is to be paid associated with the online food order. **Section 3** of this bill defines “commission,” in general, to mean any fee charged by a food delivery service platform provider to a food dispensing establishment for the use of the services of the provider in effectuating online food orders. **Section 17** of this bill sets forth the procedures by which a food delivery service platform provider may request an alternative manner in which all required information may be disclosed.

~~{On March 12, 2020, Governor Steve Sisolak issued a Declaration of Emergency due to the outbreak of the disease identified by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services as COVID-19. (Declaration of Emergency for COVID-19 (March 12, 2020))}~~ **Section 17.5** of this bill prohibits, for any period during which a ~~{Declaration of Emergency for COVID-19 declared by the Governor of this State remains}~~ **declaration of emergency is in effect**, **in a county in this State and social distancing requirements and occupancy limitations on the capacity of food dispensing establishments apply,** a food delivery service platform provider from charging a food dispensing establishment any commission for an online food order that exceeds a certain amount. **Section 17.5 provides that this prohibition does not supersede or preempt an ordinance enacted in a county in this State that places limits on the maximum commission that a food delivery service platform provider may charge a food dispensing establishment if the ordinance was in effect on or before April 30, 2021.**

Existing law defines various activities involving businesses and occupations that constitute deceptive trade practices. (NRS 598.0915-598.0925) If a person knowingly engages in a deceptive trade practice, the person may be subject to restraint by injunction and the imposition of civil and criminal penalties. (NRS 598.0979, 598.0985, 598.0999) ~~{Sections}~~ **Section 18** ~~{and 19}~~ of this bill ~~{provide}~~ **provides** that a violation of the provisions of **section 16, 17 or 17.5** of this bill constitutes a deceptive trade practice.

Sections 3-11 of this bill define words and terms for the purposes of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. 1. *“Commission” means any fee or other payment of money that is charged by a food delivery service platform provider to a food dispensing establishment for the use of the services of the food delivery service platform provider in effectuating online food orders.*

2. *The term includes, without limitation, any annual fee charged to a food dispensing establishment for the use of the services described in subsection 1.*

3. *The term does include any fee that is charged by a food delivery service platform provider for services provided as a general or indirect cost of doing business, including, without limitation, fees for the processing of credit cards or for advertising in a restaurant directory.*

Sec. 4. 1. *“Food delivery service platform” means an Internet website, online service or mobile application which allows users to purchase food from multiple food dispensing establishments and arrange for the same-day delivery or same-day pickup of such food.*

2. *The term does not include an Internet website, online service or mobile application which does not:*

(a) Post the menu of, the amounts charged by or the likeness, registered trademark or intellectual property of a food dispensing establishment; and

(b) Charge a commission or other payment of money to a food dispensing establishment in effectuating online food orders.

Sec. 5. *“Food delivery service platform provider” means a person who operates a food delivery service platform.*

Sec. 6. 1. *“Food dispensing establishment” means a food establishment that prepares and serves food intended for immediate consumption. The term includes, without limitation, a restaurant. The term does not include a convenience store or a grocery store.*

2. *As used in this section:*

(a) “Convenience store” has the meaning ascribed to it in NRS 597.225.

(b) “Food establishment” has the meaning ascribed to it in NRS 446.020.

(c) “Grocery store” has the meaning ascribed to it in NRS 597.225.

Sec. 7. *“Food purchase price” means the portion of the total online food order price that is attributable to the amount charged by the food dispensing establishment for the food.*

Sec. 8. *“Likeness” means any identifiable symbol attributed and easily identified as belonging to a specific food dispensing establishment.*

Sec. 9. *“Online food order” means a transaction in which a user, through a food delivery service platform, purchases food from a food dispensing establishment and arranges for the same-day delivery or same-day pickup of such food.*

Sec. 10. *“Total online food order price” means the total amount paid or to be paid by a user as a result of an online food order.*

Sec. 11. *“User” means a person who uses a food delivery service platform to engage in an online food order.*

Sec. 12. *A food delivery service platform provider shall not facilitate an online food order involving a food dispensing establishment, including, without limitation, arranging for the same-day delivery or same-day pickup of food prepared by a food dispensing establishment, unless the food delivery service platform provider has entered into a written agreement with the food dispensing establishment that expressly authorizes the food delivery service platform provider to engage in such activities.*

Sec. 13. 1. *A food dispensing establishment may, at any time, submit a written request to a food delivery service platform provider directing the provider to remove the food dispensing establishment from the food delivery service platform. If the food delivery service platform has appointed a registered agent located in this State, the request must be submitted to the registered agent.*

2. *A food delivery service platform provider that receives a request submitted pursuant to subsection 1 shall confirm receipt of the request and remove the food dispensing establishment from the food delivery service platform within 48 hours after receipt of the request.*

3. *A food delivery service platform provider who violates the provisions of subsection 2 is subject to a civil penalty of \$500 per day of the violation, and each day’s continuance of the violation constitutes a separate and distinct violation.*

Sec. 14. 1. *A food delivery service platform provider shall not use the likeness, registered trademark or intellectual property of a food dispensing establishment unless the food delivery service platform provider first obtains the written consent of the food dispensing establishment.*

2. *A food delivery service platform provider who violates the provisions of subsection 1 is subject to a civil penalty of \$500 per day of the violation, and each day’s continuance of the violation constitutes a separate and distinct violation.*

Sec. 15. 1. *A food dispensing establishment whose likeness, registered trademark or intellectual property was used by a food delivery service platform provider in violation of section 14 of this act may bring an action against the food delivery service platform provider in any court of competent jurisdiction and may recover the sum of \$5,000 or the amount of actual damages sustained, whichever is greater.*

2. *If the food dispensing establishment prevails in the action, the court may award such punitive damages and equitable relief as the court determines to be proper.*

Sec. 16. 1. *Before an online food order is consummated with a user, the food delivery service platform provider must disclose to the user the following information in plain language and in a conspicuous manner:*

(a) *The total online food order price;*
(b) *Each portion of the total online food order price that is attributable to:*

- (1) The food purchase price;*
- (2) Any sales tax or other tax;*
- (3) Any delivery fee or service fee charged to the user by the food delivery service platform provider or food dispensing establishment; and*
- (4) Any gratuity to be paid to the person who delivers the food; and*
- (c) A statement that indicates that a commission is to be paid by the food dispensing establishment in connection with the online food order. ~~The statement must include a disclosure of the average commission expressed as the highest possible percentage of the aggregate food purchase price on deliveries by the food delivery service platform provider for the food dispensing establishment in this State.~~*

2. *If, after the consummation of an online food order, the user is provided with a receipt for the online food order, the information required to be disclosed pursuant to paragraphs (a) and (b) of subsection 1 must be set forth on the receipt in plain language and in a conspicuous manner.*

Sec. 17. *If a food delivery service platform provider determines that it is not feasible to disclose the information required pursuant to section 16 of this act in the manner provided in that section, the provider may submit a request to the Commissioner of Consumer Affairs to disclose the information in an alternative manner. Such a request must include, without limitation, a proposal for an alternative manner in which to disclose the information required pursuant to section 16 of this act and any other information the Commissioner deems necessary. If the Commissioner approves the request, the food delivery service platform provider may disclose the information required pursuant to section 16 of this act in the manner set forth in the approved request.*

Sec. 17.5. 1. During any period in which a declaration of emergency is in effect in a county in this State and social distancing requirements and occupancy limitations on the capacity of food dispensing establishments apply to that county, a food delivery service platform provider shall not charge a food dispensing establishment in that county a commission for an online food order that exceeds 15 percent of the food purchase price of the online food order, plus a credit card processing fee, if any. A food dispensing establishment in such a county may agree in writing to pay a food delivery service platform provider a commission that exceeds the limit established in this subsection to obtain optional products or services, including, without limitation, advertising, marketing or access to customer subscription programs.

2. A food delivery service platform provider shall not reduce the compensation rates paid to any person who delivers food for the provider or garnish the gratuities of such a person as a result of this section.

3. The provisions of this section do not supersede or preempt an ordinance enacted by a governing body of a county in this State that places limits on the maximum commission that a food delivery service platform provider may charge a food dispensing establishment if such an ordinance was in effect on or before April 30, 2021.

4. As used in this section, “governing body” means the board of county commissioners or, in the case of Carson City, the Board of Supervisors.

Sec. 18. A person who knowingly violates section 16, ~~for~~ 17 or 17.5 of this act is deemed to have committed a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

~~Sec. 19. 1. During any period in which a Declaration of Emergency issued by the Governor of the State of Nevada due to the outbreak of the disease identified by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services as COVID-19 remains in effect, a food delivery service platform provider shall not charge a food dispensing establishment a commission for an online food order that exceeds 20 percent of the food purchase price of the online food order, plus a credit card processing fee. A food dispensing establishment may agree in writing to pay a food delivery service platform provider a commission that exceeds the limit established in this subsection to obtain optional products or services, including, without limitation, advertising, marketing or access to customer subscription programs.~~

~~2. A food delivery service platform provider shall not reduce the compensation rates paid to any person who delivers food for the provider or garnish the gratuities of such a person as a result of this section.~~

~~3. A person who knowingly violates this section is deemed to have committed a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.~~

~~4. As used in this section:~~

~~(a) “Food delivery service platform provider” has the meaning ascribed to it in section 5 of this act.~~

~~(b) “Food dispensing establishment” has the meaning ascribed to it in section 6 of this act.~~

~~(c) “Food purchase price” has the meaning ascribed to it in section 7 of this act.~~

~~(d) “Online food order” has the meaning ascribed to it in section 9 of this act.~~ **(Deleted by amendment.)**

Sec. 20. This act becomes effective upon passage and approval.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 217.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 632.

AN ACT relating to applied behavior analysis; transferring responsibilities concerning licensing and regulation of the practice of applied behavior analysis from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; making provisions governing providers of health care applicable to behavior analysts, assistant behavior analysts and registered behavior technicians; authorizing the Board to contract with certain entities to carry out duties relating to regulating the practice of applied behavior analysis; requiring members of the Board to complete orientation; revising the activities that constitute the practice of applied behavior analysis; revising requirements concerning the supervision of assistant behavior analysts and registered behavior technicians; exempting certain persons from provisions governing the practice of applied behavior analysis; revising the qualifications for membership on the Board; establishing requirements for the ethical practice of applied behavior analysis; revising provisions governing fees collected by the Board; revising provisions governing licensure by endorsement and disciplinary actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of behavior analysts and assistant behavior analysts and the registration and regulation of behavior technicians. (Chapter 437 of NRS) Existing law requires the Board of Applied Behavior Analysis to regulate the practice of applied behavior analysis and authorizes the Board to: (1) examine the qualifications of applicants for licensure or registration and license or register qualified applicants; and (2) revoke or suspend licenses and registrations. Existing law authorizes the Board to delegate certain duties to the Aging and Disability Services Division of the Department of Health and Human Services and requires the Division to collect applications and fees and conduct investigations of licensees and registrants. (NRS 437.130) **Sections 41, 54-56, 58, 59, 61, 63-77, 79-82 and 84** of this bill transfer the responsibilities of the Division concerning the regulation of behavior analysts, assistant behavior analysts and registered behavior technicians to the Board. **Section 45** of this bill authorizes the Board to contract with any appropriate public or private agency, organization or institution to carry out the duties of the Board. **Sections 31, 36, 57, 60, 78, 88-94 and 100** of this bill make various changes to reflect the transfer of duties from the Division to the Board.

Existing law establishes certain requirements governing the operation of licensing boards and the adjudication of contested cases before licensing boards. (Chapters 622 and 622A of NRS) Existing law additionally defines "provider of health care," for the purposes of provisions relating to the healing arts, as a person who practices in a health-related profession listed within the definition. (NRS 629.031) Existing law imposes certain requirements upon

providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078) **Section 12** of this bill includes behavior analysts, assistant behavior analysts and registered behavior technicians within the definition of “provider of health care,” which has the effect of making those provisions applicable to behavior analysts, assistant behavior analysts and registered behavior technicians. **Sections 1-23, 27-30, 32, 33, 37-40, 85-87 and 95** of this bill make various changes to: (1) require the Board to operate and adjudicate contested cases in the same manner as other licensing boards; and (2) subject behavior analysts, assistant behavior analysts and registered behavior technicians to similar requirements as those that apply to other providers of health care.

Existing law prescribes the membership of the Board, which is composed of: (1) four members who are behavior analysts; and (2) one member who is a representative of the general public. (NRS 437.100) **Section 53** of this bill replaces one member of the Board who must be a behavior analyst with one member who is a behavior analyst or an assistant behavior analyst. **Section 44** of this bill requires each new member of the Board to complete orientation. **Section 48** of this bill revises the activities that constitute the practice of applied behavior analysis. **Sections 49, 52 and 83** of this bill revise provisions governing the supervision of assistant behavior analysts and registered behavior technicians. **Section 52** also requires a behavior analyst, assistant behavior analyst or registered behavior technician to comply with certain requirements concerning ethics. **Section 67** of this bill clarifies that a violation of those ethical requirements would be grounds for disciplinary action.

Existing law requires the Board to prescribe by regulation fees for the issuance, renewal and reinstatement of a license or registration as a behavior analyst, assistant behavior analyst or registered behavior technician, as applicable, and for any other services provided by the Division relating to the licensure and registration of behavior analysts, assistant behavior analysts and registered behavior technicians. (NRS 437.140) Section 55 of this bill revises this requirement and instead: (1) requires the Board to prescribe by regulation certain enumerated fees relating to the licensure and registration of behavior analysts, assistant behavior analysts and registered behavior technicians; and (2) establishes certain maximum amounts for these fees.

Existing law requires: (1) an applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst to be certified as such by the Behavior Analyst Certification Board, Inc.; and (2) an applicant for the issuance or renewal of registration as a registered behavior technician to be registered as such by the Behavior Analyst Certification Board, Inc. (NRS 437.205, 437.225) **Sections 47, 49, 59 and 62** of this bill revise the certifications and registrations required for the issuance or renewal of such a license or registration. **Sections 63 and 64** of this bill: (1) authorize the Board

to deny licensure by endorsement as a behavior analyst or assistant behavior analyst to an applicant who has been disciplined by the Behavior Analyst Certification Board, Inc.; and (2) extend the deadline by which the Board must notify an applicant for licensure by endorsement of any additional information required by the Board to consider the application. **Section 67** authorizes the Board to impose disciplinary action against a licensee or registrant who has been disciplined by the Behavior Analyst Certification Board, Inc.

Existing law exempts certain persons, including certain persons who provide applied behavior analysis services at a school, from provisions governing the practice of applied behavior analysis. (NRS 437.060) **Section 50** of this bill revises the list of exempted persons to exempt from those provisions: (1) a school employee who provides services to a pupil consistent with the duties of his or her position; and (2) the guardian or caregiver of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst.

Under existing law, a behavior analyst, assistant behavior analyst or registered behavior technician may be required to take an oral or written examination to determine his or her competence to practice applied behavior analysis if there is a reasonable question as to his or her competence. (NRS 437.450) **Section 76** of this bill authorizes the Board to require a behavior analyst, assistant behavior analyst or registered behavior technician to undergo certain other examinations, including mental and physical examinations, as necessary to determine competence.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 622.060 is hereby amended to read as follows:

622.060 “Regulatory body” means:

1. Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~†~~ **or chapter 437 of NRS**; and

2. Any officer of a state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~†~~ **or chapter 437 of NRS**.

Sec. 2. NRS 622.080 is hereby amended to read as follows:

622.080 In regulating an occupation or profession pursuant to this title ~~†~~ **or chapter 437 of NRS**, each regulatory body shall carry out and enforce the provisions of this title **or chapter 437 of NRS, as applicable**, for the protection and benefit of the public.

Sec. 3. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive

the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title ~~or~~ **or chapter 437 of NRS**, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS **437.210**, 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645E.210, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155, an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

- (a) Tax purposes;
- (b) Licensing purposes; and
- (c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 4. NRS 622.310 is hereby amended to read as follows:

622.310 1. If any provision of this title **or chapter 437 of NRS** requires a regulatory body to disclose information to the public in any proceeding or as part of any record, such a provision does not apply:

(a) To any personal medical information or records of a patient that are confidential or otherwise protected from disclosure by any other provision of federal or state law.

(b) To any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board. Such information must be kept confidential by the licensing board in whose possession the information is held.

2. As used in this section, “licensing board” has the meaning ascribed to it in NRS 644A.880.

Sec. 5. NRS 622.330 is hereby amended to read as follows:

622.330 1. Except as otherwise provided in this section, a regulatory body may not enter into a consent or settlement agreement with a person who has allegedly committed a violation of any provision of this title *or chapter 437 of NRS* which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body, unless the regulatory body discusses and approves the terms of the agreement in a public meeting.

2. A regulatory body that consists of one natural person may enter into a consent or settlement agreement without complying with the provisions of subsection 1 if:

(a) The regulatory body posts notice in accordance with the requirements for notice for a meeting held pursuant to chapter 241 of NRS and the notice states that:

(1) The regulatory body intends to resolve the alleged violation by entering into a consent or settlement agreement with the person who allegedly committed the violation; and

(2) For the limited time set forth in the notice, any person may request that the regulatory body conduct a public meeting to discuss the terms of the consent or settlement agreement by submitting a written request for such a meeting to the regulatory body within the time prescribed in the notice; and

(b) At the expiration of the time prescribed in the notice, the regulatory body has not received any requests for a public meeting regarding the consent or settlement agreement.

3. If a regulatory body enters into a consent or settlement agreement that is subject to the provisions of this section, the agreement is a public record.

4. The provisions of this section do not apply to a consent or settlement agreement between a regulatory body and a licensee that provides for the licensee to enter a diversionary program for the treatment of an alcohol or other substance use disorder.

Sec. 6. NRS 622.350 is hereby amended to read as follows:

622.350 1. A regulatory body shall not hold a meeting at a location that is outside this State if:

(a) The meeting is subject to the provisions of chapter 241 of NRS; and

(b) During the meeting or any portion of the meeting, the regulatory body conducts any business relating to this title ~~†~~ *or chapter 437 of NRS*.

2. The provisions of subsection 1 do not prohibit a member of a regulatory body from attending an educational seminar, retreat for professional development or similar activity that is conducted outside this State.

Sec. 7. NRS 622.360 is hereby amended to read as follows:

622.360 1. If a regulatory body initiates disciplinary proceedings against a licensee pursuant to this title ~~†~~ *or chapter 437 of NRS*, the regulatory body may require the licensee to submit to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of

Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The willful failure of the licensee to comply with the requirements of subsection 1 constitutes an additional ground for the regulatory body to take disciplinary action against the licensee, including, without limitation, suspending or revoking the license of the licensee.

3. A regulatory body has an additional ground for taking disciplinary action against the licensee if:

(a) The report from the Federal Bureau of Investigation indicates that the licensee has been convicted of an unlawful act that is a ground for taking disciplinary action against the licensee pursuant to this title ~~††~~ **or chapter 437 of NRS**; and

(b) The regulatory body has not taken any prior disciplinary action against the licensee based on that unlawful act.

4. To the extent possible, the provisions of this section are intended to supplement other statutory provisions governing disciplinary proceedings. If there is a conflict between such other provisions and the provisions of this section, the other provisions control to the extent that the other provisions provide more specific requirements regarding the discipline of a licensee.

Sec. 8. NRS 622.400 is hereby amended to read as follows:

622.400 1. Except as otherwise provided in this section, a regulatory body may recover from a person reasonable attorney's fees and costs that are incurred by the regulatory body as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body:

(a) Enters a final order in which it finds that the person has violated any provision of this title **or chapter 437 of NRS** which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body; or

(b) Enters into a consent or settlement agreement in which the regulatory body finds or the person admits or does not contest that the person has violated any provision of this title **or chapter 437 of NRS** which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body.

2. A regulatory body may not recover any attorney's fees and costs pursuant to subsection 1 from a person who was subject to an investigative, administrative or disciplinary proceeding of the regulatory body unless the regulatory body submits an itemized statement of the fees and costs to the person.

3. As used in this section, "costs" means:

(a) Costs of an investigation.

(b) Costs for photocopies, facsimiles, long distance telephone calls and postage and delivery.

(c) Fees for hearing officers and court reporters at any depositions or hearings.

(d) Fees for expert witnesses and other witnesses at any depositions or hearings.

(e) Fees for necessary interpreters at any depositions or hearings.

(f) Fees for service and delivery of process and subpoenas.

(g) Expenses for research, including, without limitation, reasonable and necessary expenses for computerized services for legal research.

Sec. 9. NRS 622.410 is hereby amended to read as follows:

622.410 A court shall award to a regulatory body reasonable attorney's fees and reasonable costs specified in NRS 18.005 that are incurred by the regulatory body to bring or defend in any action if:

1. The action relates to the imposition or recovery of an administrative or civil remedy or penalty, the enforcement of any subpoena issued by the regulatory body or the enforcement of any provision of this title *or chapter 437 of NRS* which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body; and

2. The court determines that the regulatory body is the prevailing party in the action.

Sec. 10. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 437, 630, 630A, 632 to 641C, inclusive, 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 11. NRS 622A.090 is hereby amended to read as follows:

622A.090 1. “Regulatory body” means:

(a) Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~1~~ **or chapter 437 of NRS; and**

(b) Any officer of a state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~1~~ **and**

~~—(c) The Aging and Disability Services Division of the Department of Health and Human Services acting pursuant to~~ **or chapter 437 of NRS.**

2. The term does not include any regulatory body which is exempted from the provisions of this chapter pursuant to NRS 622A.120, unless the regulatory body makes an election pursuant to that section to follow the provisions of this chapter.

Sec. 12. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

- (l) An occupational therapist;
- (m) A podiatric physician;
- (n) A licensed psychologist;
- (o) A licensed marriage and family therapist;
- (p) A licensed clinical professional counselor;
- (q) A music therapist;
- (r) A chiropractor;
- (s) An athletic trainer;
- (t) A perfusionist;
- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;
- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
- (z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
- (aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS; ~~for~~
- (bb) ***A behavior analyst, assistant behavior analyst or registered behavior technician; or***
- (cc) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

- (a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and
- (b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 13. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter ~~437~~, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

- (a) Pursuant to the provisions of subsection 7 of NRS 629.051:
 - (1) The health care records of a person who is less than 23 years of age may not be destroyed; and
 - (2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and
- (b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 14. NRS 629.063 is hereby amended to read as follows:

629.063 1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation:

(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in NRS 629.061.

(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care records created by the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who is not otherwise licensed pursuant to this title *or chapter 437* of NRS and violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not more than \$5,000 for each violation as applied to a patient's entire health care record, to be recovered in a civil action brought in the district court in the county in which the provider of health care's principal place of business is located or in the district court of Carson City.

4. As used in this section, "custodian of health care records" does not include:

- (a) A facility for hospice care, as defined in NRS 449.0033;
- (b) A facility for intermediate care, as defined in NRS 449.0038;
- (c) A facility for skilled nursing, as defined in NRS 449.0039;
- (d) A hospital, as defined in NRS 449.012; or
- (e) A psychiatric hospital, as defined in NRS 449.0165.

Sec. 15. NRS 629.076 is hereby amended to read as follows:

629.076 1. Except as otherwise provided in subsection 3:

(a) An advertisement for health care services that names a health care professional must identify the type of license or certificate held by the health care professional and must not contain any deceptive or misleading information. If an advertisement for health care services is in writing, the information concerning licensure and board certification that is required pursuant to this section must be prominently displayed in the advertisement using a font size and style to make the information readily apparent.

(b) Except as otherwise provided in subsection 4, a health care professional who provides health care services in this State shall affirmatively communicate

his or her specific licensure or certification to all current and prospective patients. Such communication must include, without limitation, a written patient disclosure statement that is conspicuously displayed in the office of the health care professional and which clearly identifies the type of license or certificate held by the health care professional. The statement must be in a font size sufficient to make the information reasonably visible.

(c) A health care professional shall, during the course of providing health care services other than sterile procedures in a health care facility, wear a name tag which indicates his or her specific licensure or certification.

(d) A physician or osteopathic physician shall not hold himself or herself out to the public as board certified in a specialty or subspecialty, and an advertisement for health care services must not include a statement that a physician or osteopathic physician is board certified in a specialty or subspecialty, unless the physician or osteopathic physician discloses the full and correct name of the board by which he or she is certified, and the board:

(1) Is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or

(2) Requires for certification in a specialty or subspecialty:

(I) Successful completion of a postgraduate training program which is approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association and which provides complete training in the specialty or subspecialty;

(II) Prerequisite certification by the American Board of Medical Specialties or the American Osteopathic Association in the specialty or subspecialty; and

(III) Successful completion of an examination in the specialty or subspecialty.

(e) A health care professional who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed, certified or regulated.

2. A health care professional who practices in more than one office shall comply with the requirements set forth in this section in each office in which he or she practices.

3. The provisions of this section do not apply to:

(a) A veterinarian or other person licensed under chapter 638 of NRS.

(b) A person who works in or is licensed to operate, conduct, issue a report from or maintain a medical laboratory under chapter 652 of NRS, unless the person provides services directly to a patient or the public.

4. The provisions of paragraph (b) of subsection 1 do not apply to a health care professional who provides health care services in a medical facility licensed pursuant to chapter 449 of NRS or a hospital established pursuant to chapter 450 of NRS.

5. As used in this section:

(a) “Advertisement” means any printed, electronic or oral communication or statement that names a health care professional in relation to the practice, profession or institution in which the health care professional is employed, volunteers or otherwise provides health care services. The term includes, without limitation, any business card, letterhead, patient brochure, pamphlet, newsletter, telephone directory, electronic mail, Internet website, physician database, audio or video transmission, direct patient solicitation, billboard and any other communication or statement used in the course of business.

(b) “Deceptive or misleading information” means any information that falsely describes or misrepresents the profession, skills, training, expertise, education, board certification or licensure of a health care professional.

(c) “Health care facility” has the meaning ascribed to it in NRS 449.2414.

(d) “Health care professional” means any person who engages in acts related to the treatment of human ailments or conditions and who is subject to licensure, certification or regulation by the provisions of this title ~~or~~ **or chapter 437 of NRS.**

(e) “Medical laboratory” has the meaning ascribed to it in NRS 652.060.

(f) “Osteopathic physician” has the meaning ascribed to it in NRS 633.091.

(g) “Physician” has the meaning ascribed to it in NRS 630.014.

Sec. 16. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the health care licensing board that received the complaint and by another health care licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another health care licensing board.

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) “Health care facility” means any facility licensed pursuant to chapter 449 of NRS.

(b) “Health care licensing board” means:

(1) A board created pursuant to chapter **437**, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 17. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, “board” refers to a board created pursuant to chapter **437**, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 18. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060, reflexology as that term is defined in NRS 640C.080 or structural integration as that term is defined in NRS 640C.085; ~~for~~

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS ~~for~~; *or*

(m) Engages in the practice of applied behavior analysis in violation of chapter 437 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➡ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client

with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

- (a) Are unable to read;
- (b) Are blind or visually impaired;
- (c) Have communication impairments; or
- (d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, “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:

- (a) Anthroposophy.
- (b) Aromatherapy.
- (c) Traditional cultural healing practices.
- (d) Detoxification practices and therapies.
- (e) Energetic healing.
- (f) Folk practices.
- (g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 19. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters ~~437~~, 630 to 637, inclusive, 640 to 641C, inclusive, or 653 of NRS,

➔ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 20. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, ~~437~~, 630 to 637B, inclusive, 640 or 640B to 641B, inclusive, of NRS, who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 21. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to *chapter 437 or* chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 22. NRS 644A.880 is hereby amended to read as follows:

644A.880 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, “licensing board” means:

(a) A board created pursuant to chapter ~~437~~, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of NRS; and

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 23. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, “licensing board” means:

(a) A board created pursuant to chapter **437**, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of NRS; and

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 24. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, except for a person who is performing community service as a result of disciplinary action pursuant to any provision in title 54 **or chapter 437** of NRS, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.

2. Any person in this State who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this State, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor’s office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any person who is an appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this State, other than a driver or attendant of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person whenever the person is performing his or her duties in good faith.

4. Any person who is a member of a search and rescue organization in this State under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor’s office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance, or as

a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

6. Any person who:

(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency,

→ and who in good faith renders cardiopulmonary resuscitation in accordance with the person's training or the direction, other than in the course of the person's regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. For the purposes of subsection 6, a person who:

(a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to NRS 391.092; and

(b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school,

→ shall be presumed to have acted other than in the course of the person's regular employment or profession.

8. Any person who gratuitously and in good faith renders emergency medical care involving the use of an automated external defibrillator is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

9. A business or organization that has placed an automated external defibrillator for use on its premises is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automated external defibrillator to the person for the purpose of rendering such care if the business or organization:

(a) Complies with all current federal and state regulations governing the use and placement of an automated external defibrillator;

(b) Ensures that the automated external defibrillator is maintained and tested according to the operational guidelines established by the manufacturer; and

(c) Establishes requirements for the notification of emergency medical assistance and guidelines for the maintenance of the equipment.

10. As used in this section, “gratuitously” means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.

Sec. 25. NRS 86.555 is hereby amended to read as follows:

86.555 1. Except as otherwise provided by statute, an agency, board or commission that regulates an occupation or profession pursuant to title 54, 55 or 56 *or chapter 437* of NRS may grant a license to a limited-liability company or a foreign limited-liability company if the agency, board or commission is authorized to grant a license to a corporation formed pursuant to chapter 78 of NRS.

2. An agency, board or commission that makes a license available to a limited-liability company or foreign limited-liability company pursuant to subsection 1 shall adopt regulations:

(a) Listing the persons in the limited-liability company or foreign limited-liability company who must qualify for the license or indicating that the agency, board or commission will use other means to determine whether the limited-liability company or foreign limited-liability company qualifies for a license;

(b) Listing the persons who may engage in the activity for which the license is required on behalf of the limited-liability company or foreign limited-liability company;

(c) Indicating whether the limited-liability company or foreign limited-liability company may engage in a business other than the business for which the license is required;

(d) Listing the changes, if any, in the management or control of the limited-liability company or foreign limited-liability company that require notice, review, approval or other action by the agency, board or commission; and

(e) Setting forth the conditions under which a limited-liability company or foreign limited-liability company may obtain a license.

3. An agency, board or commission that adopts regulations pursuant to subsection 2 shall not impose a restriction or requirement on a limited-liability company or foreign limited-liability company which is significantly different from or more burdensome than the restrictions or requirements imposed on a partnership or corporation.

Sec. 26. NRS 200.495 is hereby amended to read as follows:

200.495 1. A professional caretaker who fails to provide such service, care or supervision as is reasonable and necessary to maintain the health or safety of a patient is guilty of criminal neglect of a patient if:

(a) The act or omission is aggravated, reckless or gross;

(b) The act or omission is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same circumstances that it is contrary to a proper regard for danger to human life or constitutes indifference to the resulting consequences;

(c) The consequences of the negligent act or omission could have reasonably been foreseen; and

(d) The danger to human life was not the result of inattention, mistaken judgment or misadventure, but the natural and probable result of an aggravated reckless or grossly negligent act or omission.

2. Unless a more severe penalty is prescribed by law for the act or omission which brings about the neglect, a person who commits criminal neglect of a patient:

(a) If the neglect results in death, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

(b) If the neglect results in substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If the neglect does not result in death or substantial bodily harm, is guilty of a gross misdemeanor.

3. For the purposes of this section, a patient is not neglected for the sole reason that:

(a) According to the patient's desire, the patient is being furnished with treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination. Subsection 1 does not authorize or require any medical care or treatment over the implied or express objection of such a patient.

(b) Life-sustaining treatment was withheld or withdrawn in accordance with a valid declaration by the patient or his or her agent pursuant to NRS 162A.790.

4. Upon the conviction of a person for a violation of the provisions of subsection 1, the Attorney General shall give notice of the conviction to the licensing boards which:

(a) Licensed the facility in which the criminal neglect occurred; and

(b) If applicable, licensed the person so convicted.

5. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Patient" means a person who resides or receives health care in a medical facility.

(c) "Professional caretaker" means a person who:

(1) Holds a license, registration or permit issued pursuant to title 54 or chapter **437 or** 449 of NRS;

(2) Is employed by, an agent of or under contract to perform services for, a medical facility; and

(3) Has responsibility to provide care to patients.

↪ The term does not include a person who is not involved in the day-to-day operation or management of a medical facility unless that person has actual knowledge of the criminal neglect of a patient and takes no action to cure such neglect.

Sec. 27. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, **behavior analyst, assistant behavior analyst, registered behavior technician** or other person providing medical services licensed or certified to practice in this State, who examines,

attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the

Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

- (a) Aging and Disability Services Division;
- (b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and
- (c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 28. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
 - (b) Pursuant to NRS 200.50982; or
 - (c) To persons or agencies enumerated in subsection 3,
- ↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

- (a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 437, 449, 630 to 641B, inclusive, 653 or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of

subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 29. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters **437**, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than \$200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 30. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 437, 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 437, 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of

employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 31. NRS 287.0276 is hereby amended to read as follows:

287.0276 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the plan of self-insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan of self-insurance; or

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan of self-insurance uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↪ A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may request a copy of and review a treatment plan created pursuant to this subsection.

6. A plan of self-insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan of self-insurance or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) “Applied behavior analysis” means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) “Autism spectrum disorder” has the meaning ascribed to it in NRS 427A.875.

(c) “Behavioral therapy” means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) “Evidence-based research” means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) “Habilitative or rehabilitative care” means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) “Licensed assistant behavior analyst” ~~means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.~~ *has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.*

(g) “Licensed behavior analyst” ~~means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.~~ ***has the meaning ascribed to the term “behavior analyst” in NRS 437.010.***

(h) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) “Registered behavior technician” has the meaning ascribed to it in NRS 437.050.

(l) “Screening for autism spectrum disorders” means all medically appropriate assessments, evaluations or tests to diagnose whether a person has an autism spectrum disorder.

(m) “Therapeutic care” means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 32. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 437, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 33. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, “agency” does not include:

- (a) A board created by the provisions of NRS 590.485 and chapters **437**, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS.
- (b) The Nevada System of Higher Education.
- (c) The Public Employees’ Retirement System.
- (d) The Housing Division of the Department of Business and Industry.
- (e) The Colorado River Commission of Nevada.

Sec. 34. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency’s system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency’s system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, “agency” does not include:

- (a) A board created by the provisions of NRS 590.485 and chapters **437**, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS.
- (b) The Nevada System of Higher Education.
- (c) The Public Employees’ Retirement System.
- (d) The Housing Division of the Department of Business and Industry.
- (e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

- (a) Director of the Legislative Counsel Bureau for transmittal to the:
 - (1) Senate Standing Committee on Finance; and
 - (2) Assembly Standing Committee on Ways and Means;
- (b) Governor; and
- (c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

- (a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;
- (b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and
- (c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 35. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.
2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:
 - (a) A board created by the provisions of NRS 590.485 and chapters 437, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS.
 - (b) The Nevada System of Higher Education.
 - (c) The Public Employees' Retirement System.
 - (d) The Housing Division of the Department of Business and Industry.
 - (e) The Colorado River Commission of Nevada.
3. Provide a copy of the approved annual work plan to the Legislative Auditor.
4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:
 - (a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and
 - (b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.
5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.
6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.
7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:
 - (a) The adequacy of the internal accounting and administrative controls of the agency; and
 - (b) The efficiency and effectiveness of the management of the agency.
8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.
9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.
10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

Sec. 36. NRS 422.2719 is hereby amended to read as follows:

- 422.2719 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred

for screening for and diagnosis of fetal alcohol spectrum disorders and for treatment of fetal alcohol spectrum disorders to persons under the age of 19 years or, if enrolled in high school, until the person reaches the age of 21 years.

2. A managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division, which provides coverage for outpatient care shall not require a longer waiting period for coverage for outpatient care related to fetal alcohol spectrum disorders than is required for other outpatient care covered by the plan.

3. A managed care organization shall cover medically necessary treatment of a fetal alcohol spectrum disorder.

4. Treatment of a fetal alcohol spectrum disorder must be identified in a treatment plan and must include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with a fetal alcohol spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with a fetal alcohol spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➡ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

5. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to a school for services delivered through school services.

6. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(c) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to fetal alcohol spectrum disorders.

(d) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(e) “Habilitative or rehabilitative care” means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) “Health maintenance organization” has the meaning ascribed to it in NRS 695C.030.

(g) “Licensed assistant behavior analyst” ~~means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.~~ **has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.**

(h) “Licensed behavior analyst” ~~means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department.~~ **has the meaning ascribed to the term “behavior analyst” in NRS 437.010.**

(i) “Managed care organization” has the meaning ascribed to it in NRS 695G.050.

(j) “Medically necessary” means health care services or products that a prudent physician or psychologist would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and which are:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate for the type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient, physician, psychologist or other provider of health care;

(4) Required to improve a specific health condition of the patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(k) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(l) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(m) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(n) “Registered behavior technician” has the meaning ascribed to it in NRS 437.050.

(o) “Screening for and diagnosis of fetal alcohol spectrum disorders” means medically appropriate assessments, evaluations or tests to screen and diagnose whether a person has a fetal alcohol spectrum disorder.

(p) “Therapeutic care” means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(q) “Treatment plan” means a plan to treat a fetal alcohol spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 37. NRS 425.500 is hereby amended to read as follows:

425.500 As used in NRS 425.500 to 425.560, inclusive, unless the context otherwise requires, “agency that issues a professional or occupational license, certificate or permit pursuant to title 54 of NRS” means any officer, agency, board or commission of this State which has the authority to regulate a profession or occupation pursuant to title 54 *or chapter 437* of NRS and which is prohibited by specific statute from issuing or renewing a license, certificate or permit unless the applicant for the issuance or renewal of that license, certificate or permit submits to the officer, agency, board or commission the statement prescribed by the Division pursuant to NRS 425.520.

Sec. 38. NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who is issued a professional or occupational license, certificate or permit pursuant to title 54 *or chapter 437* of NRS and:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➡ The notice must include the information set forth in subsections 2 and 4 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after the person receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

➡ the district attorney or other public agency shall request in writing that the master suspend any professional or occupational license, certificate or permit issued pursuant to title 54 *or chapter 437* of NRS to that person.

3. Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.

4. If the master receives from a district attorney or other public agency a request to suspend any professional or occupational license, certificate or

permit issued pursuant to title 54 *or chapter 437* of NRS to a person, the master shall enter a recommendation determining whether the person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➔ As soon as practicable after the master enters a recommendation, the district attorney or other public agency shall notify the person by first-class mail of the recommendation of the master.

5. If a person requests a hearing within the period prescribed in subsection 2 and meets with the enforcing authority as required in subsection 3, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of the recommendation of the master at the conclusion of the hearing or as soon thereafter as is practicable.

Sec. 39. NRS 425.540 is hereby amended to read as follows:

425.540 1. If a master enters a recommendation determining that a person who is issued a professional or occupational license, certificate or permit pursuant to title 54 *or chapter 437* of NRS:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➔ and the district court issues an order approving the recommendation of the master pursuant to NRS 425.3844, the court shall provide a copy of the order to all agencies that issue professional or occupational licenses, certificates or permits pursuant to title 54 *or chapter 437* of NRS.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional or occupational license, certificate or permit pursuant to title 54 *or chapter 437* of NRS to that person a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, any professional or occupational license, certificate or permit issued pursuant to title 54 *or chapter 437* of NRS to the person by that agency will be automatically suspended.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

Sec. 40. NRS 425.560 is hereby amended to read as follows:

425.560 For the purposes of NRS 425.520 to 425.560, inclusive:

1. A person who is issued a professional or occupational license, certificate or permit pursuant to title 54 *or chapter 437* of NRS is in arrears in the payment for the support of one or more children if:

(a) The person:

(1) Owes a total of more than \$1,000 for the support of one or more children for which payment is past due; and

(2) Is delinquent for not less than 2 months in payments for the support of one or more children or any payments ordered by a court for arrearages in such payments; or

(b) The person has failed to provide medical insurance for a child as required by a court order.

2. A person who is in arrears in the payment for the support of one or more children pursuant to subsection 1 may satisfy the arrearage by:

(a) Paying all of the past due payments;

(b) If the person is unable to pay all past due payments:

(1) Paying the amounts of the overdue payments for the preceding 12 months which a court has determined are in arrears; or

(2) Entering into and complying with a plan for the repayment of the arrearages which is approved by the district attorney or other public agency enforcing the order; or

(c) If the arrearage is for a failure to provide and maintain medical insurance, providing proof that the child is covered under a policy, contract or plan of medical insurance.

Sec. 41. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800, 427A.850 and 427A.860 to provide services to persons with traumatic brain injuries;

(3) The program established pursuant to NRS 427A.610 to provide hearing aids to children who are hard of hearing;

(4) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

(5) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 385.4, or the designated state entity, as that term is defined in 45 C.F.R. § 1329.4, as applicable; and

(6) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to NRS 656A.100 and the number of persons engaged in the practice of realtime captioning in an educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.

4. The Division shall ~~+~~
~~—(a) Administer~~ **administer** the provisions of chapters 435 and 656A of NRS. ~~+~~ and

~~—(b) Assist the Board of Applied Behavior Analysis in the administration of the provisions of chapter 437 of NRS as prescribed in that chapter.~~

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 42. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the

infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter ~~437~~, 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement

agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) “Private school” has the meaning ascribed to it in NRS 394.103.

(b) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 43. Chapter 437 of NRS is hereby amended by adding thereto the provisions set forth as sections 44 and 45 of this act.

Sec. 44. *The Board shall:*

1. *Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. Such orientation must include, without limitation, instruction concerning:*

- (a) The purpose of the Board and the duties of Board members;*
- (b) Any applicable laws and regulations, including, without limitation, the provisions NRS 437.400 to 437.490, inclusive, and the importance of complying with applicable laws and regulations in a timely manner; and*
- (c) Any requirements relating to managing the finances of the Board.*

2. *Establish policies relating to compensation and reviewing the performance of the staff of the Board.*

Sec. 45. *The Board may contract with any appropriate public or private agency, organization or institution in order to carry out the provisions of this chapter. The purposes of such a contract may include, without limitation:*

- 1. *To obtain assistance in processing applications for the issuance or renewal of a license;*
- 2. *To obtain technical assistance;*
- 3. *To facilitate cooperation with another board or licensing entity in this State or any other jurisdiction;*
- 4. *To obtain recommendations to improve and standardize procedures used by the Board; and*
- 5. *To obtain assistance in identifying resources for improving the operations of the Board.*

Sec. 46. NRS 437.005 is hereby amended to read as follows:

437.005 “Assistant behavior analyst” means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as an assistant behavior analyst pursuant to this chapter.

Sec. 47. NRS 437.010 is hereby amended to read as follows:

437.010 “Behavior analyst” means a person who holds current certification as a Board Certified Behavior Analyst **or Board Certified Behavior Analyst - Doctoral** issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst pursuant to this chapter.

Sec. 48. NRS 437.040 is hereby amended to read as follows:

437.040 1. “Practice of applied behavior analysis” means the design, implementation and evaluation of instructional and environmental modifications ~~based on scientific research and observations of behavior and the environment~~ to produce socially significant improvement in human behavior, including, without limitation:

- ~~1. (a)~~ **(a)** The empirical identification of functional relations between environment and behavior; ~~and~~

~~2.]~~ (b) The use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement and other procedures to help a person develop new behaviors, increase or decrease existing behaviors and engage in certain behavior under specific environmental conditions ~~]; and~~

(c) *The use of interventions based on scientific research and the direct and indirect observation and measurement of relations between environment and behavior.*

~~2.]~~ 2. The term ~~includes the provision of behavioral therapy by a behavior analyst, assistant behavior analyst or registered behavior technician.]~~ **does not include diagnosis, psychological testing, psychotherapy, cognitive therapy, psychoanalysis or counseling.**

Sec. 49. NRS 437.050 is hereby amended to read as follows:

437.050 “Registered behavior technician” means a person who:

1. Is certified as a registered behavior technician by the Behavior Analyst Certification Board, Inc., or its successor organization;
2. Is registered as such pursuant to this chapter; and
3. ~~Provides behavioral therapy]~~ **Engages in applied behavior analysis services** under ~~the]~~ supervision ~~of:~~
 - ~~(a) A licensed psychologist;~~
 - ~~(b) A licensed behavior analyst; or~~
 - ~~(c) A licensed assistant behavior analyst.]~~ **as required by NRS 437.505.**

Sec. 50. NRS 437.060 is hereby amended to read as follows:

437.060 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;
4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
6. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;
7. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;
8. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;
9. Any member of the clergy;
10. A family member , **guardian or caregiver** of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst; or

11. ~~{A person who provides applied behavior analysis}~~ ***An employee of a school district or charter school when providing*** services to a pupil in a public school in a manner consistent with the ~~{training and experience of the person,}~~ ***duties of his or her position,***

↪ if such a person does not commit an act described in NRS 437.510 or represent himself or herself as a behavior analyst, assistant behavior analyst or registered behavior technician.

Sec. 51. NRS 437.065 is hereby amended to read as follows:

437.065 1. A person is not required to be licensed or registered pursuant to this chapter if he or she:

(a) Provides behavior modification services or training exclusively to animals and not to natural persons;

(b) Provides ~~{generalized}~~ applied behavior analysis services to an organization but does not otherwise separately provide such services directly to natural persons;

(c) Teaches applied behavior analysis or conducts research concerning applied behavior analysis but does not otherwise separately provide applied behavior analysis services directly to natural persons;

(d) Provides academic services, including, without limitation, tutoring, instructional design, curriculum production, assessment research and design, or test preparation but does not otherwise separately provide applied behavior analysis services directly to natural persons; or

(e) Conducts academic research relating to applied behavior analysis as a primary job responsibility but does not otherwise separately provide applied behavior analysis services directly to natural persons.

2. A person described in subsection 1:

(a) May refer to himself or herself as a behavior analyst; and

(b) Shall not represent or imply that he or she is licensed or registered pursuant to this chapter.

Sec. 52. NRS 437.075 is hereby amended to read as follows:

437.075 1. A licensed behavior analyst or assistant behavior analyst ~~for registered behavior technician}~~ shall limit his or her practice of applied behavior analysis to his or her areas of competence, as documented by education, training and experience.

2. ***A registered behavior technician shall only perform duties that his or her supervising behavior analyst or assistant behavior analyst has deemed the registered behavior technician competent to perform.***

3. The Board shall adopt regulations to ensure that licensed behavior analysts and assistant behavior analysts and registered behavior technicians limit their practice of applied behavior analysis to their areas of competence.

4. ***A licensed behavior analyst or assistant behavior analyst or registered behavior technician shall comply with any applicable requirements concerning ethics prescribed by the Behavior Analyst Certification Board, Inc., or its successor organization.***

Sec. 53. NRS 437.100 is hereby amended to read as follows:

437.100 1. The Board of Applied Behavior Analysis is hereby created.

2. The Governor shall appoint to the Board:

(a) ~~Four~~ **Three** voting members who are behavior analysts licensed in this State.

(b) ***One voting member who is a behavior analyst or an assistant behavior analyst licensed in this State.***

(c) One voting member who is a representative of the general public who is interested in the practice of applied behavior analysis. This member must not be a behavior analyst or assistant behavior analyst, an applicant or a former applicant for licensure as a behavior analyst or assistant behavior analyst, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a behavior analyst or assistant behavior analyst, or a member of a household that includes a behavior analyst or assistant behavior analyst.

3. After the initial term, the Governor shall appoint each member of the Board to a term of 4 years. No member of the Board may serve more than two consecutive terms.

4. The Board shall hold a regular meeting at least once a year. The Board shall hold a special meeting upon a call of the President or upon the request of a majority of the members. A majority of the Board constitutes a quorum.

5. At the regular annual meeting, the Board shall elect from its membership a President and a Secretary-Treasurer, who shall hold office for 1 year and until the election and qualification of their successors.

6. A member of the Board or an employee or agent of the Board is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Board pursuant to the provisions of this chapter.

Sec. 54. NRS 437.130 is hereby amended to read as follows:

437.130 ~~{1. Except as otherwise provided in subsection 2, the}~~ **The** Board shall enforce the provisions of this chapter and may, under the provisions of this chapter:

~~{(a)}~~ **1.** Examine and pass upon the qualifications of applicants for licensure and registration ~~†~~

~~{(b)}~~ ;

2. License and register qualified applicants ~~†~~

~~{(c)}~~ ;

3. Revoke or suspend licenses and registrations ~~†~~ **or impose other disciplinary action;**

~~{2. Except as otherwise provided in this subsection, the Board may delegate to the Division, in whole or in part, any duty prescribed by subsection 1. The Board must make the final determination concerning the suspension or revocation of a license or registration or the imposition of any other disciplinary action.~~

~~{3. The Division shall:~~

~~—(a)—~~ 4. Collect applications and fees and make disbursements pursuant to this chapter; *and*

~~[(b) With the approval of the Board, conduct]~~

5. *Conduct* investigations ~~[of licensees and registrants; and]~~

~~—(c) Perform any duty delegated by the Board pursuant to subsection 2.]~~
related to the duties of the Board under this chapter and take evidence on any matter under inquiry before the Board.

Sec. 55. NRS 437.140 is hereby amended to read as follows:

437.140 1. The Board shall prescribe, by regulation, fees for ~~the~~ *the* issuance, renewal and reinstatement of a license or registration and ~~any [other]~~ services provided by the ~~[Division]~~ *Board* pursuant to this chapter. ~~++ and the~~
following fees, which must not exceed:

<u><i>Application for licensure as a behavior analyst or assistant</i></u>	
<u><i>behavior analyst</i></u>	<u><i>\$100</i></u>
<u><i>Issuance of an initial license as a behavior analyst or</i></u>	
<u><i>assistant behavior analyst</i></u>	<u><i>25</i></u>
<u><i>Biennial renewal or reinstatement of a license as a behavior</i></u>	
<u><i>analyst.....</i></u>	<u><i>550</i></u>
<u><i>Biennial renewal or reinstatement of a license as an assistant</i></u>	
<u><i>behavioral analyst.....</i></u>	<u><i>425</i></u>
<u><i>Biennial renewal or reinstatement of a registration as a</i></u>	
<u><i>registered behavior technician.....</i></u>	<u><i>100</i></u>
<u><i>Placement of a license on inactive status.....</i></u>	<u><i>100</i></u>
<u><i>Biennial review of a license on inactive status</i></u>	<u><i>100</i></u>
<u><i>Restoration to active status of a license as a behavior analyst</i></u>	
<u><i>on inactive status if the restoration occurs during the first</i></u>	
<u><i>year of the biennium in which the license was issued or</i></u>	
<u><i>renewed.....</i></u>	<u><i>300</i></u>
<u><i>Restoration to active status of a license as a behavior analyst</i></u>	
<u><i>on inactive status if the restoration occurs during the</i></u>	
<u><i>second year of the biennium in which the license was</i></u>	
<u><i>issued or renewed.....</i></u>	<u><i>100</i></u>
<u><i>Restoration to active status of a license as an assistant</i></u>	
<u><i>behavior analyst on inactive status if the restoration</i></u>	
<u><i>occurs during the first year of the biennium in which the</i></u>	
<u><i>license was issued or renewed.....</i></u>	<u><i>175</i></u>
<u><i>Restoration to active status of a license as an assistant</i></u>	
<u><i>behavior analyst on inactive status if the restoration</i></u>	
<u><i>occurs during the second year of the biennium in which</i></u>	
<u><i>the license was issued or renewed.....</i></u>	<u><i>40</i></u>
<u><i>Reproduction and mailing of material for an application.....</i></u>	<u><i>25</i></u>
<u><i>A dishonored check.....</i></u>	<u><i>35</i></u>
<u><i>A change of name on a license or registration</i></u>	<u><i>25</i></u>
<u><i>A duplicate license or registration.....</i></u>	<u><i>25</i></u>
<u><i>Copies of the provisions of NRS relating to the practice of</i></u>	

<u><i>applied behavior analysis and the rules and regulations</i></u>	
<u><i>adopted by the Board.....</i></u>	<u>25</u>
<u><i>Letter of good standing.....</i></u>	<u>15</u>
<u><i>Review and approval of a course or program of continuing</i></u>	
<u><i>education.....</i></u>	<u>25</u>

2. The Board shall ensure, to the extent practicable, that the amount of such fees is sufficient to pay the costs incurred by the Board ~~and the Division~~ under the provisions of this chapter, including, without limitation, the compensation of the Board prescribed by NRS 437.105, and does not exceed the amount necessary to pay those costs.

~~**2.**~~ **3.** Money received from the licensure of behavior analysts and assistant behavior analysts and registration of registered behavior technicians, civil penalties collected pursuant to this chapter and any appropriation, gift, grant or donation received by the Board ~~for the Division~~ for purposes relating to the duties of the Board ~~for the Division~~ under the provisions of this chapter must be deposited **by the Secretary-Treasurer of the Board** in ~~a separate account in the State General Fund. The account must be administered by the Division. Money in the account must be expended solely for the purposes of this chapter and does not revert to the State General Fund. The compensation provided for by this chapter and all expenses incurred under this chapter must be paid from the money in the account.~~ **a bank, credit union, savings and loan association or savings bank in this State to be expended for payment of compensation and expenses of the members and employees of the Board and for any other necessary purpose in the administration of this chapter.**

Sec. 56. NRS 437.145 is hereby amended to read as follows:

437.145 1. The ~~Division~~ **Board** shall make and keep:

(a) A record of all violations and prosecutions under the provisions of this chapter.

(b) A register of all licenses and registrations.

(c) A register of all holders of licenses and registrations.

2. ~~These~~ **Except as otherwise provided in this section, the** records ~~must be kept in an office of the Division and, except as otherwise provided in this section,~~ **described in subsection 1** are subject to public inspection during normal working hours upon reasonable notice.

3. Except as otherwise provided in NRS 239.0115, the ~~Division~~ **Board** may keep the personnel records of applicants confidential.

4. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the ~~Division~~ **Board**, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the ~~Division~~ **Board** requesting that such documents and information be made public records.

5. The charging documents filed with the ~~Division~~ **Board** to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents

and information considered by the ~~{Division and the}~~ Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the ~~{Division or the}~~ Board from communicating or cooperating with or providing any documents or other information to any licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 57. NRS 437.150 is hereby amended to read as follows:

437.150 ~~{An}~~ **A member**, employee or agent of the ~~{Division}~~ **Board** is not liable in a civil action for any act performed in good faith and within the scope of the duties of the ~~{Division}~~ **Board** pursuant to the provisions of this chapter.

Sec. 58. NRS 437.200 is hereby amended to read as follows:

437.200 1. Each person desiring a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician must:

(a) Make application to the ~~{Division}~~ **Board** upon a form and in a manner prescribed by the ~~{Division}~~ **Board**. The application must be accompanied by the application fee prescribed by the Board pursuant to NRS 437.140 and include all information required to complete the application.

(b) ~~{Except as otherwise provided in subsection 3, as}~~ **As** part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the ~~{Division}~~ **Board**; and

(2) Submit to the ~~{Division}~~ **Board**:

(I) A complete set of fingerprints and written permission authorizing the ~~{Division}~~ **Board** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the ~~{Division}~~ **Board** deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the ~~{Division}~~ **Board**, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the ~~{Division}~~ **Board** deems necessary for a report on the applicant's background.

2. The ~~{Division}~~ **Board** may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to

such other law enforcement agencies as the ~~{Division}~~ **Board** deems necessary; and

(b) Request from each agency to which the ~~{Division}~~ **Board** submits the fingerprints any information regarding the applicant's background as the ~~{Division}~~ **Board** deems necessary.

3. ~~{An applicant for registration as a registered behavior technician is not required to comply with paragraph (b) of subsection 1 if he or she submits to the Division verification from a supervising psychologist, behavior analyst or assistant behavior analyst that:~~

~~—(a) Within 6 months immediately preceding the date on which the application was submitted, the Behavior Analyst Certification Board, Inc., or its successor organization, determined the applicant to be eligible for registration as a registered behavior technician; and~~

~~—(b) It is the policy of the Behavior Analyst Certification Board, Inc., or its successor organization, to conduct an investigation into the criminal background of an applicant for registration as a registered behavior technician or an equivalent credential that includes the submission of fingerprints to the Federal Bureau of Investigation.~~

~~—4.} An application is not considered complete and received for purposes of evaluation pursuant to subsection 4 of NRS 437.205 until the {Division} **Board** receives {:~~

~~—(a) A} a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section . {; or~~

~~—(b) If the application is for registration as a registered behavior technician, the documentation described in subsection 3.}~~

Sec. 59. NRS 437.205 is hereby amended to read as follows:

437.205 1. Except as otherwise provided in NRS 437.215 and 437.220, each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is of good moral character as determined by the Board.

(b) Holds current certification as a Board Certified Behavior Analyst *or Board Certified Behavior Analyst - Doctoral* issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

2. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is of good moral character as determined by the Board.

(b) Holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

3. Each application for registration as a registered behavior technician must contain proof that the applicant is registered as a Registered Behavior Technician ~~{, or an equivalent credential,}~~ by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization ~~{;}~~

and will be supervised by a person authorized by subsection 2 of NRS 437.505 to provide such supervision. The Board shall not require any additional education or training for registration as a registered behavior technician.

4. Except as otherwise provided in NRS 437.215 and 437.220, within 120 days after the ~~Division~~ **Board** receives an application and the accompanying evidence, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure or registration; and

(b) Issue a written statement to the applicant of its determination.

5. If the Board determines that the qualifications of the applicant are insufficient for licensure or registration, the written statement issued to the applicant pursuant to subsection 4 must include a detailed explanation of the reasons for that determination.

Sec. 60. NRS 437.207 is hereby amended to read as follows:

437.207 1. The Board shall not deny the application of a person for a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician pursuant to NRS 437.200 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 437.210, an applicant for a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician.

3. The Board ~~and the Division~~ shall not disclose to any person who is not employed by the Board ~~for the Division~~ the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Board ~~for the Division~~ is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 61. NRS 437.210 is hereby amended to read as follows:

437.210 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician shall include the social security number of the applicant in the application submitted to the ~~Division~~ **Board**.

(b) An applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician shall submit to the ~~{Aging and Disability Services Division}~~ **Board** the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{Aging and Disability Services Division}~~ **Board** shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or registration; or

(b) A separate form prescribed by the ~~{Division}~~ **Board**.

3. A license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician must not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{Aging and Disability Services Division}~~ **Board** shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 62. NRS 437.210 is hereby amended to read as follows:

437.210 1. In addition to any other requirements set forth in this chapter

~~†~~
~~—(a) An applicant for the issuance of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician shall include the social security number of the applicant in the application submitted to the Board.~~

~~—(b) An~~, *an* applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician shall submit to the ~~{Aging and Disability Services Division}~~ **Board** the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{Aging and Disability Services Division}~~ **Board** shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or registration; or

(b) A separate form prescribed by the ~~{Division}~~ Board.

3. A license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician must not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{Aging and Disability Services Division}~~ Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 63. NRS 437.215 is hereby amended to read as follows:

437.215 1. The Board may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the ~~{Division}~~ **Board** an application for such a license if the applicant holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the ~~{Division}~~ **Board** with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a behavior analyst ~~{}~~ **or by the Behavior Analyst Certification Board, Inc., or its successor organization;** and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the ~~{Division}~~ **Board** to forward the fingerprints in the manner provided in NRS 437.200;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the ~~{Division}~~ **Board**.

3. Not later than ~~15~~ **30** business days after the ~~Division~~ **Board** receives an application for a license by endorsement as a behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

- (a) Forty-five days after receiving the application; or
 - (b) Ten days after the ~~Division~~ **Board** receives a report on the applicant's background based on the submission of the applicant's fingerprints,
- ➡ whichever occurs later.

Sec. 64. NRS 437.220 is hereby amended to read as follows:

437.220 1. The Board may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the ~~Division~~ **Board** an application for such a license if the applicant:

- (a) Holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States; and
- (b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse, widow or widower of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the ~~Division~~ **Board** with his or her application:

- (a) Proof satisfactory to the Board that the applicant:
 - (1) Satisfies the requirements of subsection 1;
 - (2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a behavior analyst ~~or by the Behavior Analyst Certification Board, Inc., or its successor organization;~~ and
 - (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;
- (b) A complete set of fingerprints and written permission authorizing the ~~Division~~ **Board** to forward the fingerprints in the manner provided in NRS 437.200;
- (c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;
- (d) The fee prescribed by the Board pursuant to the regulations adopted pursuant to NRS 437.140; and
- (e) Any other information required by the ~~Division~~ **Board**.

3. Not later than ~~15~~ **30** business days after the ~~Division~~ **Board** receives an application for a license by endorsement as a behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall

approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the ~~Division~~ **Board** receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➔ whichever occurs later.

4. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a behavior analyst in accordance with regulations adopted by the Board.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 65. NRS 437.225 is hereby amended to read as follows:

437.225 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the ~~Division~~ **Board** for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the ~~Division~~ **Board:**

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 437.200.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable; and

(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 66. NRS 437.335 is hereby amended to read as follows:

437.335 1. The license of any behavior analyst or assistant behavior analyst or the registration of a registered behavior technician who fails to pay

the biennial fee for the renewal of a license or registration within 60 days after the date it is due is automatically suspended. The Board may, within 2 years after the date the license or registration is so suspended, reinstate the license or registration upon payment to the ~~Division~~ **Board** of the amount of the then current biennial fee for the renewal of a license or registration and the amount of the fee for the restoration of a license or registration so suspended. If the license or registration is not reinstated within 2 years, the Board may reinstate the license or registration only if it also determines that the holder of the license or registration is competent to practice as a behavior analyst, assistant behavior analyst or registered behavior technician, as applicable.

2. A notice must be sent to any person who fails to pay the biennial fee, informing the person that his or her license or registration is suspended.

Sec. 67. NRS 437.400 is hereby amended to read as follows:

437.400 1. The Board may suspend or revoke a person's license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, place the person on probation, require remediation for the person or take any other action specified by regulation if the ~~Division~~ **Board** finds by a preponderance of the evidence that the person has:

(a) Been convicted of a felony relating to the practice of applied behavior analysis.

(b) Been convicted of any crime or offense that reflects the inability of the person to practice applied behavior analysis with due regard for the health and safety of others.

(c) Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of applied behavior analysis.

(e) Except as otherwise provided in NRS 437.060 and 437.070, aided or abetted practice as a behavior analyst, assistant behavior analyst or registered behavior technician by a person who is not licensed or registered, as applicable, pursuant to this chapter.

(f) Made any fraudulent or untrue statement to the ~~Division or the~~ Board.

(g) Violated a regulation adopted by the Board.

(h) Had a license, certificate or registration to practice applied behavior analysis suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia, ~~for~~ a foreign country ~~or the Behavior Analyst Certification Board, Inc., or its successor organization~~, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

(i) Failed to report to the ~~Division~~ **Board** within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice applied behavior analysis issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

(j) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter ~~†~~, **including, without limitation, subsection 4 of section 52 of this act.**

(k) Performed or attempted to perform any professional service while impaired by alcohol or other substance or by a mental or physical illness, disorder or disease.

(l) Engaged in sexual activity with a patient or client.

(m) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

(n) Been convicted of submitting a false claim for payment to the insurer of a patient or client.

(o) Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, “preponderance of the evidence” has the meaning ascribed to it in NRS 233B.0375.

Sec. 68. NRS 437.410 is hereby amended to read as follows:

437.410 1. If the ~~†Division†~~ **Board** or a hearing officer appointed by the ~~†Division†~~ **Board** finds a person guilty in a disciplinary proceeding, ~~the Division shall transmit notice of that finding to the Board. Upon receiving such notice,~~ the Board may:

(a) Administer a public reprimand.

(b) Limit the person’s practice.

(c) Suspend the person’s license or registration for a period of not more than 1 year.

(d) Revoke the person’s license or registration.

(e) Impose a fine of not more than \$5,000.

(f) Revoke or suspend the person’s license or registration and impose a monetary penalty.

(g) Suspend the enforcement of any penalty by placing the person on probation. The Board may revoke the probation if the person does not follow any conditions imposed.

(h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Board. The person named in the complaint is responsible for any expense incurred.

(i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the probationer.

(j) Require the person to pay for the costs of remediation or restitution.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 69. NRS 437.415 is hereby amended to read as follows:

437.415 1. If the ~~{Division}~~ **Board** receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses and permits issued to a person who is the holder of a license or registration issued pursuant to this chapter, the ~~{Division shall transmit the copy to the Board. The}~~ Board shall deem the license or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~{Division}~~ **Board** receives ~~{and transmits to the Board}~~ a letter issued to the holder of the license or registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license or registration issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the ~~{Division}~~ **Board** receives ~~{and transmits to the Board}~~ a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or registration was suspended stating that the person whose license or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 70. NRS 437.420 is hereby amended to read as follows:

437.420 1. Service of process made under this chapter must be either upon the person or by registered or certified mail with return receipt requested, addressed to the person upon whom process is to be served at his or her last known address, as indicated on the records of the ~~{Division}~~ **Board**, if possible. If personal service cannot be made and if notice by mail is returned undelivered, the ~~{Division}~~ **Board** shall cause notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the person upon whom process is to be served, or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. Proof of service of process or publication of notice made under this chapter must be filed with the ~~{Division}~~ **Board**.

Sec. 71. NRS 437.425 is hereby amended to read as follows:

437.425 1. The ~~{Division}~~ **Board** or a *panel of its members or a* hearing officer may ~~{, with the approval of the Board,}~~ issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents, the records of patients and any other article related to the practice of applied behavior analysis.

2. If any witness refuses to attend or testify or produce any article as required by the subpoena, the ~~{Division}~~ **Board** may ~~{, with the approval of the Board,}~~ file a petition with the district court stating that:

- (a) Due notice has been given for the time and place of attendance of the witness or the production of the required articles;
- (b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to attend or produce the articles required by the subpoena or has refused to answer questions propounded to him or her,

➡ and asking for an order of the court compelling the witness to attend and testify before the ~~{Division}~~ **Board or panel** or a hearing officer, or produce the articles as required by the subpoena.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended or testified or produced the articles. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued, the court shall enter an order that the witness appear before the ~~{Division}~~ **Board or panel** or a hearing officer at the time and place fixed in the order and testify or produce the required articles, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 72. NRS 437.430 is hereby amended to read as follows:

437.430 1. The ~~{Division, the}~~ Board or any review panel of a hospital or an association of behavior analysts, assistant behavior analysts or registered behavior technicians which becomes aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing applied behavior analysis in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the ~~{Division}~~ **Board**.

2. The ~~{Division}~~ **Board** shall retain all complaints filed with the ~~{Division}~~ **Board** pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 73. NRS 437.435 is hereby amended to read as follows:

437.435 When a complaint is filed with the ~~{Division}~~ **Board**, it shall review the complaint. If, from the complaint or from other official records, it appears that the complaint is not frivolous, the ~~{Division}~~ **Board** may : ~~[-with the approval of the Board-]~~

1. Retain the Attorney General to investigate the complaint; and
2. If the ~~{Division}~~ **Board** retains the Attorney General, transmit the original complaint, along with further facts or information derived from the review, to the Attorney General.

Sec. 74. NRS 437.440 is hereby amended to read as follows:

437.440 1. The ~~{Division}~~ **Board** shall ~~request the approval of the Board to~~ conduct an investigation of each complaint filed pursuant to NRS 437.430 which sets forth reason to believe that a person has violated NRS 437.500. ~~Upon the approval of the Board, the Division shall conduct such an investigation.~~

2. If, after an investigation, the ~~{Division}~~ **Board** determines that a person has violated NRS 437.500, the ~~{Division}~~ **Board**:

- (a) May : ~~[-with the approval of the Board-]~~

(1) Issue and serve on the person an order to cease and desist from engaging in any activity prohibited by NRS 437.500 until the person obtains the proper license or registration; and

(2) Issue a citation to the person; and

(b) Shall ~~request the approval of the Board to~~ provide a written summary of the ~~Division's~~ **Board's** determination and any information relating to the violation to the Attorney General. ~~Upon the approval of the Board, the Division shall provide such a summary to the Attorney General.~~

3. A citation issued pursuant to subsection 2 must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 5. Each violation of NRS 437.500 constitutes a separate offense for which a separate citation may be issued.

4. For any person who violates the provisions of NRS 437.500, the ~~Division~~ **Board** shall assess an administrative fine of:

(a) For a first violation, \$500.

(b) For a second violation, \$1,000.

(c) For a third or subsequent violation, \$1,500.

5. To appeal a citation issued pursuant to subsection 2, a person must submit a written request for a hearing to the ~~Division~~ **Board** within 30 days after the date of issuance of the citation.

Sec. 75. NRS 437.445 is hereby amended to read as follows:

437.445 1. If the ~~Division~~ **Board** retains the Attorney General pursuant to NRS 437.435, the Attorney General shall conduct an investigation of a complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license or registration. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the ~~Division~~ **Board** in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The ~~Division~~ **Board** shall promptly make a determination with respect to each complaint reported to it by the Attorney General ~~and submit that determination to the Board. The Board shall:~~ **and either:**

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

Sec. 76. NRS 437.450 is hereby amended to read as follows:

437.450 **1.** Notwithstanding the provisions of chapter 622A of NRS, if the ~~Division~~ **Board** has reason to believe that the conduct of any behavior analyst, assistant behavior analyst or registered behavior technician has raised a reasonable question as to competence to practice applied behavior analysis with reasonable skill and safety to patients, the ~~Division~~ **Board** may ~~[-with the approval of the Board,]~~ **, to assist the Board or its designee in determining competence,** require the behavior analyst, assistant behavior analyst or registered behavior technician to ~~take a written or oral examination to~~

determine whether the behavior analyst, assistant behavior analyst or registered behavior technician is competent to practice applied behavior analysis.] **undergo:**

(a) A mental or physical examination administered by a qualified provider of health care;

(b) An examination testing his or her competence to practice applied behavior analysis; or

(c) Any other examination designated by the Board to be necessary to determine his or her competence to practice applied behavior analysis.

2. If an examination is required **by the Board pursuant to subsection 1**, the reasons therefor must be documented and made available to the behavior analyst, assistant behavior analyst or registered behavior technician being examined.

3. *An applicant or person who holds a license or registration pursuant to this chapter is deemed to consent to submit to an examination required pursuant to subsection 1 when the Board provides a written order for such an examination.*

4. *Any testimony, report or other information of the examining provider of health care received during an examination administered pursuant to subsection 1 is not a privileged communication.*

5. *Except in extraordinary circumstances, as determined by the Board, a behavior analyst, assistant behavior analyst or registered behavior technician who fails to submit to an examination required pursuant to subsection 1 after the Board provides a written order for such an examination shall be deemed to have admitted to the charge of the Board against him or her.*

6. *The Board may require a behavior analyst, assistance behavior analyst or registered behavior technician to pay the cost of an examination administered pursuant to subsection 1.*

7. *As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 77. NRS 437.460 is hereby amended to read as follows:

437.460 Notwithstanding the provisions of chapter 622A of NRS, if the ~~Division~~ **Board** receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the ~~Division~~ **Board** receives the report.

Sec. 78. NRS 437.465 is hereby amended to read as follows:

437.465 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the ~~Division~~ **Board** or a hearing officer conducted under the provisions of this chapter:

1. Proof of actual injury need not be established where the complaint charges deceptive or unethical professional conduct or practice of applied behavior analysis harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license as a behavior analyst

or assistant behavior analyst or registration as a registered behavior technician is conclusive evidence of its occurrence.

3. The entering of a plea of nolo contendere in a court of competent jurisdiction shall be deemed a conviction of the offense charged.

Sec. 79. NRS 437.475 is hereby amended to read as follows:

437.475 ~~1-1~~ Notwithstanding the provisions of chapter 622A of NRS:

~~(a)~~ 1. Pending disciplinary proceedings before the ~~Division~~ **Board** or a hearing officer, the court may, upon application by the ~~Division~~ **Board** or the Attorney General, issue a temporary restraining order or a preliminary injunction to enjoin any unprofessional conduct of a behavior analyst, an assistant behavior analyst or a registered behavior technician which is harmful to the public, to limit the practice of the behavior analyst, assistant behavior analyst or registered behavior technician or to suspend the license to practice as a behavior analyst or assistant behavior analyst or registration to practice as a registered behavior technician without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

~~(b)~~ 2. The disciplinary proceedings before the ~~Division~~ **Board** or a hearing officer must be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

~~{2. The Division shall not make an application pursuant to subsection 1 without the approval of the Board.}~~

Sec. 80. NRS 437.480 is hereby amended to read as follows:

437.480 1. The ~~Division, with the approval of the~~ Board ~~1-1~~ or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing in violation of NRS 437.510 or as a behavior analyst, assistant behavior analyst or registered behavior technician without the proper license or registration.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve any person from criminal prosecution for practicing without a license or registration.

Sec. 81. NRS 437.485 is hereby amended to read as follows:

437.485 In addition to any other immunity provided by the provisions of chapter 622A of NRS, the ~~Division~~ **Board**, a review panel of a hospital, an association of behavior analysts, assistant behavior analysts or registered behavior technicians, or any other person who or organization which initiates a complaint or assists in any lawful investigation or proceeding concerning the licensure of a behavior analyst or assistant behavior analyst or registration of a registered behavior technician or the discipline of a behavior analyst, an assistant behavior analyst or a registered behavior technician for gross malpractice, repeated malpractice, professional incompetence or unprofessional conduct is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 82. NRS 437.490 is hereby amended to read as follows:

437.490 1. Any person:

- (a) Whose practice of applied behavior analysis has been limited;
- (b) Whose license or registration has been revoked; or
- (c) Who has been placed on probation,

→ by an order of the Board may apply to the ~~{Division}~~ **Board** after 1 year for removal of the limitation or termination of the probation or may apply to the ~~{Division}~~ **Board** pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license or registration.

2. In hearing the application, the ~~{Division}~~ **Board**:

- (a) May require the person to submit such evidence of changed conditions and of fitness as it considers proper.
- (b) Shall determine whether under all the circumstances the time of the application is reasonable.

~~{(c) Shall submit its determination concerning the application to the Board.}~~

3. ~~{Upon receiving a determination of the Division pursuant to paragraph (c) of subsection 2, the}~~ **The** Board may deny the application or modify or rescind its order as it considers the evidence and the public safety warrants.

Sec. 83. NRS 437.505 is hereby amended to read as follows:

437.505 1. A licensed assistant behavior analyst shall not ~~{provide}~~ **engage in** or supervise ~~{behavioral therapy}~~ **the practice of applied behavior analysis** except under the supervision of:

- (a) A licensed psychologist ~~{}~~ **who**:

(1) Is certified as a Board Certified Behavior Analyst or Board Certified Behavior Analyst - Doctoral by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization; and

(2) Has completed any requirements established by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to serve as a supervisor; or

(b) A licensed behavior analyst ~~{}~~ **who has completed any requirements established by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to serve as a supervisor.**

2. A registered behavior technician shall not ~~{provide}~~ **engage in the practice of applied behavior ~~{therapy}~~ analysis** except under the supervision of:

- (a) A ~~{licensed}~~ psychologist ~~{}~~ **described in paragraph (a) of subsection 1;**

(b) A ~~{licensed}~~ behavior analyst ~~{}~~ **described in paragraph (b) of subsection 1; or**

(c) A licensed assistant behavior analyst ~~{}~~ **who has completed any requirements established by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to serve as a supervisor.**

3. **A psychologist, behavior analyst or assistant behavior analyst who provides supervision pursuant to this section must comply with the**

requirements prescribed by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, concerning supervision.

Sec. 84. NRS 437.510 is hereby amended to read as follows:

437.510 Any person who:

1. Presents as his or her own the diploma, license, certificate, registration or credentials of another;
 2. Gives either false or forged evidence of any kind to the ~~Division~~ **Board** in connection with an application for a license or registration;
 3. Practices applied behavior analysis under a false or assumed name or falsely personates another behavior analyst, assistant behavior analyst or registered behavior technician of a like or different name;
 4. Except as otherwise provided in NRS 437.060 and 437.065, represents himself or herself as a behavior analyst, assistant behavior analyst or registered behavior technician, or uses any title or description which indicates or implies that he or she is a behavior analyst, assistant behavior analyst or registered behavior technician, unless he or she has been issued a license or registration as required by this chapter; or
 5. Except as otherwise provided in NRS 437.060, 437.065 and 437.070, practices as an applied behavior analyst, assistant behavior analyst or registered behavior technician unless he or she has been issued a license or registration, as applicable,
- ↪ is guilty of a gross misdemeanor.

Sec. 85. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, “licensing board” means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter **437**, 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652, 653 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

- (a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;
- (b) The effect of the regulation on the cost of health care in this State;
- (c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and
- (d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 86. NRS 449.4329 is hereby amended to read as follows:

449.4329 1. Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the holder of a certificate to operate an intermediary service organization shall:

(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime listed in subsection 1 of NRS 449.4332;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to determine whether the person has been convicted of any crime listed in subsection 1 of NRS 449.4332; and

(f) If an Internet website has been established pursuant to NRS 439.942:

(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.

2. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1 from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of NRS 449.4332.

3. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection

1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the holder of a certificate to operate an intermediary service organization to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of the temporary employment service or independent contractor of a crime listed in subsection 1 of NRS 449.4332;

(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 *or chapter 437* of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of NRS 449.4332.

4. The holder of a certificate to operate an intermediary service organization shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at or for the intermediary service organization is investigated is completed as soon as practicable and at least once every 5 years after the date of the initial investigation. The holder of the certificate shall, when required:

(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.

5. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in subsection 1 of NRS 449.4332 and immediately inform the Division and the holder of the certificate to operate an intermediary service organization for which the person

works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.

6. The Central Repository for Nevada Records of Criminal History may impose a fee upon an intermediary service organization that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The intermediary service organization may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the intermediary service organization requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The intermediary service organization may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. An intermediary service organization shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services to the intermediary service organization based upon the results of an investigation conducted pursuant to this section.

7. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in subsection 1 of NRS 449.4332, is guilty of a misdemeanor.

Sec. 87. NRS 686A.315 is hereby amended to read as follows:

686A.315 1. If a hospital submits to an insurer the form prescribed by the Director of the Department of Health and Human Services pursuant to NRS 449.485, that form must contain or be accompanied by a statement that reads substantially as follows:

Any person who misrepresents or falsifies essential information requested on this form may, upon conviction, be subject to a fine and imprisonment under state or federal law, or both.

2. If a person who is licensed to practice one of the health professions regulated by title 54 *or chapter 437* of NRS submits to an insurer the form commonly referred to as the “HCFA-1500” for a patient who is not covered by any governmental program which offers insurance coverage for health care, the form must be accompanied by a statement that reads substantially as follows:

Any person who knowingly files a statement of claim containing any misrepresentation or any false, incomplete or misleading information may be guilty of a criminal act punishable under state or federal law, or both, and may be subject to civil penalties.

3. The failure to provide any of the statements required by this section is not a defense in a prosecution for insurance fraud pursuant to NRS 686A.291.

Sec. 88. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Optional coverage provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for optional coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↪ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to a school for services delivered through school services.

7. As used in this section:

(a) “Applied behavior analysis” means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior,

including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) “Autism spectrum disorder” has the meaning ascribed to it in NRS 427A.875.

(c) “Behavioral therapy” means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) “Evidence-based research” means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) “Habilitative or rehabilitative care” means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) “Licensed assistant behavior analyst” ~~means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.~~ **has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.**

(g) “Licensed behavior analyst” ~~means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.~~ **has the meaning ascribed to the term “behavior analyst” in NRS 437.010.**

(h) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) “Registered behavior technician” has the meaning ascribed to it in NRS 437.050.

(l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) “Therapeutic care” means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 89. NRS 689A.105 is hereby amended to read as follows:

689A.105 Every insurer under a health insurance contract and every state agency for its records shall accept from:

1. A hospital the Uniform Billing and Claims Forms established by the American Hospital Association in lieu of its individual billing and claims forms.

2. An individual who is licensed to practice one of the health professions regulated by Title 54 *or chapter 437* of NRS such uniform health insurance claims forms as the Commissioner shall prescribe, except in those cases where the Commissioner has excused uniform reporting.

Sec. 90. NRS 689B.0335 is hereby amended to read as follows:

689B.0335 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the policy of group health insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➔ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) “Applied behavior analysis” means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) “Autism spectrum disorder” has the meaning ascribed to it in NRS 427A.875.

(c) “Behavioral therapy” means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) “Evidence-based research” means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) “Habilitative or rehabilitative care” means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) “Licensed assistant behavior analyst” ~~means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.~~ *has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.*

(g) “Licensed behavior analyst” ~~means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.~~ **has the meaning ascribed to the term “behavior analyst” in NRS 437.010.**

(h) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) “Registered behavior technician” has the meaning ascribed to it in NRS 437.050.

(l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) “Therapeutic care” means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 91. NRS 689B.250 is hereby amended to read as follows:

689B.250 Every insurer under a group health insurance contract or a blanket accident and health insurance contract and every state agency, for its records shall accept from:

1. A hospital the Uniform Billing and Claims Forms established by the American Hospital Association in lieu of its individual billing and claims forms.

2. An individual who is licensed to practice one of the health professions regulated by title 54 **or chapter 437** of NRS such uniform health insurance claims forms as the Commissioner shall prescribe, except in those cases where the Commissioner has excused uniform reporting.

Sec. 92. NRS 689C.1655 is hereby amended to read as follows:

689C.1655 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health benefit plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health benefit plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a carrier shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↪ A carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a carrier to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) “Applied behavior analysis” means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) “Autism spectrum disorder” has the meaning ascribed to it in NRS 427A.875.

(c) “Behavioral therapy” means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training,

early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) “Evidence-based research” means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) “Habilitative or rehabilitative care” means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) “Licensed assistant behavior analyst” ~~{means a person who holds current certification as a Board-Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.}~~ **has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.**

(g) “Licensed behavior analyst” ~~{means a person who holds current certification as a Board-Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.}~~ **has the meaning ascribed to the term “behavior analyst” in NRS 437.010.**

(h) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) “Registered behavior technician” has the meaning ascribed to it in NRS 437.050.

(l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) “Therapeutic care” means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 93. NRS 695C.1717 is hereby amended to read as follows:

695C.1717 1. A health care plan issued by a health maintenance organization must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health care plan issued by a health maintenance organization that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an enrollee may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↪ A health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection.

6. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) “Applied behavior analysis” means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) “Autism spectrum disorder” has the meaning ascribed to it in NRS 427A.875.

(c) “Behavioral therapy” means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) “Evidence-based research” means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) “Habilitative or rehabilitative care” means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) “Licensed assistant behavior analyst” ~~{means a person who holds current certification as a Board-Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.}~~ **has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.**

(g) “Licensed behavior analyst” ~~{means a person who holds current certification as a Board-Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.}~~ **has the meaning ascribed to the term “behavior analyst” in NRS 437.010.**

(h) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) “Registered behavior technician” has the meaning ascribed to it in NRS 437.050.

(l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) “Therapeutic care” means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 94. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for group coverage must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. A health care plan issued by a managed care organization for individual coverage must provide an option for coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

3. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

4. A managed care organization that offers or issues a health care plan which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

5. Except as otherwise provided in subsections 1, 2 and 3, a managed care organization shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

6. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➡ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

7. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is void.

8. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to a school for services delivered through school services.

9. As used in this section:

(a) “Applied behavior analysis” means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) “Autism spectrum disorder” has the meaning ascribed to it in NRS 427A.875.

(c) “Behavioral therapy” means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) “Evidence-based research” means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) “Habilitative or rehabilitative care” means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) ~~“Licensed assistant behavior analyst” means a person who holds current certification as a Board-Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.~~ **has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.**

(g) ~~“Licensed behavior analyst” means a person who holds current certification as a Board-Certified Behavior Analyst issued by the Behavior~~

~~Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.]~~ ***has the meaning ascribed to the term “behavior analyst” in NRS 437.010.***

(h) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) “Registered behavior technician” has the meaning ascribed to it in NRS 437.050.

(l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) “Therapeutic care” means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 95. Section 78 of chapter 588, Statutes of Nevada 2017, at page 4265, is hereby amended to read as follows:

Sec. 78. 1. This section and section 74 of this act become effective upon passage and approval.

2. Sections 1 to 71, inclusive, 73, 75, 76 and 77 of this act become effective on January 1, 2019.

3. Section 72 of this act becomes effective on July 1, 2026.

4. Sections 22 and 32 of this act expire by limitation on the date **2 years after** on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
➡ are repealed by the Congress of the United States.

Sec. 96. (Deleted by amendment.)

Sec. 97. On October 1, 2021, the Aging and Disability Services Division of the Department of Health and Human Services shall transfer any money in the account described in subsection 2 of NRS 437.140, **as that section existed on September 30, 2021,** to the Board of Applied Behavior Analysis. The Secretary-Treasurer of the Board shall deposit the money as required by NRS

437.140, as amended by section 55 of this act, as soon as practicable on or after October 1, 2021.

Sec. 98. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 99. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 100. NRS 437.025, 437.135 and 437.330 are hereby repealed.

Sec. 101. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 36, inclusive, 41 to 61, inclusive, and 63 to 100, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2021, for all other purposes.

3. Sections 37 to 40, inclusive, and 62 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
↪ are repealed by the Congress of the United States.

4. Sections 37 to 40, inclusive, and 62 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational or recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
↪ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

437.025 “Division” defined. “Division” means the Aging and Disability Services Division of the Department of Health and Human Services.

437.135 Division authorized to hold hearings, conduct investigations and take evidence with approval of Board. In a manner consistent with the provisions of chapter 622A of NRS and with the approval of the Board, the Division may hold hearings and conduct investigations related to its duties under this chapter and take evidence on any matter under inquiry before it.

437.330 Renewal: Information concerning state business license required; conditions which require denial.

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1;
or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

- (a) “Agency” has the meaning ascribed to it in NRS 353C.020.
- (b) “Debt” has the meaning ascribed to it in NRS 353C.040.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 357.

Bill read third time.

Remarks by Assemblywoman Considine.

Conflict of interest declared by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

I would like to refer to my previous disclosure relating to my employer, Legal Aid Center of Southern Nevada, and will be abstaining from voting on Assembly Bill 357.

I would like to disclose that I am employed as an attorney at the Legal Aid Center of Southern Nevada, and section 3 of Assembly Bill 357 would direct a certain percentage of the money in the Consumer Protection Legal Fund created by the bill to my employer as well as to Nevada Legal Services and Washoe Legal Services. Because this provision has a direct and distinctive impact on my employer, I am hereby making this disclosure for the purposes of Assembly Rule 23 and will abstain from voting on Assembly Bill 357.

Roll call on Assembly Bill No. 357:

YEAS—32.

NAYS—Dickman, Ellison, Hansen, Matthews, McArthur, O’Neill, Titus, Wheeler—8.

NOT VOTING—Considine.

ABSENT—Black.

Assembly Bill No. 357 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 4.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 4 clarifies that criminal or civil penalties, or both, may be imposed for violation of an ordinance that regulates the sale, use, storage, and possession of fireworks.

Roll call on Senate Bill No. 4:

YEAS—34.

NAYS—Ellison, Hafen, Matthews, McArthur, O’Neill, Titus, Wheeler—7.

ABSENT—Black.

Senate Bill No. 4 having received a constitutional majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 49.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 49 makes various changes related to cannabis. Specifically, it revises various powers granted to the Cannabis Compliance Board relating to disciplinary proceedings. It also revises the definition of THC to include delta-9-tetrahydrocannabinol and any structural, optical, or geometric isomer.

Roll call on Senate Bill No. 49:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Roll call on Senate Bill No. 84:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 94.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 94 provides that an unlocked gate does not, in and of itself, constitute a nuisance if a board of county highway commissioners or a board of county commissioners, as appropriate, authorizes the erection and maintenance of the gate across certain public roads in the county.

Roll call on Senate Bill No. 94:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 95.

Bill read third time.

Remarks by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:

Senate Bill 95 is an omnibus measure, as the Clerk's reading indicates, that revises various provisions governing Nevada business entities. It clarifies a number of provisions and brings our corporate law provisions into line with best practices.

Roll call on Senate Bill No. 95:

YEAS—38.

NAYS—Ellison, Matthews, McArthur—3.

ABSENT—Black.

Senate Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 98 revises the boundary of the Carson Water Subconservancy District to include the portions of Storey County that are within the Carson River hydrologic basin. The measure expands the membership of the Board of Directors of the Carson Water Subconservancy District from 11 to 13 members by including 2 residents of Storey County.

Roll call on Senate Bill No. 98:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 102.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 102 changes the date by which a child must be a certain age in order to be admitted into certain grades from September 30 to the first day of school.

Roll call on Senate Bill No. 102:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 103.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 103 prohibits an insurer from canceling, refusing to issue or renew, or increasing the premium for certain insurance policies on the sole basis of the breed of a dog that is kept on an applicable property. The bill provides an exception to this prohibition if the particular dog is known or declared to be dangerous or vicious.

Roll call on Senate Bill No. 103:

YEAS—32.

NAYS—Ellison, Hafen, Hansen, Kasama, Krasner, Matthews, McArthur, O'Neill, Titus—9.

ABSENT—Black.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 112 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 107.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Senate Bill 107 provides for a two-year statute of limitations to commence an action in tort for common law wrongful termination of employment. The statute of limitations is tolled during consideration of any pending related state or federal administrative charge on the matter until 93 days after the conclusion of the administrative proceedings.

Roll call on Senate Bill No. 107:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 114.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 114 revises various provisions concerning hemp and the operation of food establishments at which food is not prepared or served for immediate consumption for the purpose of authorizing food that contains an approved hemp component to be produced or sold at such a food establishment under certain circumstances.

Roll call on Senate Bill No. 114:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Senate Bill 125 authorizes a person who is licensed as a master falconer and who meets certain federal conditions to possess a golden eagle under certain circumstances.

Roll call on Senate Bill No. 125:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 127.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Senate Bill 127 revises the Charter of the City of Mesquite.

Roll call on Senate Bill No. 127:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 138.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 138 provides that a city or county may only exercise powers relating to planned unit developments if the county or city enacts an ordinance for planned unit development in conformance with certain requirements.

Roll call on Senate Bill No. 138:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 141.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 141 removes the prospective June 30, 2021, expiration of the authority for public bodies to enter into contracts with construction managers at risk, therefore making the authorization permanent. The bill also expands the types of projects that are included in the definitions of “horizontal construction” and “vertical construction.”

Roll call on Senate Bill No. 141:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 145.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Senate Bill 145 requires a financial institution subject to the federal Community Reinvestment Act of 1977 [CRA] to notify the Commissioner of the Division of Financial Institutions of the Department of Business and Industry of their CRA rating as soon as it becomes publicly available. The bill also requires financial institutions to provide training to persons and organizations in the community, including, but not limited to, faith-based and consumer advocacy organizations, about the obligations imposed on financial institutions by the CRA.

Roll call on Senate Bill No. 145:

YEAS—31.

NAYS—Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Leavitt, Matthews, McArthur, Titus—10.

ABSENT—Black.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 151.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Senate Bill 151 requires the boards of trustees in Nevada’s two largest school districts to develop plans to improve the ratio between pupils and specialized instructional support personnel, including recruitment and retention strategies for such personnel and annual targets to meet the recommended ratios. Additionally, SB 151 requires school counselors and psychologists and school social workers to complete continuing education requirements.

Roll call on Senate Bill No. 151:

YEAS—33.

NAYS—Dickman, Ellison, Hafen, Matthews, McArthur, O’Neill, Titus, Wheeler—8.

ABSENT—Black.

Senate Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 160.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Senate Bill 160 authorizes a university school for profoundly gifted students to enter into a cooperative agreement to offer dual credit courses. The bill clarifies that such agreements must be made with a regionally accredited higher education institution located in Nevada. A school in Nevada may enter into such an agreement with a regionally accredited higher education institution in another state if a Nevada institution does not offer such a course.

Roll call on Senate Bill No. 160:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 166.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 166 removes a provision from law which requires that in order for certain penalty enhancements to apply to felonies committed because of characteristics of the victim, the perpetrator must not share those characteristics with the victim. Instead, this bill provides that the perpetrator may be punished by an additional penalty if the crime was committed based solely on the characteristics of the victim.

Roll call on Senate Bill No. 166:

YEAS—33.

NAYS—Dickman, Ellison, Hafen, Hansen, Leavitt, Matthews, McArthur, Titus—8.

ABSENT—Black.

Senate Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Senate Bill 168 makes various changes related to cannabis. Specifically, it requires the Cannabis Compliance Board to adopt regulations governing curbside pickup and allowing certain records to be created and maintained electronically. The bill also authorizes the Board to adopt regulations imposing packaging and labeling requirements for cannabis products.

In addition, cannabis sales facilities are authorized to engage in curbside pickup in accordance with Board regulations. The bill revises labeling requirements to require cannabis establishments to ensure that all cannabis products are labeled with certain information, and it requires cannabis sales facilities to convey certain information, rather than providing written notification.

Roll call on Senate Bill No. 168:

YEAS—35.

NAYS—Ellison, Hansen, Krasner, O'Neill, Titus, Wheeler—6.

ABSENT—Black.

Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 172 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 173.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Senate Bill 173 authorizes the board of trustees of each school district and the State Public Charter School Authority [SPCSA] to submit to the superintendent of public instruction a plan to address learning loss caused by the COVID-19 pandemic. Any such plan must include the option for pupils to attend summer school, either in person or online, and a description of the way schools and school districts, including charter schools, will target pupils most at risk of learning loss. A school district or charter school offering summer school must include transportation and meal services.

The school districts and the SPCSA must submit to the superintendent by November 30, 2021, a report relating to any plans developed, and that report shall be compiled into one report for all of us here in the Legislature.

I rise in support of AB 173, the “back on track” act. The transition, as we all know, is difficult. I think all of us applaud our students, our teachers, our administrators, our parents, and our entire community for adapting the way we have had to for the sudden shift to distance learning. The “back on track” act is another step in helping our kids across the state to catch up by allowing each school district to make their unique plans. I ask for your support so that our expanded learning opportunities will allow our students to come back to a more normal, hopefully, August and September.

Roll call on Senate Bill No. 173:

YEAS—33.

NAYS—Dickman, Ellison, Hafen, Hansen, Matthews, McArthur, Titus, Wheeler—8.

ABSENT—Black.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 176.

Bill read third time.

Remarks by Assemblywoman González.

ASSEMBLYWOMAN GONZÁLEZ:

Senate Bill 176 expands the scope of study for the Commission to Study Governmental Purchasing to include best practices for awarding contracts to companies that represent the diversity of the state or that are located within communities served by the governing body awarding the contract.

Roll call on Senate Bill No. 176:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 177.

Bill read third time.

Remarks by Assemblywoman González.

ASSEMBLYWOMAN GONZÁLEZ:

Senate Bill 177 revises the eligibility of nonprofit organizations that provide services for victims of domestic violence to receive grants from the Account for Aid for Victims of Domestic Violence and renames the Account as the Account for Aid for Victims of Domestic or Sexual Violence. The portion of the fee that is collected by a county clerk when issuing a marriage license that is used to fund the Account is raised from \$25 to \$50.

Roll call on Senate Bill No. 177:

YEAS—32.

NAYS—Dickman, Ellison, Hafen, Hansen, Kasama, Matthews, McArthur, Titus, Wheeler—9.

ABSENT—Black.

Senate Bill No. 177 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 179.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Senate Bill 179 makes various changes to provisions governing the practice of sign language interpreting. Among other things, it establishes provisional registration requirements for interpreters who do not meet the proposed standards for registration and provides a timeframe for them to improve their knowledge and skills to meet the standards.

Roll call on Senate Bill No. 179:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 181 consolidates the postgraduate counseling program requirements for licensure as a clinical alcohol and drug counselor into a single program consisting of at least 3,000 hours. The bill allows a licensed clinical professional counselor who meets certain requirements to be licensed as a clinical alcohol and drug counselor. The bill also reduces from 4,000 to 3,000 the minimum hours of supervised counseling of persons with alcohol and other substance use disorders that are required for licensure as an alcohol and drug counselor. This bill is effective on October 1, 2021.

We have had a lot of conversations in this state about reducing the burdens for licensed individuals, particularly in regards to occupational licenses. This reduces hours from 4,000 to 3,000 in a much needed area in our state, and I would urge my colleagues to support.

Roll call on Senate Bill No. 181:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 184.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Senate Bill 184 makes various changes to the licensure, regulation, and supervision of physician assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine.

Roll call on Senate Bill No. 184:

YEAS—36.

NAYS—Ellison, Hafen, Hansen, McArthur, Titus—5.

ABSENT—Black.

Senate Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 186.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 186 requires a unit-owners' association of a common-interest community that contains 150 or more units to establish and maintain a secure Internet website or secure portal through which a unit owner may access certain information and pay assessments electronically. In addition, certain persons are prohibited from purchasing a unit in a common-interest community at a foreclosure sale. The measure prohibits a collection agency from collecting a debt from a person who owes fees to an apartment manager, unit-owners' association, or tow car operator under certain circumstances. In addition, the bill requires a collection agency to file an annual report with the Commissioner of the Division of Financial Institutions of the Department of Business and Industry that includes certain information pertaining to a debt collected for a unit-

owners' association during the immediately preceding year. The manager of the collection agency must provide a signed statement affirming the collection agency did not collect a debt against a prohibited person.

Provisions requiring a unit-owners' association to establish an Internet website or secure electronic portal are effective on January 1, 2022. Provisions requiring the use of a website or portal to provide unit owners with the ability to pay assessments electronically are effective on January 1, 2023. All other provisions are effective on October 1, 2021.

Roll call on Senate Bill No. 186:

YEAS—28.

NAYS—Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Wheeler—13.

ABSENT—Black.

Senate Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 188.

Bill read third time.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Senate Bill 188 provides for the establishment of the Individual Development Account Program by the Office of the State Treasurer, if sufficient money is obtained, and creates the Nevada Statewide Council on Financial Independence to oversee the Program, among other responsibilities. The Program will allow certain persons from low-income households, a provider of foster care, or a relative or fictive kin in whose care a child is placed by a child welfare agency to establish an individual development account into which money is deposited to save and use later for certain purposes. Finally, the bill requires the State Treasurer to ensure that instruction and training in business opportunities are provided to tenants of housing authorities and certain nonprofits and to appoint and employ a deputy of financial literacy and security.

Roll call on Senate Bill No. 188:

YEAS—36.

NAYS—Dickman, Ellison, Matthews, McArthur, Wheeler—5.

ABSENT—Black.

Senate Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 190.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Senate Bill 190 requires the State Board of Pharmacy to adopt regulations that establish a protocol allowing a pharmacist to dispense self-administered hormonal contraceptives to any patient. To dispense such contraceptives, a pharmacist must provide a risk assessment questionnaire to a patient who requests a self-administered hormonal contraceptive, create a record, provide the patient with certain information, and comply with relevant regulations and guidelines.

Roll call on Senate Bill No. 190:

YEAS—28.

NAYS—Carlton, Dickman, Ellison, Hafen, Hansen, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Wheeler—13.

ABSENT—Black.

Senate Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 193.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Senate Bill 193 requires the Board of Regents of the University of Nevada to submit a report concerning student veterans to the Legislature. The bill also requires the Board to give preference in admission to certain veterans in each nursing program and program for the education of teachers.

Roll call on Senate Bill No. 193:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 196.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 196 prohibits a health care provider from performing or supervising a pelvic examination on an anesthetized or unconscious patient without first obtaining the patient's informed consent, except under certain circumstances. The bill also prohibits a health care provider, or a person supervised by a health care provider, from supervising or performing a pelvic examination that the provider is not appropriately licensed, certified, or registered to perform, or that is not within the provider's scope of practice. Finally, the bill authorizes the imposition of professional discipline or denial of a license or certificate for a provider who performs or supervises a prohibited pelvic examination. This bill is effective on July 1, 2021.

Sadly, over the years we have seen trusted professionals use their position of power to take advantage of patients when they were not aware or conscious, and I believe this will protect those individuals. I strongly support and urge my colleagues to do as well.

Roll call on Senate Bill No. 196:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 203.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Senate Bill 203 actually extends the current 20-year statute of limitations after the plaintiff reaches 18 years of age on commencing a civil action to recover damages for sexual abuse or sexual exploitation that occurred when the plaintiff was less than 18 years of age and for injuries suffered by a victim of pornography involving minors. A plaintiff may bring such an action against a perpetrator or whoever knowingly benefits financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of the provisions of the bill.

Roll call on Senate Bill No. 203:

YEAS—32.

NAYS—Dickman, Ellison, Hafen, Hansen, Matthews, McArthur, O'Neill, Titus, Wheeler—9.

ABSENT—Black.

Senate Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 229, 237, 245, 247, 248, 249, 251, 259, 260, and 268 be taken from the General File and placed at the top of the General File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:21 p.m.

ASSEMBLY IN SESSION

At 7:13 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 45, Amendment No. 706; Assembly Bill No. 237, Amendment No. 658; Assembly Bill No. 251, Amendment No. 661; Assembly Bill No. 253, Amendment No. 647; Assembly Bill No. 277, Amendment No. 553; Assembly Bill No. 284, Amendment No. 496; Assembly Bill No. 286, Amendment No. 543; Assembly Bill No. 290, Amendment No. 623; Assembly Bill No. 296, Amendment No. 660; Assembly Bill No. 298, Amendment No. 622; Assembly Bill No. 301, Amendment No. 562; Assembly Bill No. 320, Amendment No. 561; Assembly Bill No. 326, Amendment No. 586, and respectfully requests your honorable body to concur in said amendments.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Senator Cannizzaro.

For: Senate Bill No. 254.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 21, 2021.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

A Waiver requested by: Speaker Frierson.

For: Senate Bill No. 395.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 21, 2021.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 249, 307, and 391 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 77.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 741.

AN ACT relating to public bodies; exempting certain predecisional and deliberative meetings of public bodies from the requirements of the Open Meeting Law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) Existing federal law exempts certain predecisional interagency or intraagency memorandums or letters that are part of the deliberative process from disclosure under the federal Freedom of Information Act. (5 U.S.C. § 552) **Sections 1 and 2** of this bill exempt from the requirements of the Open Meeting Law certain meetings conducted by a public body for the purpose of engaging in predecisional and deliberative discussions relating to an action under the federal National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.), including, without limitation, the review and discussion of drafts of environmental impact statements describing the environmental effects of proposed actions within the jurisdiction of the public body.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public body that has entered into a memorandum of understanding or other agreement with a federal agency for the purpose of engaging with the federal agency on an action under the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., may hold a closed meeting to engage in predecisional and deliberative discussions on the subject of the memorandum or agreement. Any such discussions in a closed meeting must:

~~1.~~ (a) Occur only during the period before the federal agency publicly releases the document addressing the action under the National Environmental Policy Act and begins the corresponding public comment period; and

~~2.~~ (b) Be required by the federal agency to be kept confidential under the memorandum of understanding or other agreement.

2. If a public body holds a closed meeting pursuant to subsection 1, the public body shall not include any item in the discussions for the closed meeting other than the subject of the memorandum or agreement entered into with the federal agency.

Sec. 2. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, **and section 1 of this act**, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 288.

Bill read third time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 721.

AN ACT relating to transportation; authorizing a monitored autonomous vehicle provider to enter into an agreement with a transportation network company to provide transportation services through the digital network or software application of the company; imposing certain requirements on a transportation network company and monitored autonomous vehicle provider

relating to the provision of transportation services by a monitored autonomous vehicle provider; authorizing a transportation network company to charge a fare for such services on behalf of a monitored autonomous vehicle provider; prohibiting a local governmental entity from imposing certain taxes or fees relating to such services; revising provisions relating to transportation network company insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the permitting and regulation of transportation network companies by the Nevada Transportation Authority. (Chapter 706A of NRS) Existing law defines “transportation network company” to mean an entity that uses a digital network or software application to connect a passenger to a driver who can provide transportation services to a passenger. (NRS 706.050) This bill revises various provisions of existing law governing transportation network companies for the purpose of authorizing a monitored autonomous vehicle provider to provide transportation services to a passenger through the digital network or software application of a transportation network company in the same manner and generally subject to the same requirements as a driver.

Section 2 of this bill defines “monitored autonomous vehicle” generally to mean an autonomous vehicle in which a ~~{safety engineer}~~ **monitored autonomous vehicle monitor** is physically present at all times during the operation of the vehicle. **Section 2.5 of this bill defines “monitored autonomous vehicle monitor” to mean a person employed by a monitored autonomous vehicle provider to remain physically present at all times during the operation of the vehicle** to ensure : **(1) the safety of such operations** ~~+~~ **; and (2) that the monitored autonomous vehicle complies with the applicable motor vehicle laws and traffic laws of this State.**

Section 3 of this bill defines “monitored autonomous vehicle provider” as a person who: (1) owns and operates a monitored autonomous vehicle; and (2) enters into an agreement with a transportation network company to receive connections to potential passengers and related services from the transportation network company in exchange for the payment of a fee to the transportation network company.

Section 5 of this bill authorizes a transportation network company to enter into an agreement with one or more monitored autonomous vehicle providers to receive connections to potential passengers from the company in exchange for the payment of a fee to the company. **Section 5** also provides that a ~~{safety engineer}~~ **monitored autonomous vehicle monitor** employed by a monitored autonomous vehicle provider who has entered into such an agreement is authorized to accept compensation for his or her services only from the monitored autonomous vehicle provider by which he or she is employed.

Section 5.5 of this bill provides that a monitored autonomous vehicle provider is liable in tort for any damages arising out of the provision of transportation services in the same manner as a driver.

Section 13.3 of this bill provides that the provisions of this bill relating to monitored autonomous vehicle providers and monitored autonomous vehicles do not apply to an autonomous vehicle network company or a fully autonomous vehicle operated by such a company. **Section 13.6** of this bill provides that a monitored autonomous vehicle operated by a monitored autonomous vehicle provider is not a commercial vehicle.

Section 14 of this bill prohibits, with certain exceptions, a transportation network company from controlling, directing or managing a monitored autonomous vehicle provider or a monitored autonomous vehicle operated by such a provider. **Section 14.5** of this bill prohibits a monitored autonomous vehicle provider from providing transportation services unless the transportation network company with which the provider is affiliated holds a permit issued by the Authority.

Section 15 of this bill authorizes a transportation network company that holds a permit issued by the Authority to take certain actions with respect to a monitored autonomous vehicle provider. **Sections 12 and 13** of this bill, respectively, revise the definitions of “transportation network company” and “transportation services” to reflect the authority of a monitored autonomous vehicle provider to provide transportation services pursuant to an agreement with a transportation network company.

Section 19 of this bill requires a transportation network company to maintain certain records concerning accidents and other incidents involving monitored autonomous vehicle providers. **Section 19.3** of this bill authorizes a transportation network company to disclose certain information concerning passengers to a monitored autonomous vehicle provider. **Section 19.6** of this bill requires a transportation network company to submit certain reports to the Authority concerning motor vehicle crashes involving monitored autonomous vehicle providers.

Section 17.5 of this bill requires a transportation network company, when a monitored autonomous vehicle provider provides transportation services, to provide the license plate number of the monitored autonomous vehicle to a passenger before he or she enters the vehicle.

Section 16 of this bill revises provisions of existing law governing fares charged by a transportation network company for the purpose of authorizing a transportation network company to charge a fare for transportation services provided by a monitored autonomous vehicle provider on behalf of the provider. (NRS 706A.170) **Section 16.5** of this bill imposes certain requirements relating to the condition and inspection of a monitored autonomous vehicle used to provide transportation services. **Sections 17 and 18** of this bill revise provisions of existing law which impose certain requirements on the provision of transportation services by a driver to apply such requirements to the provision of transportation services by a monitored autonomous vehicle provider. (NRS 706A.190, 706A.210)

Section 20 of this bill authorizes the Authority to impose certain penalties on a transportation network company or monitored autonomous vehicle provider for certain violations.

Section 21 of this bill prohibits a local governmental entity from imposing any tax or fee on a monitored autonomous vehicle provider or a monitored autonomous vehicle used by such a provider to provide transportation services or on the transportation services provided using such a vehicle.

Existing law requires a transportation network company or driver to continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance for the payment of tort liabilities arising from the operation of a motor vehicle by a driver. ~~[(NRS 690B.470)]~~ **Existing law sets forth certain minimum amounts of coverage that must be provided by transportation network company insurance for periods in which a driver is providing transportation services and for periods in which a driver is logged into the digital network or software application service of the transportation network company and available to receive requests but is not otherwise providing transportation services. (NRS 690B.470) Section 22.7 of this bill requires a monitored autonomous vehicle provider to continuously provide transportation network company insurance in a specified minimum amount for the payment of tort liabilities arising from the operation of a monitored autonomous vehicle during any period in which the monitored autonomous vehicle provider is operating the monitored autonomous vehicle, regardless of whether the provider is providing transportation services.**

~~Existing law imposes various requirements relating to such transportation network company insurance. (NRS 690B.400-690B.495) Sections 22.2, 22.3, 22.5 and 22.7-22.9 of this bill impose, with certain exceptions, these same requirements~~ on a monitored autonomous vehicle provider and a transportation network company affiliated with a monitored autonomous vehicle provider ~~with certain requirements relating to transportation network company insurance which are applicable to a driver and a transportation network company affiliated with a driver under existing law.~~

Sections 11, 22.4 and 22.6 of this bill make conforming changes to indicate the proper placement of new provisions in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *“Monitored autonomous vehicle” means an autonomous vehicle, as defined in NRS 482A.030, in which a ~~safety engineer~~ monitored autonomous vehicle monitor is physically present at all times during the operation of the vehicle.* ~~to ensure the safety of such operations.~~

Sec. 2.5. “Monitored autonomous vehicle monitor” means a person employed by a monitored autonomous vehicle provider to remain physically present in a monitored autonomous vehicle at all times during the operation of the vehicle to ensure:

1. The safety of the operations of the monitored autonomous vehicle; and

2. That the monitored autonomous vehicle complies with the applicable motor vehicle laws and traffic laws of this State.

Sec. 3. “Monitored autonomous vehicle provider” means a person who:

1. Owns and operates a monitored autonomous vehicle; and

2. Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

~~Sec. 4. [“Safety engineer” means a person employed by a monitored autonomous vehicle provider to remain physically present in a monitored autonomous vehicle at all times during the operation of the vehicle to ensure the safety of such operations.] (Deleted by amendment.)~~

Sec. 5. 1. A transportation network company may enter into an agreement with one or more monitored autonomous vehicle providers to receive connections to potential passengers from the company in exchange for the payment of a fee by the monitored autonomous vehicle provider to the company.

2. ~~A [safety engineer]~~ monitored autonomous vehicle monitor employed by a monitored autonomous vehicle provider which has entered into an agreement with a transportation network company pursuant to subsection 1 may only accept compensation for his or her services from the monitored autonomous vehicle provider by which he or she is employed.

Sec. 5.5. A monitored autonomous vehicle provider who provides transportation services using a monitored autonomous vehicle is liable in tort for any damages arising out of the provision of transportation services in the same manner and to the same extent as if the monitored autonomous vehicle provider were a driver providing transportation services using a motor vehicle.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 706A.010 is hereby amended to read as follows:

706A.010 It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers **and monitored autonomous vehicle providers** affiliated with transportation network companies in this State.

Sec. 11. NRS 706A.020 is hereby amended to read as follows:

706A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 706A.030 to 706A.060, inclusive, ***and sections 2, 2.5 and 3 ~~and 4~~ of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 706A.050 is hereby amended to read as follows:

706A.050 “Transportation network company” or “company” means an entity that uses a digital network or software application service to connect a passenger to a driver ***or monitored autonomous vehicle provider*** who can provide transportation services to the passenger.

Sec. 13. NRS 706A.060 is hereby amended to read as follows:

706A.060 “Transportation services” means the transportation by a driver ***or monitored autonomous vehicle provider*** of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a driver ***or a monitored autonomous vehicle provider*** accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the motor vehicle operated by the driver ~~or~~ ***or the monitored autonomous vehicle operated by the monitored autonomous vehicle provider.***

Sec. 13.3. NRS 706A.075 is hereby amended to read as follows:

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver ***or monitored autonomous vehicle provider*** who has entered into an agreement with such a company and a vehicle ***or monitored autonomous vehicle*** operated by such a driver ***or monitored autonomous vehicle provider*** are exempt from:

- (a) The provisions of chapter 704 of NRS relating to public utilities; and
- (b) Except as otherwise provided in NRS 706.88396, the provisions of chapter 706 of NRS,

↪ to the extent that the services provided by the company, ~~for~~ driver ***or monitored autonomous vehicle provider*** are within the scope of the permit.

3. ***The provisions of this chapter relating to monitored autonomous vehicles and monitored autonomous vehicle providers do not apply to an autonomous vehicle network company which has been issued a permit pursuant to NRS 706B.130 or to a fully autonomous vehicle operated by such a company.***

Sec. 13.6. NRS 706A.080 is hereby amended to read as follows:

706A.080 Nothing in this chapter shall be construed to deem a motor vehicle operated by a driver to provide transportation services ***or a monitored***

autonomous vehicle operated by a monitored autonomous vehicle provider to provide transportation services to be a commercial motor vehicle.

Sec. 14. NRS 706A.090 is hereby amended to read as follows:

706A.090 Except as otherwise provided in this chapter and the regulations adopted pursuant thereto or by a written contract between a transportation network company and a driver ~~or~~ *or monitored autonomous vehicle provider*, a company shall not control, direct or manage ~~it~~ :

1. A driver or the motor vehicle operated by a driver ~~it~~ ; *or*
2. A *monitored autonomous vehicle provider or any monitored autonomous vehicle operated by a monitored autonomous vehicle provider.*

Sec. 14.5. NRS 706A.110 is hereby amended to read as follows:

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver *or monitored autonomous vehicle provider* shall not provide transportation services unless the company with which the driver *or monitored autonomous vehicle provider* is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies, ~~and~~ drivers *and monitored autonomous vehicle providers* who operate or wish to operate within this State. Except as otherwise provided in NRS 706.88396, the Authority shall not apply any provision of chapter 706 of NRS to a transportation network company, ~~for a~~ driver *or monitored autonomous vehicle provider* who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 15. NRS 706A.130 is hereby amended to read as follows:

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver *or monitored autonomous vehicle provider* who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers *or monitored autonomous vehicle providers* to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver *or monitored autonomous vehicle provider* to the company.

(c) Except as otherwise provided in NRS 706.88396, does not authorize a transportation network company or any driver *or monitored autonomous*

vehicle provider to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 16. NRS 706A.170 is hereby amended to read as follows:

706A.170 1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to this chapter may, on behalf of a driver ~~††~~ **or monitored autonomous vehicle provider**, charge a fare for transportation services provided to a passenger by the driver ~~††~~ **or monitored autonomous vehicle provider**.

2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

- (a) On an Internet website maintained by the company; or
- (b) Within the digital network or software application service of the company.

3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver ~~††~~ **or the monitored autonomous vehicle of a monitored autonomous vehicle provider**, an estimate of the amount of the fare that will be charged to the passenger.

4. A transportation network company may accept payment of a fare only electronically. A transportation network company, ~~††~~ **or monitored autonomous vehicle provider** shall not solicit or accept cash as payment of a fare.

5. A transportation network company shall not impose any additional charge for a driver **or monitored autonomous vehicle provider** who provides transportation services to a person with a physical disability because of the disability.

6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 16.5. NRS 706A.180 is hereby amended to read as follows:

706A.180 1. A transportation network company shall not allow a driver **or monitored autonomous vehicle provider** to be connected to potential passengers using the digital network or software application service of the company if the motor vehicle operated by the driver **or the monitored autonomous vehicle operated by the monitored autonomous vehicle provider** to provide transportation services:

(a) Is not in compliance with all federal, state and local laws concerning the operation and maintenance of the motor vehicle ~~††~~ **or monitored autonomous vehicle**.

(b) Has less than four doors.

(c) Is designed to carry more than eight passengers, including the driver.

(d) Is a farm tractor, mobile home, recreational vehicle, semitractor, semitrailer, trailer, bus, motorcycle or tow car.

2. A transportation network company shall inspect or cause to be inspected every motor vehicle used by a driver to provide transportation services *and every monitored autonomous vehicle used by a monitored autonomous vehicle provider to provide transportation services* before allowing the driver to use the motor vehicle *or the monitored autonomous vehicle provider to use the monitored autonomous vehicle* to provide transportation services and not less than once each year thereafter.

3. The inspection required by subsection 2 must include, without limitation, an inspection of the foot and emergency brakes, steering, windshield, rear window, other glass, windshield wipers, headlights, tail lights, turn indicator lights, braking lights, front seat adjustment mechanism, doors, horn, speedometer, bumpers, muffler, exhaust, tires, rear view mirrors and safety belts of the vehicle which ensures the proper functioning of each component.

Sec. 17. NRS 706A.190 is hereby amended to read as follows:

706A.190 1. A transportation network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. A driver *or monitored autonomous vehicle provider* shall not discriminate against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

3. A transportation network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a motor vehicle *or monitored autonomous vehicle* that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle *or monitored autonomous vehicle* that is wheelchair accessible, the company must direct the passenger to an alternative provider or means of transportation that is wheelchair accessible, if available.

Sec. 17.5. NRS 706A.200 is hereby amended to read as follows:

706A.200 1. For each instance in which a driver *or monitored autonomous vehicle provider* provides transportation services to a passenger, the transportation network company which connected the passenger to the driver *or monitored autonomous vehicle provider* shall provide to the passenger, before the passenger enters the motor vehicle of a driver ~~or~~ *or the monitored autonomous vehicle of a monitored autonomous vehicle provider, as applicable:*

(a) ~~A~~ A photograph of the driver who will provide the transportation services and the license plate number of the motor vehicle operated by the driver ~~or~~; *or*

(b) *The license plate number of the monitored autonomous vehicle operated by the monitored autonomous vehicle provider.*

2. The information required by ~~this section~~ **subsection 1** must be provided to the passenger:

~~1-1~~ (a) On an Internet website maintained by the company; or

~~1-2~~ (b) Within the digital network or software application service of the company.

Sec. 18. NRS 706A.210 is hereby amended to read as follows:

706A.210 A transportation network company which connected a passenger to a driver **or a monitored autonomous vehicle provider** shall, within a reasonable period following the provision of transportation services by the driver **or the monitored autonomous vehicle provider** to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services;

2. The total time for which transportation services were provided;

3. The total distance traveled; and

4. An itemization of the fare, if any, charged for the transportation services.

Sec. 19. NRS 706A.230 is hereby amended to read as follows:

706A.230 1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:

(a) Trip records;

(b) Driver records and vehicle inspection records;

(c) **Monitored autonomous vehicle provider records and monitored autonomous vehicle inspection records;**

(d) Records of each complaint and the resolution of each complaint; and

~~(e)~~ (e) Records of each accident or other incident that involved a driver **or monitored autonomous vehicle provider** and was reported to the transportation network company.

2. Each transportation network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. Except as otherwise provided in subsection 3, any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.

3. The Authority shall disclose to the Secretary of State the name of each driver **and monitored autonomous vehicle provider** and such other information as the Secretary of State determines necessary to enforce the provisions of chapter 76 of NRS. If the Secretary of State obtains any confidential information pursuant to this subsection, the Secretary of State, and any employee of the Secretary of State engaged in the administration of chapter 76 of NRS or charged with the custody of any records or files relating to the administration of chapter 76 of NRS, shall maintain the confidentiality

of that information in the same manner and to the same extent as provided by law for the Authority.

Sec. 19.3. NRS 706A.250 is hereby amended to read as follows:

706A.250 1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:

- (a) The disclosure is otherwise required by law;
- (b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or
- (c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver ***or monitored autonomous vehicle provider*** the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver ***or monitored autonomous vehicle provider*** and the passenger.

Sec. 19.6. NRS 706A.270 is hereby amended to read as follows:

706A.270 1. Each transportation network company shall provide to the Authority reports containing information relating to motor vehicle crashes involving drivers ***or monitored autonomous vehicle providers*** affiliated with the company which occurred in this State while the driver ***or monitored autonomous vehicle provider*** was providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:

(a) For all crashes that occurred during the first 6 months that the company operates within this State, on or before the date 7 months after the company was issued a permit.

(b) For all crashes that occurred during the first 12 months that the company operates within this State, on or before the date 13 months after the company was issued a permit.

2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:

(a) The number of motor vehicle crashes which occurred in this State involving such a driver ~~or~~ ***or monitored autonomous vehicle provider***;

(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such a crash; and

(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such a crash.

3. The Authority shall collect the reports submitted by transportation network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to NRS 690B.470 are sufficient. The Authority shall submit a report stating whether the limits of coverage required pursuant

to NRS 690B.470 are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by transportation network companies pursuant to subsection 1 since the last report of the Authority pursuant to this subsection:

(a) To the Legislative Commission on or before December 1 of each odd-numbered year.

(b) To the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature on or before December 1 of each even-numbered year.

Sec. 19.9. NRS 706A.280 is hereby amended to read as follows:

706A.280 1. A driver ***or autonomous vehicle provider*** shall not solicit or accept a passenger or provide transportation services to any person unless the person has arranged for the transportation services through the digital network or software application service of the transportation network company.

2. With respect to a passenger's destination, a driver ***or monitored autonomous vehicle provider*** shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's motor vehicle ~~††~~ ***or the monitored autonomous vehicle provider's monitored autonomous vehicle.***

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

3. A driver ***or monitored autonomous vehicle provider*** shall not, at the time the driver ***or monitored autonomous vehicle provider*** picks up a passenger, refuse or neglect to provide transportation services to any orderly passenger unless the driver ***or monitored autonomous vehicle provider*** can demonstrate to the satisfaction of the Authority that:

(a) ~~†The†~~ ***For a driver, the driver*** has good reason to fear for the driver's personal safety; ~~†or†~~

(b) ***For a monitored autonomous vehicle provider, the monitored autonomous vehicle provider or ~~†safety engineer†~~ monitored autonomous vehicle monitor has good reason to fear for the personal safety of the ~~†safety engineer†~~ monitor in the monitored autonomous vehicle picking up the person requesting transportation services; or***

(c) The driver ***or monitored autonomous vehicle provider*** is prohibited by law or regulation from carrying the person requesting transportation services.

Sec. 20. NRS 706A.300 is hereby amended to read as follows:

706A.300 1. If the Authority determines that a transportation network company, ~~†or†~~ driver ***or monitored autonomous vehicle provider*** has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company, the driver,

~~for~~ both ~~the~~ *the company and the driver or both the company and the monitored autonomous vehicle provider:*

(a) If the Authority determines that the violation is willful and endangers public safety, suspend or revoke the permit issued to the transportation network company;

(b) If the Authority determines that the violation is willful and endangers public safety, impose against the transportation network company an administrative fine in an amount not to exceed \$100,000 per violation;

(c) Prohibit a person from operating as a driver ~~the~~ *or monitored autonomous vehicle provider;* or

(d) Impose any combination of the penalties provided in paragraphs (a), (b) and (c).

2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Authority shall consider:

(a) The size of the transportation network company;

(b) The severity of the violation;

(c) Any good faith efforts by the transportation network company to remedy the violation;

(d) The history of previous violations by the transportation network company; and

(e) Any other factor that the Authority determines to be relevant.

3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of this chapter is not subject to any criminal penalty for such a violation.

Sec. 21. NRS 706A.310 is hereby amended to read as follows:

706A.310 1. Except as otherwise provided in subsection 2, a local governmental entity shall not:

(a) Impose any tax or fee on ~~a transportation~~ :

(1) A transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter ~~the~~ ;

(2) A driver who has entered into an agreement with ~~such~~ a transportation network company described in subparagraph (1) or a vehicle operated by such a driver or for transportation services provided by such a driver ~~the~~ ; or

(3) A monitored autonomous vehicle provider who has entered into an agreement with a transportation network company described in subparagraph (1) or a monitored autonomous vehicle operated by such a monitored autonomous vehicle provider or for transportation services provided by such a monitored autonomous vehicle provider.

(b) Require a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver *or mounted autonomous vehicle provider* who has entered into an agreement with such a company to obtain from the local

government any certificate, license or permit to provide transportation services.

(c) Impose any other requirement upon a transportation network company, ~~for a~~ driver ***or monitored autonomous vehicle provider*** which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company, ~~for a~~ driver ***or monitored autonomous vehicle provider*** to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company, ~~for a~~ driver ***or monitored autonomous vehicle provider*** to:

- (1) Obtain a permit or certification to operate at the airport;
- (2) Pay a fee to operate at the airport; or
- (3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver ***or monitored autonomous vehicle provider*** from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS. A transportation network company shall notify each driver ***and monitored autonomous vehicle provider*** of the requirement to obtain a state business license issued pursuant to chapter 76 of NRS and the penalties for failing to obtain a state business license.

Sec. 22. (Deleted by amendment.)

Sec. 22.1. Chapter 690B of NRS is hereby amended by adding thereto the provisions set forth as sections 22.2 and 22.3 of this act.

Sec. 22.2. ***“Monitored autonomous vehicle provider” has the meaning ascribed to it in section 3 of this act.***

Sec. 22.3. 1. ***A monitored autonomous vehicle provider shall ensure that proof of coverage under a policy of transportation network company insurance is contained within the monitored autonomous vehicle of the monitored autonomous vehicle provider at all times when the monitored autonomous vehicle provider is ~~logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.~~ operating the monitored autonomous vehicle.***

2. ***If the monitored autonomous vehicle of a monitored autonomous vehicle provider is involved in an accident or motor vehicle crash, the monitored autonomous vehicle provider shall ensure that any law enforcement officer and any party with whom the monitored autonomous vehicle is involved in the accident or motor vehicle crash is provided with:***

(a) Proof of coverage under a policy of transportation network company insurance; and

(b) A disclosure as to whether the monitored autonomous vehicle provider was logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services at the time of the accident or motor vehicle crash.

3. As used in this section, “monitored autonomous vehicle” has the meaning ascribed to it in section 2 of this act.

Sec. 22.4. NRS 690B.400 is hereby amended to read as follows:

690B.400 As used in NRS 690B.400 to 690B.495, inclusive, **and sections 22.2 and 22.3 of this act**, the words and terms defined in NRS 690B.410 to 690B.430, inclusive, **and section 22.2 of this act** have the meanings ascribed to them in those sections.

Sec. 22.5. NRS 690B.425 is hereby amended to read as follows:

690B.425 “Transportation network company insurance” means a policy of insurance that includes coverage specifically for the use of a vehicle by a driver **or monitored autonomous vehicle provider** pursuant to NRS 690B.400 to 690B.495, inclusive **and sections 22.2 and 22.3 of this act**.

Sec. 22.6. NRS 690B.450 is hereby amended to read as follows:

690B.450 The provisions of NRS 690B.400 to 690B.495, inclusive, **and sections 22.2 and 22.3 of this act** do not apply to a person who is regulated pursuant to chapter 704 or 706 of NRS unless the person holds a permit issued pursuant to NRS 706A.130.

Sec. 22.7. NRS 690B.470 is hereby amended to read as follows:

690B.470 1. Every transportation network company ~~or~~ **or** driver ~~for monitored autonomous vehicle provider~~ shall continuously provide, during any period in which the driver ~~for monitored autonomous vehicle provider~~ is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) In an amount of not less than \$1,500,000 for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the driver ~~for monitored autonomous vehicle provider~~ is providing transportation services;

(b) In an amount of not less than \$50,000 for bodily injury to or death of one person in any one accident or motor vehicle crash that occurs while the driver ~~for monitored autonomous vehicle provider~~ is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services;

(c) Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than \$100,000 for bodily injury to or death of two

or more persons in any one accident or motor vehicle crash that occurs while the driver ~~for monitored autonomous vehicle provider~~ is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and

(d) In an amount of not less than \$25,000 for injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the driver ~~for monitored autonomous vehicle provider~~ is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services,

↪ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. Every monitored autonomous vehicle provider shall continuously provide, during any period in which a monitored autonomous vehicle provider is operating a monitored autonomous vehicle, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, in an amount of not less than \$1,500,000 for bodily injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the monitored autonomous vehicle provider is operating a monitored autonomous vehicle for the payment of tort liabilities arising from the maintenance or use of the monitored autonomous vehicle.

3. The transportation network company insurance required by subsection 1 or 2, as applicable, may be provided through one or a combination of insurance policies provided by the transportation network company, ~~for~~ the driver, ~~for~~ the monitored autonomous vehicle provider, both ~~the transportation network company and the driver or both the transportation network company and the monitored autonomous vehicle provider.~~

~~3.4~~ 4. Every transportation network company shall continuously provide, during any period in which the driver or monitored autonomous vehicle provider is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 or 2, as applicable, as primary insurance if the insurance provided by the driver ~~the~~ or monitored autonomous vehicle provider:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1 ~~the~~ or 2, as applicable.

~~4.4~~ 5. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance,

transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company, ~~for~~ the driver, ~~for~~ *the monitored autonomous vehicle provider*, both ~~for~~ *the transportation network company and the driver or both the transportation network company and the monitored autonomous vehicle provider*, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

~~15.1~~ 6. In addition to the coverage required pursuant to subsection 1, ~~11.1~~ or 2, as applicable, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for medical payments, coverage for uninsured or underinsured motorists, comprehensive coverage and collision coverage.

~~16.1~~ 7. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

~~17.1~~ 8. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver *or monitored autonomous vehicle provider* and the transportation network company.

~~18.1~~ 9. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

- (a) Directly to the person who performs repairs upon the vehicle; or
- (b) Jointly to the owner of the vehicle and the lienholder.

~~19.1~~ 10. A transportation network company that provides transportation network company insurance for a motor vehicle not deemed to be the owner of the motor vehicle.

11. As used in this section, “monitored autonomous vehicle” has the meaning ascribed to it in section 2 of this act.

Sec. 22.8. NRS 690B.480 is hereby amended to read as follows:

690B.480 1. A policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, is not required to include transportation network company insurance. An insurer providing a policy which excludes transportation network company insurance does not have a duty to defend or indemnify a driver *or monitored autonomous vehicle provider* for any claim arising during any period in which the driver *or monitored autonomous vehicle provider* is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. An insurer who provides a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate,

may include transportation network company insurance in such a policy. An insurer may charge an additional premium for the inclusion of transportation network company insurance in such a policy.

3. An insurer who:

(a) Defends or indemnifies a driver *or monitored autonomous vehicle provider* for a claim arising during any period in which the driver *or monitored autonomous vehicle provider* is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services; and

(b) Excludes transportation network company insurance from the policy of insurance for the operation of a motor vehicle provided to the driver ~~††~~ *or monitored autonomous vehicle provider*,

↪ has the right of contribution against other insurers who provide coverage to the driver *or monitored autonomous vehicle provider* to satisfy the coverage required by NRS 690B.470 at the time of the loss.

Sec. 22.9. NRS 690B.490 is hereby amended to read as follows:

690B.490 In any investigation relating to tort liability arising from the operation of a motor vehicle, each transportation network company, ~~†and†~~ driver ~~††~~ *and monitored autonomous vehicle provider*, and each insurer providing transportation network company insurance to a transportation network company, ~~†or†~~ driver ~~††~~ *or monitored autonomous vehicle provider* who is involved in the underlying incident shall cooperate with any other party to the incident and any other insurer involved in the investigation and share information, including, without limitation:

1. The date and time of an accident or motor vehicle crash involving a driver ~~††~~ *or monitored autonomous vehicle provider*.

2. The dates and times that the driver *or monitored autonomous vehicle provider* involved in an accident or motor vehicle crash logged into the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident or motor vehicle crash.

3. The dates and times that the driver *or monitored autonomous vehicle provider* involved in an accident or motor vehicle crash logged out of the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident or motor vehicle crash.

4. A clear description of the coverage, exclusions and limits provided under any policy of transportation network company insurance which applies.

Sec. 23. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 24. This act becomes effective ~~†on July 1, 2021†~~ **upon passage and approval.**

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 229.

Bill read third time.

Roll call on Senate Bill No. 229:

YEAS—33.

NAYS—Ellison, Hafen, Hansen, Krasner, Matthews, McArthur, Titus, Wheeler—8.

ABSENT—Black.

Senate Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 237.

Bill read third time.

Roll call on Senate Bill No. 237:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 245.

Bill read third time.

Roll call on Senate Bill No. 245:

YEAS—29.

NAYS—Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Titus, Wheeler—12.

ABSENT—Black.

Senate Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 247.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

I rise in opposition to SB 247. The last sentence of SB 247, specifically subsection 3 of section 2, authorizes the State Apprenticeship Council to condition approval of new programs on whether apprentice wages are the same as existing programs in a trade. Currently, the State Apprenticeship Council establishes minimum wage requirements for apprentices. This line creates a conflicting wage requirement that can be applied arbitrarily and without consistency. It is our concern this provision could be used to prevent new programs from being approved based upon the threat of competition with an existing program instead of merit. One program could be approved and a second could be denied based upon subjective opinion on the State Apprenticeship Council. This

inconsistency will hurt efforts to develop new programs in our state's workforce development efforts. I urge my colleagues to vote no on SB 247.

Roll call on Senate Bill No. 247:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 248.

Bill read third time.

Roll call on Senate Bill No. 248:

YEAS—28.

NAYS—Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Wheeler—13.

ABSENT—Black.

Senate Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Roll call on Senate Bill No. 251:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 259.

Bill read third time.

Roll call on Senate Bill No. 259:

YEAS—37.

NAYS—Ellison, Matthews, McArthur, Wheeler—4.

ABSENT—Black.

Senate Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 260.

Bill read third time.

Roll call on Senate Bill No. 260:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 268.

Bill read third time.

Roll call on Senate Bill No. 268:

YEAS—38.

NAYS—Carlton, Ellison, McArthur—3.

ABSENT—Black.

Senate Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 204.

Bill read third time.

Roll call on Senate Bill No. 204:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

Roll call on Senate Bill No. 209:

YEAS—30.

NAYS—Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Matthews, McArthur, O'Neill, Titus, Wheeler—11.

ABSENT—Black.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 215.

Bill read third time.

Roll call on Senate Bill No. 215:

YEAS—40.

NAYS—McArthur.

ABSENT—Black.

Senate Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 222.

Bill read third time.

Roll call on Senate Bill No. 222:

YEAS—30.

NAYS—Dickman, Ellison, Hafen, Hansen, Kasama, Leavitt, Matthews, McArthur, O'Neill, Titus, Wheeler—11.

ABSENT—Black.

Senate Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 269.

Bill read third time.

Roll call on Senate Bill No. 269:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 269 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 275.

Bill read third time.

Roll call on Senate Bill No. 275:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 284.

Bill read third time.

Roll call on Senate Bill No. 284:

YEAS—35.

NAYS—Dickman, Ellison, Matthews, McArthur, Titus, Wheeler—6.

ABSENT—Black.

Senate Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 285.

Bill read third time.

Roll call on Senate Bill No. 285:

YEAS—35.

NAYS—Dickman, Ellison, Matthews, McArthur, Titus, Wheeler—6.

ABSENT—Black.

Senate Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 289.

Bill read third time.

Roll call on Senate Bill No. 289:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Roll call on Senate Bill No. 293:

YEAS—30.

NAYS—Dickman, Ellison, Hafen, Hansen, Kasama, Leavitt, Matthews, McArthur, O'Neill, Titus, Wheeler—11.

ABSENT—Black.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.

Bill read third time.

Roll call on Senate Bill No. 294:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Roll call on Senate Bill No. 303:

YEAS—36.

NAYS—Ellison, Matthews, McArthur, Titus, Wheeler—5.

ABSENT—Black.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 305.

Bill read third time.

Roll call on Senate Bill No. 305:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 309.

Bill read third time.

Roll call on Senate Bill No. 309:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Roll call on Senate Bill No. 311:

YEAS—38.

NAYS—Hafen, Matthews, McArthur—3.

ABSENT—Black.

Senate Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 327.

Bill read third time.

Roll call on Senate Bill No. 327:

YEAS—33.

NAYS—Dickman, Ellison, Hansen, Leavitt, Matthews, McArthur, Titus, Wheeler—8.

ABSENT—Black.

Senate Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 328.

Bill read third time.

Roll call on Senate Bill No. 328:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 329.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

I rise in very strong opposition of Senate Bill 329. SB 329 restricts health care access, which is exactly the opposite of what we need to be doing as legislative leaders of Nevada. This bill will lead to more fragmented care and higher costs. SB 329 creates burdensome and duplicative reporting requirements, less coordinated patient care, more confusion from the patient point of view, and significantly weakens the provider bargaining positions and their efforts to provide systematic coordinated care because of unnecessary exposure to frivolous lawsuits. I am voting no and urge all my colleagues to do the same.

Roll call on Senate Bill No. 329:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 332.

Bill read third time.

Roll call on Senate Bill No. 332:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 332 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 344.

Bill read third time.

Roll call on Senate Bill No. 344:

YEAS—35.

NAYS—Dickman, Ellison, Hafen, Matthews, McArthur, Wheeler—6.

ABSENT—Black.

Senate Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 352.

Bill read third time.

Roll call on Senate Bill No. 352:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 354.

Bill read third time.

Roll call on Senate Bill No. 354:

YEAS—32.

NAYS—Dickman, Ellison, Hansen, Krasner, Matthews, McArthur, O'Neill, Titus, Wheeler—9.

ABSENT—Black.

Senate Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 357.

Bill read third time.

Roll call on Senate Bill No. 357:

YEAS—39.

NAYS—Ellison, McArthur—2.

ABSENT—Black.

Senate Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 358.

Bill read third time.

Roll call on Senate Bill No. 358:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 359.

Bill read third time.

Roll call on Senate Bill No. 359:

YEAS—36.

NAYS—Dickman, Ellison, Matthews, McArthur, Wheeler—5.

ABSENT—Black.

Senate Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 360.

Bill read third time.

Roll call on Senate Bill No. 360:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 362.

Bill read third time.

Roll call on Senate Bill No. 362:

YEAS—36.

NAYS—Dickman, Ellison, Matthews, McArthur, Wheeler—5.

ABSENT—Black.

Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 363.

Bill read third time.

Roll call on Senate Bill No. 363:

YEAS—35.

NAYS—Dickman, Ellison, Matthews, McArthur, Titus, Wheeler—6.

ABSENT—Black.

Senate Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 364.

Bill read third time.

Roll call on Senate Bill No. 364:

YEAS—35.

NAYS—Dickman, Ellison, Matthews, McArthur, O'Neill, Wheeler—6.

ABSENT—Black.

Senate Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 368.

Bill read third time.

Roll call on Senate Bill No. 368:

YEAS—37.

NAYS—Dickman, Ellison, Matthews, McArthur—4.

ABSENT—Black.

Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 370.

Bill read third time.

Roll call on Senate Bill No. 370:

YEAS—37.

NAYS—Dickman, Ellison, Matthews, McArthur—4.

ABSENT—Black.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 371.

Bill read third time.

Roll call on Senate Bill No. 371:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 372.

Bill read third time.

Roll call on Senate Bill No. 372:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 376.

Bill read third time.

Roll call on Senate Bill No. 376:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 379.

Bill read third time.

Roll call on Senate Bill No. 379:

YEAS—35.

NAYS—Dickman, Ellison, Hansen, Matthews, McArthur, Wheeler—6.

ABSENT—Black.

Senate Bill No. 379 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 383.

Bill read third time.

Roll call on Senate Bill No. 383:

YEAS—33.

NAYS—Dickman, Ellison, Kasama, Krasner, Matthews, McArthur, Titus, Wheeler—8.

ABSENT—Black.

Senate Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 387.

Bill read third time.

Roll call on Senate Bill No. 387:

YEAS—37.

NAYS—Dickman, Ellison, Matthews, McArthur—4.

ABSENT—Black.

Senate Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Roll call on Senate Bill No. 396:

YEAS—40.

NAYS—Ellison.

ABSENT—Black.

Senate Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 398.

Bill read third time.

Roll call on Senate Bill No. 398:

YEAS—35.

NAYS—Dickman, Ellison, Matthews, McArthur, O'Neill, Wheeler—6.

ABSENT—Black.

Senate Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Roll call on Senate Bill No. 400:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

Roll call on Senate Bill No. 404:

YEAS—33.

NAYS—Dickman, Ellison, Kasama, Krasner, Matthews, McArthur, Titus, Wheeler—8.

ABSENT—Black.

Senate Bill No. 404 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 406.

Bill read third time.

Roll call on Senate Bill No. 406:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 408.

Bill read third time.

Roll call on Senate Bill No. 408:

YEAS—32.

NAYS—Dickman, Ellison, Hafen, Kasama, Krasner, Matthews, McArthur, Titus, Wheeler—9.

ABSENT—Black.

Senate Bill No. 408 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 317.

Bill read third time.

Roll call on Senate Bill No. 317:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 369.

Bill read third time.

Roll call on Senate Bill No. 369:

YEAS—39.

NAYS—Ellison, Wheeler—2.

ABSENT—Black.

Senate Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 109.

Bill read third time.

Roll call on Senate Bill No. 109:

YEAS—26.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—15.

ABSENT—Black.

Senate Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Roll call on Assembly Bill No. 457:

YEAS—41.

NAYS—None.

ABSENT—Black.

Assembly Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Roll call on Assembly Bill No. 480:

YEAS—36.

NAYS—Ellison, Matthews, McArthur, Titus, Wheeler—5.

ABSENT—Black.

Assembly Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 44.

Bill read third time.

Roll call on Senate Bill No. 44:

YEAS—34.

NAYS—Dickman, Ellison, Krasner, Matthews, McArthur, Titus, Wheeler—7.

ABSENT—Black.

Senate Bill No. 44 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 75.

Bill read third time.

Roll call on Senate Bill No. 75:

YEAS—27.

NAYS—Dickman, Ellison, Hafen, Hansen, Hardy, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—14.

ABSENT—Black.

Senate Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 150.

Bill read third time.

Roll call on Senate Bill No. 150:

YEAS—33.

NAYS—Dickman, Ellison, Hafen, Hansen, Matthews, McArthur, O'Neill, Wheeler—8.

ABSENT—Black.

Senate Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 283.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

I rise in support of Senate Bill 283. On May the 4th be with you, the hard-working Committee on Government Affairs was excited to learn about how property assessed clean energy programs [PACE] arose from the ruins of the imperial financial crash of 2008. Conceived as a means of allowing property owners across the Alderaan system to access long-term, low-cost financing for energy efficiency improvements to air conditioners on Tatooine or heating systems on Hoth.

In all seriousness, since 2015, PACE for commercial property owners has successfully financed over 2,500 properties and over \$2 billion in 26 states across our country. In 2017, Nevada adopted a version of commercial PACE. Unfortunately, we did not heed the wisdom of Jedi masters from the commercial PACE industry, and in four years we have only funded two projects, while lowly outer rim planets like Nebraska and Utah have done ten times as many deals. It is like we are watching Han Solo doing the Kessel run in 12 parsecs, and we cannot even get our hyper drive out of park.

SB 283, as amended, will restore balance to commercial PACE in Nevada. Above all, unlike the days when persons were conscripted against their will to serve as Imperial stormtroopers, commercial PACE in Nevada is completely voluntary.

Roll call on Senate Bill No. 283:

YEAS—34.

NAYS—Ellison, Hafen, Hansen, Matthews, McArthur, Titus, Wheeler—7.

ABSENT—Black.

Senate Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 320.

Bill read third time.

Roll call on Senate Bill No. 320:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 217.

Bill read third time.

Roll call on Senate Bill No. 217:

YEAS—40.

NAYS—Kasama.

ABSENT—Black.

Senate Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Roll call on Senate Bill No. 112:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 172.

Bill read third time.

Roll call on Senate Bill No. 172:

YEAS—40.

NAYS—Brittney Miller.

ABSENT—Black.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 77.

Bill read third time.

Roll call on Senate Bill No. 77:

YEAS—27.

NAYS—Dickman, Hafen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Watts, Wheeler—14.

ABSENT—Black.

Senate Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 288.

Bill read third time.

Roll call on Senate Bill No. 288:

YEAS—39.

NAYS—Carlton, Brittney Miller—2.

ABSENT—Black.

Senate Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 185.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 205.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 233.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 442.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 449.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 450.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 51, 58, 227; Senate Bills Nos. 2, 12, 14, 15, 16, 18 and 28.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:28 p.m.

ASSEMBLY IN SESSION

At 11:19 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 249, 391, and 307 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 249.

Bill read third time.

The following amendment was proposed by Assemblywoman Bilbray-Axelrod:

Amendment No. 753.

AN ACT relating to education; requiring the board of trustees of a school district, ~~for~~ the governing body of a charter school, a university, state college or community college to include certain information on an identification card issued to a pupil; requiring a pupil to be excused from attendance at a public school for behavioral health reasons in certain circumstances; providing that a qualified mental health professional or behavioral health professional can provide a certificate to excuse a pupil from attendance at school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires a child between 7 and 18 years of age to attend public school. (NRS 392.040) Under existing law, a child must be excused from attendance when satisfactory evidence is presented to the board of trustees of the school district in which the child resides that the physical or mental condition of the child prevents or renders inadvisable the child's attendance at school. Existing law provides that a certificate from a qualified physician must be taken as satisfactory evidence of the inability of the child to attend school. (NRS 392.050) **Section 2** of this bill includes behavioral health among the conditions that may require a child to be excused from attendance. **Section 2** also authorizes a qualified mental health professional or behavioral health professional to provide evidence of the inability of a child to attend school. **Section 2** prohibits an excusal from attendance from negatively affecting the rating of a school pursuant to the statewide system of accountability for public schools.

Section 1 of this bill requires the board of trustees of a school district or the governing body of a charter school to ensure that information relating to mental health resources appears on the back of any identification card issued to a pupil at a school. **Section 2.5 of this bill establishes similar requirements for a university, state college or community college within the Nevada System of Higher Education.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of a school district or the governing body of a charter school shall ensure that information relating to mental health resources, including, without limitation, the telephone number for a local or national suicide prevention hotline, appears on the back of any identification card issued to a pupil at a school within the school district or the charter school.

Sec. 2. NRS 392.050 is hereby amended to read as follows:

392.050 1. A child must be excused from attendance required by the provisions of NRS 392.040 when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child's physical or mental condition **or behavioral health** is such as to prevent or render inadvisable the child's attendance at school or his or her application to study.

2. A certificate in writing from any qualified physician , **mental health professional or behavioral health professional** acting within his or her authorized scope of practice, filed with the board of trustees immediately after its receipt, stating that the child is not able to attend school or that the child's attendance is inadvisable must be taken as satisfactory evidence by the board of trustees.

3. A board of trustees of a school district which has excused from attendance pursuant to subsection 1 a child who, pursuant to NRS 388.417, qualifies as a pupil with a disability, shall make available to the child a free appropriate public education in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.), as that act existed on July 1, 1995.

4. *If a pupil is excused from attendance pursuant to subsection 1, the excusal must not negatively affect the rating of a public school as determined by the Department pursuant to the statewide system of accountability for public schools.*

Sec. 2.5. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

A university, state college or community college within the System shall ensure that information relating to mental health resources appears on any identification card newly issued to or reprinted for a student of the university, state college or community college. The information must include, without limitation, the telephone number and a text messaging option for the National Suicide Prevention Lifeline, or its successor organization.

Sec. 3. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 391.

Bill read third time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 754.

AN ACT relating to dentistry; revising provisions relating to the State Dental Health Officer and State Public Health Dental Hygienist; requiring hospitals and issuers of Medicaid managed care plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; authorizing the issuance of a permit as a dental responder to a dentist, dental hygienist or dental therapist who meets certain requirements; authorizing a dental responder to perform certain duties during a declared emergency, disaster, public health emergency or other health event; creating and prescribing the duties of the Committee on Dental Emergency Management; revising the membership of the Committee on Emergency Medical Services; requiring a public or private school or child care facility to accept a dental examination, screening or assessment provided through teledentistry for certain purposes; requiring dental hygienists and dental therapists to comply with certain requirements governing the provision of health care; imposing certain requirements relating to the provision of services through teledentistry; requiring certain providers of dental care to receive training concerning teledentistry; prescribing certain requirements relating to the electronic storage of records; deeming certain conduct by a provider of dental care to be unprofessional conduct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Dental Health Officer to be licensed to practice dentistry in this State. (NRS 439.272) **Section 1** of this bill provides that the State Dental Health Officer is not required to be so licensed if he or she: (1) holds an advanced degree in public health or a related field; and (2) has graduated from a dental college or an accredited residency program. (NRS 439.272) Existing law requires the State Public Health Dental Hygienist to be licensed to practice dental hygiene in this State and have an endorsement to practice public health dental hygiene. (NRS 439.279) **Section 1.3** of this bill removes a prohibition on the State Public Health Dental Hygienist pursuing an outside business or vocation and instead authorizes the State Public Health Dental Hygienist to pursue an outside business or vocation with the approval of the Division of Public and Behavioral Health of the Department of Health and Human Services. **Section 27.5** of this bill authorizes the Board of Dental Examiners of Nevada to issue a limited license as a dentist or dental hygienist, as applicable, to a person who is under contract to serve as the State Dental Health Officer or the State Public Health Dental Hygienist. **Section 27.5** prohibits the holder of a limited license from practicing dentistry or dental hygiene, as applicable, outside the scope of his or her service as the State Dental Health Officer or State Public Health Dental Hygienist. **Section 39.5** of this bill requires such a limited license to be renewed annually. **Sections**

39.5, 40.5 and 41.5 of this bill make conforming changes to provide exceptions for a limited license to certain general requirements.

Existing law authorizes the Governor to proclaim a state of emergency, declare a disaster or issue an executive order proclaiming a public health emergency or other health event in certain circumstances. (NRS 414.070, 439.970) **Sections 10-12** of this bill define certain terms. **Section 13** of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to issue a permit as a dental responder to a dentist, dental hygienist or dental therapist who has received certain training in emergency response. **Section 13** authorizes a dental responder to provide emergency medical care, immunizations, medical care in mobile clinics and humanitarian care during a state of emergency, declaration of disaster, public health emergency or other health event. **Section 14** of this bill creates the Committee on Dental Emergency Management within the Division. **Section 15** of this bill prescribes certain requirements concerning the operations of the Committee. **Sections 15 and 18** of this bill exempt meetings of the Committee held during a state of emergency, declaration of disaster, public health emergency or other health event from requirements that meetings of a public body must be open and public. **Section 16** of this bill prescribes the duties of the Committee, which relate to emergency management and the practice of professions that provide dental care.

Existing law creates the Committee on Emergency Medical Services, which advises the Division on certain matters relating to emergency management and encourages the training and education of emergency medical service personnel. (NRS 450B.151, 450B.153) **Section 17** of this bill requires the State Board of Health to appoint one dental responder to the Committee.

Existing law defines the term “provider of health care” as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 22** of this bill includes dental hygienists and dental therapists in the definition of “provider of health care,” thereby subjecting dental hygienists and dental therapists to those requirements.

Existing law defines the term “telehealth” to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including standard telephone, facsimile or electronic mail. (NRS 629.515) **Section 26** of this bill defines the term “teledentistry” to mean the use of telehealth by a dentist, dental hygienist or dental therapist to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient. **Sections 24, 25 and 27** of this bill define certain other terms related to teledentistry. **Section 36** of this bill makes a conforming change to indicate the placement of **sections 24-27** in the Nevada Revised Statutes.

Section 28 of this bill requires a person who provides services through teledentistry to a patient located in this State to be licensed in this State as a dentist, dental hygienist or dental therapist. **Section 28** also requires a dentist, dental hygienist or dental therapist providing services through teledentistry to adhere to the applicable laws, regulations and standards of care to the same extent as when providing services in person. **Section 29** of this bill requires a dentist, dental hygienist or dental therapist who provides services through teledentistry to be insured against liabilities arising from services provided through teledentistry. **Section 30** of this bill authorizes the use of teledentistry for certain purposes relating to the provision of a diagnosis or treatment. **Section 31** of this bill requires a dentist, dental hygienist or dental therapist to establish a bona fide practitioner-patient relationship, confirm certain facts about a patient and obtain informed consent before providing services through teledentistry. **Section 32** of this bill requires a dentist, dental hygienist or dental therapist to: (1) use communications technology that complies with certain federal requirements concerning the privacy of information relating to patients when providing services through teledentistry; and (2) create a complete record of each encounter with a patient through teledentistry. **Section 33** of this bill imposes certain requirements to ensure that adequate, in-person care is available to a patient who receives services through teledentistry if needed. **Section 34** of this bill requires the Board of Dental Examiners of Nevada to adopt regulations governing teledentistry.

Sections 37, 39 and 47 of this bill require an applicant for a license to practice dentistry or dental therapy or a special endorsement to practice public health dental hygiene or the holder of such a license or endorsement to complete certain training concerning teledentistry. **Section 38** of this bill makes a conforming change. **Section 40** of this bill requires the Board to adopt regulations prescribing specific criteria for the accreditation of a course in teledentistry.

Section 35 of this bill prescribes certain requirements concerning the secure electronic storage of information concerning patients. **Section 41** of this bill provides that it is unprofessional conduct for a dentist, dental hygienist or dental therapist to: (1) fail to actively involve a patient in decisions concerning his or her treatment; or (2) require a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board.

Sections 1.7, 42 and 45 of this bill require hospitals and issuers of Medicaid, including managed care plans, to take certain measures to improve the access of recipients of Medicaid to teledentistry. **Sections 42 and 45** of this bill require a health maintenance organization or a managed care organization that provides dental services to recipients of Medicaid to allow providers of teledental services to include on claim forms codes for both real-time interactions and asynchronous transmissions. **Sections 2-8** of this bill make conforming changes to indicate the proper placement of **section 1.7** in the Nevada Revised Statutes and provide for the enforcement of the requirements of **section 1.7**. **Sections 19-21** of this bill require a public school, private

school or child care facility that requires a dental examination, screening or assessment of a child as a condition of admission to accept a dental examination, screening or assessment provided through teledentistry that meets certain criteria for that purpose.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.272 is hereby amended to read as follows:

439.272 1. The Division shall appoint, with the consent of the Director, a State Dental Health Officer, who may serve in the unclassified service of the State or as a contractor for the Division. The State Dental Health Officer must:

- (a) Be a resident of this State;
- (b) Hold ~~the~~:

(1) *A current license to practice dentistry issued pursuant to chapter 631 of NRS; or*

(2) *A master's or doctorate degree in public health or a related field and be a graduate of a dental college or residency program accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor organization; and*

(c) Be appointed on the basis of his or her education, training and experience and his or her interest in public dental health and related programs.

2. The State Dental Health Officer shall:

(a) Determine the needs of the residents of this State for public dental health;

(b) Provide the Advisory Committee and the Division with advice regarding public dental health;

(c) Make recommendations to the Advisory Committee, the Division and the Legislature regarding programs in this State for public dental health;

(d) Work collaboratively with the State Public Health Dental Hygienist; and

(e) Seek such information and advice from the Advisory Committee or from any dental education program in this State, including any such programs of the Nevada System of Higher Education, as necessary to carry out his or her duties.

3. The State Dental Health Officer shall devote all of his or her time to the business of his or her office and shall not pursue any other business or vocation or hold any other office of profit.

4. Pursuant to NRS 439.2794, the Division may solicit and accept gifts and grants to pay the costs associated with oral health programs.

Sec. 1.3. NRS 439.279 is hereby amended to read as follows:

439.279 1. The Division shall appoint, with the consent of the Director, a State Public Health Dental Hygienist, who may serve in the unclassified service of the State or as a contractor for the Division. The State Public Health Dental Hygienist must:

- (a) Be a resident of this State;

(b) Hold a current license to practice dental hygiene issued pursuant to chapter 631 of NRS with a special endorsement issued pursuant to NRS 631.287; and

(c) Be appointed on the basis of his or her education, training and experience and his or her interest in public health dental hygiene and related programs.

2. The State Public Health Dental Hygienist:

(a) Shall work collaboratively with the State Dental Health Officer in carrying out his or her duties; and

(b) May:

(1) Provide advice and make recommendations to the Advisory Committee and the Division regarding programs in this State for public health dental hygiene; and

(2) Perform any acts authorized pursuant to NRS 631.287.

3. The State Public Health Dental Hygienist ~~shall devote all of his or her time to the business of his or her office and shall not~~ **may** pursue any other business or vocation ~~for hold any other office of profit~~ **with the approval of the Division.**

4. The Division may solicit and accept gifts and grants to pay the costs associated with the position of State Public Health Dental Hygienist.

Sec. 1.7. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

If a recipient of Medicaid presents in the emergency department of a hospital in this State with a nontraumatic dental injury, the hospital must notify the patient of providers of dental services included in the network of each health maintenance organization or managed care organization that provides services through teledentistry to recipients of Medicaid. The hospital shall provide such notice through:

1. Signs on the premises of the hospital that include the lists of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable, or direct patients to an Internet website on which those lists are posted; or

2. Making available to patients a pamphlet or other written document that includes the lists of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable, or directs patients to an Internet website on which those lists are posted.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, **and section 1.7 of this act**, unless the context otherwise requires, “medical facility” has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.7 of this act** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, **and section 1.7 of this act** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.7 of this act** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a peer support recovery organization, a residential facility for groups or a home

for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.

Sec. 5. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.7 of this act** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, **and section 1.7 of this act** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, **and section 1.7 of this act** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 6. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 1.7 of this act** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 1.7 of this act** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, **and section 1.7 of this act**, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 7. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~††~~, **and section 1.7 of this act**:

- (a) Without first obtaining a license therefor; or
- (b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 8. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~††~~, **and section 1.7 of this act**.

Sec. 9. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 16, inclusive, of this act.

Sec. 10. *As used in sections 10 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11 and 12 of this act have the meanings ascribed to them in those sections.*

Sec. 11. *“Committee” means the Committee on Dental Emergency Management created by section 14 of this act.*

Sec. 12. *“Dental responder” means the holder of a permit as a dental responder issued pursuant to section 13 of this act.*

Sec. 13. 1. *The Division may issue a permit as a dental responder to a person who applies to the Division in the form prescribed by the Division. The application must include, without limitation, proof that the applicant:*

(a) Is licensed in good standing as a dentist, dental hygienist or dental therapist in this State; and

(b) Has completed:

(1) A training course offered by the National Incident Management System of the Federal Emergency Management Agency of the United States Department of Homeland Security;

(2) The Basic Disaster Life Support Course or Advanced Disaster Life Support Course offered by the National Disaster Life Support Foundation, or its successor organization;

(3) The Disaster and Emergency Preparedness course offered by the American College of Surgeons, or its successor organization; or

(4) A didactic and team-based course of training in disaster response offered by an institution of dental education in the State of Nevada and approved by the Division.

2. A dental responder may provide emergency medical care, immunizations, medical care in a mobile clinic and humanitarian care during the existence of:

(a) A state of emergency or declaration of disaster proclaimed by the Governor or the Legislature pursuant to NRS 414.070; or

(b) A public health emergency or other health event proclaimed by executive order of the Governor pursuant to NRS 439.970.

3. The State Board of Health, in consultation with the Committee on Dental Emergency Management, shall adopt regulations to carry out the provisions of this section. Those regulations must establish:

(a) The requirements for the issuance or renewal of a permit as a dental responder, including, without limitation, the fee for the issuance or renewal of such a permit and the length of time for which such a period is valid;

(b) Standards of practice for dental responders;

(c) Disciplinary action that may be imposed for violating the standards of practice established pursuant to paragraph (b), which may include, without limitation, the suspension or revocation of a permit; and

(d) Grounds and procedures for imposing disciplinary action.

4. Any fee prescribed pursuant to paragraph (a) of subsection 3 must be calculated to produce the revenue estimated to cover the costs necessary to administer the provisions of this section but in no case may the fee for the issuance or renewal of a certificate exceed the actual cost to the Division to administer those provisions.

5. A dental responder may not be held civilly or criminally liable for any act or omission performed while providing or supervising the provision of emergency medical care, immunizations, medical care in a mobile clinic or humanitarian care in accordance with this section and the regulations adopted pursuant thereto unless the act or omission:

(a) Amounts to willful misconduct or gross negligence; or

(b) Is performed while the dental responder was under the influence of alcohol or another substance that affects mental processes, awareness or judgment.

Sec. 14. 1. The Committee on Dental Emergency Management is hereby created within the Division. The Committee consists of:

(a) The following ex officio members:

(1) The Chief Medical Officer;

(2) The State Dental Health Officer; and

(3) The State Public Health Dental Hygienist; and

(b) The following members appointed by the Administrator of the Division:

(1) One member who represents the Nevada Dental Association, or its successor organization;

(2) *One member who represents the Nevada Dental Hygienists' Association, or its successor organization;*

(3) *One member who represents the Board of Dental Examiners of Nevada;*

(4) *One or more members who represent a program of dentistry or dental hygiene at a college or university within the Nevada System of Higher Education;*

(5) *One member who is a county health officer in a county whose population is less than 100,000 or the designee of such a county health officer;*

(6) *One or more members who represent a state or local public health agency whose duties relate to emergency preparedness; and*

(7) *One member who is a consumer of dental services.*

2. *The term of each member appointed by the Administrator of the Division is 3 years after the initial term. A member may not serve more than two consecutive terms but may serve more than two terms if there is a break in service of not less than 2 years after serving at least part of two consecutive terms.*

3. *Each member of the Committee shall appoint an alternate to serve in the member's place if the member is temporarily unable to perform the duties required of him or her pursuant to this section and sections 15 and 16 of this act.*

4. *A position on the Committee that becomes vacant before the end of the term of the member must be filled in the same manner as the original appointment.*

Sec. 15. 1. *The Committee shall elect a Chair from among its members. The term of the Chair is 1 year. The Chair may be reelected.*

2. *The Committee shall meet at the call of the Chair, the State Dental Health Officer or the Chief of the Division of Emergency Management of the Department of Public Safety at least twice each year.*

3. *The Committee shall adopt rules for its own management.*

4. *A member of the Committee serves without compensation, except that, for each day or portion of a day during which a member attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses must be paid by the Division from money not allocated by specific statute for another use.*

5. *The Committee shall, upon the request of the Chair, the State Dental Health Officer or the Chief of the Division of Emergency Management of the Department of Public Safety, form subcommittees for decisions and recommendations concerning specific problems within the scope of the functions of the Committee.*

6. *The provisions of chapter 241 of NRS do not apply to any meeting of the Committee held during the existence of:*

(a) A state of emergency or declaration of disaster proclaimed by the Governor or the Legislature pursuant to NRS 414.070; or

(b) A public health emergency or other health event proclaimed by executive order of the Governor pursuant to NRS 439.970.

Sec. 16. 1. The Committee shall:

(a) Advise the Board of Dental Examiners of Nevada concerning the adoption of regulations relating to dentists, dental therapists, dental hygienists, dental services and emergency management.

(b) Advise the State Board of Health concerning the management and performance of dental services during an emergency and matters relating to dental responders.

(c) Advise the Department of Health and Human Services and the Committee on Emergency Medical Services created by NRS 450B.151 concerning the management and performance of dental services during an emergency, including, without limitation, any statewide protocols for the provision of dental services during an emergency.

(d) Coordinate with the Medical Reserve Corps of the United States Department of Health and Human Services, any registration system for volunteer health practitioners that meets the requirements of NRS 415A.210 and any other organization of providers of health care who provide services during emergencies in this State.

(e) Make recommendations to the Division, the State Board of Health and the Department of Health and Human Services concerning the response to an emergency or disaster.

(f) Develop a plan for the continuation of dental services during a local, state or national emergency and establish any necessary protocols or systems for notifying dental responders, dentists, dental hygienists and dental therapists of important information related to the plan. The plan must include, without limitation:

(1) Procedures for screening patients; and

(2) Guidelines for the appropriate use of personal protective equipment for dentists, dental hygienists and dental therapists and their staff during an outbreak of an infectious disease.

(g) Encourage the training and education of dental responders.

(h) On or before January 31 of each year, submit a report to the Division and the Chief of the Division of Emergency Management of the Department of Public Safety, which must include, without limitation:

(1) A summary of any policies or procedures adopted by the Committee; and

(2) A description of the activities of the Committee during the immediately preceding year.

(i) Perform any additional duties prescribed by regulation of the State Board of Health.

2. If the Committee or any member of the Committee has reasonable cause to believe that grounds for disciplinary action against a dentist, dental

hygienist or dental therapist exist, the Committee or member, as applicable, must submit a complaint to the Board of Dental Examiners of Nevada pursuant to NRS 631.360.

Sec. 17. NRS 450B.151 is hereby amended to read as follows:

450B.151 1. The Committee on Emergency Medical Services, consisting of ~~nine~~ **10** members appointed by the State Board of Health, is hereby created.

2. Upon request of the State Board of Health, employee associations that represent persons that provide emergency medical services, including, without limitation, physicians and nurses that provide emergency medical services, emergency medical technicians, ambulance attendants, firefighters, fire chiefs, **dental responders** and employees of rural hospitals, shall submit to the State Board of Health written nominations for appointments to the Committee.

3. After considering the nominations submitted pursuant to subsection 2, the State Board of Health shall appoint to the Committee:

(a) One member who is a physician licensed pursuant to chapter 630 or 633 of NRS and who has experience providing emergency medical services;

(b) One member who is a registered nurse and who has experience providing emergency medical services;

(c) One member who is a volunteer for an organization that provides emergency medical services pursuant to this chapter;

(d) One member who is employed by a fire-fighting agency at which some of the firefighters and persons who provide emergency medical services for the agency are employed and some serve as volunteers;

(e) One member who is employed by an urban fire-fighting agency;

(f) One member who is employed by or serves as a volunteer with a medical facility that is located in a rural area and that provides emergency medical services;

(g) One member who is employed by an organization that provides emergency medical services in an air ambulance and whose duties are closely related to such emergency medical services;

(h) One member who is employed by a privately owned entity that provides emergency medical services; ~~and~~

(i) One member who is employed by an operator of a service which is:

(1) Provided for the benefit of the employees of an industry who become sick or are injured at the industrial site; and

(2) Staffed by employees who are licensed attendants and perform emergency medical services primarily for the industry ~~+~~; **and**

(j) One member who holds a permit as a dental responder issued pursuant to section 13 of this act and has experience providing emergency medical services.

4. In addition to the members set forth in subsection 3, the following persons are ex officio members of the Committee:

(a) An employee of the Division, appointed by the Administrator of the Division, whose duties relate to administration and enforcement of the provisions of this chapter;

(b) The county health officer appointed pursuant to NRS 439.290 in each county whose population is 100,000 or more, or the county health officer's designee;

(c) A physician who is a member of a committee which consists of directors of trauma centers in this State and who is nominated by that committee; and

(d) A representative of a committee or group which focuses on the provision of emergency medical services to children in this State and who is nominated by that committee or group.

5. The term of each member appointed by the State Board of Health is 2 years. A member may not serve more than two consecutive terms but may serve more than two terms if there is a break in service of not less than 2 years.

6. The State Board of Health shall not appoint to the Committee two persons who are employed by or volunteer with the same organization, except the State Board of Health may appoint a person who is employed by or volunteers with the same organization of which a member who serves ex officio is an employee.

7. Each member of the Committee shall appoint an alternate to serve in the member's place if the member is temporarily unable to perform the duties required of him or her pursuant to NRS 450B.151 to 450B.154, inclusive.

8. A position on the Committee that becomes vacant before the end of the term of the member must be filled in the same manner as the original appointment.

Sec. 18. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~†~~ and section 15 of this act, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 19. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A public school that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the school shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:*

(a) *The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and*

(b) *The person who conducted the dental examination, screening or assessment ensures that the pupil is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.*

2. *As used in this section:*

(a) *“Dental home” means an entity that arranges for the provision of oral health care that is continuously available and delivered in a comprehensive, coordinated and family-centered manner by a dentist licensed in this State.*

(b) *“Teledentistry” has the meaning ascribed to it in section 26 of this act.*

(c) *“Virtual dental home” means a dental home that uses teams of persons licensed pursuant to chapter 631 of NRS who are connected to the patient and each other through teledentistry to provide comprehensive oral health care in a community setting.*

Sec. 20. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A private school that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the school shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:*

(a) *The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and*

(b) *The person who conducted the dental examination, screening or assessment ensures that the pupil is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.*

2. *As used in this section:*

(a) *“Dental home” has the meaning ascribed to it in section 19 of this act.*

(b) *“Teledentistry” has the meaning ascribed to it in section 26 of this act.*

(c) *“Virtual dental home” has the meaning ascribed to it in section 19 of this act.*

Sec. 21. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A child care facility that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the facility shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:*

(a) The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and

(b) The person who conducted the dental examination, screening or assessment ensures that the child is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.

2. *As used in this section:*

(a) “Dental home” has the meaning ascribed to it in section 19 of this act.

(b) “Teledentistry” has the meaning ascribed to it in section 26 of this act.

(c) “Virtual dental home” has the meaning ascribed to it in section 19 of this act.

Sec. 22. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) *A dental therapist;*

(e) *A dental hygienist;*

(f) A licensed nurse;

~~(e)~~ (g) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

~~(f)~~ (h) A dispensing optician;

~~(g)~~ (i) An optometrist;

~~(h)~~ (j) A speech-language pathologist;

~~(i)~~ (k) An audiologist;

~~(j)~~ (l) A practitioner of respiratory care;

~~(k)~~ (m) A licensed physical therapist;

~~(l)~~ (n) An occupational therapist;

~~(m)~~ (o) A podiatric physician;

~~(n)~~ (p) A licensed psychologist;

~~(o)~~ (q) A licensed marriage and family therapist;

~~(p)~~ (r) A licensed clinical professional counselor;

~~(q)~~ (s) A music therapist;

~~(r)~~ (t) A chiropractor;

~~(s)~~ (u) An athletic trainer;

~~{{(t)}} (v)~~ A perfusionist;

~~{{(u)}} (w)~~ A doctor of Oriental medicine in any form;

~~{{(v)}} (x)~~ A medical laboratory director or technician;

~~{{(w)}} (y)~~ A pharmacist;

~~{{(x)}} (z)~~ A licensed dietitian;

~~{{(y)}} (aa)~~ An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

~~{{(z)}} (bb)~~ An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

~~{{(aa)}} (cc)~~ An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS; or

~~{{(bb)}} (dd)~~ A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes ~~†~~

~~—(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and~~

~~—(b) A~~ ~~†~~ a person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 23. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 35, inclusive, of this act.

Sec. 24. *“Distant site” has the meaning ascribed to it in NRS 629.515.*

Sec. 25. *“Originating site” has the meaning ascribed to it in NRS 629.515.*

Sec. 26. *“Teledentistry” means the use of telehealth by a licensee described in subsection 1 of section 28 of this act who is located at a distant site to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient who is located at an originating site. The term includes, without limitation:*

1. Real-time interactions between a patient at an originating site and a licensee at a distant site;

2. The asynchronous transmission of medical and dental information concerning a patient from an originating site to a licensee at a distant site;

3. Interaction between a licensee who is providing dental services to a patient at an originating site and another licensee at an originating site; and

4. Monitoring of a patient at an originating site by a licensee at a distant site.

Sec. 27. *“Telehealth” has the meaning ascribed to it in NRS 629.515.*

Sec. 27.5. *1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to a person to practice dentistry or dental hygiene who:*

(a) Has entered into a contract, including, without limitation, a contract of employment, to serve as the State Dental Health Officer pursuant to NRS

439.272 or the State Public Health Dental Hygienist pursuant to NRS 439.279, as applicable;

(b) Satisfies the requirements of NRS 631.230 or 631.290, as applicable; and

(c) Pays any fee required pursuant to subsection 3.

2. A limited license issued pursuant to this section may be renewed upon:

(a) Submission of proof acceptable to the Board that the holder meets the requirements of subsection 1; and

(b) Payment of any fee required pursuant to subsection 3.

3. The Board may impose a fee of not more than \$200 for the issuance and each renewal of a limited license issued pursuant to this section.

4. The Board shall inform each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a limited license is issued pursuant to subsection 1:

(a) Shall not, for the duration of the limited license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene in this State except such compensation as may be paid to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services for his or her service as the State Dental Health Officer or the State Public Health Dental Hygienist; and

(b) May practice dentistry or dental hygiene in this State only within the scope of his or her appointment as the State Dental Health Officer or the State Public Health Dental Hygienist, as applicable.

6. Not later than 7 days after the termination of a contract described in paragraph (a) of subsection 1, the holder of a limited license shall:

(a) Provide to the Board written notice of the termination; and

(b) Surrender his or her limited license to the Board.

7. The Board, in consultation with the Division of Public and Behavioral Health, may revoke a license issued pursuant to this section at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 28. 1. A person shall not provide dental services through teledentistry to a patient who is located at an originating site in this State unless the person is licensed to practice dentistry, dental hygiene or dental therapy in this State.

2. The provisions of this chapter and the regulations adopted thereto, including, without limitation, clinical requirements, ethical standards and requirements concerning the confidentiality of information concerning patients, apply to services provided through teledentistry to the same extent as if those services were provided in person or by other means.

3. A licensee who provides dental services, including, without limitation, providing consultation and recommendations for treatment, issuing a prescription, diagnosis, correction of the position of teeth and use of orthodontic appliances, through teledentistry shall provide those services in

accordance with the same standards of care and professional conduct as when providing those services in person or by other means.

4. A licensee shall not:

(a) Provide treatment for any condition based solely on the results of an online questionnaire;

(b) Provide services through teledentistry, including, without limitation, conducting an oral examination, if, in the professional judgment of the licensee or according to the relevant standard of care, the services should be provided in person; or

(c) Engage in activity that is outside his or her scope of practice while providing services through teledentistry.

Sec. 29. A licensee who provides dental services through teledentistry must be covered by a policy of professional liability insurance which insures the licensee against any liability arising from the provision of dental services through teledentistry.

Sec. 30. 1. A licensee may:

(a) Use teledentistry to examine an existing patient for the purpose of providing a new diagnosis or examine a new patient if the examination is sufficient, in accordance with evidence-based standards of practice, to provide an informed diagnosis.

(b) Collaborate in real time through teledentistry with a person who is not licensed pursuant to this chapter, including, without limitation, a community health worker, teacher, provider of health care or student who is enrolled in a program of study in dentistry, dental therapy or dental hygiene, to provide diagnostic services or plan treatment for a dental emergency.

2. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 31. 1. Except as otherwise provided in this subsection, a licensee must establish a bona fide practitioner-patient relationship, as defined by regulation of the Board, with a patient before providing services to the patient through teledentistry. A licensee may establish such a relationship through teledentistry.

2. Before providing services to a patient through teledentistry, a licensee shall:

(a) Confirm the identity of the patient;

(b) If the patient is an unemancipated minor, confirm that the parent or legal guardian of the patient is present;

(c) Confirm that the patient is located in a jurisdiction where the licensee is licensed or otherwise authorized to practice and document the location of the patient in the record of the patient; and

(d) Obtain informed verbal or written consent that meets the requirements of subsection 4 from the patient and document the informed consent in the record of the patient.

3. Before providing services through teledentistry and upon the request of a patient to whom services are provided through teledentistry, a licensee

or any partnership, corporation or other entity through which a licensee provides services shall make available to the patient proof of the identity of the licensee, the telephone number of the licensee, the address at which the licensee practices, the license number of the licensee and any other relevant information concerning the qualifications of the licensee.

4. Informed consent to the provision of services through teledentistry requires the patient to be informed of:

(a) The types of services that will be provided through teledentistry and any limitations on the provision of those services through teledentistry;

(b) The information prescribed by subsection 3 for each licensee who will provide services through teledentistry;

(c) Precautions that will be taken in the event of a technological failure or an emergency; and

(d) Any other information prescribed by regulation of the Board.

Sec. 32. A licensee who provides services through teledentistry shall:

1. Use communication technology that complies with Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto; and

2. Create a complete record of each encounter with a patient through teledentistry and maintain such records in accordance with all applicable federal and state laws and regulations, including, without limitation:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations adopted pursuant thereto;

(b) NRS 629.051 to 629.069, inclusive;

(c) The regulations adopted pursuant to section 34 of this act; and

(d) Section 35 of this act.

Sec. 33. 1. A licensee who provides services through teledentistry must be adequately familiar with the nature and availability of dental care in the area in which the patient is located to ensure that the patient receives appropriate care after the provision of the services.

2. If a licensee is not able to competently provide services through teledentistry, including, without limitation, because the licensee is unable to receive adequate information about the patient, the licensee must notify the patient of that fact and:

(a) Provide the services in person;

(b) Request any additional information necessary to competently provide the services through teledentistry; or

(c) Refer the patient to an appropriate licensee to receive the services in person.

3. A licensee who provides services through teledentistry shall refer a patient to the emergency department of a hospital or another provider of acute care in an emergency or any other situation where the provision of acute care is necessary to protect the health and safety of the patient.

Sec. 34. 1. The Board shall adopt regulations governing the provision of dental services through teledentistry. Those regulations must include, without limitation, requirements concerning:

- (a) The issuance of a prescription through teledentistry;**
- (b) The maintenance of records concerning patients to whom services are provided through teledentistry and the protection of the privacy of such patients;**
- (c) The use of teledentistry for collaboration between:**
 - (1) Licensees and the office of a physician, physician assistant or advanced practice registered nurse; and**
 - (2) Licensees who practice in different specialty areas; and**
- (d) Interaction between licensees using teledentistry, including, without limitation:**
 - (1) The supervision of a dental therapist who has not completed the hours of clinical practice set forth in NRS 631.3122 or a dental hygienist by a dentist using teledentistry; and**
 - (2) Interaction between different licensees who are providing care to the same patient.**

2. The regulations adopted pursuant to subsection 1 may prescribe evidence-based standards of practice that must be used when providing services through teledentistry to ensure the safety of patients, the quality of care and positive outcomes.

Sec. 35. A licensee who electronically stores information concerning patients shall:

- 1. Store and share such information using a secure server; and**
- 2. Ensure that any electronic device on which such information is stored or that may be used to access such information is encrypted and requires a password to access.**

Sec. 36. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, **and sections 24 to 27, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 37. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, must:

- (a) File an application with the Board.**
- (b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.**
- (c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.**

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121, submit with the application proof satisfactory that the applicant passed the examination.

2. *In addition to satisfying the requirements of subsection 1, an applicant for a license to practice dental therapy or dentistry, or any of its special branches, must submit to the Board proof that the applicant has completed:*

(a) *At least 2 hours of continuing education concerning teledentistry; or*
(b) *A course in teledentistry as part of the requirements for graduation from an institution accredited by the Commission on Dental Accreditation, or its successor entity.*

3. An application must include all information required to complete the application.

~~{3-}~~ **4.** The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 38. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection ~~{3-}~~ **4** of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene, dental therapy or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 39. NRS 631.287 is hereby amended to read as follows:

631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.

2. *An application pursuant to subsection 1 must be accompanied by proof that the applicant has completed:*

(a) *At least 2 hours of continuing education concerning teledentistry; or*
(b) *A course in teledentistry as part of the requirements for graduation from an institution accredited by the Commission on Dental Accreditation, or its successor entity.*

3. A dental hygienist who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.

Sec. 39.5. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 **and section 27.5 of this act** must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275 ~~†~~ **and section 27.5 of this act:**

(a) Each holder of a license to practice dentistry, dental hygiene or dental therapy must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal, ➡ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 40. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene and dental therapy. The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course ~~†~~ , **including, without limitation, specific criteria used to accredit a course in teledentistry;** and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. As used in this section:

(a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.

(b) “Biological agent” has the meaning ascribed to it in NRS 202.442.

(c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.

(d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.

(e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 40.5. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715 ~~††~~ **and section 27.5 of this act**, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry	\$1,500
Application fee for an initial license to practice dental hygiene	750
Application fee for an initial license to practice dental therapy.....	1,000
Application fee for a specialist’s license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry, dental hygiene or dental therapy	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene or dental therapy	1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	350

Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines	500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry.....	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene or dental therapy	600
Annual license renewal fee for a limited license to practice dental hygiene or dental therapy	300
Biennial license renewal fee for an inactive dentist.....	400
Biennial license renewal fee for a dentist who is retired or has a disability	100
Biennial license renewal fee for an inactive dental hygienist or dental therapist	200
Biennial license renewal fee for a dental hygienist or dental therapist who is retired or has a disability.....	100
Reinstatement fee for a suspended license to practice dentistry, dental hygiene or dental therapy	500
Reinstatement fee for a revoked license to practice dentistry, dental hygiene or dental therapy	500
Reinstatement fee to return a dentist, dental hygienist or dental therapist who is inactive, retired or has a disability to active status.....	500
Fee for the certification of a license.....	50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 41. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist, dental hygienist or dental therapist constituting substandard care in the practice of dentistry, dental hygiene or dental therapy;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344; ~~for~~

14. *Failure to actively involve a patient in decisions concerning his or her treatment;*

15. *Requiring a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board; or*

16. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 41.5. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347 ~~+~~ **and section 27.5 of this act**, the Board may:

(a) Refuse to issue a license to any person;

(b) Revoke or suspend the license or renewal certificate issued by it to any person;

- (c) Fine a person it has licensed;
- (d) Place a person on probation for a specified period on any conditions the Board may order;
- (e) Issue a public reprimand to a person;
- (f) Limit a person's practice to certain branches of dentistry;
- (g) Require a person to participate in a program relating to an alcohol or other substance use disorder or any other impairment;
- (h) Require that a person's practice be supervised;
- (i) Require a person to perform community service without compensation;
- (j) Require a person to take a physical or mental examination or an examination of his or her competence;
- (k) Require a person to fulfill certain training or educational requirements;
- (l) Require a person to reimburse a patient; or
- (m) Any combination thereof;

↪ if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dentistry, dental hygiene or dental therapy;
- (b) Engaging in unprofessional conduct; or
- (c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 42. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent as though provided in person or by other means.

2. A health maintenance organization shall not:

- (a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *A health maintenance organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.*

5. *A health maintenance organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:*

(a) Maintain a list of providers of dental services included in the network of the health maintenance organization who offer services through teledentistry;

(b) At least quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in this State; and

(c) Allow providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.

6. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

~~§5-1~~ 7. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~§6-1~~ 8. As used in this section:

- (a) “Distant site” has the meaning ascribed to it in NRS 629.515.
- (b) “Originating site” has the meaning ascribed to it in NRS 629.515.
- (c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.
- (d) ***“Teledentistry” has the meaning ascribed to it in section 26 of this act.***
- (e) “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. ***A managed care organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.***

5. *A managed care organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:*

- (a) Maintain a list of providers of dental services included in the network of the managed care organization who offer services through teledentistry;*
- (b) At least quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in this State; and*
- (c) Allow providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.*

6. The provisions of this section do not require a managed care organization to:

- (a) Ensure that covered services are available to an insured through telehealth at a particular originating site;
- (b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
- (c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

~~{5-}~~ 7. Evidence of coverage that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~{6-}~~ 8. As used in this section:

- (a) "Distant site" has the meaning ascribed to it in NRS 629.515.
- (b) "Originating site" has the meaning ascribed to it in NRS 629.515.
- (c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.
- (d) ***"Teledentistry" has the meaning ascribed to it in section 26 of this act.***
- (e) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 46. As soon as practicable after the January 1, 2022, the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint the members of the Committee on Dental Emergency Management created by section 14 of this act as follows:

- 1. At least three members to terms that expire on January 1, 2023;
- 2. At least two members to terms that expire on January 1, 2024; and
- 3. At least two members to terms that expire on January 1, 2025.

Sec. 47. 1. Each person who holds a license to practice dental hygiene with a special endorsement to practice dental hygiene in a public health setting or a license to practice dentistry or dental therapy on January 1, 2022, shall submit to the Board of Dental Examiners of Nevada with the next application to renew that license after that date proof that the licensee has completed:

- (a) At least 2 hours of continuing education concerning teledentistry; or

(b) A course in teledentistry as part of the requirements for graduation from an institution accredited by the Commission on Dental Accreditation, or its successor entity.

2. As used in this section, “teledentistry” has the meaning ascribed to it in section 26 of this act.

Sec. 48. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 49. 1. This section ~~becomes~~ **and section 48 of this act become** effective upon passage and approval.

2. **Sections 1, 1.3, 27.5, 39.5, 40.5 and 41.5 of this act become effective upon passage and approval and apply retroactively on and after March 1, 2021.**

3. Sections ~~1.1~~ 1.7, to ~~48,~~ 27, 28 to 39, inclusive, 40, 41 and 42 to 47, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations, hiring staff and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 307.

Bill read third time.

The following amendment was proposed by Assemblywoman Jauregui:

Amendment No. 751.

AN ACT relating to alcoholic beverages; providing that a waiver of certain provisions of law is void and unenforceable; requiring a supplier of liquor to approve or deny approval for certain transactions related to the ownership or assets of a wholesaler within a certain period of time under certain circumstances; prohibiting certain acts by suppliers with respect to wholesalers of liquor; authorizing a person who operates a brew pub to manufacture additional malt beverages for sale outside of this State; revising provisions governing the operation of wineries; authorizing a retail liquor store to make deliveries of liquor in its original package under certain circumstances; revising the criteria for the approval of a license to engage in certain activities related to alcohol; revising provisions governing certificates of compliance for suppliers; revising provisions governing the possession, sale and transportation of liquor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements concerning a franchise between a supplier and a wholesaler of malt beverages, distilled spirits and wines. (NRS 597.120-597.180) Existing law prohibits a supplier from unreasonably withholding or delaying approval of any assignment, sale or transfer of stock of a wholesaler or of all or any portion of a wholesaler's assets, a wholesaler's voting stock, the voting stock of any parent corporation or the beneficial ownership or control of any other entity owning or controlling the wholesaler if the person to be substituted under the terms of the franchise meets certain reasonable standards. (NRS 597.157) **Section 1.7** of this bill requires a supplier to approve or deny approval for any such transaction in writing within 60 days after receiving notice of the transaction if the person to be substituted under the terms of the franchise meets certain reasonable standards. **Section 1.7** provides that if a supplier does not approve or deny approval for the transaction within that time period, the transaction is deemed approved.

Section 1 of this bill provides that a provision of any contract or other agreement that attempts to alter or waive the provisions of law governing a franchise between a supplier and a wholesaler of malt beverages, distilled spirits and wines is void and unenforceable. **Sections 1.3 and 3.5** of this bill make conforming changes to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Section 3 of this bill prohibits a supplier from: (1) ~~requiring a wholesaler to make a payment for the purchase of malt beverages earlier than 7 days after the date of delivery or the date on which payment is required under the supplier's credit policy, whichever is later, unless the wholesaler has previously failed to make a timely payment;~~ (2) failing to approve or disapprove an invoice or claim for reimbursement within ~~30~~ **45** days or failing to pay an invoice or claim for reimbursement within ~~30~~ **45** days after such approval; ~~for (3)~~ **(2)** entering into an agreement with a wholesaler which purports to waive the rights and remedies of the wholesaler if the supplier retaliates against the wholesaler for reporting a violation of law to the Department of Taxation ~~;~~ **;** **(3) requiring a wholesaler to make payments under terms that are materially different from the payment terms applicable to payments made by the supplier; or (4) withdrawing credit or credit terms from a wholesaler except in accordance with a written policy of the supplier which is provided or otherwise made available to the wholesaler.**

Existing law regulates the operation of brew pubs in this State, including limiting the amount of malt beverages which a person who operates one or more brew pubs is authorized to manufacture per year to not more than 40,000 barrels. (NRS 597.230) **Section 4** of this bill authorizes a person who operates one or more brew pubs to manufacture and sell an additional 20,000 barrels of malt beverages to a wholesaler located outside of this State, subject to such auditing as the Department of Taxation establishes by regulation.

Existing law provides for the operation of wineries in this State. (NRS 597.240) **Section 4.5** of this bill authorizes a winery to operate from multiple noncontiguous locations, provided that the winery has obtained a license for each such location. **Section 4.5** authorizes a winery that was issued a wine-maker's license on or after October 1, 2015, to sell alcoholic beverages at retail if the winery has obtained any licenses or permits required in the jurisdiction in which the winery is located and the winery complies with the requirement to purchase liquor from a state-licensed wholesaler. **Section 4.5** removes the prohibition against a winery selling alcoholic beverages on the premises of the winery or producing, blending or aging wine at a location other than the premises of the winery.

Existing law authorizes a winery to transfer in bulk, directly or through a wholesaler, wine produced, blended or aged by the winery to an estate distillery for the purpose of distillation and blending only if 25 percent or more of the wine produced, blended or aged by the winery is produced blended or aged from fruit grown in this State. (NRS 597.240) **Section 4.5** provides that the 25-percent requirement may also be satisfied with wine that is produced, blended or aged from honey produced in this State. **Section 4.3** of this bill authorizes an estate distillery to blend and distill wine manufactured by a winery if 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown or honey produced in this State.

Existing law requires certain persons and businesses, including importers of liquor, wholesale dealers of alcoholic beverages, winemakers, instructional wine-making facilities, breweries, brew pubs and craft and estate distilleries to obtain a state license or permit to engage in certain activities involving alcoholic beverages. (NRS 369.180) Existing law further requires an application for a license for these persons or businesses to be made to the board of county commissioners or the governing body of the city in which the applicant maintains his or her principal place of business. (NRS 369.190) **Section 5** of this bill requires the board of county commissioners or the governing body of a city, in approving such an application, to require satisfactory proof that the applicant is not in violation of the prohibition against engaging in certain activities involving alcoholic beverages without a license and that the applicant is not applying for a license for a business in which he or she is prohibited by law from engaging.

Section 4.7 of this bill authorizes a retail liquor store, or a delivery support service acting on behalf of a retail liquor store, to deliver liquor in its original package to a consumer in connection with a retail sale of such liquor if: (1) the liquor was purchased by the retail liquor store from a licensed wholesaler; and (2) the delivery takes place in a jurisdiction where the retail liquor store is licensed to sell liquor at retail. **Section 4.7** requires the Department of Taxation to adopt regulations governing such deliveries. **Section 4.7** also exempts such deliveries from certain provisions of law governing the transport of liquor,

including laws which authorize the transport of liquor for delivery only by persons who have been issued certain state licenses.

Section 6 of this bill revises terminology relating to applications for a certificate of compliance by suppliers of liquor by replacing the term “vendor” with “out-of-state supplier.”

Existing law prohibits a person from keeping or possessing for sale, furnishing or selling, or soliciting the purchase or sale of any liquor in this State, or transporting or importing or causing to be transported or imported any liquor in or into this State for delivery, storage, use or sale unless the person complies with the relevant provisions of law and holds the appropriate license, permit or certificate, except for certain limited exceptions for liquor purchased for household or personal use. (NRS 369.490) **Section 7** of this bill additionally requires a person to be duly designated by the supplier of such liquor or to have purchased the liquor from certain authorized sources. **Section 7** also revises an existing exception from licensing requirements for consumers who import 1 gallon or less of alcoholic beverage per month for household or personal use to provide that the exception applies only if the person enters this State with such alcoholic beverage rather than importing it. **Sections 6.3 and 6.7** of this bill make a conforming change to reflect that this exception does not apply to the shipping of alcoholic beverages into this State other than wine.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

Any term of a contract or other agreement that attempts to alter or waive any provision of this section and NRS 597.120 to 597.180, inclusive, is void and unenforceable.

Sec. 1.3. NRS 597.120 is hereby amended to read as follows:

597.120 As used in NRS 597.120 to 597.180, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 597.125 to 597.150, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.7. NRS 597.157 is hereby amended to read as follows:

597.157 1. A supplier shall ~~not unreasonably withhold or delay approval of~~ *approve* any assignment, sale or transfer of the stock of a wholesaler or of all or any portion of a wholesaler’s assets, a wholesaler’s voting stock, the voting stock of any parent corporation or the beneficial ownership or control of any other entity owning or controlling the wholesaler, including the wholesaler’s rights and obligations under the terms of a franchise, ~~whenever a~~ *within 60 days after receiving notice of the transaction if the* person to be substituted under the terms of the franchise meets reasonable standards imposed upon the wholesaler and any other wholesaler of the supplier of the same general class, after consideration of the size and location of the marketing area of the wholesaler. *A supplier shall*

approve or deny approval of the transaction in writing and, if approval of the transaction is denied, state the material reasons for the denial. If a supplier does not approve or deny approval of the transaction within 60 days after receiving notice of the transaction, the transaction shall be deemed approved.

2. Upon the death of a partner of a partnership that operates the business of a wholesaler, a supplier shall not unreasonably withhold or delay approval of maintaining the franchise between the supplier and each surviving partner.

3. Upon the death of any owner, controlling shareholder or operator of a wholesaler, a supplier shall not deny approval of any transfer of ownership to a surviving spouse, child or grandchild of the owner who has reached the age of majority at the time of death, controlling shareholder or operator. Any subsequent transfer of ownership by the spouse, child, grandchild, controlling shareholder or operator is subject to the provisions of subsection 1.

4. In addition to the provisions of NRS 597.170, a supplier who unreasonably delays or withholds consent or unreasonably denies approval of a sale, transfer or assignment of any ownership interest in a wholesaler is liable to the wholesaler for the laid-in costs of inventory of each affected brand of liquor and any diminution in the fair market value of the business of the wholesaler in relation to each affected brand. The damages recoverable pursuant to this section include, without limitation, all reasonable costs of bringing the action and attorney's fees. For the purpose of this subsection, the fair market value of a business of a wholesaler includes, without limitation, the good will of the business and its value as a going concern, if any.

~~{5. The provisions of this section may not be modified by agreement. Any provision in an agreement is void if the provision includes such a modification.}~~

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 597.162 is hereby amended to read as follows:

597.162 A supplier shall not:

1. Prohibit a wholesaler from selling an alcoholic beverage of any other supplier ~~that~~;

2. Prevent a wholesaler from using best efforts to sell, market, advertise or promote an alcoholic beverage of any other supplier ~~that~~;

3. Provide any reward or penalty to, or in any other way condition its relationship with, a wholesaler based upon the amount of sales the wholesaler makes of an alcoholic beverage of any other supplier ~~that~~;

4. Disapprove a wholesaler's selection of a general manager or successor general manager based on the wholesaler's sales, marketing, advertising, promotion or retail placement of an alcoholic beverage of any other supplier ~~that~~;

5. Require a wholesaler to report to the supplier any of the wholesaler's financial information associated with the purchase, sale or distribution of an alcoholic beverage of any other supplier ~~that~~, except that nothing in this subsection prohibits a wholesaler from reporting general financial

information in order for the supplier to assess the overall financial condition of a wholesaler as a condition of providing credit, so long as the supplier does not require the wholesaler to submit disaggregated financial information associated with or identifying the wholesaler's sales of an alcoholic beverage of another supplier or suppliers;

6. Fix or maintain the price at which a wholesaler may resell an alcoholic beverage purchased from the supplier ~~§~~;

7. Require a wholesaler to pay to the supplier all or any portion of the difference in the suggested retail price of an alcoholic beverage and the actual price at which the wholesaler sells the alcoholic beverage ~~§~~;

8. Require a wholesaler to accept delivery of any alcoholic beverage or any other item that is not voluntarily ordered by the wholesaler ~~for otherwise not required under the franchise between the supplier and wholesaler~~ or is in violation of any levels of inventory that are mutually agreed upon in writing by the supplier and wholesaler ~~§~~;

9. ~~Require a wholesaler to make a payment for the purchase of any malt beverage by the wholesaler before the later of:~~

~~(a) Seven days after the date on which the malt beverage was delivered to the wholesaler; or~~

~~(b) The date on which the wholesaler is required to make a payment to the supplier for the purchase under the terms of the supplier's credit policy, unless the wholesaler has previously failed to make a payment to the supplier for the purchase of goods on or before the date on which the payment was due, in which case the supplier may require the payment terms to be cash on delivery;~~

~~10.~~ Prohibit or restrain, directly or indirectly, a wholesaler from participating in an organization that represents the interests of wholesalers for any lawful purpose ~~§~~;

~~10.~~ ~~§~~ Discriminate against, penalize or otherwise retaliate against a wholesaler because the wholesaler raises, alleges or otherwise brings to the attention of the Department of Taxation an actual, potential or perceived violation of this chapter ~~§~~ or

~~11.~~ or enter into an agreement with a wholesaler which purports to waive any right or remedy of the wholesaler pursuant to this subsection ~~§~~

~~12.~~ ~~§~~;

~~11.~~ Require a wholesaler to participate in or contribute to any advertising fund or promotional activity that:

(a) Is not used for advertising or a promotional activity in the marketing area of the wholesaler; or

(b) Requires a contribution by the wholesaler that exceeds any amount specified for that purpose in the franchise ~~§~~

~~13.~~ ~~§~~;

~~12.~~ Fail to approve or disapprove an invoice or claim for reimbursement submitted by a wholesaler within ~~30~~ 45 days after receipt of the invoice or claim ~~§~~

~~14.7~~ :

13. Fail to pay to a wholesaler the amount of any invoice or claim for reimbursement within ~~30~~ 45 days after the supplier approves the invoice or claim ~~if~~;

14. Require a wholesaler to make payments to the supplier under terms that are materially different from the payment terms applicable to the supplier when making payments to the wholesaler; or

15. Withdraw credit or credit terms from a wholesaler except in accordance with the terms of a written policy of the supplier which is provided or otherwise made available to the wholesaler.

Sec. 3.5. NRS 597.170 is hereby amended to read as follows:

597.170 1. Any wholesaler may bring an action in a court of competent jurisdiction against a supplier for violation of NRS 597.120 to 597.180, inclusive, **and section 1 of this act** and may recover the damages sustained by the wholesaler, together with such costs of the action and reasonable attorney's fees as are authorized under NRS 18.110.

2. The remedies provided in NRS 597.120 to 597.180, inclusive, **and section 1 of this act** are independent of and supplemental to any other remedy or remedies available to the wholesaler in law or equity.

Sec. 4. NRS 597.230 is hereby amended to read as follows:

597.230 1. In any county, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to chapter 279 of NRS;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

➔ ~~1A~~ **Except as otherwise provided in paragraph (e) of subsection 3, a** person who operates one or more brew pubs may not manufacture more than 40,000 barrels of malt beverages for all the brew pubs he or she operates in this State in any calendar year.

2. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a "brew pub."

3. Except as otherwise provided in subsection 4, a person who operates one or more brew pubs pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of one or more of the brew pubs and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and, for the purposes of the donation, transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(3) Transfer in bulk the malt beverages manufactured on the premises:

(I) To a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the malt beverages to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the malt beverages pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237 and must be performed in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) Manufacture and store malt beverages on the premises of one or more of the brew pubs and transport the malt beverages manufactured on the premises to a retailer, other than a person who operates a brew pub pursuant to this section, that holds a valid license pursuant to chapter 369 of NRS for the purpose of selling the malt beverages at a special event in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450. For the purposes of this paragraph, the person who operates one or more brew pubs shall not obtain more than 20 such special permits for the transportation of the malt beverages from the Department of Taxation pursuant to subsection 4 of NRS 369.450 within a calendar year.

(c) Sell at retail, not for resale, malt beverages manufactured on or off the premises of one or more of the brew pubs for consumption on the premises.

(d) Sell at retail, not for resale, in packages sealed on the premises of one or more of the brew pubs, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

(e) In a calendar year, in addition to the amount of malt beverages which may be manufactured pursuant to subsection 1, manufacture and sell 20,000 barrels of malt beverages for all the brew pubs he or she operates in this State provided such barrels are sold to a wholesaler located outside of this State, subject to such periodic auditing as the Department of Taxation shall require by regulation.

4. The amount of malt beverages sold pursuant to paragraphs (b), (c) and (d) of subsection 3 must not exceed a total of 5,000 barrels in any calendar year. Of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.

Sec. 4.3. NRS 597.237 is hereby amended to read as follows:

597.237 1. A person may operate an estate distillery if the person:

- (a) Obtains a license for the facility pursuant to chapter 369 of NRS;
- (b) Complies with the requirements of this chapter; and
- (c) Complies with any other applicable governmental requirements.

2. A person who operates an estate distillery pursuant to this section may:

(a) In addition to manufacturing spirits from agricultural raw materials through distillation, blend, age, store and bottle the spirits so manufactured. The person operating the estate distillery shall ensure that none of the spirits manufactured at the estate distillery are derived from neutral or distilled spirits manufactured by another manufacturer, except as authorized by paragraph (b).

(b) Blend and distill wines or malt beverages, provided any such wine or malt beverage was manufactured by:

(1) A brew pub licensed pursuant to NRS 597.230;

(2) A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or before September 30, 2015; or

(3) A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or after October 1, 2015, if 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown *or honey produced* in this State.

(c) Except as otherwise provided in paragraphs (g) and (h), in any calendar year, sell and transport in Nevada not more than a combined total of 75,000 cases of spirits at the estate distillery to a person who holds a license to engage in business as a wholesale dealer of liquor pursuant to chapter 369 of NRS.

(d) In any calendar year, manufacture for exportation to another state, not more than a combined total of 400,000 cases of spirits at all the estate distilleries the person operates.

(e) On the premises of the estate distillery, serve samples of the spirits manufactured at the estate distillery. Any such samples must not exceed, per person, per day, 4 fluid ounces in volume.

(f) On the premises of the estate distillery, sell the spirits manufactured at the estate distillery at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per month, 1 case of spirits and not exceed, per person, per year, 6 cases of spirits. The total amount of such spirits sold at retail for off-premises consumption must not exceed 7,500 cases per year. Spirits purchased on the premises of an estate distillery must not be resold by the purchaser or any retail liquor store. A person who operates an estate distillery shall prominently display on the premises a notice that the resale of spirits purchased on the premises is prohibited.

(g) Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the estate distillery in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(h) Transfer in bulk neutral or distilled spirits manufactured at the estate distillery to a supplier. Any such transfer:

(1) Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this State and removed from the federally bonded premises of the supplier; and

(2) Is not a sale for the purposes of paragraph (c) or manufacturing for exportation for the purposes of paragraph (d).

(i) Subject to the provisions of subsection 3, receive wine or malt beverages in bulk from a person described in subparagraph (1), (2) or (3) of paragraph (b), or from a wholesale dealer of alcoholic beverages who is licensed under chapter 369 of NRS and who is transferring such wine or malt beverages pursuant to NRS 597.230 or 597.240, for the purpose of distillation and blending. Wine and malt beverages so received are taxable only when the wine and malt beverages are:

(1) Distilled, blended or both, and bottled in original packages for sale within this State; and

(2) Removed from the federally bonded premises of the estate distillery.

3. A person who operates an estate distillery shall not receive a shipment of wine or malt beverages:

(a) Unless the person first notifies the Department of Taxation that the distillery will receive such a shipment; and

(b) Except as authorized by paragraph (i) of subsection 2.

4. Spirits manufactured by an estate distillery pursuant to this section may be sold in this State only after bottling in original packages.

Sec. 4.5. NRS 597.240 is hereby amended to read as follows:

597.240 1. A winery , ***including a winery that consists of multiple noncontiguous locations,*** that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury, including, without limitation, an alternating proprietorship of not more than four such wineries, and that has been issued a wine-maker's license ***for each noncontiguous location of the winery*** pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a winery that is located in another state and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

2. A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) Sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

(b) Serve by the glass, on its premises, any alcoholic beverage.

(c) Transfer in bulk wine produced, blended or aged by the winery:

(1) To a person holding a valid wholesale wine and liquor dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the wine to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(2) If there is no wholesaler who is able or willing to accept and transfer in bulk the wine pursuant to subparagraph (1), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237 and must be performed in accordance with the terms and conditions of a special permit for the transportation of the wine obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

3. A winery that is issued a wine-maker's license pursuant to NRS 369.200 on or after October 1, 2015:

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown *or honey produced* in this State, may:

(1) Sell at retail or serve by the glass, on its premises, wine produced, blended or aged by the winery.

(2) Transfer in bulk wine produced, blended or aged by the winery:

(I) To a person holding a valid wholesale wine and liquor dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the wine to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the wine pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237.

(3) Sell alcoholic beverages at retail if the winery:

(I) Has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the winery is located; and

(II) Complies with NRS 369.487.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown *or honey produced* in this State, may ~~sell~~:

(1) **Sell** at retail or serve by the glass, on its premises, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

(2) **Subject to the limitation set forth in subparagraph (1), sell alcoholic beverages at retail if the winery:**

(I) Has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the winery is located; and

(II) Complies with NRS 369.487.

4. ~~The owner or operator of a winery shall not:~~

~~—(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.~~

~~—(b) Produce, blend or age wine at any location other than on the premises of the winery.~~

~~—5.†~~ The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.

~~†6.†~~ 5. For the purposes of this section, an instructional wine-making facility is not a winery.

Sec. 4.7. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Subject to such regulations as the Department may prescribe pursuant to subsection 2, a retail liquor store, or a delivery support service acting on behalf of a retail liquor store, may deliver liquor in its original package to a consumer in this State in connection with a retail sale of such liquor if:*

(a) *The retail liquor store purchased the liquor from a licensed wholesaler; and*

(b) *The delivery takes place in a jurisdiction in this State in which the retail liquor store is licensed to sell liquor at retail.*

2. *The Department shall adopt regulations governing deliveries made pursuant to this section, which must include, without limitation:*

(a) *A requirement for the retail liquor store or its delivery support service to obtain proof, in the form of a signature or other verification, that the delivery was accepted on behalf of the consumer by a person who is at least 21 years of age.*

(b) *A requirement that any such delivery originate only from the premises of the retail liquor store during the operating hours of the retail liquor store.*

(c) *Regulations prescribing the area in which such deliveries may be made, which must take into account relevant local jurisdictions and the marketing area of the wholesaler of any liquor to be delivered.*

(d) *Provisions necessary to encourage local governments to coordinate their ordinances with the regulations of the Department pursuant to this section to provide for more uniform implementation, supervision and enforcement of the regulations of the Department and the ordinances of local governments concerning such deliveries.*

3. *Except as otherwise provided in this section, the provisions of this chapter governing the transport of liquor, including, without limitation, the provisions which authorize the transport of liquor for delivery only by a person who holds a license issued under this chapter, do not apply to a delivery made pursuant to this section.*

4. *As used in this section, “marketing area” has the meaning ascribed to it in NRS 597.136.*

Sec. 5. NRS 369.190 is hereby amended to read as follows:

369.190 1. An application for any of the licenses described in NRS 369.180 must be made to:

(a) The board of county commissioners of the county in which the applicant maintains his or her principal place of business if the applicant does not maintain his or her principal place of business within the boundaries of an incorporated city; or

(b) The governing body of the city in which the applicant maintains his or her principal place of business if the applicant maintains his or her principal place of business within the boundaries of an incorporated city.

2. Each application must:

(a) Be made on such form as the Department prescribes.

(b) Include the name and address of the applicant. If the applicant is:

(1) A partnership, the application must include the names and addresses of all partners.

(2) A corporation, association or other organization, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.

(3) A person carrying on or transacting business in this state under an assumed or fictitious name, the person making the application must attach to the application:

(I) A certified copy of the certificate required by NRS 602.010 or any renewal certificate required by NRS 602.035.

(II) A certificate signed by an officer of the corporation or by each person interested in, or conducting or carrying on such business, or intending so to do, and acknowledged before a person authorized to take acknowledgments of conveyances of real property, indicating the name of the authorized representative whose signature may be required on the license under the provisions of this chapter.

(c) Specify the location, by street and number, of the premises for which the license is sought.

(d) Be accompanied by the annual license fee required for the particular license for which application is made.

3. The board of county commissioners or the governing body of a city, as applicable, shall examine all applications filed with it, and shall require satisfactory evidence that the applicant is ~~that~~ :

(a) A person of good moral character ~~that~~ ;

(b) Not acting in violation of NRS 369.180; and

(c) Not applying for a license for a business in which the applicant is prohibited from engaging pursuant to NRS 369.382.

Sec. 6. NRS 369.430 is hereby amended to read as follows:

369.430 1. By regulation, the Department shall prescribe the form of application for and the form of a certificate of compliance, which must be printed and distributed to exporters of liquor into this State to assist them in legally exporting liquor into this State.

2. An intending importer may not legally receive or accept any shipment of liquor except from a holder of a certificate of compliance.

3. Before a person may engage in business as a supplier ~~of liquor in this State~~, the person must obtain a certificate of compliance from the Department.

4. The Department shall grant a certificate of compliance to any out-of-state ~~vendor of liquors~~ **supplier** who undertakes in writing:

(a) To furnish the Department on or before the 10th day of each month a report under oath showing the quantity and type of liquor sold and shipped by the ~~vendor~~ **out-of-state supplier** to each licensed importer of liquor in Nevada during the preceding month;

(b) That the ~~vendor~~ **out-of-state supplier** and all his or her agents and any other agencies controlled by the ~~vendor~~ **out-of-state supplier** will comply faithfully with all laws of this State and all regulations of the Department respecting the exporting of liquor into this State;

(c) That the ~~vendor~~ **out-of-state supplier** will make available for inspection and copying by the Department any books, documents and records, whether within or outside this State, which are pertinent to his or her activities or the activities of his or her agents or any other agencies controlled by the ~~vendor~~ **out-of-state supplier** within this State and which relate to the sale and distribution of his or her liquors within this State; and

(d) That the ~~vendor~~ **out-of-state supplier** will appoint a resident of this State as his or her agent for service of process or any notice which may be issued by the Department.

5. If any holder of a certificate of compliance fails to keep any undertaking or condition made or imposed in connection therewith, the Department may suspend the certificate and conduct a hearing, giving the holder thereof a reasonable opportunity to appear and be heard on the question of vacating the suspension order or order finally revoking the certificate.

6. An applicant for a certificate of compliance must pay a fee of \$50 to the Department for the certificate. On or before July 1 of each year, the certificate holder must renew the certificate by satisfying the conditions of the original certificate and paying a fee of \$50 to the Department.

Sec. 6.3. NRS 369.462 is hereby amended to read as follows:

369.462 A supplier who ships ~~liquor~~ **wine** into this state pursuant to paragraph ~~((b) or)~~ (c) of subsection 2 of NRS 369.490 must pay the excise tax levied pursuant to NRS 369.330.

Sec. 6.7. NRS 369.468 is hereby amended to read as follows:

369.468 A supplier who ships ~~liquor~~ **wine** into this state pursuant to paragraph ~~((b) or)~~ (c) of subsection 2 of NRS 369.490 shall preserve for inspection and audit by the Department and its agents, for a period of 4 years, all invoices and lists of liquors shipped to a location in this state, specifying the:

1. Kind and quantity of ~~liquor~~ **wine** shipped in each order.
2. Name of the person to whom the ~~liquor~~ **wine** was shipped.

3. Place to which each order was shipped and the date of shipping.

Sec. 7. NRS 369.490 is hereby amended to read as follows:

369.490 1. Except as otherwise provided in subsection 2 and NRS 369.176 ~~1~~ **and section 4.7 of this act**, a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:

(a) Has complied fully with the provisions of this chapter; ~~and~~

(b) Holds an appropriate, valid license, permit or certificate issued by the Department ~~1~~; **and**

(c) ***Has been duly designated by the supplier of that liquor pursuant to NRS 369.386 or purchased the liquor in compliance with NRS 369.486.***

2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:

(a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;

(b) ~~Who imports~~ ***Entering this State with*** 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use;

(c) Who:

(1) Is a resident of this State;

(2) Is 21 years of age or older; and

(3) Imports 12 cases or less of wine per year for his or her own household or personal use; or

(d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245.

3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.

4. A person who accepts ~~liquor~~ **wine** shipped into this State pursuant to paragraph ~~(b) or~~ (c) of subsection 2 must be 21 years of age or older.

Sec. 8. This act becomes effective on July 1, 2021.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 249.

Bill read third time.

Roll call on Senate Bill No. 249:

YEAS—32.

NAYS—Dickman, Ellison, Hafen, Hansen, Matthews, McArthur, O'Neill, Titus, Wheeler—9.

ABSENT—Black.

Senate Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 391.

Bill read third time.

Roll call on Senate Bill No. 391:

YEAS—32.

NAYS—Dickman, Ellison, Hansen, Kasama, Krasner, Matthews, McArthur, Titus, Wheeler—9.

ABSENT—Black.

Senate Bill No. 391 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 307.

Bill read third time.

Roll call on Senate Bill No. 307:

YEAS—41.

NAYS—None.

ABSENT—Black.

Senate Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, May 24, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:33 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly